



Rapid City Planning Commission

Final Planned Development Overlay Project Report

January 7, 2016

Applicant Request(s)

Case # 15PD044 – Final Planned Development Overlay to allow a mix of residential and commercial uses

Companion Case(s) N/A

Development Review Team Recommendation(s)

The Development Review Team recommends approval with stipulations as noted below.

Project Summary Brief

(Update December 29, 2015. All revised and/or added text is shown in bold.) This item was continued at the December 10, 2015 meeting to allow the applicant to address the following issues: to provide a sewer report, to provide a more specific operations plan, and to explore parking lease opportunities. The applicant has submitted a revised letter of intent stating that the proposed second floor church use and third floor office use will be removed from the request. In addition, the applicant is requesting that the basement restaurant have no limitation on hours. The proposed changes will reduce the parking Exception request from 187 parking spaces to 126 parking spaces. The applicant has stated that neighbors have been contacted regarding leasing parking spaces; however, there are either existing agreements in place or long waiting lists for leased parking. The applicant has also submitted a sewer report stamped by a Professional Engineer that shows that the existing sewer service will accommodate the proposed uses. The applicant has submitted a Final Planned Development Overlay to allow a mix of residential and commercial uses in an existing commercial structure located in downtown Rapid City. The existing structure consists of three stories and a basement. The applicant has submitted a detailed letter of intent describing a mix of residential units on the top two stories and restaurant space on the first story and basement. The applicant has stated that a church with a maximum of 260 parishioners is a possible use for the second story with office space also being a possible use on the top two stories. In particular, the applicant is requesting an Exception to reduce the minimum required parking from 187 parking spaces to one handicap “van accessible” parking space. The requested parking Exception is based on the highest proposed use of the property which also includes an existing cellular communication tower located on the property.

Applicant Information	Development Review Team Contacts
Applicant: Julie Herman	Planner: Fletcher Lacock
Property Owner: Phatty McGees, Inc	Engineer: Dan Kools
Architect: Geiger Architecture	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

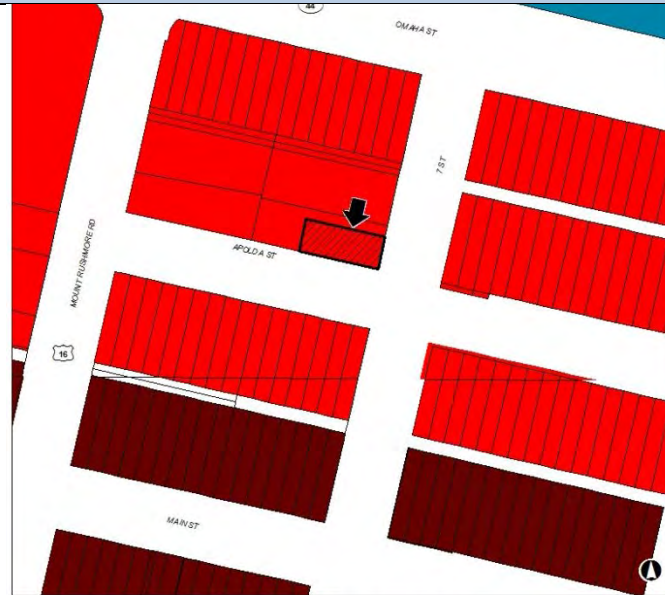
Subject Property Information

Address/Location	321 7 th Street
Neighborhood	Downtown / Skyline Drive
Subdivision	Original Town of Rapid City
Land Area	0.14 acres
Existing Buildings	Approximately 5,000 square feet
Topography	Generally level
Access	Apolda Street
Water / Sewer	Rapid City
Electric/Gas Provider	Black Hills Power / MDU

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	DT	Commercial building and cellular communication tower
Adjacent North	GC	DT	Commercial structure (strip mall)
Adjacent South	GC	DT	Western Wholesale Liquors
Adjacent East	GC	DT	Commercial structure (strip mall)
Adjacent West	GC	DT	Commercial structure (strip mall)

