

STAFF REPORT
Mach 6, 2014

No. 14UR003 - Major Amendment to a Conditional Use Permit to allow park amenities as a part of the Promenade **ITEM 13**

GENERAL INFORMATION:

APPLICANT	Destination Rapid City
AGENT	Pat Wyss - Wyss Associates, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	No. 14UR003 - Major Amendment to a Conditional Use Permit to allow park amenities as a part of the promenade
EXISTING LEGAL DESCRIPTION	Tract 20, Less Lot H1 of the Rapid City Greenway Tract, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.46 acres
LOCATION	Lying north of Omaha Street between Mount Rushmore Road and 5th Street
EXISTING ZONING	Flood Hazard District - Civic Center District
FUTURE LAND USE DESIGNATION	Flood
SURROUNDING ZONING	
North:	Civic Center District
South:	General Commercial District
East:	Light Industrial District - Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	February 4, 2014
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to allow park amenities as a part of the Memorial Park Promenade be approved with the following stipulations:

1. Prior to issuance of a building permit, plans shall be revised to show that a 12 foot wide sidewalk is being provided as the primary east to west connector as shown on the Rapid City Area Bicycle and Pedestrian Master Plan;
2. Prior to issuance of a building permit, a Flood Plain Development Permit shall be obtained and/or revised to include the areas proposed for construction;

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3. Prior to issuance of a building permit, all redlined comments shall be addressed and all redlined drawings shall be returned to Community Planning and Development Services;
4. Prior to issuance of a building permit, the applicant shall submit proof of concurrence for the project plans to Community Planning and Development Services from the Rapid City Parks and Recreation Department;
5. A building permit shall be obtained prior to commencing construction. An air quality permit shall be obtained prior to disturbances of earth greater than one acre;
6. Temporary and/or permanent erosion and sediment control measures shall continually be provided;
7. A minimum of 197,600 points of landscaping shall be provided. All landscaping shall comply with the submitted plans and be maintained in compliance with the requirements of the Rapid City Landscaping Ordinance;
8. All signage shall comply with the requirements of the Rapid City Sign Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. The addition of LED signage shall require a Major Amendment to the Conditional Use Permit. A sign permit is required for each sign;
9. All lighting shall be installed as shown on submitted plans and maintained in compliance with the Rapid City Municipal Code. All lighting shall be designed to preclude shining on adjacent properties and/or rights-of-way, so as not to create a nuisance of any kind to passing traffic;
10. All requirements of the International Fire Code shall be continually maintained;
11. All requirements of the Flood Hazard District shall be continually maintained, and;
12. This Major Amendment to the Conditional Use Permit shall allow for the construction of park amenities to be known as Legacy Commons as a part of the Memorial Park Promenade. Uses permitted within the Flood Hazard District shall be permitted contingent upon provision of sufficient parking. Conditional uses in the Flood Hazard District shall require a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS: The applicant is requesting to construct park amenities on approximately 9.46 acres of land currently zoned Flood Hazard District as a part of the ongoing Memorial Park Promenade. Public and private recreational areas, including a bicycle and pedestrian trail, are permitted uses in the Flood Hazard District or a conditional use if structures are involved. On October 4, 2012, the Planning Commission approved a Conditional Use Permit (File #12UR018) to allow structures in the Flood Hazard District as a part of the Memorial Park Promenade. The request created a public walkway with landscaped planting beds, park amenities, lighting, and signage that would connect the Rapid City Civic Center and the downtown. Since that time, the applicant has requested and obtained two Minimal Amendments to the Conditional Use Permit (File #12UR018A and File #12UR018B) to allow minor changes to the approved plans. In particular, the Minimal Amendments expanded the Promenade project along the south side of Memorial Pond and revised plans to include the draining, dredging, and rehabilitation of Memorial Pond.

Now the applicant is proposing to construct park amenities, to be known as Legacy Commons, on the south side of Rapid Creek, west of the Promenade. The proposed design of the Legacy Commons project includes landscaping islands, educational signage, playground/activity pods, bicycles racks and a variety of seating for public use. As such, the applicant has submitted this Major Amendment to the Conditional Use Permit.

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The property is located between Omaha Street to the south and Rapid Creek to the north, and between Fifth Street to the east and Mount Rushmore Road to the west. The property is currently developed as a part of the park and trail system in the Rapid City Greenway Tracts.

STAFF REVIEW: Staff has reviewed the request for a Conditional Use Permit to allow structures in the Flood Hazard District according to the requirements of Section 17.54.030 of the Rapid City Municipal Code and has noted the following considerations:

Criteria for Review: In reviewing applications for a conditional use permit, due consideration must be given to the following:

The location, character, and natural features of the property;

The proposed Legacy Commons project is located west of the existing Promenade site, south of Rapid Creek, and north of downtown Rapid City. The property is a part of the Rapid City Greenway Tracts and Memorial Park. Rapid Creek runs from west to east through the property, and is currently crossed by a pedestrian and bicycle bridge. Memorial Pond is located north of the proposed development, on the north side of Rapid Creek. The property is located in the Flood Hazard District. As such, prior issuance of a building permit, a Flood Plain Development Permit obtained and/or revised to include the areas proposed for construction.

