

STAFF REPORT  
August 10, 2006

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**No. 06PD030 - Planned Commercial Development - Initial Development Plan**      **ITEM 43**

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GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for WEB Land Holdings, LLC
REQUEST	<b>No. 06PD030 - Planned Commercial Development - Initial Development Plan</b>
EXISTING LEGAL DESCRIPTION	An unplatted tract of land located in the SE¼ SE¼ of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota described as follows; beginning at the NW corner of the SE¼ of SE¼ of Section 11, T1N, R7E, BHM, Travel 690.30 feet at a bearing S89°37'13"E to a point, then Travel 140.54 feet at a bearing S89°34'10"E to a point, then Travel 185.49 feet at a bearing S89°50'15"E to a point, then Travel 237.94 feet at a bearing S89°45'1"E to a point, then Travel 687.73 feet at a bearing N89°51'38"E to a point, then Travel 370.78 feet at a bearing S89°47'54"E to a point, then Travel 108.32 feet at a bearing S57°21'42"W to a point, then Travel 62.85 feet at a bearing S38°44'22"W to a point, then Travel 88.72 feet at a bearing S68°57'3"W to a point, then Travel 46.48 feet at a bearing S54°14'57"W to a point, then Travel 95.36 feet at a bearing S47°30'41"W to a point, then Travel 77.14 feet at a bearing S69°34'14"W to a point, then Travel 160.44 feet at a bearing S45°17'36"W to a point, then Travel 19.76 feet at a bearing S45°37'24"W to a point, then Travel 74.14 feet at a bearing S45°51'3"W to a point, then Travel 95.64 feet at a bearing S34°32'11"E to a point, then Travel 219.69 feet at a bearing S55°7'3"W to a point, then Travel 333.97 feet along a 292.60 RHF curve with a chord bearing S5°32'55"W, then Travel 166.06 feet at a bearing S44°48'23"E to a point, then Travel 38.11 feet along a 38.06 LHF curve with a chord bearing S39°36'26"E, then Travel 214.00 feet at a bearing S34°24'28"E to a point, then Travel 84.11 feet at a bearing S45°11'37"W to a point, then Travel 990.30 feet at a bearing S89°57'45"W to a point, then Travel 722.17 at a bearing N to a point, then Travel 536.64 feet at a bearing N65°58'10"W to a point, then Travel 427.77 feet at a bearing S55°15'47" W to a point, then Travel 625.45 feet at a bearing N00°31'58"E back to the origin. Parcel described contains 1,713,559.45 square feet or approximately 39.3 acres.

STAFF REPORT  
August 10, 2006

---

**No. 06PD030 - Planned Commercial Development - Initial Development Plan**      **ITEM 43**

---

PARCEL ACREAGE	Approximately 39.3 acres
LOCATION	Northwest of the intersection of Mount Rushmore Road and Tower Road
EXISTING ZONING	Office Commercial District (Planned Commercial Development) - Low Density Residential District (Planned Residential Development) - Park Forest District - General Commercial District
SURROUNDING ZONING	
North:	Low Density Residential District - Park Forest District
South:	Low Density Residential District - Office Commercial District
East:	General Commercial District
West:	Low Density Residential District II - Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/5/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

**RECOMMENDATION:**

Staff recommends that the Planned Commercial Development - Initial Development Plan be approved with the following stipulations:

1. An Exception to allow 220 dwelling units in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual is hereby denied. In addition, the site plan shall be revised to show a second street access upon submittal of a Final Commercial Development Plan application;
2. A Final Plat shall be approved prior to or in conjunction with a Final Commercial Development Plan;
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. Upon submittal of a Final Commercial Development Plan application, a sign package shall be submitted for review and approval;
5. Upon submittal of a Final Commercial Development Plan application, a lighting package shall be submitted for review and approval;
6. Upon submittal of a Final Commercial Development Plan application, a landscaping plan shall be submitted for review and approval;
7. Upon submittal of a Final Commercial Development Plan application, elevations of the proposed residences shall be submitted for review and approval. In addition, a list of building materials and color palette shall be submitted for review and approval;
8. Upon submittal of a Final Commercial Development Plan application, an elevation of any proposed fencing and/or retaining walls shall be submitted for review and approval. In

