

STAFF REPORT
May 23, 2013

No. 13PD013 - Final Planned Development

ITEM 8

GENERAL INFORMATION:

APPLICANT	FMG, Inc.
AGENT	Jerry Foster - FMG, Inc.
PROPERTY OWNER	By-Pass Development, LLC
REQUEST	No. 13PD013 - Final Planned Development
EXISTING LEGAL DESCRIPTION	Lot 6 of Block 2 of 1-90 Heartland Business Park, located in the SE1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.69 acres
LOCATION	At the current northern terminus of Rearden Court
EXISTING ZONING	High Industrial District (Planned Development)
FUTURE LAND USE DESIGNATION	Industrial
SURROUNDING ZONING	
North:	General Agricultural District
South:	Light Industrial District
East:	General Agricultural District
West:	Light Industrial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	April 26, 2013
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Final Planned Development be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to occupancy;
2. An air quality construction permit shall be obtained prior to any disturbance of earth greater than one acre;
3. Prior to issuance of a building permit, final signed and sealed construction plans shall be submitted for review and approval. In particular, final plans shall show that all construction is located outside the boundaries of the Federally Designated 100 Year Floodplain, or a Floodplain Development Permit shall be obtained;
4. Prior to issuance of a building permit, plans shall be revised showing that standard

STAFF REPORT
May 23, 2013

No. 13PD013 - Final Planned Development

ITEM 8

- asphalt paving is proposed for the development, or an Exception to permit recycled asphalt millings shall be obtained from the City Engineer. If obtained, a copy of the approved Exception shall be submitted to Community Planning and Development Services;
5. Prior to issuance of a building permit, plans shall be revised to show that the proposed fence is located outside of all easements, or approval from the City Engineer to locate the fence within the easement shall be obtained. If approval for the location of the fence is obtained, a copy shall be submitted to Community Planning and Development Services;
 6. Prior to issuance of a building permit, plans shall be revised to show that all proposed retaining walls over 4 feet in height are designed by a registered engineer;
 7. A minimum of eight parking off-street parking spaces shall be provided, with a minimum of one of the provided spaces being van handicap accessible. All parking shall comply with the requirements of the Rapid City Municipal Code and the approved site plan;
 8. A minimum of 329,792 points of landscaping shall be provided. All landscaping shall be installed and maintained in compliance with the Rapid City Municipal Code and the approved site plan;
 9. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
 10. All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
 11. All requirements of the International Fire Code shall be continually maintained;
 12. The proposed concrete batch plant shall comply with all the regulations of the Heavy Industrial District unless specifically stipulated as a part of a Major Amendment to the Planned Development, and;
 13. This Final Planned Development shall allow for the construction of a ready-mix concrete batch plant with aggregate/material storage. A Major Amendment shall be required for all future phases of development on the property. A Major Amendment to the Planned Development shall be required for any change in use on the property.

GENERAL COMMENTS: The applicant has submitted a Final Planned Development to allow construction of a ready-mix concrete batch plant on approximately 7.69 acres of property. On January 1, 2012, the City Council approved a request to rezone the property from Light Industrial District to Heavy Industrial District (File #12RZ008). During review of the Rezoning request, neighboring property owners voiced concerns about the potential for incompatible land uses being permitted to develop on the property if a zoning change to Heavy Industrial District was approved. The applicant requested to develop the property through the Planned Development process in order to create additional review of the proposed development for the benefit of neighboring property owners. A Planned Development Designation (File #12PD030) was approved for the property on September 12, 2012.

On January 10, 2013, the Planning Commission approved an Initial Planned Development

STAFF REPORT
May 23, 2013

No. 13PD013 - Final Planned Development

ITEM 8

(File #12PD039) to allow development of a ready-mix concrete batch plant. The submittal for the Initial Planned Development application included a preliminary landscaping plan which provided screening of the property through trees and bermed landscaping around the perimeter of the property. A stipulation of approval for the Initial Planned Development required that a Final Planned Development must be approved for the property, including a full landscaping plan in compliance with the Rapid City Landscaping Ordinance and the Initial landscaping plan. The applicant has now submitted an application for a Final Planned Development for the property.

