

STAFF REPORT
December 5, 2013

No. 13PD048 - Initial Planned Development Overlay to allow an apartment complex **ITEM 3**

GENERAL INFORMATION:

APPLICANT	Pilot Properties, LLC
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Black Hills Home Builders Association
REQUEST	No. 13PD048 - Initial Planned Development Overlay to allow an apartment complex
EXISTING LEGAL DESCRIPTION	Lot 4 of Block 1 of Big Sky Business Park, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.00 acres
LOCATION	At the northwest corner of the intersection of Bernice and Neel Streets
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	General Commercial District (Planned Development), General Commercial District, Office Commercial District
East:	Office Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	November 8, 2013
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Initial Planned Development Overlay to allow an apartment complex be approved with the following stipulations:

1. A Final Planned Development Overlay shall be obtained prior to issuance of a building

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- permit;
2. Upon submittal of a Final Planned Development Overlay application, 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;
3. Upon submittal of a Final Planned Development Overlay application, an erosion and sediment control plan shall be submitted for review and approval;
4. Upon submittal of a Final Planned Development Overlay application, a revised parking plan shall be submitted for review and approval showing one of the handicap accessible parking spaces as a "van accessible" handicap parking space as per Chapter 17.50.270(H) of the Rapid City Municipal Code. In addition, the parking plan shall continue to provide a minimum of 72 parking spaces with three of the parking spaces being handicap accessible. A minimum of 36 parking spaces shall be provided for Phase I and Phase II, respectively. All provisions of the Off-Street Parking Ordinance shall be continually met;
5. Upon submittal of a Final Planned Development Overlay, the applicant shall submit a revised site plan showing a minimum 29 foot front yard setback from Neel Street or an Exception must be requested from Chapter 17.40.040(A) of the Rapid City Municipal Code;
6. Upon submittal of a Final Planned Development Overlay application, a sign package showing the size and design of the proposed monument sign shall be submitted for review and approval. 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;
7. Upon submittal of a Final Planned Development Overlay application, a landscaping plan shall be submitted for review and approval. 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;
8. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
9. 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;
10. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
11. 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;
12. All applicable provisions of the adopted International Fire Code shall continually be met;
13. All provisions of the Office Commercial District and shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Final Planned Development Overlay; and,
14. The Initial Planned Development shall allow for four three-story 12 unit apartment buildings for a total of 48 apartment units for the property. Any change in use that is a

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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 an apartment complex. In particular, the applicant is proposing to construct four three-story 12 unit apartment buildings for a total of 48 apartment units in two phases. Phase I includes two apartment buildings adjacent to Neel Street and 46 parking spaces. Phase II includes the two apartment buildings to the west and an additional 26 parking spaces. The applicant is not requesting any Exceptions from the Zoning Ordinance.

On July 21, 2005, the Planning Commission approved an Initial and Final Planned Development (File #05PD039) to allow the construction of a grocery store with an on-sale liquor establishment. The legal description for the Initial and Final Planned Development included the above legally described property. However, the proposed development was for the "Don's Valley Market" located to the southwest. The approved Planned Development did not identify any development on the subject property other than open space.

On November 18, 2013, the City Council approved a Rezoning request (File #13RZ025) to change the zoning designation of the above legally described property from General Commercial District to Office Commercial District.

The property is located on the northeast corner of Neel Street and Berniece Street. Currently, the property is void of structural development.

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 two acres in size and is located on the northwest corner of the intersection of Berniece Street and Neel Street. The property slopes downward approximately 20 feet from the northeast to the southwest. An Initial and Final Planned Development was previously approved for "Don's Valley Market" that included the above legally described property. However, no development was proposed at that time for the subject property.

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

On November 18, 2013, the City Council approved a Rezoning request to change the land use designation of the subject property from General Commercial District to Office Commercial District. The applicant is proposing to construct four three-story apartment

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buildings with 12 units per building for a total of 48 apartment units. The proposed apartments are a permitted use in the Office Commercial District. However, a Planned Development Overlay is needed to allow for multiple primary structures to be located on one property. A Final Planned Development Overlay must be obtained prior to issuance of a building permit.

