

STAFF REPORT
October 24, 2013

No. 13PD039 - Initial Planned Development to allow a mixed use building with office and residential uses **ITEM 13**

GENERAL INFORMATION:

APPLICANT	Pat Tlustos - Founders Park North, LLC
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Founders Park LLC
REQUEST	No. 13PD039 - Initial Planned Development to allow a mixed use building with office and residential uses
EXISTING LEGAL DESCRIPTION	Lot 1 of Founders Park Subdivision, located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.21 acres
LOCATION	243 Founders Park Drive
EXISTING ZONING	Office Commercial District (Planned Development) - M Hill Overlay District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development) - M Hill Overlay District
South:	Flood Hazard District
East:	Office Commercial District - Office Commercial District (Planned Development) - M Hill Overlay District
West:	Park Forest District - M Hill Overlay District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	September 17, 2013
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Initial Planned Development to allow a mixed use building with office and residential uses be approved with the following stipulations:

1. An Exception is hereby granted to allow a maximum building height of 48 feet 10.5 inches in lieu of the maximum allowed height of 35 feet as per Chapter 17.40.050 of the Rapid City Municipal Code;
2. An Exception is hereby granted to reduce the minimum required rear yard setback from

STAFF REPORT
October 24, 2013

No. 13PD039 - Initial Planned Development to allow a mixed use building with office and residential uses **ITEM 13**

- 25 feet to 10 feet as per Chapter 17.40.040 of the Rapid City Municipal Code. The reduced rear yard setback area shall not be used for mechanical equipment and a landscaping buffer shall be planted in the setback area;
3. A Final Planned Development Overlay shall be obtained prior to issuance of a building permit;
 4. Upon submittal of a Final Planned Development Overlay application, a revised parking plan shall be submitted for review and approval providing the minimum number of required handicap accessible parking spaces. In particular, a minimum of 67 parking spaces shall be provided. In addition, three 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;
 5. Upon submittal of a Final Planned Development Overlay application, a revised site plan shall be submitted showing that the proposed structure will not overhang the public water main easement on the southeast side of the property;
 6. Upon submittal of a Final Planned Development Overlay application, a revised site plan shall be submitted identifying the location of the public access easement and the location of the new proposed road. In addition, the site plan shall identify the location of the public access easement through the existing parking lot;
 7. Upon submittal of a Final Planned Development Overlay application, a revised site plan shall be submitted identifying a snow removal area and a garbage collection area as per Chapters 17.64.100 and 17.64.110, the M Hill Overlay Zoning District, of the Rapid City Municipal Code. The designated garbage collection shall be screened;
 8. Upon submittal of a Final Planned Development Overlay application, a sign package shall be submitted in compliance with the Sign Code or an Exception shall be requested with the Final Planned Development Overlay application. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Initial Planned Development Overlay. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Final 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 all signs;
 10. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 11. Upon submittal of a building permit, a signed and sealed stormwater report by a professional engineer demonstrating that quantity and quality control of stormwater have been met shall be submitted for review and approval;
 12. Prior to issuance of a building permit, a Floodplain Development Permit shall be obtained;
 13. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
 14. A minimum of 85,692 landscaping points shall continually be provided. All provisions of Section 17.50.300, the Landscaping 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;
 15. All outdoor lighting shall continually 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;
 16. All applicable provisions of the adopted International Fire Code shall continually be met;

STAFF REPORT
October 24, 2013

No. 13PD039 - Initial Planned Development to allow a mixed use building with office and residential uses **ITEM 13**

17. All provisions of the Office Commercial District and the M Hill Overlay District shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Final Planned Development Overlay in compliance with Chapter 17.50.050 of the Rapid City Municipal Code; and,
18. The Initial Planned Development shall allow for a three-story mixed use structure to be located on the property. 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 Final Planned Development Overlay.

GENERAL COMMENTS:

The applicant has submitted an Initial Planned Development Overlay to allow a mixed use building with office and residential uses. In particular, the applicant is proposing lower level parking with 21 parking spaces, 8,500 square feet of office space on the first level and two levels with 6 apartment units for a total of 12 apartment units. The applicant is specifically seeking an Exception to Chapter 17.40.050 of the Rapid City Municipal Code to allow a maximum height of 3 stories or 48 feet 10.5 inches in lieu of the maximum 3 stories or 35 foot height allowed in the Office Commercial District. In addition, the applicant is seeking an Exception to Chapter 17.40.040 of the Rapid City Municipal Code to reduce the rear yard setback to 10 feet in lieu of the minimum required rear yard setback of 25 feet.