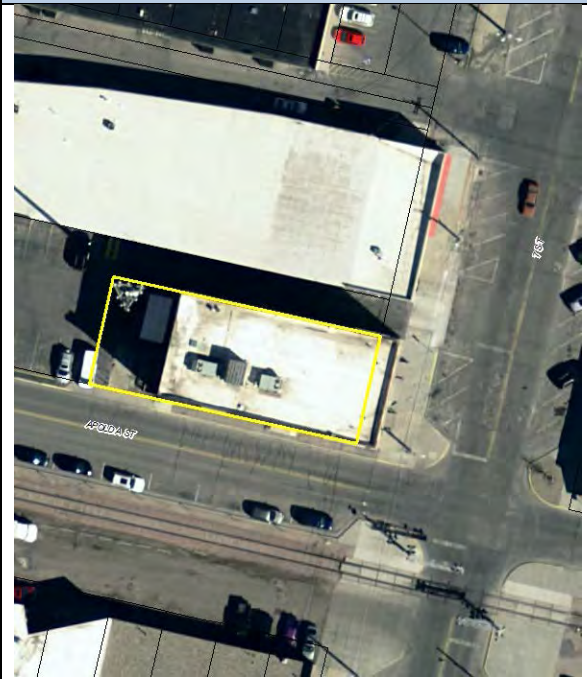
Zoning Map



Rapid City Zoning

- Subject Property
- Rapid City Limits
- Central Business
- Flood Hazard
- General Commercial
- No Code

Existing Land Uses



Comprehensive Plan Future Land Use



- Subject Property
- Rapid City Limits
- Downtown
- Public/Quasi-Public
- Parks and Greenway
- Revitalization Corridor
- Community Activity Center

Parks or Transportation Plan



- Subject Property
- Rapid City Limits
- Major Street Plan
- Collector

Relevant Case History			
Case/File#	Date	Request	Action
99UR045	12/06/1999	Use on Review to allow a communication tower in the General Commercial Zoning District	Approved with stipulations
VAR No. 5119	12/21/1999	Variance to reduce the parking from 104 parking spaces to one parking space for restaurant use opening after 5:00 p.m.	Approved
VAR No. 5142	03/21/2000	Reduction in parking from 2 parking spaces to one parking space for a communication tower	Approved
99UR042	01/22/2000	Conditional Use Permit to allow an on-sale liquor establishment	Approved with stipulations
VAR No. 5233	01/15/2002	To modify the original Variance to allow opening at 11:00 a.m.	Denied
03UR006	05/22/2003	Major Amendment to a Conditional Use Permit to allow the first floor on-sale liquor use to be open starting at 11:00 a.m. on Saturday and Sunday	Approved with stipulations
VAR No. 5272	06/03/2003	To modify original Variance to allow opening Monday through Friday at 5:00 p.m. and weekends at 11:00 a.m.	Approved
VAR No. 5438	12/04/2007	To modify the original Variance to allow opening at 11:00 a.m. seven days a week for a 90 day trial period	Approved for 18 months / Expired
11UR002	03/24/2011	Conditional Use Permit to allow an on-sale liquor establishment	Approved with stipulations / Vacant for more than one year and has expired
Relevant Zoning District Regulations			
General Commercial District	Required	Proposed	
Lot Area	N/A	Approximately 6,100 square feet	
Lot Width	N/A	Approximately 50 feet	
Maximum Building Heights	4 stories or 45 feet / Communication towers are exempt	Existing three story building / No new development proposed	
Maximum Density	75%	Existing legal non-conforming	
Minimum Building Setback:			
• Front	25 feet	Existing "0" feet	
• Rear	"0" feet	Existing "0" feet	
• Side	"0" feet	Existing "0" feet	
• Street Side	25 feet	Existing "0" feet	
Minimum Landscape Requirements:			
• # of landscape points	1,100	Existing legal non-conforming	
• # of landscape islands	4	Existing legal non-conforming	
Minimum Parking Requirements:			
• # of parking spaces	187 126	Requesting an Exception to reduce the parking to the existing 1 handicap "van accessible" parking space	
• # of ADA spaces	5	1	

