

STAFF REPORT
February 7, 2013

No. 12PD046 - Final Planned Development Overlay to Allow an assisted living facility **ITEM 8**

GENERAL INFORMATION:

APPLICANT	Renee Catron - Renner & Associates, LLC
AGENT	The Village at Skyline Pines, LLC
PROPERTY OWNER	Village at Skyline Pines, LLC
REQUEST	No. 12PD046 - Final Planned Development Overlay to Allow an assisted living facility
EXISTING LEGAL DESCRIPTION	Tract 1 of Skyline Pines East Subdivision, located in the N1/2 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 acres
LOCATION	West of Mount Rushmore Road and north of Tower Road
EXISTING ZONING	Office Commercial District (Planned Development Designation) - Park Forest District (Planned Development) - Low Density Residential 2 District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Park Forest District - Low Density Residential District - General Commercial (Planned Development)
South:	Low Density Residential District 2 (Planned Development)
East:	General Commercial (Planned Development)
West:	Low Density Residential District 2 (Planned Development) - Park Forest District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	December 28, 2012
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to allow an assisted living facility be approved with the following stipulations:

1. An Exception is hereby granted to allow the main assisted living facility to have a height

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- of 46 feet as shown on the applicant's site plan in lieu of a maximum height of 35 feet;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. Prior to issuance of a building permit, the applicant shall dedicate an access easement to the water shutoff valve located on private property. In addition, a copy of the recorded easement shall be submitted with the building permit application;
4. Prior to submittal of a building permit, the applicant shall address redlined comments and submit revised plans for review and approval. Redlined comments shall be returned to the Community Planning and Development Services Department;
5. Prior to submittal of a building permit application, necessary easements and covenant agreements concerning street cleaning and maintenance shall be submitted to the City Attorney's Office for review and approval. Upon submittal of a building permit, a copy of the recorded documents shall be submitted;
6. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
7. Prior to issuance of a Certificate of Occupancy, the public water mains, public sewer mains and storm sewer mains shall be accepted by the City. In addition, public easements shall be dedicated for the public improvements located on private property;
8. Fugitive erosion and air quality prevention measures shall be in place at all times during construction;
9. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
10. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
11. A minimum of 39 parking spaces shall be provided. In addition, two of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
12. A minimum of 247,100 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscape Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
13. All signage shall continually conform to the Sign Code. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment. All signage not in conformance with the Sign Code or any new electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for the proposed signs;
14. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
15. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
16. All applicable provisions of the adopted International Fire Code shall continually be met; and,

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17. The Final Planned Development Overlay shall allow for a three phase assisted living facility to include one main structure with a bank and pharmacy/commissary and 15 duplex units. The commercial uses within the main structure shall be for the residents of the facility only. Any change in use that is a permitted use in the Office Commercial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS:

The applicant has submitted a Final Planned Development Overlay to allow an assisted living facility. In particular, the applicant is proposing to construct a three phased development to include a three level main building approximately 107,319 square feet in size and 15 duplex units for ambulatory residences. The proposed development will be constructed in three phases. The applicant has indicated that there will be a fenced garden and some retail uses for the residents of the facility. The applicant is also requesting an Exception to allow a maximum height of 46 feet to the roof peak for portions of the main facility in lieu of the maximum height of 35 feet allowed in the Office Commercial District.

On July 2, 2001, the City Council approved an Initial Planned Residential Development (File # 01PD022) to allow a combination of single-family, multi-family and office commercial development with stipulations. On April 1, 2002, the City Council approved a Revocation of the Initial Planned Development at the applicant's request.

On April 22, 2004, the Planning Commission approved an Initial Planned Commercial Development (File #04PD025) to allow a combination of professional office buildings and apartment complexes. The proposed development was not constructed.

On June 21, 2004, the City Council approved a Rezoning request (File #04RZ027) to change the zoning designation from Medium Density Residential District to Office Commercial District for a portion of the property.

