

STAFF REPORT
June 20, 2013

No. 13PD017 - Final Planned Development to allow Multi-Family Housing **ITEM 5**

GENERAL INFORMATION:

APPLICANT	Bies Highway 79 LLP
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	Bies Highway 79 LLP
REQUEST	No. 13PD017 - Final Planned Development to allow Multi-Family Housing
EXISTING LEGAL DESCRIPTION	Lot B of Hamilton Subdivision, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.16 acres
LOCATION	1220 East Minnesota Street
EXISTING ZONING	Office Commercial (Planned Development Designation)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Office Commercial (Planned Development Designation)
South:	Low Density Residential II District (Planned Residential Development)
East:	General Commercial (Planned Development Designation)
West:	General Commercial (Planned Development Designation)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	May 23, 2013
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Final Planned Development to allow multifamily housing be approved with the following stipulations:

1. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;
2. An air quality permit shall be obtained for any surface disturbance greater than one acre;
3. Prior to issuance of a building permit, all redlined comments shall be addressed and all

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4. redlined plans shall returned to Community Planning and Development Services;
Prior to issuance of a building permit, final stamped and signed construction plans shall be submitted for review and approval. In particular, plans shall show that all ground floor units are Type B accessible units;
5. Prior to issuance of a building permit, plans shall be revised to show the location of the 100 Year Federally Designated Floodplain. A Floodplain Development Permit shall be obtained for all construction located within the 100 Year Federally Designated Floodplain;
6. Prior to a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;
7. A minimum of 36 parking spaces shall be provided. A minimum of two of the provided off-street parking spaces shall be handicap accessible. A minimum of one of the handicap accessible parking spaces shall be van accessible. All parking shall comply with the approved site plan and the requirements of the Rapid City Parking Ordinance;
8. A minimum of 35,975 points of landscaping shall be provided. All landscaping shall be installed and maintained as shown on the approved site plan. All landscaping shall comply with the requirements of the Rapid City Landscaping Ordinance;
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 applicable provisions of the International Fire Code shall be maintained;
12. All provisions of the Office Commercial District shall be maintained unless specifically authorized as a stipulation of a subsequent Major Amendment to this Final Planned Development, and;
13. The Final Planned Development shall allow for the construction of Phase 1 of a two phase multifamily housing development. A Major Amendment to the Planned Development shall be required for each subsequent phase of development. Any change in use permitted in the Office Commercial District shall require the review and approval of a building permit. Any change in use that is Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Final Planned Development.

GENERAL COMMENTS: The applicant has submitted a Final Planned Development to allow the construction of a multifamily housing development on approximately 1.16 acres of property zoned Office Commercial District. In particular, the applicant is proposing the first phase of a two phase development. The first phase will consist of 24 units located in 2 structures. Each structure is proposed to be two stories tall, with six units per story. The property is located within a Planned Development Designation (File #02PD006), requiring that the property be developed through the Planned Development process. No Exceptions to the land area regulations are being requested.

The property is located approximately 750 feet west of the intersection of Cambell Street

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and East Minnesota Street and is currently undeveloped.

STAFF REVIEW: Staff has reviewed the request for a Final 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 1.16 acres of land zoned Office Commercial District. Multifamily housing is a permitted use in the Office Commercial District. The property is located within a Planned Development Designation, requiring that the property be developed through the Planned Development process. Property to the north is located within the Federally Designated 100 Year Floodplain and some portions of the property are located within the 500 Year Federally Designated 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;

The property is located within a Planned Development Designation, requiring the property to be developed through the Planned Development process. It does not appear that application of the regulations to this particular piece of property would 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;

No Exceptions to the underlying zoning district have been requested. The proposed apartment complex must comply with all the regulations of the Office Commercial District unless specifically stipulated as a part of a subsequent Major Amendment to the Planned Development. The Final Planned Development will allow for the construction of Phase 1 of a two phase multifamily housing development. A Major Amendment to the Planned Development will be required for each subsequent phase of development. Any change in use permitted in the Office Commercial District will require the review and approval of a building permit. Any change in use that is Conditional Use in the Office 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

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others in the same district are allowed.

Any adverse impacts will be reasonably mitigated;

The Final Planned Development will serve as the tool to ensure that the proposed apartment complex meets all the design standards of the Office Commercial District. 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. A building permit is required prior to any construction. A Certificate of Occupancy is required prior to occupancy of the structures. An air quality permit must be obtained prior to any surface disturbance of one acre or greater. Prior to issuance of a building permit, all redlined comments must be addressed and all comments must be returned to Community Planning and Development Services.

A minimum of 35,975 points of landscaping are required for the proposed development. The submitted landscaping plan shows a total of 36,010 points of landscaping are being proposed. The landscaping plan also identifies four large trees along Minnesota Street to serve as a buffer to the single family residential development located to the south of Minnesota Street. Staff recommends that the landscaping be provided per the submitted landscaping plan and maintained in compliance with the City's adopted Landscaping Regulations.

A total of 24 apartment units are proposed with this Final Planned Development, requiring a minimum of 36 off-street parking spaces be provided, with two of the spaces being handicap accessible. One of the handicap accessible spaces must be "van accessible". The applicant's submitted plans show that a total of 40 off-street parking spaces are proposed, with two spaces being "van accessible" handicap spaces. All parking must comply with the requirements of the Rapid City Municipal Code and the approved parking plan.

Submitted plans show one proposed monument sign of 32 square feet, measuring 8 feet wide by 4 feet tall and 5 feet high, to be located on the southeast corner of the lot. The sign is constructed with two posts and a plywood frame with 8 inch tall lettering. The proposed sign will not be illuminated. No other signage is proposed for this development. All signage must comply with the submitted sign package and the requirements of the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Municipal Code will be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of the Planned Development. The addition of electronic or LED signage will require a Major Amendment to the Planned Development. A sign permit is required of each sign.

All outdoor lighting, including all lighting for signage, must 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.

Minnesota Street is classified as a Minor Arterial Street on the City's Major Street Plan, which is designed to accommodate heavier traffic volumes. In addition, Minnesota Street separates the single family development to the south of Minnesota Street and the proposed apartment complex. The applicant should be aware that access for the future Phase 2 of

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the project may need to be relocated to line up with the access to the subdivision on the south side of Minnesota Street. However, the development of Phase 2 is not being considered at this time.

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;

Multifamily housing is a permitted use in the Office Commercial District. Development of the proposed Planned Development will serve as a tool to secure the design and character of the proposed development. In particular, the location of the trees along Minnesota Street will serve as a buffer to the single family residential development on the south side of Minnesota Street. The design of the structures with minimal lighting and signage will also assist in maintaining the residential character of the neighborhood. In addition, Minnesota Street serves as a separation between the proposed multifamily development and the existing single family residential development on the south side of Minnesota Street. Based on these reasons, staff recommends that the Final Planned Development to allow construction of multifamily housing be approved with the stipulations outlined above.

Notification Requirements: As of this writing, the sign has not been posted on the property, and proof of the required mailing has not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the June 20, 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.