The applicant is not requesting any Exceptions from the Zoning Ordinance as a part of this Initial Planned Development Overlay application. All provisions of the Office Commercial District must be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Final Planned Development Overlay. The Initial Planned Development will allow for four three-story 12 unit apartment buildings for a total of 48 apartment units for 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:*

The applicant has not requested any Exceptions from the Zoning Ordinance as a part of this Initial Planned Development Overlay application. However, staff has reviewed the application and the City's Major Street Plan identifies Neel Street as the location of a future Collector Street requiring a minimum right-of-way width of 68 feet. The current right-of-way width for Neel Street is 60 feet. Should Neel Street be constructed as a Collector Street, an additional four feet of right-of-way will be needed from the subject property. The site plan identifies a 26.6 foot setback from the current property line that abuts Neel Street to the southernmost apartment building. The Office Commercial District requires a minimum 25 foot front yard setback. In order to accommodate the additional right-of-way that may be needed for the future expansion of Neel Street and to ensure a minimum 25 foot front yard setback, the proposed apartment building needs to be setback 29 feet. As such, upon submittal of a Final Planned Development Overlay, the applicant must submit a revised site plan showing a minimum 29 foot front yard setback from Neel Street or an Exception must be requested from Chapter 17.40.040(A) of the Rapid City Municipal Code.

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. Upon submittal of a Final Planned Development Overlay application, a signed and sealed stormwater report by a

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professional engineer demonstrating that quantity and quality control of stormwater have been met must be submitted for review and approval. In addition, upon submittal of a Final Planned Development Overlay application, an erosion and sediment control plan must be submitted for review and approval. A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy.

- 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 has not requested any Exceptions from the Zoning Ordinance as a part of this Initial Planned Development Overlay application. However, as noted previously, the applicant must submit a revised site plan showing a minimum 29 foot front yard setback from Neel Street or an Exception must be requested as a part of the Final Planned Development Overlay application.

Parking: The proposed apartment buildings require that a minimum of 72 parking spaces be provided. In addition, three of the parking spaces must be handicap accessible and one of the handicap accessible spaces must be “van accessible.” The applicant has submitted a parking plan that identifies 72 parking spaces with four parking spaces being handicap accessible. Phase I includes constructing 46 parking spaces and Phase II includes the construction of an additional 26 parking spaces. However, none of the handicap accessible parking spaces meets the minimum requirements for a “van accessible” parking space. Chapter 17.50.270 of the Rapid City Municipal Code states that one out of every eight handicap accessible parking spaces must be “van accessible.” As such, upon submittal of a Final Planned Development Overlay application, a revised parking plan must be submitted for review and approval identifying one “van accessible” handicap parking space. The applicant should be aware that a minimum of 36 parking spaces must be provided for Phase I and Phase II, respectively. All provisions of the Off-Street Parking Ordinance must be continually met.

Landscaping: The applicant has not submitted a landscaping plan as a part of this Initial Planned Development Overlay application. As such, upon submittal of a Final Planned Development Overlay application, a landscaping plan must be submitted for review and approval.

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.

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 identified the location of a proposed monument sign on the southeast corner of the property. The location of the sign meets the requirements of the Sign Code. However, the applicant has not submitted a sign package identifying the sign area or design of the proposed monument sign. As such,

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upon submittal of a Final Planned Development Overlay application, a sign package showing the size and design of the proposed monument sign must be submitted for review and approval. All signage must 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 will require the review and approval of a Final 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 all signs.

The applicant has submitted a site plan that identifies the location of proposed outdoor lighting located in the parking areas. 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 Department: The Rapid City Fire Department suggests that the applicant coordinate with the Fire Prevention Division to identify any on-site fire hydrant, fire sprinkler underground service and fire sprinkler riser locations. All applicable provisions of the adopted International Fire Code must continually be met.

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 December 5, 2013 Planning Commission meeting if this requirement has been met.