

STAFF REPORT
April 24, 2014

No. 14PD008 - Initial Planned Development Overlay to allow a mix of commercial uses with storage in excess of 5,000 square feet in the General Commercial District

ITEM 10

GENERAL INFORMATION:

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| APPLICANT | The Seed LLC |
| AGENT | 42nd Street Design Studio |
| PROPERTY OWNER | The Seed LLC |
| REQUEST | No. 14PD008 - Initial Planned Development Overlay to allow a mix of commercial uses with storage in excess of 5,000 square feet in the General Commercial District |
| EXISTING LEGAL DESCRIPTION | Lots 6 thru 16 of Block 76, Original Town Site, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 0.88 acres |
| LOCATION | 412 5th Street |
| EXISTING ZONING | General Commercial District |
| FUTURE LAND USE DESIGNATION | Commercial |
| SURROUNDING ZONING | |
| North: | General Commercial District (Planned Development) |
| South: | Central Business District |
| East: | General Commercial District |
| West: | General Commercial District (Planned Development) |
| PUBLIC UTILITIES | Rapid City water and sewer |
| DATE OF APPLICATION | March 28, 2014 |
| REVIEWED BY | Fletcher Lacock / Nicole Lecy |

RECOMMENDATION:

Staff recommends that the Initial Planned Development Overlay to allow a mix of commercial uses with storage in excess of 5,000 square feet in the General Commercial District be approved with the following stipulations:

1. An Exception is hereby granted to reduce the minimum required parking from 42 parking spaces to 29 parking spaces. Two of the 29 parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the

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- Off-Street Parking Ordinance shall be continually met. Any change in use shall require that additional parking in compliance with the off-street parking ordinance be met or an Amendment to the Planned Development shall be obtained as needed;
2. An Exception is hereby granted to reduce the minimum required front yard setback from 25 feet to zero feet for the existing structures located on the property. Any future redevelopment of the property shall be constructed in compliance with the minimum setbacks as per Chapter 17.18 of the Rapid City Municipal Code;
 3. An Exception is hereby granted to allow 11,807 square feet of storage in lieu of the maximum allowed 5,000 square feet in the General Commercial District;
 4. Upon submittal of a Final Planned Development Overlay, a landscaping plan shall be submitted. A minimum of 16,500 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;
 5. Upon submittal of a Final Planned Development, the site plan shall be revised to show paved parking or an Exception shall be requested to allow porous paving as an alternative material. In addition, information shall be submitted to support the use of porous paving in the South Dakota climate and details on the type of porous paving to be used;
 6. Upon submittal of a Final Planned Development Overlay application, a sign package shall be submitted for review and approval. No electronic signs are being approved as a part of this Initial Planned Development. All signage not in conformance with the Sign Code shall require a Major Amendment to the Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign. The approval of the Historic Sign Review Committee shall be obtained prior to obtaining a Sign Permit;
 7. Upon submittal of a Final Planned Development Overlay application, a lighting package shall be submitted for review and approval. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
 8. Upon submittal of a Final Planned Development Overlay application, a utility plan showing any proposed water and sanitary sewer services shall be submitted for review and approval;
 9. Upon submittal of a Final Planned Development Overlay application, the site plan shall be revised to identify the location of directional signage that directs vehicles to not exit onto 5th Street;
 10. A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 11. Prior to issuance of a building permit for any future changes to the interior or exterior façade, an 11.1 Historic Review shall be approved;
 12. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Final Planned Development;

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13. All applicable provisions of the International Fire Code shall be maintained;
14. This Initial Planned Development shall allow for a dance studio, an interior design office, retail space and 11,807 square feet of storage. Any change in use shall require a Major Amendment to the Planned Development; and,
15. A Final Planned Development Overlay shall be approved prior to issuance of a Building Permit.

GENERAL COMMENTS:

The applicant has submitted an Initial Planned Development to allow a mix of commercial uses with storage in excess of 5,000 square feet in the General Commercial District. The proposed mix of uses includes a dance studio, an interior design office, retail space and 11,807 square feet of storage space. In particular, the applicant is requesting three Exceptions to Chapter 17 of the Rapid City Municipal Code:

- An Exception to reduce the minimum parking requirement from 42 parking spaces to 29 parking spaces;
- An Exception to reduce the minimum required front yard setback from 25 feet to zero feet; and,
- An Exception to allow 11,807 square feet of storage space in lieu of the maximum allowed 5,000 square feet.

The property is located on the southeast corner of the intersection of 5th Street and Rapid Street. Currently, the "Abby's Feed and Seed" silo and two one-story commercial structures are located on the property. The existing uses in the structures include a dance studio, an interior design office and storage space. Several of the structures are identified as contributing structures in the Downtown Commercial Historic District.

STAFF REVIEW:

Staff has reviewed the request for a Final Planned Development pursuant to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code 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 comprised of approximately 38,500 square feet of land zoned General Commercial District. Currently, the "Abby's Feed and Seed" silo and two one-story commercial structures are located on the property. Several of the structures are identified as contributing structures in the Downtown Commercial Historic District.

