

STAFF REPORT  
January 9, 2014

---

**No. 13PD053 - Final Planned Development Overlay to construct an apartment complex**      **ITEM 13**

---

GENERAL INFORMATION:

APPLICANT	Pilot Properties, LLC
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
REQUEST	<b>No. 13PD053 - Final Planned Development Overlay to construct an apartment complex</b>
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 Berniece Street and Neel Street
EXISTING ZONING	Office Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	General Commercial District (Planned Development) - 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	December 13, 2013
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

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

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed

STAFF REPORT  
January 9, 2014

---

**No. 13PD053 - Final Planned Development Overlay to construct an apartment complex** **ITEM 13**

---

- Architect or Professional Engineer as per SDCL 36-18A;
3. Prior to issuance of a building permit, the applicant shall dedicate an access easement to the water shutoff valve located on private property. In addition, a copy of the recorded easement shall be submitted with the building permit application;
  4. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
  5. A minimum of 72 parking spaces shall be provided. 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;
  6. A minimum of 65,679 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscape 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;
  7. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Final 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 Major Amendment to the Planned Development. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment. 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.
  8. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
  9. 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;
  10. All applicable provisions of the adopted International Fire Code shall continually be met;
  11. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay; and,
  12. The Final Planned Development Overlay shall allow for four three-story 12 unit apartment buildings for a total of 48 apartment units and two five-stall garages for 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 Major Amendment to the Final Planned Development Overlay.

**GENERAL COMMENTS:**

The applicant has submitted a Final Planned Development Overlay to construct 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 the 72 parking spaces including two five-stall garages. Phase II includes the two apartment buildings to the west. 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

STAFF REPORT  
January 9, 2014

---

**No. 13PD053 - Final Planned Development Overlay to construct an apartment complex** **ITEM 13**

---

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.

On December 5, 2013, the Planning Commission approved an Initial Planned Development Overlay (File #13PD048) to allow an apartment complex.

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 this area of the 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. On December 5, 2013, the Planning Commission approved an Initial Planned Development Overlay to construct four three-story apartment buildings with 12 units per building for a total of 48 apartment units. The Final Planned Development Overlay includes the addition of two five-stall garages. The proposed apartments are a permitted use in the Office Commercial District.

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

STAFF REPORT  
January 9, 2014

---

**No. 13PD053 - Final Planned Development Overlay to construct an apartment complex** **ITEM 13**

---

Conditional Use in the Office Commercial District will require the review and approval of a Major Amendment to the 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 Final Planned Development Overlay application.

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:*

During the review of the Initial Planned Development Overlay, it was identified that 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 applicant has revised the site plan and has shown all structures to have a minimum setback of 29.3 feet from Neel Street. The proposed setback would continue to provide a minimum 25 foot setback from Neel Street should it be constructed as a Collector Street.

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 Final Planned Development Overlay application.

**Building Permit:** A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. Upon submittal of a building permit, plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. Temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy. In addition, prior to issuance of a building permit, the applicant must dedicate an access easement to the water shutoff valve located on private property. A copy of the recorded easement must be submitted with the building permit application.

**Parking:** A minimum of 72 parking spaces must be provided. In addition, three of the parking spaces must be handicap accessible. One of the handicap spaces must be "van accessible." The applicant has submitted a parking plan showing a total of 72 parking spaces including two five-stall garages. The applicant is proposing to construct all of the

STAFF REPORT  
January 9, 2014

---

**No. 13PD053 - Final Planned Development Overlay to construct an apartment complex** **ITEM 13**

---

parking during Phase I. Four of the parking spaces are handicap accessible with one of the parking spaces being "van accessible". The parking plan is in compliance with Chapter 17.50.270 of the Rapid City Municipal Code. All provisions of the Off-Street Parking Ordinance must be continually met.

Landscaping: A minimum of 65,679 landscaping points must be provided for the proposed development. The applicant has submitted a landscaping plan that shows a total of 66,833 landscaping points to be provided. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. 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. The sign will be 32 square feet in size and will read "Lancer Court, Apartment Homes". The proposed sign is in compliance with the City's Sign Code.

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 January 9, 2014 Planning Commission meeting if this requirement has been met.