

STAFF REPORT
November 6, 2014

No. 14PD034 - Final Planned Development Overlay to allow an apartment complex and parkland **ITEM 2**

GENERAL INFORMATION:

APPLICANT	Pat Tlustos - Founders Park North, LLC
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Founders Park LLC
REQUEST	No. 14PD034 - Final Planned Development Overlay to allow an apartment complex and parkland
EXISTING LEGAL DESCRIPTION	<p>A parcel of land locates in the West One-Half of the Northwest One-Quarter of the Southeast One-Quarter (W ½ NW ¼ SE ¼), and in the Southwest One-Quarter of the Northeast One-Quarter (SW ¼ NE ¼) all in Section Thirty-Five (35) of Township Two North (T2N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the center one quarter corner of said Section Thirty-Five (35) of Township Two North (T2N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, said point being marked by a pipe; thence, easterly along the One-Quarter (1/4) line, North 89 degrees 58 minutes 24 seconds East a distance of 343.80 feet more or less to a point marked by a rebar with survey cap "RW FISK LS 6565"; thence, north 00 degrees 00 minutes 00 seconds East a distance of 43.43 feet more or less to a point on the south line of Lot One (1) of Founders Park North Subdivision as shown on the plat recorded March 30, 2012 and filed as Document Number A201204556 at the Pennington County Register of Deeds, said point being marked by a rebar with survey cap "RW FISK LS 6565"; thence, easterly and on the south line of said Lot One (1) of Founder Park North Subdivision, North 89 degrees 58 minutes 47 seconds East a distance of 285.57 feet more or less to a point on the west line of the intersection of Founders Park Drive and Philadelphia Street rights of-way, said point being marked by a rebar with survey cap "RW FISK LS 6565"; thence, southerly along the west line of said Founders Park Drive right-of-way, South 00 degrees 05 minutes 31 seconds West a distance of 171.76 feet more or less to a point of curvature, said point being marked by a rebar with survey cap "RW FISK</p>

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LS 6565"; thence, curving to the right and on the west line of said Founders Park Drive right-of-way on a curve with a radius of 236.00 feet, a delta of 60 degrees 32 minutes 46 seconds, an arc length of 249.39 feet more or less, a chord bearing of South 30 degrees 21 minutes 54 seconds West, and a chord distance of 237.95 feet more or less, said point being marked by a rebar with survey cap "RW FISK LS 6565"; thence, continuing on the west line of said Founders Park Drive right-of-way, South 60 degrees 38 minutes 17 seconds West, a distance of 45.27 feet more or less to a point marked by a rebar with survey cap "RW FISK LS 6565"; thence, continuing on the west line of said Founders Park Drive right-of-way and curving to the left on a curve with a radius of 394.00 feet, a delta of 24 degrees 38 minutes 10 seconds, an arc length of 169.41 feet more or less, a chord bearing of South 48 degrees 19 minutes 12 seconds West, and a chord distance of 168.11 feet more or less, said point being marked by a rebar with survey cap "RW FISK LS 6565"; thence, continuing on the west line of said Founders Park Drive right-of-way and curving to the left on a curve with a radius of 394.00 feet, a delta of 45 degrees 45 minutes 56 seconds, an arc length of 314.71 feet more or less, a chord bearing of South 13 degrees 07 minutes 09 seconds West, and a chord distance of 306.41 feet, more or less, said point being marked by a rebar with survey cap "RW FISK LS 6565, said point being coincident with the northeast corner of Lot One (1) of Founders Park Subdivision as shown on the plat recorded February 1, 2007 and filed in Book 34 of Plats on Page 80 at the Pennington County Register of Deeds; thence, southwesterly and on the north line of said Lot One (1) of Founders Park Subdivision, South 59 degrees 59 minutes 18 seconds West a distance of 317.36 feet more or less to the northeast corner of said Lot One (1) of Founders Park Subdivision, said point being marked by a rebar with survey cap "6251", and said point being located on the north-south One-Quarter (1/4) section line; thence, northerly and on said One-Quarter (1/4) line, North 0 degrees 02 minutes 05 seconds East, a distance of 924.51 feet more or less to the point of beginning

PROPOSED
LEGAL DESCRIPTION

Proposed Lots 10 and 11 of Founders Park Subdivision

PARCEL ACREAGE

Approximately 8.78 acres

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LOCATION	West of the Founders Park Drive and Philadelphia Street intersection
EXISTING ZONING	Office Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Employment
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Development Designation) - Medium Density Residential District (Planned Development)
South:	Office Commercial District (Planned Development)
East:	Office Commercial District (Planned Development) - Flood Hazard District
West:	Park Forest District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	October 10, 2014
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to allow an apartment complex and parkland be approved with the following stipulations:

