

STAFF REPORT
March 6, 2014

No. 13PD057 - Initial Planned Development Overlay to construct a residential development **ITEM 3**

GENERAL INFORMATION:

APPLICANT	Scott Engmann - Black Hills Habitat for Humanity
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Garfield School, LLC
REQUEST	No. 13PD057 - Initial Planned Development Overlay to construct a residential development
EXISTING LEGAL DESCRIPTION	Block 76 of North Rapid Addition #2, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.41 acres
LOCATION	925 Dilger Avenue
EXISTING ZONING	Medium Density Residential District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	December 27, 2013
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Initial Planned Development Overlay to construct a residential development be approved with the following stipulations:

1. An Exception is hereby granted to reduce the minimum required front yard setback from 25 feet to 18.5 feet for proposed Lots 2A and 2C and from 25 feet to 20.5 feet for the remainder of the proposed townhome units located on Lots 1 through 4;
2. An Exception is hereby granted to reduce the minimum required side yard setback for carports located on Lots 1A and 1B, Lots 2B and 2C, Lots 3B and 3C and Lots 4A and 4B from eight feet to zero feet provided that fire resistive construction materials are used;

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3. An Exception is hereby granted to reduce the rear yard setback for the proposed apartment building from 25 feet to 14.5 feet;
4. An Exception is hereby granted to reduce the minimum required parking aisle width from 26 feet to 24 feet for the existing parking lot located adjacent to the Garfield School building;
5. A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. Prior to issuance of a Building Permit, Development Engineering Plans shall be approved;
7. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;
8. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
9. A Final Planned Development Overlay shall be obtained prior to issuance of a building permit;
10. Upon submittal of a Final Planned Development Overlay application for the proposed apartments, 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;
11. Upon submittal of a Final Planned Development Overlay application for the proposed apartments, a lighting package and a sign package shall be submitted in compliance with the requirements of the Zoning Ordinance. All outdoor lighting shall 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. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
13. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
14. All applicable provisions of the adopted International Fire Code shall continually be met;
15. All provisions of the Medium Density Residential District 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 a total of 12 townhome units in three unit blocks with 12 alley accessed carports and a 13 unit apartment building for the property. Any change in use that is a permitted use in the Medium Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Final Planned Development Overlay.

GENERAL COMMENTS:

(Update February 24, 2014. All revised and/or added text is shown in bold.) This item was continued at the February 20, 2014 Planning Commission meeting to the March 6, 2104 Planning Commission meeting due to a lack of quorum.

The applicant has submitted an Initial Planned Development Overlay to construct a residential development. In particular, the applicant is proposing to construct 12 townhome units in three unit blocks taking primary access from a proposed 22 foot wide alley. The

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applicant is proposing to construct carports behind each townhome unit. The applicant has also submitted a Preliminary Subdivision Plan (File #13PL139) to create five lots. Proposed Lots 1 through 4 will each be further subdivided into three townhome lots. Proposed Lot 5 is the location of the Garfield School building which will be converted into apartments. The applicant is requesting the following Exceptions:

- An Exception to reduce the minimum required front yard setback from 25 feet to 18.5 feet for proposed Lots 2A and 2C and from 25 feet to 20.5 feet for the remainder of the proposed townhome units located on Lots 1 through 4;
- An Exception to reduce the minimum required side yard setback for carports located on Lots 1A and 1B, Lots 2B and 2C, Lots 3B and 3C and Lots 4A and 4B from eight feet to zero feet;
- An Exception to reduce the rear yard setback for the proposed apartment building from 25 feet to 14.5 feet; and,
- An Exception to reduce the minimum required parking aisle width from 26 feet to 24 feet for the existing parking lot located adjacent to the Garfield School building.

On January 6, 2014, the City Council approved a Rezoning request (File #13RZ028) to change the zoning designation of the above legally described property from Public District to Medium Density Residential District. In addition, on December 16, 2013, the City Council approved an Amendment to the Comprehensive Plan (File #13CA016) to change the future land use designation of the property from Public to Residential.

The property is located on the north side of East Van Buren Street between North 7th Street and Dilger Street and on the south side of Custer Street. The property is the site of the former Garfield Elementary School.

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 2.41 acres in size. The applicant is proposing to construct four sets of three townhome units and to convert the existing Garfield Elementary school building into an apartment building. The proposed townhome lots will range in size from 4,061 square feet to 6,949 square feet. The existing Garfield Elementary school building will be located on a lot approximately 36,587 square feet in size.

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 12 townhome units in three unit blocks and to convert the former Garfield Elementary school building into 13 apartment units. The proposed townhomes and apartment building are permitted uses in the Medium Density Residential District. However, the proposed site layout requires the following Exception

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requests:

- An Exception to reduce the minimum required front yard setback from 25 feet to 18.5 feet for proposed Lots 2A and 2C and from 25 feet to 20.5 feet for the remainder of the proposed townhome units located on Lots 1 through 4;
- An Exception to reduce the minimum required side yard setback for carports located on Lots 1A and 1B, Lots 2B and 2C, Lots 3B and 3C and Lots 4A and 4B from eight feet to zero feet;
- An Exception to reduce the rear yard setback for the proposed apartment building from 25 feet to 14.5 feet; and,
- An Exception to reduce the minimum required parking aisle width from 26 feet to 24 feet for the existing parking lot located adjacent to the Garfield School building.