On March 9, 2006, the Planning Commission approved an Initial Planned Development (File #06PD001) to allow a mixed use development that included the above legally described property.

The property is located on the west side of Founders Park Drive approximately 995 feet northwest of the intersection of Founders Park Drive and West Omaha Street. Currently, a parking lot is located on the property.

STAFF REVIEW:

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

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

The property is approximately 2.21 acres in size and is located on the west side of Founders Park Drive approximately 995 feet northwest of the intersection of Founders Park Drive and West Omaha Street. The southeast portion of the property is located within the Federal Emergency Management Agency's 100 year floodplain. In addition, the property has an irregular shape that limits development to the north. In conjunction with the floodplain to the south, a public water main easement and a public access easement traverse the property, limiting the buildable area. The applicant should be aware that a Floodplain Development Permit must be obtained prior to any construction within this area.

2. *The application of these regulations to this particular piece of property would create a*

No. 13PD039 - Initial Planned Development to allow a mixed use building with office and residential uses **ITEM 13**

practical difficulty or undue hardship:

The property is zoned Office Commercial District with a Planned Development. The applicant is proposing to construct a three-story mixed use building with lower level parking. The proposed office and residential uses are permitted in the Office Commercial District. The layout of the property and existing easements and floodplain issues limit the buildable area.

All provisions of the Office Commercial District and the M Hill Overlay District must be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Final Planned Development Overlay in compliance with Chapter 17.50.050 of the Rapid City Municipal Code. The Initial Planned Development will allow for a three-story mixed use structure to be located on the property. 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 Commercial District will require the review and approval of a Final Planned Development Overlay.

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:*

Previously, the Planning Commission approved an Initial Planned Development (File #06PD001) to allow a mixed use development which included the subject property. The Initial Planned Development identified that a two-story office building would be located on the subject property. The applicant is proposing to construct a three-story mixed use building with lower level parking for a total height of 48 feet 10.5 inches. The Office Commercial District allows a maximum height of three-stories or 35 feet. The proposed structure will be buffered from properties to the south by the Rapid City Greenway and vegetation lining Rapid Creek. In addition, the property abuts Hanson-Larsen Memorial Park to the west. In addition, a more extreme height Exception was approved as a part of the Initial Planned Development to allow a six-story structure to the north of the subject property. For these reasons, staff recommends that the Exception to allow a maximum building height of 48 feet 10.5 inches in lieu of the maximum allowed height of 35 feet as per Chapter 17.40.050 of the Rapid City Municipal Code be granted.

The applicant is also requesting an Exception to reduce the minimum required rear yard setback from 25 feet to 10 feet along the west lot line. The property abuts Hanson-Larsen Memorial Park to the west. In order to support the reduced rear yard setback, the applicant must provide a landscaping buffer within the rear yard setback and mechanical equipment must not be placed on the west side of the structure.

Staff recommends that the Exception to reduce the minimum required rear yard setback from 25 feet to 10 feet as per Chapter 17.40.040 of the Rapid City Municipal Code be granted. In addition, the reduced rear yard setback area must not be used for mechanical equipment and a landscaping buffer must be planted in the setback area. A 5 foot to 6 foot high opaque screening fence shall be provided or an Exception shall be requested upon submittal of a Final Planned Development Overlay application.

No. 13PD039 - Initial Planned Development to allow a mixed use building with office and residential uses **ITEM 13**

The proposed structure appears to overhang three feet into the public water main easement located on the southeast portion of the property. As such, upon submittal of a Final Planned Development Overlay application, a revised site plan must be submitted showing that the proposed structure will not overhang the public water main easement on the southeast side of the property.

A public access easement traverses the property north of the proposed structure and through the existing parking lot. The applicant's site plan shows the general location of the public access easement located north of the proposed structure. The applicant has indicated that the existing road does not follow the easement and will be relocated within the easement. As such, upon submittal of a Final Planned Development Overlay application, a revised site plan must be submitted identifying the specific location of the public access easement and the proposed location of the new road. In addition, the site plan must identify the location of the public access easement through the existing parking lot.

