

STAFF REPORT
June 20, 2013

No. 13PD016 - Initial Planned Development to allow a Water Park

ITEM 7

GENERAL INFORMATION:

APPLICANT	Robert W. Akers
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	Robert W. Akers
REQUEST	No. 13PD016 - Initial Planned Development to allow a Water Park
EXISTING LEGAL DESCRIPTION	Lots 1R2 and 2R2 of Block 1 of East Mall Business Center Subdivision and Tract H of Marshall Heights Subdivision #2, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.69 acres
LOCATION	815 East Mall Drive and 620 East Disk Drive
EXISTING ZONING	General Commercial District - General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District - General Commercial District (Planned Development) - Light Industrial District (Planned Development)
East:	General Commercial District
West:	General Commercial District (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	May 23, 2013
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Initial Planned Development to allow a water park complex be approved with the following stipulations:

1. An Exception to allow the building height to be increased from 45 feet to 76 feet is hereby granted contingent upon construction being completed with the materials and color palette identified on the submitted plans;
2. Prior to issuance of a building permit, a Final Planned Development shall be approved for

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- the property;
3. Prior to issuance of a building permit, including a footings and foundation permit, an Air Quality Construction Permit shall be obtained;
 4. Prior to issuance of a building permit, all redlined comments must be addressed and all redlined comments shall be returned to Community Planning and Development Services;
 5. Prior to issuance of a building permit, final signed and sealed construction plans shall be submitted for review and approval. All construction work shall be completed by contractors licensed by the City per the requirements of Rapid City Municipal Code Chapter 15.04. Final plans shall include the location and size of all proposed retaining walls. All retaining walls over 4 feet in height shall be designed by a registered professional engineer. Final plans shall show that the structure is accessible per the requirements of the American National Standard Institute Section 117.1. Final plans shall show the location for storage of snow removal. Storage of construction materials is not permitted in the General Commercial District. Tracking of mud from the construction site onto City streets is not permitted. Earth materials deposited on City streets shall be removed at the conclusion of each work day;
 6. Prior to submittal of a Final Planned Development, all easements located within areas designated for construction shall be vacated;
 7. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;
 8. Prior to issuance of a building permit, a Developmental Lot Agreement shall be recorded for the properties. A copy of the recorded Developmental Lot Agreement shall be submitted to Community Planning and Development Services;
 9. Prior to issuance of a building permit, the applicant shall coordinate with the Rapid City Fire Department to identify proper fire hydrant and fire apparatus placement locations. Plans shall be revised to include the location of all required fire hydrants and the locations of fire apparatus. All requirements of the International Fire Code shall be continually maintained;
 10. Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;
 11. Prior to issuance of a Certificate of Occupancy, all parking and landscaping shall be completed;
 12. Upon submittal of a Final Planned Development the applicant shall submit a Traffic Impact Study signed and sealed by a professional engineer which addresses the impacts of the proposed development on area traffic;
 13. Upon submittal of a Final Planned Development, a full and complete landscaping plan including a minimum 510,044 points of landscaping shall be submitted for review and approval. All landscaping shall be installed and maintained in compliance with the requirements of the Rapid City Municipal Code and the approved landscaping plan;
 14. Upon submittal of a Final Planned Development, a sign package shall be submitted for review and approval. All signage shall comply with the Rapid City Municipal Code;
 15. Upon submittal of a Final Planned Development, a lighting plan shall be submitted for review and approval. All lighting shall be designed and installed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to traffic or constitute a nuisance of any kind;
 16. A minimum of 695 parking spaces shall be provided for the proposed complex. A minimum of 14 of the proposed parking space shall be handicap accessible, with two of the handicap accessible stalls being "van accessible". All parking shall comply with the

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- requirements of the Rapid City Municipal Code and the approved parking plan;
17. All provisions of the General Commercial District shall be continually met unless specifically authorized as a stipulation of this Initial Planned Development, the Final Planned Development or a subsequent Major Amendment, and;
 18. This Initial Planned Development shall allow the development of a hotel and water park complex. Any change in use permitted in the General Commercial District shall require a Minimal Amendment to the Planned Development. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Final Planned Development.