Signage	Two square feet for every linear square foot of frontage	No new signage proposed
Fencing	8 feet	Existing chain link fence on west side of property around the cellular communication tower

Planning Commission Criteria and Findings for Approval or Denial

Pursuant to Section 17.50.050(F)5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for an Final Planned Development Overlay:

Criteria	Findings
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 6,100 square feet of land zoned General Commercial District. There is an existing three-story structure with a footprint of 5,000 square feet located on the property. The structure is currently vacant. There is a cellular communication tower located on the west side of the property and one handicap “van accessible” parking space. There is no space on the property to construct additional parking. As such, Variances have been granted in the past to allow a reduction in parking from 104 parking spaces to one parking space. The applicant has submitted this Final Planned Development Overlay to allow a variety of potential uses for the existing structure and to reduce the minimum required parking to allow a variety of potential uses.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:	The property is developed with an existing three-story commercial structure with a basement. Previously, Variances have been granted for the use of the first two stories of the property as restaurant space with the third story and basement designated as storage. There is no area on the property that can be developed for additional parking. In order to use the existing building an Exception is needed to reduce the minimum required parking.
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 has revised the letter of intent and indicated that the proposed church use on the second floor and the proposed office use on the third floor are being removed from the request. In addition, the applicant is proposing that the basement restaurant use not have limitations on the hours of operation. The parking Exception request will be reduced from 187 parking spaces to 126 parking spaces. The applicant is requesting an Exception to reduce the minimum required parking from 187 parking spaces to one handicap “van accessible” parking space to allow a mix of residential and commercial uses to occupy an existing three-story commercial structure and for an existing cellular communication tower. The applicant has identified a mix of potential uses for each level of the structure. The applicant has used the most intensive uses for each level of the existing structure in order to determine the highest minimum required parking in order to allow the greatest






	<p>variety of potential uses for the structure. Those potential uses are as follows:</p> <ul style="list-style-type: none"> • Basement: Restaurant open after 4:00 p.m. with no limitations on hours; • First story: Restaurant with no limitations on hours; • Second story: Church with maximum 260 parishioners, office space, or four apartment units; and, • Third story: Offices or three apartment units. <p>Previously, Variances have been granted to reduce the minimum required parking for the cellular communication tower and for restaurants located on the property. The City’s Comprehensive Plan identifies reducing barriers for the adaptive reuse of existing structures and encouraging a mix of uses as principles to achieve the vision and core values of the City. The property is located adjacent to the established downtown and has been vacant for a number of years. The applicant is proposing to limit the hours of operation for the basement restaurant to after 4:00 p.m. The hours of operation for the basement restaurant will ensure that the use will occur when most adjacent businesses are closing for the day. In addition, the applicant has indicated that the proposed church will only operate on Sundays when adjacent businesses are typically closed.</p> <p>The applicant has stated that the vision for the property is for the bottom two levels to be restaurant spaces and the top two levels to be apartments or condos. This would require a minimum of 114 parking spaces including the cellular communication tower. Using the church and potential offices on the third story would require 187 parking spaces but would allow greater flexibility in the use of the property.</p> <p>In order to reduce the barriers for the adaptive reuse of the property, staff recommends that the parking Exception be approved to reduce the minimum required parking from 187 parking spaces to one handicap “van accessible” parking space.</p>
<p>4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:</p>	<p>The property is zoned General Commercial District which requires that a minimum number of parking spaces be provided for any potential uses. However, the subject property is fully developed with a three-story commercial structure, a cellular communication tower, and one parking space. There is no space for additional parking to be constructed on the property. In order to remove barriers for the adaptive reuse of a currently vacant property, staff recommends that the parking Exception be granted to reduce the parking from 187 parking spaces to one parking space.</p>
<p>5. Any adverse impacts will be</p>	<p>The applicant has submitted a revised operations plan</p>