The M Hill Overlay District requires that a multi-family dwelling of three or more units provide snow removal and garbage collection areas. In addition, the garbage collection area must be screened. The site plan does not identify either a snow removal area or a garbage collection area. As such, upon submittal of a Final Planned Development Overlay application, a revised site plan must be submitted identifying a snow removal area and a garbage collection area as per Chapters 17.64.100 and 17.64.110 of the Rapid City Municipal Code. The designated garbage collection must be screened.

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:*

The applicant should be aware that a Final Planned Development Overlay must be obtained prior to issuance of a building permit. A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. Prior to issuance of a building permit, a Floodplain Development Permit must be obtained. All applicable provisions of the adopted International Fire Code must continually be met.

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 narrowness of the northern portion of the property, the floodplain on the south portion of the property and the public access and public water main easements that traverse the property limit the buildable area. The applicant is proposing to construct a

STAFF REPORT
October 24, 2013

No. 13PD039 - Initial Planned Development to allow a mixed use building with office and residential uses **ITEM 13**

three-story mixed use building with lower level parking to maximize the use of the property. The proposed height and rear yard setback Exceptions should be mitigated by additional buffering and the location of the property adjacent to the Rapid City Greenway and Hanson-Larsen Memorial Park.

The applicant should be aware that upon submittal of a building permit, a signed and sealed engineering stormwater report addressing quality and quantity control and an erosion and sediment control plan must be submitted for review and approval. In addition, the Public Works Department requests that an access easement be granted to the City to allow access to the public sanitary sewer manhole located on the site for maintenance and repair.

Parking: The proposed office use and 12 apartment units require that a minimum of 67 parking spaces be provided. The applicant has submitted a site plan that shows 57 existing parking spaces on the property and an additional 21 parking spaces on the lower level of the proposed structure for a total of 78 parking spaces. The number of proposed parking spaces exceeds the minimum required as per Chapter 17.50.270 of the Rapid City Municipal Code. However, the parking plan does not identify that the minimum number of handicap accessible parking spaces are being provided. As such, upon submittal of a Final Planned Development Overlay application, a revised parking plan must be submitted for review and approval providing the minimum number of required handicap accessible parking spaces. In particular, three of the parking spaces must be handicap accessible. One of the handicap spaces must be "van accessible." All provisions of the Off-Street Parking Ordinance must be continually met.

Landscaping: The proposed structure will require that a minimum of 85,692 landscaping points be provided. The landscaping plan identifies a total of 85,900 landscaping points will be provided. The landscaping plan is in compliance with the requirements of Chapter 17.50.300 of the Rapid City Municipal Code.

All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, must be continually met. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Sidewalks and Pedestrian Circulation: The property is located adjacent to the Rapid City Greenway and Rapid Creek to the south. A sidewalk currently exists south of the property providing access to M Hill and Hansen-Larsen Memorial Park. Even though not required, staff suggests that the applicant provide a pedestrian path from the proposed structure to connect with the existing sidewalk located on the adjacent property for the use of the residents of the structure.

Air Quality: The applicant should be aware that surface disturbance of one acre or more will require an Air Quality Construction Permit.

Signage and Lighting: The applicant has submitted a sign package identifying the location of two proposed ground signs. The dimensions or details of the signage have not been submitted. The proposed signs are located 83 feet apart and the Sign Code requires

STAFF REPORT
October 24, 2013

No. 13PD039 - Initial Planned Development to allow a mixed use building with office and residential uses **ITEM 13**

that ground signs be 100 feet apart. As such, upon submittal of a Final Planned Development Overlay application, a revised sign package shall be submitted in compliance with the Sign Code or an Exception must be obtained. The applicant should be aware that a maximum of approximately 112 square feet of signage is allowed as per Chapter 17.50.100 of the Rapid City Municipal Code.

The applicant has submitted a site plan that identifies the location of proposed outdoor lighting and existing lighting in the parking lot. 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.

Notification: The mailings and sign have been picked up. The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the October 24, 2013 Planning Commission meeting if this requirement has not been met.