The property is located at the northern terminus of Rearden Court, in the northeastern portion of the City. Currently the property is undeveloped.

STAFF REVIEW: Staff has reviewed the request for an Initial Planned Development pursuant to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code and has noted the following considerations:

There are certain conditions pertaining to the particular piece of property in questions because of its size, shape, or topography;

The property is comprised of approximately 7.694 acres of land zoned Heavy Industrial District. The Heavy Industrial District permits the manufacturing of concrete or cement products. However, the applicant requested the property be placed in a Planned Development Designation in order to allow additional review of future development on the property. Portions of the property along the northern lot line are located within the Federally Designated 100 Year Floodplain. Prior to issuance of a building permit, final signed and sealed plans must be submitted for review and approval showing that the proposed structures and/or development on the property occur outside the Federally Designated 100 Year Floodplain. If development is proposed within the Federally Designated 100 Year Floodplain, a Floodplain Development permit must be obtained prior to issuance of a building permit.

The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;

A concrete batch plant is a permitted use within the Heavy Industrial District. However; during a review of the Rezoning request for the property, neighboring property owners and businesses expressed concern that development of the site may not be compatible with the surrounding uses. In addition, concern was voiced that the area roads would not be able to handle the additional heavy truck use. Following the discussion, the applicant offered to develop the property through a Planned Development in order to ensure that proposed landscaping provided a sufficient buffer of the use from neighboring properties. Rearden Court has been constructed as an industrial street, while Seger Drive is a Minor Arterial Street on the City's Major Street Plan. It appears that the area street network has been built to accommodate industrial traffic.

Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the

STAFF REPORT
May 23, 2013

No. 13PD013 - Final Planned Development

ITEM 8

public good or impair the purposes and intent of these regulations;

The applicant has indicated that silos located on the property will be a maximum of 65 feet tall. The maximum allowable height for structures in the Heavy Industrial District is 45 feet. Rapid City Municipal Code Chapter 17.50.260.B lists the structures or parts thereof which are exempt from the height limitations set forth in the zoning district. They include silos, as well as chimneys, smokestacks, penthouse, spires, flagpoles, ventilators, skylights, derricks, conveyors, and cooling towers. The proposed 65 foot tall silos qualify as exceptions to the height requirements for the Heavy Industrial District and, as such, do not require an Exception through the Planned Development. No other exceptions to the requirements of the Heavy Industrial District have been requested. The proposed concrete batch plant is located approximately 200 feet from the front property line. No proposed development or structures are located closer than 35 feet from the side or rear lot lines. The structures proposed as a part of the first phase of development total approximately 3,700 square feet. The proposed concrete batch plant must comply with all the regulations of the Heavy Industrial District unless specifically stipulated as a part of a subsequent Major Amendment to the Planned Development.

A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;

The Heavy Industrial District is intended to provide areas in which the principal use of land is for manufacturing, assembling, fabricating and warehousing. These uses do not depend primarily on frequent person visits of customers or clients but require good accessibility to major rail or street transportation routes. The proposed concrete batch plant is located approximately 650 feet north of Seger Drive. Seger Drive meets North Elk Vale Road approximately 1,800 feet to the east. North Elk Vale provides direct access to U.S. Interstate 90 and U.S. Highway 79. Seger Drive is classified as a minor arterial on the City's Major Street Plan and was constructed to accommodate industrial traffic. North Elk Vale Road is classified as a principal arterial street on the City's Major Street Plan. The location of the proposed plant on the fringes of the City and with close access to the regional transportation network makes the property desirable for industrial development.