GENERAL COMMENTS: The applicant has submitted an Initial Planned Development to allow development of a water park complex. In particular, the applicant is proposing a 100 room hotel, a restaurant, and an approximately 54,000 square foot facility to be known as the "Rippin' Rapids" water park. Submitted plans show that the hotel currently located on the property, known as the Hilton Garden Inn, and the existing restaurant, known as Boston's, will remain on the property as a part of the hotel/water park complex. Plans also show that the Boston's restaurant will be incorporated into the new hotel. The applicant should be aware that there is an existing on-sale alcohol use permitted at Boston's. If an on-sale alcohol use is proposed for the water park or the hotel, the applicant may request to expand the existing on-sale alcohol use through the Final Planned Development or request a separate Planned Development specific to the hotel/water park portions of the development.

The applicant has requested an Exception to increase the permitted height of the building from 45 feet to 76 feet to allow for a seven story hotel as well as architectural features within the water park and as such has submitted this request for an Initial Planned Development. No additional Exceptions have been requested.

The property is located southeast of the intersection of La Crosse Street and East Mall Drive. The property is comprised of three separate properties under the same ownership. Currently, one property is developed as a Boston's restaurant, one property is developed as a Hilton Garden Inn, and the third property remains undeveloped.

STAFF REVIEW: Staff has reviewed the request for a Final Planned Development Overlay pursuant to the requirements of Rapid City Municipal Code Chapter 17.50.050.F(5) 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 14.2 acres of land zoned General Commercial District located south of East Mall Drive, east of La Crosse Street. There are no conditions pertaining to this particular piece of property due to its size shape, or topography.

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

The original Planned Development approved for the property (File #1121A) was revoked at

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the request of the property owner on December 16, 1996. Existing development on the property meets all the requirements of the General Commercial District. A Conditional Use Permit to allow an on-sale liquor establishment in conjunction with a full service restaurant was approved for Tract H on April 3, 2000 (File #00UR006). It should be noted that this Initial Planned Development does not include a review or expansion of the existing on-sale liquor use or the sale of alcohol in the proposed water park and hotel. The application of these regulations does not create a practical difficulty or undue hardship.

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;

The applicant has requested an Exception to increase the permitted building height from 45 feet to 76 feet in order to accommodate the height of the hotel and the water park facility. Submitted plans show that the proposed water park facility is 60 feet tall while the hotel is 76 feet high. It should be noted that the portions of the hotel which are 76 feet high face to the northwest, away from Interstate 90. Due to changes in the topography, the portions of the complex facing south toward Interstate 90 are a maximum 60 feet high. A variance to increase the maximum permitted height from 45 feet to 64 feet 1 inch was approved for the north side of the Hilton Garden Inn located immediately east of the proposed construction at 815 East Mall Drive. The Hilton Garden Inn will become a part of this water park/hotel complex through this Planned Development. The applicant has submitted a color scheme for the proposed structure to ensure that the design, color, and materials for the development are consistent with the development of the neighborhood. Based on these reasons, staff recommends that the requested Exception to increase the maximum building height from 45 feet to 76 feet be approved contingent upon construction being completed with the materials and color palette identified on the submitted plans. All other provisions of the General Commercial District must be continually met unless specifically authorized as a stipulation of this Initial Planned Development, the Final Planned Development or a subsequent Major Amendment. This Initial Planned Development will allow the construction of a hotel and water park complex. Any change in use permitted in the General Commercial District will require a Minimal Amendment to the Final Planned Development. Any change in use that is a Conditional Use in the General Commercial District will require the review and approval of a Major Amendment to the Final Planned Development.

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

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

Any adverse impacts will be reasonable mitigated;

The Planned Development will serve as the tool to ensure that any adverse impacts of the proposed development will be mitigated. Submitted plans show that the proposed structure meets all the requirements for setbacks and lot coverage in the General Commercial District. All provisions of the General Commercial District will be continually maintained. A building permit is required prior to any construction. A Certificate of Occupancy is required prior to occupancy. Prior to issuance of a building permit, all redlined comments must be addressed

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and all redlined comments must be returned to Community Planning and Development Services.

Public Works comments: Public Works staff has noted that the proposed development will require a Traffic Impact Study per the requirements of the Infrastructure Design Criteria Manual. Upon submittal of a Final Planned Development the applicant must submit a Traffic Impact Study signed and sealed by a professional engineer which addresses the impacts of the proposed development on area traffic. Public Works staff has also noted that development appears to cross lot lines and thus, may conflict with area utility easements. Prior to issuance of a Final Planned Development, all easements located within areas designated for construction must be vacated. In addition, prior to issuance of a building permit, a Developmental Lot Agreement must be recorded for the properties. A copy of the recorded Developmental Lot Agreement must be submitted to Community Planning and Development Services. Public Works staff has also noted that plans show several retaining walls are being proposed as a part of this development. Prior to issuance of a building permit, plans must be revised to include the height and location of all proposed retaining walls. All retaining walls over 4 feet in height must be designed by a structural engineer.

