

STAFF REPORT
January 10, 2013

No. 12PD039 - Initial Planned Development Overlay

ITEM 3

GENERAL INFORMATION:

APPLICANT	Pat Tlustos - By-Pass Development , LLC
PROPERTY OWNER	By-Pass Development LLC
REQUEST	No. 12PD039 - Initial Planned Development Overlay to Allow Construction of a Ready-Mix Concrete Batch Plant
EXISTING LEGAL DESCRIPTION	Lot 6 of Block 2 of I-90 Heartland Business Park, located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	
PARCEL ACREAGE	Approximately 7.69 acres
LOCATION	2620 Rearden Court
EXISTING ZONING	Heavy Industrial Distirct
FUTURE LAND USE DESIGNATION	Industrial
SURROUNDING ZONING	
North:	General Agricultural District
South:	Light Industrial District
East:	General Agricultural District
West:	Light Industrial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	December 20, 2012
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Initial Planned Development Overlay be approved with the following stipulations:

1. Prior to issuance of a building permit, a Final Planned Development shall be approved for the proposed ready-mix concrete batch plant. All additional development shall comply with the requirements of the Rapid City Municipal Code;
2. Prior to issuance of a building permit, final signed and sealed construction plans shall be submitted for review and approval. In particular, final plans shall be submitted to show that all construction is located outside the boundaries of the Federally Designated 100

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3. Year Flood Plain, or a Floodplain Development Permit shall be obtained;
4. Prior to issuance of a building permit, an Air Quality Construction Permit shall be obtained;
5. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;
6. Upon submittal of a Final Planned Development, a full parking plan shall be submitted to Community Planning and Development Services for review and approval. All parking and circulation shall comply with the requirements of the Rapid City Municipal Code, or an Exception to allow non-complying parking shall be obtained;
7. Upon submittal of a Final Planned Development, a full landscaping plan shall be submitted to Community Planning for review and approval. All landscaping shall be installed and maintained as shown in the approved landscaping plan and in compliance with the Rapid City Landscaping Ordinance, or an Exception shall be obtained for any non-complying landscaping;
8. Upon submittal of a Final Planned Development, a complete site plan shall be submitted to Community Planning and Development Services for review and approval showing the location and dimensions of all development on the site;
9. All development on the site shall comply with the requirements of the Heavy Industrial District unless specifically stipulated as a part of this Initial Planned Development, the Final Planned Development, or a subsequent Major Amendment to the Planned Development;
10. This Initial Planned Development shall allow for the construction of a ready-mix concrete batch plant with aggregate/material storage, truck circulation, parking, and landscaping. Any changes to the use on the property shall require a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has submitted an application for an Initial Planned Development to allow construction of a ready-mix concrete batch plant. In particular, the applicant is proposing the first phase of a four phase project to construct a concrete batch plant with aggregate/material storage, truck circulation, parking, and landscaping. Future phases include the addition of a shop, a reclaimer, additional truck parking and material storage. A Final Planned Development will be required prior to issuance of a building permit, and all additional/future development must comply with the requirements of the Rapid City Municipal Code.

On October 1, 2012, the City Council approved a request to rezone the property from Light Industrial District to Heavy Industrial District (File #12RZ008). During review of the Rezoning request, neighboring property owners voiced concern about the potential for incompatible land uses being permitted to develop on the property if a Rezoning request to the Heavy Industrial District was approved. The applicant requested to develop the property through the Planned Development process in order to create additional review of the proposed development by neighboring property owners. A Planned Development Designation (File #12PD030) was approved for the property on September 12, 2012. Subsequently, the applicant has submitted this Initial Planned Development to allow construction of a ready-mix concrete batch plant.

The property is located at the northern terminus of Rearden Court, in the northeastern portion of the City. Currently the property is undeveloped.

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STAFF REVIEW: Staff has reviewed the request for an Initial 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:

There are certain conditions pertaining to the particular piece of property in questions because of its size, shape, or topography;

The property is comprised of approximately 7.694 acres of land zoned Heavy Industrial District. The Heavy Industrial District permits the manufacturing of concrete or cement products. However, the applicant requested the property be placed in a Planned Development Designation in order to allow additional review of future development on the property. Portions of the property along the northern lot line are located within the Federally Designated 100 Year Floodplain. Submitted plans show no proposed development to be located within the flood plain. Prior to issuance of a building permit, final signed and sealed plans must be submitted for review and approval showing that the proposed structures and/or development on the property occur outside the Federally Designated 100 Year Floodplain. If development is proposed within the Federally Designated 100 Year Floodplain, a Floodplain Development permit must be obtained prior to issuance of a building permit.