STAFF REPORT  
August 10, 2006

---

**No. 06PD030 - Planned Commercial Development - Initial Development Plan** **ITEM 43**

---

- addition, any retaining wall above four feet in height shall be designed by a Professional Engineer;
9. Upon submittal of a Final Commercial Development Plan, a parking plan shall be submitted for review and approval. In particular, the parking plan shall identify a minimum of 330 parking spaces with eight of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. The garage parking shall also be designed to provide a minimum height to allow emergency vehicle access as per Fire Department standards;
  10. Upon submittal of a Final Residential Development Plan application, a grading plan prepared by a Professional Engineer shall be submitted for review and approval;
  11. Upon submittal of a Final Residential Development Plan application, a geotechnical report shall be submitted for review and approval. In particular, the geotechnical report shall address slope stability and provide recommendations for construction procedures and measures to mitigate any potential slides;
  12. Upon submittal of a Final Planned Commercial Development application, the location, size and noise rating of any exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
  13. Upon submittal of a Final Planned Residential Development, the location and size of the dumpsters shall be submitted for review and approval. In addition, the dumpsters shall be screened;
  14. Upon submittal of a Final Planned Residential Development, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided for the proposed ten story structure(s);
  15. Upon submittal of a Final Planned Residential Development, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval;
  16. Prior to submittal of a Final Residential Development Plan application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
  17. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. All of the apartment condominium structures shall be sprinklered;
  18. A maximum building height of ten stories or 100 feet in lieu of three stories or 35 feet as per the Office Commercial District shall be allowed for the apartment condominium buildings with the stipulation that additional landscaping be provided along the perimeter of the subject property. The landscaping plans shall be submitted for review and approval upon submittal of a Final Commercial Plan;
  19. All provisions of the underlying zoning designation(s) shall be met unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment; and,

STAFF REPORT  
August 10, 2006

---

**No. 06PD030 - Planned Commercial Development - Initial Development Plan** **ITEM 43**

---

20. The Planned Commercial Development shall allow for the construction of four 55 unit apartment condominium towers on the property. However, the Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years.

GENERAL COMMENTS:

**(Update, July 27, 2006. All revised and/or added text is shown in bold print.) This item was continued at the July 27, 2006 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.**

(Update, July 14, 2006. All revised and/or added text is shown in bold print.) This item was continued at the July 6, 2006 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.

(Update, June 23, 2006. All revised and/or added text is shown in bold print.) This item was continued at the June 22, 2006 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.

(Update, June 9, 2006. All revised and/or added text is shown in bold print.) This item was continued at the June 8, 2006 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised.

The applicant has submitted an Initial Planned Commercial Development to allow four condominium towers to be constructed on the subject property. In addition, the applicant has also submitted an Initial Planned Residential Development to allow three single family residences to be constructed on property located directly west of the subject property. The applicant has also submitted a Layout Plat to subdivide the parcel(s) into five lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a portion of Fairmont Boulevard and to waive the requirement to install curb, gutter, sidewalk, street light conduit and to reduce right-of-way width from 52 feet to 49 feet and to reduce pavement width from 27 feet to 24 feet along Pevans Parkway as they abut the subject property. (See companion items #06PD031, 06PL074 and 06SV030.)

In April, 2004, the City Council approved three separate Layout Plats to subdivide the subject property into 38 townhome lots, seven single family residential lots and two commercial lots. In October, 2004, the City Council approved an Initial Planned Residential Development and an Initial Planned Commercial Development to allow a townhome and single family residential development on the west half of the property and to allow a combination of professional offices, apartment complexes and two restaurant pads to be constructed on the east half of the property.

In July, 2004, the City Council also approved a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer

STAFF REPORT  
August 10, 2006

---

**No. 06PD030 - Planned Commercial Development - Initial Development Plan** **ITEM 43**

---

and pavement along a portion of Fairmont Boulevard with the following stipulations:

- Upon submittal of the Preliminary Plat, road construction plans shall be submitted identifying the construction of the north 200 feet of the north-south leg of Fairmont Boulevard with curb, gutter, sidewalk, street light conduit, water, sewer and pavement;
- Upon submittal of the Final Plat application, the plat document shall provide a minimum 80 foot wide right-of-way for all of Fairmont Boulevard; and,
- Prior to submittal of the Final Plat submittal, the applicant shall sign a waiver of right to protest any future assessments for pavement and sidewalk improvements along the southern 300 feet of Fairmont Boulevard as it abuts the subject property.

The applicant is now proposing to develop the property differently than previously reviewed and approved. As such, the applicant has submitted the applications as identified above.

The property is located at the eastern terminus of Pevans Parkway. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed the Initial Commercial Development Plan and has noted the following considerations:

Zoning: The subject property is currently zoned Office Commercial District with a Planned Development Designation, Low Density Residential District II with a Planned Development Designation, Park Forest with a Planned Development Designation and General Commercial District with a Planned Development Designation. The applicant is proposing to construct four residential condominium towers within that area of the property zoned Office Commercial District. The balance of the property is shown as open space. The proposed use(s) are permitted in the respective zoning districts. Staff is recommending that all provisions of the underlying zoning designation(s) be met unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment.

Design Features: The Initial Commercial Development Plan identifies the building footprint of the proposed residential condominium towers. In addition, the applicant has submitted a Letter of Intent stating that each residential condominium building will have 55 units for a total of 220 units. Upon submittal of a Final Planned Residential Development, structural elevations and a list of the building materials and color palette for the proposed structures must be submitted for review and approval.