<p>reasonably mitigated:</p>	<p>that removes the proposed church use on the second floor and the proposed office use on the third floor. In addition, the applicant is proposing that the basement restaurant have no limitations on hours of operation. The changes to the proposed uses reduces the requested parking Exception from 187 parking spaces to 126 parking spaces. The applicant has contacted adjacent properties regarding the leasing of parking spaces; however, either there are agreements in place or long waiting lists for leased parking. The applicant has also provided a timeline indicating that renovation work will be started in February and will be completed by July of 2016. The applicant is requesting an Exception to reduce the parking from 187 parking spaces to one parking space. The applicant has stated that the basement restaurant will only operate after 4:00 p.m. when adjacent businesses are beginning to close. In addition, the applicant has stated that the proposed second story church will only operate on Sundays. There is also three-hour or metered on-street parking on 7th Street and Apolda Street. The subject property is located adjacent to the established downtown where no parking is required. To allow for the adaptive reuse of an existing commercial structure and promote the goals of the Comprehensive Plan, staff recommends that the Exception to reduce the parking from 187 parking spaces to one parking space be granted.</p> <p>The applicant has submitted sewer calculations prepared by a Professional Engineer which indicate the existing sewer service will accommodate the proposed uses. Public Works staff has indicated that the property is served by a non-conforming sewer service line. The applicant is proposing to increase the density of use on the property. To date, the applicant has not demonstrated that the non-conforming sewer service line will be able to accommodate the proposed uses. As such, prior to initiation of the use of the property, the applicant must demonstrate that the existing non-conforming sewer service can accommodate the proposed uses or a sewer main must be extended to the property and the sewer service brought into conformance with City design standards.</p>
<p>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:</p>	<p>The applicant has submitted a revised letter of intent which removes the proposed church use on the second floor and the proposed office use on the third floor. In addition, the applicant is requesting that the basement restaurant use have no limitations on hours of operation. The applicant has also submitted a sewer report that demonstrates that the existing sewer service will accommodate the proposed uses. The applicant is seeking an Exception to the parking to allow for a variety of potential uses on the property. As noted above, the reduction in parking will serve to remove barriers to allow for the adaptive reuse of an existing commercial structure located adjacent to the downtown core. The</p>

	applicant should be aware that the existing non-conforming sewer service may not be able to accommodate the proposed expansion of use of the property. As such, the applicant must demonstrate that the existing sewer service can accommodate the proposed uses or a sewer main must be extended to serve the property.
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Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial
In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters

		A Balanced Pattern of Growth
BPG-1.2B	Priority Activity Centers for Reinvestment: The subject property is located adjacent to the established downtown and the east side of the existing structure is located in the periphery of the Rapid City Fruit Company historic district. The proposed mix of residential and commercial uses continues the effort to reinvest in the downtown.	
		A Vibrant, Livable Community
LC-4.1B	Diverse Mix of Uses: The proposed reuse of the property encourages a mix of uses including residential uses in the downtown which supports the goal of round-the-clock vibrancy and activity levels.	
LC-5.2B	Reduce Barriers: The requested Exception to reduce the minimum required parking supports the goal of removing barriers to allow for a broader mix of uses and adaptive reuse of a vacant building.	
LC-6.1F	Reinvestment and Rehabilitation: The applicant should be aware that the east façade of the building is located in the Rapid City Fruit Company historic district and there is a restrictive covenant for the restored façade.	
		A Safe, Healthy, Inclusive, and Skilled Community
	N/A	
		Efficient Transportation and Infrastructure Systems
	N/A	
		Economic Stability and Growth
EC-1.2B	Downtown as Entertainment Center: The applicant’s vision for the property supports the growth of the downtown restaurant scene and the development of the downtown as an entertainment and activity center.	
EC-1.3A	Local Business Support: The requested Exception to reduce the minimum required parking supports the adaptive reuse of an existing structure by removing a barrier to opening businesses.	
EC-1.3C	Balance New and Existing Businesses: The proposed reuse of the property will have an impact on available on-street parking in the area. However, the applicant has demonstrated that the church use will be limited to Sundays when adjacent businesses are typically closed. In addition, the basement restaurant will not open before 4:00 p.m. The applicant has revised the	