The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;

A concrete batch plant is a permitted use within the Heavy Industrial District. However; during a review of the Rezoning request for the property, neighboring property owners and businesses expressed concern that development of the site may not be compatible with the surrounding uses. In addition, concern was voiced that the area roads would not be able to handle the additional heavy truck use. Following the discussion, the applicant offered to develop the property through a Planned Development in order to ensure that proposed landscaping provided a sufficient buffer of the use from neighboring properties. Rearden Court has been constructed as an industrial street, while Seger Drive is a Minor Arterial Street on the City's Major Street Plan. It appears that the area street network has been built to accommodate industrial traffic.

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 indicated that silos located on the property will be a maximum of 65 feet tall. The maximum allowable height for structures in the Heavy Industrial District is 45 feet. Rapid City Municipal Code Chapter 17.50.260.B lists the structures or parts thereof which are exempt from the height limitations set forth in the zoning district. They include silos, as well as chimneys, smokestacks, penthouse, spires, flagpoles, ventilators, skylights, derricks, conveyors, and cooling towers. The proposed 65 foot tall silos qualify as exceptions to the height requirements for the Heavy Industrial District and, as such, do not require an Exception through the Planned Development. No other exceptions to the requirements of the Heavy Industrial District have been requested. The proposed concrete batch plant is located approximately 200 feet from the front property line. No proposed development or

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structures are located closer than 35 feet from the side or rear lot lines. The proposed main and accessory structures are less than 267,981 square feet, or 80 percent of the square footage of the property. The proposed concrete batch plant must comply with all the regulations of the Heavy Industrial District unless specifically stipulated as a part of this Initial Planned Development, the Final Planned Development, or a subsequent Major Amendment to the Planned Development.

A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;

The Heavy Industrial District is intended to provide areas in which the principal use of land is for manufacturing, assembling, fabricating and warehousing. These uses do not depend primarily on frequent person visits of customers or clients but require good accessibility to major rail or street transportation routes. The proposed concrete batch plant is located approximately 650 feet north of Seger Drive. Seger Drive meets North Elk Vale Road approximately 1,800 feet to the east. North Elk Vale provides direct access to U.S. Interstate 90 and U.S. Highway 79. Seger Drive is classified as a minor arterial on the City's Major Street Plan and was constructed to accommodate industrial traffic. North Elk Vale Road is classified as a principal arterial street on the City's Major Street Plan. The location of the proposed plant on the fringes of the City and with close access to the regional transportation network makes the property desirable for industrial development.

Parking requirements for the City are calculated based upon the square footage of all structures and uses on a property. The final design and square footage of the proposed plant has not been finalized and as such, a parking calculation cannot be completed. The applicant's submitted letter of intent does not discuss parking requirements for the proposed site, however, the submitted plans show the property will be used for manufacturing and as a distribution center. It appears that visitor traffic to the site will be minimal. Upon submittal of a Final Planned Development, a full parking plan must be submitted to Community Planning and Development Services for review and approval. All parking and circulation must comply with the requirements of the Rapid City Parking Ordinance, or an Exception to allow non-complying parking must be obtained.

Any adverse impacts will be reasonable mitigated;

During the review of the Rezoning request for this property, concerns were raised by neighboring property owners that the development may have a negative impact on the neighborhood. In particular, neighboring property owners wanted to ensure the use was sufficiently buffered from neighboring uses. The applicant subsequently requested the Planned Development in order to allow a review of the proposed development. Specifically, the proposed landscaping plan should mitigate the impact of the site development to surrounding property owners. Submitted plans show that the proposed landscaping is located along the perimeter of the development and placed along raised berms that will create additional buffering between the Heavy Industrial use and neighboring properties. Staff recommends that the landscaping be installed as shown on the approved plans. While the Initial Planned Development sets forth the basic layout, uses and phasing for the project, prior to issuance of a building permit, a Final Planned Development is required. In addition, each additional phase will require a Major Amendment to the Planned Development.

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The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objectives of the existing standard sought to be modified;

A concrete or cement plant is a permitted use in the Heavy Industrial District. Development of the proposed plant through the Planned Development process will ensure that proposed development will meet the standards for development of the area. The location of the proposed landscaping around the perimeter of the property will ensure that the Heavy Industrial use on the property is screened from neighboring properties. The approval of a phasing plan will ensure that future development of the site complies with the Rapid City Municipal Code. The requested Planned Development is an alternative practice that will achieve the objectives of the existing standards of the area. Based on these reasons, staff recommends that the Initial Planned Development Overlay to allow construction of a concrete batch plant be approved with the stipulations outlined above.

Notification Requirements: The sign has been posted on the property. As of this writing, the green cards and white receipts that serve as proof of the required certified mailing have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the January 10, 2013 Planning Commission if these requirements have not been met. As of this writing, there have been no inquiries into the proposed Planned Development Overlay.