Building Inspections comments: Building Inspections staff has noted that work may not commence on the site without obtaining all necessary building permits. Prior to issuance of a building permit, final construction plans signed and sealed by a registered professional engineer must be submitted for review and approval. All contractors must be licensed as required by Rapid City Municipal Code 15.04. Staff has noted that double fee penalties will apply to all work done without a permit. Accessibility must be provided to all areas per the American National Standards Institute Section 117.1. Storage of construction materials is not permitted in the General Commercial District. Temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy. Tracking of mud from the construction site onto City streets is not permitted. Earth materials deposited on City streets must be removed at the conclusion of each work day.

Staff has noted that the location of areas reserved for storage of snow removal have not been identified on the submitted plans. Prior to issuance of a building permit, plans must be revised to show the location of all areas reserved for the storage of snow removal. All parking and landscaping must be completed prior to issuance of a Certificate of Occupancy.

Air Quality comments: Air quality staff has noted that an air quality permit must be obtained prior to the disturbance of earth greater than one acre. As of this writing, the required air quality permit has not been issued. The applicant should note that no building permits, including permits for footings and foundations, may be issued until an air quality permit has been issued. Failure to obtain the required air quality permit or pay the permitting fee prior to engaging in construction will result in \$250.00/week being added to cost of the permit fee.

Fire Department comments: The Rapid City Fire Department has noted that fire hydrants will be required in parking islands located at the northeast and northwest corners of the water park. In addition, Fire Department staff noted that a portion of the parking lot located on the northwest side of the new motel must be maintained for ladder truck access. Prior to issuance of a building permit, the applicant must coordinate with the Rapid City Fire Department to identify proper fire hydrant and fire apparatus placement locations. All

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requirements of the International Fire Code must be continually maintained.

Parking: A minimum of 695 parking spaces must be provided for the proposed complex. Submitted plans show that a total of 738 parking spaces are proposed. A minimum of 14 of the proposed parking space must be handicap accessible, with two of the handicap accessible stalls being "van accessible". All parking must comply with the requirements of the Rapid City Municipal Code and the approved parking plan.

Landscaping: Submitted plans include a landscaping plan but a calculation of landscaping requirements has not been provided. Based on the square footage of the proposed building footprints, staff has determined that a minimum of 510,044 points of landscaping are required. Upon submittal of a Final Planned Development, a full and complete landscaping plan including a minimum 510,044 points of landscaping must be submitted to Community Planning and Development Services. All landscaping must be installed and maintained in compliance with the requirements of the Rapid City Municipal Code.

Signage: The submitted plans do not include a sign package. Upon submittal of a Final Planned Development, a sign package must be submitted for review and approval. All signage must comply with the Rapid City Municipal Code. In the past, the Planning Commission has determined that Light Emitting Diode (LED) lighting may not be supported by staff. The applicant should be aware that the inclusion of Light Emitting Diode (LED) lighting may not be supported unless by the Planning Commission.

Lighting: The submitted plans do not include a lighting plan. Upon submittal of a Final Planned Development, a lighting plan must be submitted for review and approval. All lighting must be designed and installed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to traffic or constitute a nuisance of any kind.

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;

Hotels and their accessory uses, including pools and restaurants, are permitted uses in the General Commercial District. Development of the property through the Planned Development process will ensure that the property will meet the development standards set forth by the Zoning Ordinance and will be consistent with development in the area. The excessive proposed height will be mitigated by the topography of the property and is consistent with variances for height previously granted on the property. A Final Planned Development will be required prior to issuance of a building permit. Any expansion or additionally proposed on-sale liquor use will require the review and approval of the Final Planned Development or a subsequent Major Amendment. The proposed development meets all the requirements of the General Commercial District with the exception of height. For these reasons, staff recommends that the Initial Planned Development be approved with the stipulations outlined above.

Notification Requirements: As of this writing, the required sign has not been posted on the property. The proof of notification mailing has not been returned to Community Planning

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and Development Services. Staff will inform the Planning Commission at the June 20, 2013 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into this request.