The location, character, and design of adjacent buildings;

The Rapid City Civic Center borders the property the north. The City band shell is located on the east side of the Promenade, immediately south of the Civic Center. There are no other buildings adjacent to the proposed development. The Legacy Commons project is designed as a part of the Memorial Park Promenade connecting the Civic Center campus to downtown Rapid City.

Proposed fencing, screening, and landscaping;

A total of 197,600 points of landscaping are required for the proposed development. Plans show that 357,010 points of landscaping are being proposed. A minimum of 197,500 points of landscaping must be provided. Staff recommends that the proposed landscaping be approved as shown on the submitted plans and maintained in compliance with the Rapid City Landscaping Ordinance. No additional fencing or screening is being proposed as a part of the project.

Proposed vegetation, topography, and natural drainage;

Submitted plans show that portions of the primary bicycle and pedestrian path located along the north side of the proposed development are located in the hydraulic floodway. However, no structures are proposed to be located within the hydraulic floodway. Public Works staff has noted that grading improvements being proposed for the site do not appear to

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significantly impact drainage.

Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons;

The proposed Legacy Commons project will not be open to vehicular traffic and does not require parking. However, it should be noted that the design of the Promenade and the Legacy Commons project areas will allow access by the Rapid City Police Department and the Rapid City Parks and Recreation Department for maintenance and emergency access. Submitted plans show that bicycle racks and handicap access are being provided throughout the site. In addition, submitted plans show that a ten foot wide bicycle and pedestrian path is proposed on the property, between the playground amenities and Rapid Creek. Transportation Planning staff has noted that the Rapid City Area Bicycle and Pedestrian Master Plan identifies the east to west route through the project as a high traffic location and recommends a minimum twelve foot wide path be provided. The applicant has indicated that they would be willing to provide a twelve foot wide bicycle and pedestrian path. Prior to issuance of a building permit, plans must be revised to show that a twelve foot wide bicycle and pedestrian path is being provided through the development.

Existing traffic and traffic generated by the proposed use;

The proposed Legacy Commons project is intended for use by pedestrians and bicycle traffic only. As such, the existing vehicular traffic and traffic generated by the proposed use should be minimal.

Proposed signs and lighting;

Submitted plans show proposed educational signage located at various points throughout the project, including the handicap inclusive activity pod and garden. All signage must comply with the Rapid City Sign Code. No electronic signage is being approved as a part of this Major Amendment to the Conditional Use Permit. The addition of electronic signage will require a Major Amendment to the Conditional Use Permit. All lighting for signage must be designed to preclude shining on adjacent properties and/or street(s). A sign permit must be obtained for each sign.

The availability of public utilities and services;

Public Works staff has not noted any conflicts between the proposed development and existing or proposed public utilities or services. Redline comments have been submitted to the applicant for review. Prior to issuance of a building permit, all redlined comments must be addressed. All redlined plans must be returned to Community Planning and Development Services.

The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein;

The Future Land Use Plan designates this property as flood hazard. The property is

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currently developed as a part of the City parks and trail system. The Flood Hazard District does permit development with structures as a conditional use. The proposed development will serve as amenities for the parks and trail system. The requested Major Amendment to the Conditional Use Permit complies with the objectives of the adopted comprehensive plan. It should be noted that the applicant has been working with Parks and Recreation Department staff on the development of the project. Prior to issuance of a building permit, the applicant must submit proof of concurrence for the project plans to Community Planning and Development Services from the Rapid City Parks and Recreation Department.

The overall density, yard, height, and other requirements of the zone in which it is located;

The requested Major Amendment to the Conditional Use Permit does not require that additional parking be provided. The southernmost portions of the Legacy Commons project are located a minimum of 80 feet from Omaha Street. In addition, Rapid City Municipal Code Chapter 17.28 regarding the Flood Hazard District does not include land area regulations for height, setbacks, or density.

The effects of noise, odor, smoke, dust, air and water pollution and the degree of control through the use of clarifiers, screening, setbacks, and orientation;

An air quality permit must be obtained prior to disturbance of one acre or more of earth. Temporary and/or permanent site stabilization must be achieved prior to project completion. The property is not adjacent to, nor does it abut a residential district.

The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses;

The stipulations of approval for this Major Amendment to the Conditional Use Permit will serve as a tool to ensure that potential adverse impacts of the proposed improvements will be mitigated. Adjacent uses to the property are commercial or a part of the Rapid City Parks system. The site is sufficiently buffered from adjacent uses. As such, staff recommends that the Major Amendment to the Conditional Use Permit to allow park amenities to be constructed as a part of the Memorial Park Promenade be approved with the stipulations outlined above.

Notification Requirements: The required notification sign has been posted on the property. The notification letters have been submitted to Community Planning and Development Services for mailing. As of this writing, there have been no inquiries into the proposed Major Amendment.