

STAFF REPORT  
January 23, 2014

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**No. 13PD052 - Initial Planned Development Overlay to construct an apartment complex** **ITEM 4**

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GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Dakota Heartland Inc.
REQUEST	<b>No. 13PD052 - Initial Planned Development Overlay to construct an apartment complex</b>
EXISTING LEGAL DESCRIPTION	The S1/2 of Government Lot 3, less the Big Sky Subdivision and less right-of-way; the S1/2 of Government Lot 4, less Big Sky Business Park and less Lot H1, H2 and right-of-way, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.481 acres
LOCATION	At the northeast corner of the intersection of Berniece Street and Neel Street
EXISTING ZONING	Medium Density Residential District (Planned Development Designation) - Office Commercial (Planned Development Designation)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Development Designation) - Office Commercial (Planned Development Designation)
South:	Medium Density Residential District (Planned Development Designation) - Office Commercial (Planned Development Designation)
East:	Medium Density Residential District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation) - Office Commercial (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	December 13, 2013

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REVIEWED BY

Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

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

1. An Exception is hereby granted to allow a height of three-stories and 42 feet in lieu of the maximum allowed height of three-stories and 35 feet for the proposed apartment buildings provided that the proposed minimum front yard setbacks from Berniece Street and Neel Street are maintained;
2. A Final Planned Development Overlay shall be obtained prior to issuance of a building permit;
3. Prior to submittal of a Final Planned Development Overlay application, the applicant shall consult with the Rapid City Fire Department concerning fire hydrant locations and fire sprinkler riser locations;
4. Upon submittal of a Final Planned Development Overlay application, a fire apparatus turn around shall be provided since the parking lot exceeds 150 feet in length or the parking layout shall be revised accordingly;
5. 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;
6. Upon submittal of a Final Planned Development Overlay application, an outdoor lighting plan shall be submitted. 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;
7. Upon submittal of a Final Planned Development Overlay application, a sign package showing the size and design of any proposed signage shall be submitted for review and approval;
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, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
10. ~~Prior to issuance of a building permit, the City's bypass sewer project from Degeest Drive to Timmons Boulevard shall be completed, or the applicant shall enter into an agreement with the City as to the timing of the building obtaining occupancy;~~ **The City's proposed sewer bypass project from Degeest Drive to Timmons Boulevard shall be completed prior to receiving a Certificate of Occupancy for the proposed apartments if the sanitary sewer connections are made to Berniece Street. If the City's sewer bypass project is not complete, the apartments shall install the sanitary sewer connections to Neel Street;**
11. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
12. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
13. A minimum of 96 parking spaces shall be provided. Four of the parking spaces shall be

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- handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
14. All applicable provisions of the adopted International Fire Code shall continually be met;
  15. 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,
  16. The Initial Planned Development shall allow for two three-story 32 unit apartment buildings for a total of 64 apartment units 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 Final Planned Development Overlay.

GENERAL COMMENTS:

**(Update January 17, 2014. All revised and/or added text is shown in bold.) This item was continued at the January 9, 2014, Planning Commission meeting due to a staff error in the notification requirement. Subsequently, staff has mailed the revised notification letters.**

**The applicant has also submitted a revised utility plan that identifies a second option for a sewer connection should the City's proposed sewer bypass project from Degeest Drive to Timmons Boulevard be delayed. As such, staff recommends that the Initial Planned Development Overlay be approved with the stipulations as revised.**

The applicant has submitted an Initial Planned Development Overlay to allow an apartment complex. In particular, the applicant is proposing to construct two three-story 32 unit apartment buildings for a total of 64 apartment units. The applicant is requesting an Exception to allow a height of three-stories and 42 feet in lieu of the maximum allowed height of three-stories and 35 feet. The exterior of the proposed apartment buildings will consist of manufactured stone, fiber cement panels and fiber cement siding.