On September 7, 2006, the Planning Commission approved an Initial Planned Development (File #06PD030) to allow four condominium towers with stipulations. In addition, an Exception was granted to allow a height of 10 stories in lieu of the maximum allowed three stories. The proposed development was not constructed.

On May 21, 2012, the City Council approved a Preliminary Subdivision Plan (File #12PL016) to subdivide the above legally described property into two lots. The proposed development will be located on proposed Tract 1R.

The property is located west of Mount Rushmore Road and north of Tower Road at the current terminus of Fairmont Boulevard. The property is currently undeveloped.

STAFF REVIEW:

Staff has reviewed the Final Planned Development Overlay with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

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1. *There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:*

The applicant is proposing to construct a three phase assisted living facility. The topography of the site has an impact on the design of the proposed development. The proposed development sits in a pocket between three drainage ways. The duplexes sit atop a ridge on the northern portion of the development. The highest elevations are on the western portion of the property, to the west of the main facility. The private road on the south portion of the development slopes downhill from west to east following the third natural drainage way.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

The applicant has submitted the Village at Skyline Pines Assisted Living Center as a Planned Development in order to maximize the use of the site to provide a variety of assisted living opportunities. The applicant is proposing a three phase development to include a main facility with a future additional wing and 15 duplex units.

3. *Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:*

Chapter 17.40.050 of the Rapid City Municipal Code states that no buildings shall exceed 3 stories or 35 feet in height in the Office Commercial District. The applicant is requesting an Exception to the height regulations to allow a maximum height of 46 feet in lieu of the maximum allowed height of 35 feet. The applicant has indicated that portions of the main facility will exceed the maximum allowed height by 11 feet to the peak of the roof, based on the finished floor level. On September 7, 2006, the Planning Commission approved an Initial Planned Development (File #06PD030) to allow four condominium towers, with stipulations. An Exception was granted to allow a height of 10 stories in lieu of the maximum allowed three stories. The proposed development was not constructed. The topography of the area will help mitigate the proposed height of the structure. The proposed duplex units will be constructed on a ridge on the north side of the development, providing a buffer to the north. The proposed 400 foot setback from the north property line will also provide a buffer. The property to the west is at a higher elevation and will look down onto the proposed development. The setback from the south property line is approximately 300 feet. For these reasons, staff recommends that the Exception to allow a height of 45 feet as shown on the site plan be granted.

All provisions of the Office Commercial District must be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment. The Final Planned Development Overlay will allow for a three phase assisted living facility to include one main structure with a bank and pharmacy/commissary and 15 duplex units. The commercial uses within the main structure will be for the residents of the facility only. Any change in use that is a permitted use in the Office Commercial District will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Office

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Commercial District will require the review and approval of a Major Amendment to the Planned Development.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

Chapter 17.40.050 of the Rapid City Municipal Code states that no buildings shall exceed 3 stories or 35 feet in height in the Office Commercial District. The applicant is requesting an Exception to the height regulations to allow a maximum height of 46 feet in lieu of the maximum allowed height of 35 feet. The applicant has indicated that portions of the main facility will exceed the maximum allowed height by 11 feet to the peak of the roof, based on the finished floor level. The topography of the area will help mitigate the proposed height of the structure. The proposed duplex units will be constructed on a ridge on the north side of the development, providing a buffer to the north. The proposed 400 foot setback from the north property line will also provide a buffer. The property to the west is at a higher elevation and will look down onto the proposed development. The setback from the south property line is approximately 300 feet. For these reasons, staff recommends that the Exception to allow a height of 45 feet, as shown on the site plan, be granted.

6. *The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:*

The applicant is proposing to provide a variety of assisted living choices on one lot. The Exception to the height requested by the applicant is more reasonable than a previously granted Exception to allow 10 stories on the property. The applicant has demonstrated that the location of the proposed development on the property and topography of the site will help mitigate the proposed height. In addition, the stipulations of approval of this Final Planned Development Overlay will ensure that the applicant meets the standards of the Building Code, Sign Code and Fire Code.