	request and removed the proposed church use on the second floor and office use on the third floor. This significantly reduces the parking Exception request from 187 parking spaces to 126 parking spaces being required. The available on-street parking is limited to metered and three-hour limit parking. The requested Exception removes a barrier to the adaptive reuse of the property.
EC-2.1A	Downtown Area Retail and Entertainment: The proposed reuse of the building will bring a mix of diverse uses to the downtown which will promote around-the-clock vibrancy and encourage the redevelopment and reinvestment in the downtown.
	Outstanding Recreational and Cultural Opportunities
	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	Public Input Opportunities: The proposed Final Planned Development Overlay requires that public notice be advertized in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Final Planned Development Overlay is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Downtown Mixed-Use
Design Standards:	
GDP-MU1	Relationship of Uses: The proposed adaptive reuse of an existing structure promotes the vertical mix of uses identified as a design principle in the district.
GDP-MU9	Adaptive Reuse: The proposed Final Planned Development Overlay supports the adaptive reuse of an existing building by removing barriers to allow a mix of diverse uses.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Downtown / Skyline Drive
Neighborhood Goal/Policy:	
DSD-NA1.1C	Reinvestment Corridors: The subject property is the location of a vacant building in need of reinvestment. The Final Planned Development Overlay supports the adaptive reuse and mixed-uses within and surrounding the central business district.

Findings	
Staff has reviewed the Final Planned Development Overlay to allow a mix of residential and commercial uses pursuant to Chapter 17.50.050(F)5 of the Rapid City Municipal Code, Chapter 17.18 of the Rapid City Municipal Code, and the goals, policies, and objectives of the adopted Comprehensive Plan. The proposed mixed-use development supports the adaptive reuse of an existing vacant structure within the central business district and removes barriers to the adaptive reuse of the property. The Exception to reduce the minimum required parking from 187 126 parking spaces to one parking space supports the adaptive reuse of the property. and should	

~~be mitigated that the applicant's operational plan which identifies limited uses for the church and basement restaurant.~~ The applicant has submitted a revised letter of intent which removes the proposed church use on the second floor and the proposed office use on the third floor. The revision reduces the minimum required parking from 187 parking spaces to 126 parking spaces. The applicant has contacted adjacent property owners and has been unable to find available parking for lease. In addition, the applicant has submitted a sewer report that shows that the existing sewer service will accommodate the proposed uses. Staff recommends that the Final Planned Development Overlay be approved with stipulations.

Planning Commission Recommendation and Stipulations of Approval	
Staff recommends that the Final Planned Development Overlay to allow a mix of residential and commercial uses be approved with the following stipulations:	
1.	An Exception is hereby granted to reduce the minimum required parking from 187 126 parking spaces to one parking space. The one parking space shall be handicap "van accessible";
2.	The basement level of the building shall be used as a restaurant and shall open after 4:00 p.m. with no time limitations. Any change in use that does not require an increase in parking shall require a Building Permit. Any conditional use shall require a Major Amendment to the Planned Development;
3.	The first story of the building shall be used as a restaurant with no time limitations. Any change in use that does not require an increase in parking shall require a Building Permit. Any conditional use shall require a Major Amendment to the Planned Development;
4.	The second story of the building shall be used as a church offices or four apartments/condos. The church use shall be limited to Sundays. Any change in use that does not require an increase in parking shall require a Building Permit. Any conditional use shall require a Major Amendment to the Planned Development;
5.	The third story shall be used for offices or three apartments/condos. Any change in use that does not require an increase in parking shall require a Building Permit. Any conditional use shall require a Major Amendment to the Planned Development; and,
6.	Prior to initiation of the use of the property, the applicant shall demonstrate that the existing non-conforming sewer service can accommodate the proposed uses or a sewer main shall be extended to the property and the sewer service brought into conformance with City design standards. The sewer capacity calculations shall be signed and sealed by a Professional Engineer.