The applicant has also submitted a Preliminary Subdivision Plan (File #13PL135) to create a 3.481 acre lot leaving a non-transferable balance. The proposed apartment complex will be located on the lot to be known as Lot 1 of Block 5 of Big Sky Subdivision.

The property is located on the northwest 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 proposed apartment complex will be located on a lot approximately 3.481 acres in size located on the northeast corner of the intersection of Berniece Street and Neel

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Street. The proposed location of the apartment complex is relatively flat.

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

The applicant is proposing to construct two three-story apartment buildings with 32 units per building for a total of 64 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 requesting an Exception to allow a height of three-stories and 42 feet in lieu of the maximum allowed three-stories and 35 feet. The applicant is proposing to increase the minimum setbacks to Berniece Street and Neel Street from 25 feet to over 53 feet. In addition, the applicant is not proposing to increase the number of stories that are allowed. For these reasons, staff recommends that the Exception to allow a height of 42 feet be granted.

- 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 is proposing to construct two three-story apartment buildings. A three-story structure is a permitted height in the Office Commercial District. The applicant is requesting an Exception to allow a height of 42 feet in lieu of the maximum allowed height of 35 feet. The applicant is proposing an increased front yard setback from Berniece Street and Neel Street. Proposed Building 1-1 is setback approximately 53 feet from Berniece Street. Proposed Building 1-2 is setback approximately 60 feet from Berniece Street and approximately 50 feet from Neel Street. The minimum required front yard setback is 25 feet. The proposed setbacks should mitigate any negative impacts the 7 foot increase in height may have on the neighborhood. As such, staff recommends that an Exception be granted to allow a height of three-stories and 42 feet in lieu of the maximum allowed height of three-stories and 35 feet for the proposed apartment buildings provided that the proposed minimum front yard setbacks from Berniece Street and Neel Street are maintained.

- 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:*

Sanitary sewer service is stubbed from Berniece Street to proposed Lot 1. The applicant should be aware that the Rapid City and the Rapid Valley Sanitary Sewer District collection system is at capacity downstream from this area. A new sanitary sewer connection is planned from the existing main at the intersection of Degeest Drive and

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Big Sky Drive to connect to the existing main to the west at the intersection of Timmons Boulevard. Until this sewer main connection is made, no sanitary sewer discharge from proposed Lot 1 can be made. The needed sanitary sewer connection should be completed by approximately November of 2014. The applicant should consult with the Public Works Department concerning the proposed sanitary sewer connection or any alternatives. A building permit may be issued once a Final Planned Development Overlay is approved. However, prior to issuance of a building permit, the City's bypass sewer project from Degeest Drive to Timmons Boulevard must be completed, or the applicant must enter into an agreement with the City as to the timing of the building obtaining occupancy.

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. The applicant should be aware that building permit plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. In addition, temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of 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:*

As noted above, the applicant is requesting an Exception to allow two three-story apartment buildings with a height of 42 feet. The property is zoned Office Commercial District. 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.

Fire Department: The Rapid City Fire Department suggests that the applicant coordinate with the Fire Prevention Division to identify the need for any on-site fire hydrants, fire sprinkler underground service and fire sprinkler riser locations. All applicable provisions of the adopted International Fire Code must continually be met.

The proposed driveway approach is located on Berniece Street. The Rapid City Fire Department has indicated that since the length of the driveway on the interior of the proposed development exceeds 150 feet in length, a fire apparatus turnaround must be provided. A connection to Neel Street would negate this concern.

Parking: The proposed apartment buildings require that a minimum of 96 parking spaces be provided. In addition, four 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 110 parking spaces with five parking spaces being handicap accessible and one 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.

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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 not indicated the location or size of any proposed signage. As such, upon submittal of a Final Planned Development Overlay application, a sign package showing the size and design of any proposed signage must be submitted for review and approval.

The applicant has not submitted an outdoor lighting plan with this Initial Planned Development Overlay application. As such, upon submittal of a Final Planned Development Overlay application, an outdoor lighting plan must be submitted. 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 notification requirement has been met and the sign has been posted on the property.**