

STAFF REPORT
August 7, 2014

No. 14PD020 - Final Planned Development Overlay to construct an apartment complex **ITEM 9**

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Whisper Rock Limited Partnership
REQUEST	No. 14PD020 - Final Planned Development Overlay to construct an apartment complex
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 5 of Big Sky Business Park, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.457 acres
LOCATION	Northeast of the intersection of Bernice Street and Neel Street
EXISTING ZONING	Office Commercial (Planned Development) - Medium Density Residential District (Planned Development)
FUTURE LAND USE DESIGNATION	Urban Neighborhood
SURROUNDING ZONING	
North:	Office Commercial (Planned Development Designation) - Medium Density Residential District (Planned Development)
South:	Office Commercial District - Medium Density Residential (Planned Development)
East:	Medium Density Residential (Planned Development Designation)
West:	Office Commercial (Planned Development - General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	July 14, 2014
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:

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1. Acknowledge the Exception granted to allow two three-story buildings with a height of 42 feet in lieu of the maximum allowed three-stories with a height of 35 feet provided that the proposed minimum front yard setbacks from Berniece Street and Neel Street are maintained;
2. A minimum of 121,530 landscaping points shall be provided. 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;
3. A minimum of 96 parking spaces shall be provided. Four 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;
4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
5. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as appropriate pursuant to SDCL 36-18A;
6. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
7. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
8. 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;
9. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Final Planned Development. 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. 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;
10. All applicable provisions of the adopted International Fire Code shall continually be met;
11. All provisions of the underlying zoning district shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment; and,
12. The Final Planned Development shall allow for two three-story apartment buildings for a total of 62 apartment units for the property. Any change in use that is a permitted use in the underlying zoning district shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the underlying zoning district shall require the review and approval of a Major Amendment.

GENERAL COMMENTS:

The applicant has submitted a Final Planned Development Overlay to allow an apartment complex to be constructed on the property. In particular, the applicant is proposing to construct two three-story apartment buildings for a total of 62 apartment units. The exterior of the proposed apartment buildings will consist of manufactured stone, fiber cement panels and fiber cement siding.

On January 21, 2014, the City Council approved a Preliminary Subdivision Plan (File #13PL135) to create a 3.481 acre lot leaving a non-transferable balance.

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On January 23, 2014, the Planning Commission approved an Initial Planned Development Overlay (File #13PD052) to construct an apartment complex. As a part of that approval, an Exception was granted to allow a height of 42 feet in lieu of the maximum allowed height of 35 feet.

On February 11, 2014, a Final Plat (File #14PL009) was approved creating the above legally described property.

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 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 a total of 62 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. Previously, the Planning Commission approved an Initial Planned Development with the stipulation that a Final Planned Development Overlay be approved prior to issuance of a Building Permit.

The applicant was granted an Exception to allow two three-story buildings with a height of 42 feet in lieu of the maximum allowed three-stories with a height of 35 feet. Staff supported the Exception request because of the proposed increase in setbacks to Berniece Street and Neel Street from 25 feet to over 53 feet and because the applicant is not proposing more than the allowed three stories.

All provisions of the underlying zoning 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 will allow for two three-story apartment buildings for a total of 62 apartment units for the property. Any change in use that is a permitted use in the underlying zoning district will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the underlying zoning district will require the review and approval of a Major Amendment.

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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 design in the Office Commercial District. The applicant was granted an Exception to allow a height of 42 feet in lieu of the maximum allowed height of 35 feet. The proposed increase in setbacks should mitigate any negative impacts the seven foot increase in height may have on the neighborhood.

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 the property. 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 Big Sky Drive to connect to the existing main to the west at the intersection of Timmons Boulevard. The Rapid Valley Sanitary Sewer District has indicated that their system can temporarily accommodate sewer discharge until the City project is completed. The needed sanitary sewer connection should be completed by approximately April of 2015. The applicant has indicated that the apartment complex should be finished by September of 2015. However, should the project be completed prior to the City project being completed, the applicant should consult with the Public Works Department concerning the proposed sanitary sewer connection or any alternatives.

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. Temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy. In addition, an Air Quality Construction Permit must be obtained prior to any surface disturbance of one acre or more.

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 was granted 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.

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Fire Department: The applicant has revised the site plan to show a connection to Neel Street thus negating the requirement to provide a fire apparatus turnaround. All applicable provisions of the adopted International Fire Code must continually be met.

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 112 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.

Landscaping: A minimum of 121,530 landscaping points must be provided on the property. The applicant has submitted a landscaping plan that shows a total of 136,550 proposed landscaping points. In addition, three landscape islands are being provided for the proposed 112 parking spaces. 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 submitted a site plan identifying the location of a ground sign on the southwest corner of the property. The proposed sign is in compliance with the Sign Code. A Sign Permit must be obtained for any proposed signage.

The applicant has also submitted a site plan identifying the location of lighting in the parking areas. All outdoor lighting must 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.

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 August 7, 2014 Planning Commission meeting if this requirement has been met.