Engineering: The Public Works staff has identified a few issues that must be addressed prior to issuance of a building permit. The applicant must dedicate an access easement to the water shutoff valve located on private property, address redlined comments and submit revised plans for review and approval. The redlined comments must be returned to the Community Planning and Development Services Department. In addition, the applicant is proposing to locate public improvements on private property. As such, prior to issuance of a Certificate of Occupancy the public water mains, public sewer mains and storm sewer mains must be accepted by the City. In addition, public easements must be dedicated for the public improvements located on private property.

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Phasing Plan: “The Village at Skyline Pines” assisted living center will be constructed in three phases. Phase I will include the construction of the main facility to begin in 2013. The main facility will include ambulatory care, assisted care, memory care and 84 living units. There will also be a bank and a commissary/pharmacy space for the use of residents. In addition, the applicant is proposing an outdoor garden for memory patients that will have a four foot tall vinyl covered chain-link fence. Phase II will include the construction of 15 duplex units to take place between 2014 and 2016. The proposed duplex units are one-story structures with attached one and two car garages. The main facility and the duplex exteriors will be comprised of earth-tone stone veneers, cement-fiber lap siding, decorative shutters and per-finished cement-fiber trim. The roofing material will be a 40-year fiberglass shingle. The applicant is not proposing to plat the duplexes into individual lots. Phase III is for the construction of a future wing to the main facility in approximately 2016. The future expansion will include a total of 34 living units. The three phases will include a total of 148 living units.

Private Streets: The proposed development includes a private street that encircles the proposed development and ties into the future extension of Fairmont Boulevard. As such, upon submittal of a building permit, necessary easements and covenant agreements concerning street cleaning and maintenance must be submitted to the City Attorney’s Office for review and approval. In addition, staff suggests that the applicant provide additional street lighting along the private streets. Sidewalks are not required for the private streets. Staff has suggested that the applicant consider improving pedestrian circulation within the development. In response to staff’s suggestion, the applicant has indicated that the private street will have steep slopes which hinders the ability to construct sidewalks at an acceptable grade. In addition, the facility will provide transportation for residents between the duplex units and the main facility.

Landscaping: A minimum of 247,100 landscaping points must be provided for the proposed development. The applicant has submitted a landscaping plan that shows a total of 267,680 landscaping points to be provided. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Parking: A minimum of 39 parking spaces must be provided. In addition, two of the parking spaces must be handicap accessible. One of the handicap spaces must be “van accessible.” The applicant has submitted a parking plan showing a total of 81 parking stalls. In addition, five of the parking spaces are handicap accessible with one of the spaces being “van accessible”. Each duplex unit also includes either a one or two stall attached garage and room for parking on the driveway. The parking plan is in compliance with Chapter 17.50.270 of the Rapid City Municipal Code. All provisions of the Off-Street Parking Ordinance must be continually met.

Air Quality: An Air Quality Construction Permit must be obtained prior to any surface disturbance of one acre or more.

Building Permit: A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. Upon submittal of a

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building permit, plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. Temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy. Fugitive erosion and air quality prevention measures must be in place at all times during construction.

Signage and Lighting: The applicant has submitted a sign package identifying a wall sign located on a proposed retaining wall on the east side of the proposed development. The proposed sign reads "Village at Skyline Pines". All signage must continually conform to the Sign Code. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, will be allowed as a Minimal Amendment. All signage not in conformance with the Sign Code or any new electronic reader board signs will require the review and approval of a Major Amendment to the Planned Development. Lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for the proposed signs.

The applicant has submitted plans that identify the location of outdoor lighting. Staff suggests that the applicant provide additional roadway lighting along the private streets located within the development. All outdoor lighting must be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind.

Fire Flows: The Public Works Department and the Fire Department have reviewed water modeling calculations and have indicated that adequate fire flows are available for the proposed development. All applicable provisions of the adopted International Fire Code must continually be met.

Notification: As of this writing, the white slips and green cards from the certified mailing have not been returned and the required sign has not been posted on the property. Staff will notify the Planning Commission at the February 7, 2013 Planning Commission meeting if these requirements have not been met.