1. A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Upon submittal of a Building Permit, a revised site plan showing a minimum of 81 parking spaces shall be submitted for review and approval or an Exception shall be obtained as per Chapter 17.50.050 of the Rapid City Municipal Code. 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;
3. Upon submittal of a Building Permit, a site plan shall be submitted identifying the location of any heating and cooling systems and any required screening in compliance with Chapter 17.64.050 of the Rapid City Municipal Code
4. Upon submittal of a Sign Permit, the site plan shall be revised to show the sign a minimum of 10 feet from the property line with a maximum of 36 square feet of sign area. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. 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;
5. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
6. Upon submittal of a Building Permit, submit plans that have addressed redlined plans

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- and comments and return the redlined plans to Community Planning and Development Services;
7. Prior to issuance of a Building Permit, the property owner shall sign an access easement to the water shutoff valve to allow City access;
 8. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
 9. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
 10. All applicable provisions of the adopted International Fire Code shall continually be met;
 11. 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;
 12. A minimum of 91,052 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;
 13. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development or a subsequent Major Amendment; and,
 14. The Final Planned Development Overlay shall allow for the construction of two 3 story apartment buildings with a total of 36 units located on proposed Lot 11 and a park on Lot 10. Any change in use on proposed Lot 11 that is a permitted use in the underlying zoning district and in compliance with the Parking Ordinance 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 to the Planned Development. Any change in use for Lot 10 from parkland shall require a Major Amendment to the Planned Development.

GENERAL COMMENTS:

The applicant has submitted a Final Planned Development Overlay application to construct two 3 story apartment buildings for a total of 36 units on proposed Lot 11. The applicant has indicated that proposed Lot 10 will be secured as a conservation easement and/or lot for future incorporation into the adjacent Hanson-Larsen Memorial Park.

The applicant has also submitted a Preliminary Subdivision Plan (File #14PL064) to create Lot 10 and Lot 11 of Founders Park Subdivision.

The property is located southwest of the intersection of Founders Park Drive and Philadelphia Street. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed the Final 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:*

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The applicant is proposing to construct two 3 story apartment buildings with underground parking on proposed Lot 11 which will be approximately 2.52 acres in size. In addition, the applicant is proposing to secure proposed Lot 10, which is approximately 6.16 acres in size, as a park and transfer the property to Hansen-Larsen Memorial Park. Proposed Lot 10 abuts Hansen-Larsen Memorial Park and has steep topography.

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

The strict application of the regulations would not create a practical difficulty or undue hardship.

- 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 not requesting any Exceptions from the Office Commercial District or the M Hill Overlay District. However, the M Hill Overlay District requires that a minimum of 81 parking spaces be provided for the 36 apartment units. The site plan submitted by the applicant shows 72 parking spaces. As such, upon submittal of a Building Permit, a revised site plan showing a minimum of 81 parking spaces must be submitted for review and approval or an Exception must be obtained as per Chapter 17.50.050 of the Rapid City Municipal Code.

The applicant has submitted a sign package that identifies a monument sign stating "Founders Park Village". The proposed sign is 40 square feet in size. However, the Sign Code allows a maximum size of 36 square feet of signage. In addition, the site plan shows the sign within 10 feet of the property line. The Sign Code requires a minimum setback of 10 feet. As such, prior to issuance of a Sign Permit, a revised sign package shall be submitted showing a minimum setback of 10 feet from the property line and a maximum size of 36 square feet of sign area.

- 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 M Hill Overlay District requires that heating and cooling systems locations must be identified and screened when adjacent to single-family dwellings. The applicant has not identified the locations of any heating or cooling systems on the site plan. As such, upon submittal of a Building Permit, a site plan must be submitted identifying the location of any heating and cooling systems and any required screening in compliance with Chapter 17.64.050 of the Rapid City Municipal Code.

Public Works staff has identified some issues with details on the plans that must be

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addressed prior to issuance of a Building Permit. These issues are regarding the storm water quality treatment and proposed porous landscape detention feature, curb and gutter design, and approach separation. Prior to issuance of a Building Permit, the applicant must submit plans that address the redlined plans and comments and return the redlined plans to Community Planning and Development Services. In addition, prior to issuance of a Building Permit, the property owner must sign an access easement to the water shutoff valve to allow City access.

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 not requesting any Exceptions from the minimum requirements of the Office Commercial District or the M Hill Overlay District. However, upon submittal of a Building Permit, the parking must be brought into compliance with Chapter 17.50.270 of the Rapid City Municipal Code. In addition, prior to issuance of a Sign Permit, the sign package must be brought into compliance with the Sign Code.

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 November 6, 2014 Planning Commission meeting if this requirement has not been met.