Submitted plans show that recycled asphalt millings are proposed for all on-site parking and circulation. Rapid City Municipal Code Chapter 17.50.270G.3 requires that off-street parking areas comply with standards established in Ordinance 1976, as administered by the City Engineer. Ordinance 1976 prohibits the use of recycled asphalt millings as paving material for parking facilities. As such, prior to issuance of a building permit, plans must be revised showing that standard asphalt paving is proposed for the development, or an Exception to permit recycled asphalt millings must be obtained from the City Engineer. If obtained a copy of the approved Exception must be submitted to Community Planning and Development Services. The proposed structure will require a minimum of eight off-street parking spaces be provided. Submitted plans show that a total of 23 parking spaces are being proposed, with one parking space being a handicap, van accessible space. A minimum of eight parking spaces must be provided. Staff recommends that parking comply with the submitted parking plan and the requirements of the Rapid City Parking Ordinance.

Any adverse impacts will be reasonably mitigated;

STAFF REPORT
May 23, 2013

No. 13PD013 - Final Planned Development

ITEM 8

During the review of the associated Rezoning and Initial Planned Development requests for this property, concerns were raised by neighboring property owners that the development may have a negative impact on the neighborhood. In particular, neighboring property owners wanted to ensure the use was sufficiently buffered from neighboring uses. The proposed development requires a minimum of 329,792 points of landscaping be provided on the property. The submitted landscaping plan shows that a total of 329,920 points of landscaping are being proposed. The proposed landscaping is located primarily on the perimeter of the property and has been designed to provide buffering from neighboring properties through the use of vegetative screening and landscaping berms. Staff recommends that a minimum of 329,792 points of landscaping be provided and installed as shown on the approved landscaping plan.

Submitted plans show aggregate and material pits at various locations within the property. These pits are generally defined through the use of retaining walls. Retaining walls over 4 feet in height are required to be structurally designed by an engineer. Prior to issuance of a building permit, revised plans must be submitted showing that all retaining walls over 4 feet in height are designed by a registered engineer.

Submitted plans show a proposed 6 foot tall fence topped with 1 foot of barbed wire along all property boundaries. The proposed fence is located within an 8 foot wide drainage and utility easement. Fences over six feet in height require approval from the City Engineer to be located within a drainage easement. Prior to issuance of a building permit, revise plans to show that the proposed fence is located outside of all easements, or obtain approval from the City Engineer to locate the fence within the easement. If approval for the location of the fence is obtained, a copy must be submitted to Community Planning and Development Services.

Two signs have been proposed for the property. A proposed ground sign with a total of 72 square feet is proposed to be located near the property access. A second wall sign totaling 144 square feet is proposed to be located on the side of the silo structures. It appears both the ground sign and the wall sign meet the requirements of the Rapid City Sign Code. All signage must comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code will be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage will require a Major Amendment to the Planned Development. A sign permit is required for each sign;

Submitted plans show that this Final Planned Development is Phase 1 in an ongoing development of the property. Future phases identified in the plans include a truck washing facility in Phase 2, as well as future phases for aggregate reclaiming equipment, parking expansions, and storage facilities. This Final Planned Development is for the approval of Phase 1 of the proposed ready-mix concrete batch plant as identified in the approved site plans. Each additional phase will require a Major Amendment to the Planned Development.

The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objectives of the existing standard sought to be modified;

STAFF REPORT
May 23, 2013

No. 13PD013 - Final Planned Development

ITEM 8

A concrete or cement plant is a permitted use in the Heavy Industrial District. Development of the proposed plant through the Planned Development process will ensure that proposed development will meet the standards for development of the area. The location of the proposed landscaping around the perimeter of the property will ensure that the Heavy Industrial use on the property is screened from neighboring properties. The approval of a phasing plan will ensure that future development of the site complies with the Rapid City Municipal Code. The requested Planned Development will meet the existing design standards of the area. Based on these reasons, staff recommends that the Final Planned Development to allow construction of a concrete batch plant be approved with the stipulations outlined above.

Notification Requirements: The sign has been posted on the property. As of this writing, the proof of the required mailing has not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the May 23, 2013 Planning Commission if this requirement has not been met. As of this writing, there have been no inquiries into the proposed Final Planned Development.