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

The property is currently fully developed with buildings that are identified as contributing structures in the Downtown Commercial Historic District. The applicant has indicated that due to the existing structures located on the property only 29 parking spaces can be

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provided on the property. The applicant is requesting an Exception to allow 11,807 square feet of storage space to reduce the minimum parking required for the property.

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 requesting an Exception to reduce the minimum required front yard setbacks from 25 feet to zero feet. The property is fully developed and the requested setbacks currently exist along 5th Street and Rapid Street. The existing structures are identified as contributing structures in the Downtown Commercial Historic District. In order to preserve the existing buildings, staff recommends that the Exception to reduce the minimum required front yard setbacks be granted for the existing structures. However, the applicant should be aware that future redevelopment of the property will need to comply with the minimum required setbacks as per Chapter 17.18 of the Rapid City Municipal Code.

The applicant is requesting an Exception to allow a total of 11,807 square feet of storage space in lieu of the maximum allowed 5,000 square feet. The total area for the dance studio, retail and interior design office is 9,047 square feet. The applicant is proposing to designate the remainder of the structures as storage to reduce the minimum parking requirement for the property while establishing a reasonable re-use of existing buildings. For these reasons, staff recommends that the Exception to allow 11,807 square feet of storage in lieu of the maximum allowed 5,000 square feet be granted. Any change in use will require a Major Amendment to the Planned Development.

The applicant is requesting an Exception to reduce the minimum required parking from 42 parking spaces to 29 parking spaces. The proposed uses on the property include a dance studio, an interior design office, retail space and 11,807 square feet of storage space. The applicant has indicated that the dance studio includes a theater that will only be used after 5:00 p.m. and that the students of the studio are mostly dropped off by their parents. In addition, in order to reduce the minimum required parking the applicant has also requested that a total of 11,807 square feet of storage be allowed in lieu of the maximum allowed 5,000 square feet. For these reasons, staff recommends that the reduction in parking be granted for the proposed uses on the property. The applicant should be aware that any change in use will require a Major Amendment to the Planned Development. A minimum of 29 parking spaces must be provided. Two of the parking spaces must be handicap accessible. One of the handicap spaces must be "van accessible." All provisions of the Off-Street Parking Ordinance must be continually met.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

This Initial Planned Development will allow for a dance studio, an interior design office, retail space and 11,807 square feet of storage. Any change in use shall require a Major Amendment to the Planned Development. All provisions of the General Commercial District must be met unless otherwise specifically authorized as a stipulation of this Initial

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Planned Development Overlay or a subsequent Final Planned Development.

5. *Any adverse impacts will be reasonably mitigated:*

The Initial Planned Development Overlay will allow for a dance studio, an interior design office, retail space and 11,807 square feet of storage. The requested Exception to reduce the minimum required parking is for the proposed uses. Any change in use will require a Major Amendment to the Planned Development.

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 proposed Initial Planned Development Overlay is a reasonable reuse of a historic property that is limited by a lack of space for parking.

Public Works: The applicant has not submitted full utility information for the property. As such, upon submittal of a Final Planned Development Overlay application, a utility plan showing any proposed water and sanitary sewer services must be submitted for review and approval. In addition, the applicant has indicated that the parking lot will be paved with porous paving. The use of porous paving is an alternative material requiring the approval of the City Engineer. As such, upon submittal of a Final Planned Development, the site plan must be revised to show paved parking or an Exception must be requested to allow porous paving as an alternative material. In addition, information must be submitted to support the use of porous paving in the South Dakota climate and details on the type of porous paving to be used.

The site plan identifies that access from 5th Street is one-way into the site. As such, upon submittal of a Final Planned Development Overlay application, the site plan must be revised to identify the location of directional signage that directs vehicles to not exit onto 5th Street. The applicant should be aware that truck traffic circulation may be limited on the site.

Fire Department: All applicable provisions of the International Fire Code must be maintained.

Landscaping: The applicant has indicated on the site plan areas that will be landscaped. However, the applicant has also stated that a final landscaping plan will be submitted with a Final Planned Development Overlay application. As such, upon submittal of a Final Planned Development Overlay, a landscaping plan must be submitted. A minimum of 16,500 landscaping points must be provided. All provisions of Section 17.50.300, the Landscape 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.

Building Permit: A Final Planned Development Overlay must be approved prior to issuance of a Building Permit. A Building Permit must be obtained prior to any structural construction and a Certificate of Occupancy must be obtained prior to occupancy. The applicant should be aware that an 11.1 Historic Review must be approved prior to issuance of a building permit

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for any future changes to the interior or exterior façade.

Signage and Lighting: The applicant has not submitted a sign package with this Initial Planned Development Overlay application. The applicant should be aware that a sign package will be required upon submittal of a Final Planned Development Overlay application. In addition, the applicant should be aware that the approval of the Historic Sign Review Committee must be obtained prior to obtaining a Sign Permit.

The applicant has not submitted a lighting package with this Initial Planned Development Overlay application. As such, upon submittal of a Final Planned Development Overlay application, a lighting package must be submitted for review and approval. 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 Requirements: 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 April 24, 2014 Planning Commission meeting if this requirement has been met.