The applicant is proposing that the primary access to the townhomes be taken from the proposed alley located at the rear of the units. There will be no driveways along the front lot line abutting North 7th Street and Dilger Avenue. Chapter 17.50.030 of the Rapid City Municipal Code requires a minimum 25 foot front yard setback for townhomes. However, the typical minimum required front yard setback for a dwelling adjacent to a local street is 20 feet. The City's Major Street Plan identifies North 7th Street and Dilger Avenue as local streets. As such, staff recommends that the Exception reduce the minimum required front yard setbacks be granted.

The applicant is also proposing to construct carports accessed from the proposed alley. In order to maximize the use of space the applicant is proposing a zero foot side yard setback for the carports located on Lots 1A and 1B, Lots 2B and 2C, Lots 3B and 3C and Lots 4A and 4B. The applicant has stated that the proposed carports will be constructed of fire resistive materials. The Rapid City Fire Department has indicated concurrence with the proposed site layout provided that fire resistive construction materials are used. As such, staff recommends that the Exception to reduce the minimum required side yard setback for carports be granted.

The existing structure is the former Garfield Elementary school building. The proposed site layout includes an alley that will provide primary access to the proposed townhomes and apartment building. The applicant has also submitted a Preliminary Subdivision Plan to create five lots. Proposed Lot 5 is the location of the existing Garfield school building. The applicant is requesting an Exception to reduce the rear yard setback for the proposed apartment building from 25 feet to 14.5 feet. The proposed setback should not interfere with vehicle circulation in the proposed alley. As such, staff recommends that the Exception to reduce the rear yard setback for the proposed apartment building be granted.

The applicant is also requesting an Exception to reduce the minimum required parking aisle width from 26 feet to 24 feet for the existing parking lot located adjacent to the Garfield School building. The existing parking will be used by future residents of the building. The applicant is proposing to reconfigure the access to the parking lot so that access is from the proposed alley and not from Van Buren Street. Since this is an

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existing parking lot design and since access will be taken from the alley to the existing parking lot, staff recommends that the Exception to reduce the minimum required parking aisle width 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:*

As noted above, the requested Exceptions are for the construction of 12 townhome units and the future redevelopment of the former Garfield Elementary school building. Primary access to the proposed residential development is proposed from an alley located to the rear of the proposed lots. The requested Exceptions should not cause undue hardship to the public good or impair the purposes and intent of the Zoning Ordinance.

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 Initial Planned Development will allow for a total of 12 townhome units in three unit blocks and a 13 unit apartment building to be constructed on the property. Any change in use that is a permitted use in the Medium Density Residential District will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Medium Density Residential District will require the review and approval of a Final Planned Development Overlay. All provisions of the Medium Density Residential 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 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:*

The applicant is proposing to construct a residential development and to construct an alley with the extension of utilities to serve the development. As such, prior to issuance of a Building Permit, a Development Engineering Plan must be approved and prior to issuance of a Certificate of Occupancy, a Final Plat must be approved.

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The property is zoned Medium Density Residential District. The proposed townhomes and apartments are permitted uses in the Medium Density Residential District. The applicant should be aware that a Final Planned Development Overlay application must be approved prior to issuance of a Building Permit.

Fire Department: The applicant should be aware that the former Garfield Elementary school building will require the installation of an approved fire sprinkler protection system and fire detection and alarm system. The applicant should also be aware that the proposed townhome units may require fire sprinkler protection based upon construction features and/or building code criteria established for townhome development. The Rapid City Fire Department supports the zero foot side yard setbacks for the proposed carports based on the site layout and the use of fire resistive construction materials to provide separation. In addition, the Rapid City Fire Department would encourage the applicant to provide residential fire sprinkler protection throughout the proposed townhome development to provide a safe living environment. All applicable provisions of the adopted International Fire Code must continually be met.

Parking: There is an existing 20 space parking lot located adjacent to the former Garfield Elementary school building. The applicant should be aware that the existing parking is adequate for a maximum of 13 apartment units.

Landscaping: The applicant has not submitted a landscaping plan for proposed Lot 5 as a part of this Initial Planned Development Overlay application. The applicant should be aware that upon submittal of a Final Planned Development Overlay application for the reuse of the former Garfield Elementary school building as apartments, 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 the existing monument sign located in front of the former Garfield Elementary school building. However, a sign package for the proposed apartments showing the size and location of any proposed signage has not been submitted with this application. As such, upon submittal of a Final Planned Development Overlay application for the apartment complex, a sign package showing the size and design of any proposed signage must be submitted for review and approval.

The applicant has stated that typical residential lighting will be utilized on the proposed townhome units including on the 12 carports located adjacent to the proposed alley access. However, a lighting plan for the proposed redevelopment of the former Garfield Elementary school building has not been submitted. As such, upon submittal of a Final

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Planned Development Overlay application for the proposed apartments, a lighting package 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 letters have been returned to Community Planning and Development Services and have been mailed. The sign is posted on the property.**