Height: The Office Commercial District allows a maximum height of three stories or 35 feet. The applicant is requesting an exception to allow a maximum height of seven to ten stories or 100 feet in height for the four condominium buildings. The previously reviewed and approved Commercial Development Plan for the subject property allowed an 80 foot high building. The applicant has submitted elevations of the proposed buildings against the existing hill located north and west of the subject property. The elevations support that the 100 foot high building(s) will have a minimal affect on the adjacent properties due to the

STAFF REPORT  
August 10, 2006

---

**No. 06PD030 - Planned Commercial Development - Initial Development Plan** **ITEM 43**

---

existing topography within the area. In addition, the applicant's site plan identifies a large open area around the four residential condominium buildings to serve as a visual buffer further minimizing the affects of the proposed buildings. As such, staff is recommending that a maximum height of ten stories or 100 feet be allowed for the four condominium buildings. In addition, staff is recommending that additional landscaping be provided along the perimeter of the subject property. The landscaping plan must be submitted for review and approval upon submittal of a Final Development Plan.

Exception: On August 16, 2000, the City Council approved an amendment to the Street Design Criteria Manual stating that "...a street shall not provide exclusive access to more than forty (40) dwelling units. A second street access shall be provided when more than forty (40) dwelling units are exclusively accessed from a street". Fairmont Boulevard will serve as exclusive access to the proposed development resulting in 220 dwelling units with one point of access. As such, the applicant has requested an Exception to allow 220 lots with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual.

During the review of a previous Initial Commercial Development Plan, a street connection through the development was proposed. However, concerns with traffic from development west of the subject property onto the intersection of Fairmont Boulevard and Mount Rushmore Road resulted in the street connection being eliminated. Staff also has noted that the Exception request to allow more than 40 dwelling units with one point of access is on an interim basis. Once Fairmont Boulevard is extended south through the subject property to connect with Tower Road, a second street access will be provided. However, the intent of the amendment to the Street Design Criteria Manual limiting the number of residences with one point of access is to insure safe ingress and egress into these development(s) during times of an emergency. In particular, the Fire Department has indicated that during times of a fire and/or any other catastrophe such as a flood, one point of access to more than forty dwelling units is not adequate to handle emergency vehicle traffic and residential traffic. In addition, the Fire Department has indicated that the subject property is located in a moderate to high wild fire hazard area. As such, staff is recommending that the Exception to allow 220 dwelling units in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual be denied. In addition, the site plan must be revised to show a second street access upon submittal of a Final Commercial Development Plan application.

Lighting/Signage/Landscaping: Upon submittal of a Final Residential Development Plan, a lighting and signage package as well as a landscaping plan must be submitted for review and approval. In particular, any lighting other than standard street lights must be identified. In addition, any signage including a residential development sign must be identified.

Geotechnical Information: Portions of the subject property are characterized with severe slopes. As such, staff is recommending that upon submittal of a Final Planned Residential Development, a geotechnical report be submitted for review and approval. In particular, the geotechnical report must address slope stability and provide recommendations for construction procedures and measures to mitigate any potential slides.

STAFF REPORT  
August 10, 2006

---

**No. 06PD030 - Planned Commercial Development - Initial Development Plan** **ITEM 43**

---

Parking: The proposed use requires that a minimum of 330 parking spaces be provided. In addition, eight of the parking spaces must be handicap accessible, with one of the spaces being "Van" accessible. The applicant has indicated that 60 parking spaces will be provided within a subterranean parking garage under each building. Staff is recommending that upon submittal of a Final Commercial Development Plan, a parking plan be submitted for review and approval. In particular, the parking plan must identify a minimum of 330 parking spaces with eight of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. The garage parking must also be designed to provide a minimum height to allow emergency vehicle access as per Fire Department standards

Retaining Walls/Fencing: The site plan does not identify the usage of retaining walls. However, the existing terrain supports that retaining walls be implemented into the design. As such, staff is recommending that upon submittal of a Final Commercial Development Plan, an elevation of any proposed fencing and/or retaining walls be submitted for review and approval. In addition, any retaining wall above four feet in height must be designed by a Professional Engineer

Dumpsters: Upon Final Planned Residential Development submittal, the location and size of the dumpsters must be submitted for review and approval. In addition, the dumpsters must be screened.

Utilities: Upon submittal of a Final Commercial Development Plan, a water and sewer plan prepared by a Professional Engineer must be submitted for review and approval. In addition, the applicant shall demonstrate that adequate domestic water and fire lows are being provided for the proposed ten story structure(s).

Fire Protection: The Fire Department staff has indicated that fire hydrants must be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, all weather access roads must be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus and all of the apartment condominium structures must be sprinklered. Staff is recommending that all International Fire Codes be continually met.

Platting: As previously indicated, a Layout Plat has been submitted to create five lots, including the subject property. Staff is recommending that a Final Plat be approved prior to issuance of a building permit to insure that the subdivision improvement issues have been addressed.

Notification Requirement: The receipts from the certified mailings have been returned and the sign has been posted on the property. Staff has received several calls of inquiry regarding this item.