

STAFF REPORT  
July 3, 2013

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**No. 13PD020 - Final Planned Development**

**ITEM 8**

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GENERAL INFORMATION:

APPLICANT	Mehlhoff Construction Inc
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	Walgar Development Corporation
REQUEST	<b>No. 13PD020 - Final Planned Development</b>
EXISTING LEGAL DESCRIPTION	<p>A portion of Tract A of Robbinsdale Addition No. 10, located in the NE1/4 of the SE1/4, Section 13, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at a point on the easterly boundary of Tract A of Robbinsdale Addition No. 10, common to the northwesterly corner of Lot 1 of Block 26 of Robbinsdale Addition No. 10, and common to a point on the southerly edge of the dedicated right-of-way of East Minnesota Street, and the Point of Beginning; Thence, first course: S00°38'52"W, along the easterly boundary of said Tract A of Robbinsdale Addition No. 10, common to the westerly boundary of said Lot 1 of Block 26 of Robbinsdale Addition No. 10, a distance of 203.04 feet, to a point on the easterly boundary of said Tract A of Robbinsdale Addition No. 10, common to the southwesterly corner of said Lot 1 of Block 26 of Robbinsdale Addition No. 10, and common to the northwesterly corner of Lot 2 of Block 26 of Robbinsdale Addition No. 10; Thence, second course: S00°39'06"W, along the easterly boundary of said Tract A of Robbinsdale Addition No. 10, common to the westerly boundary of said Lot 2 of Block 26 of Robbinsdale Addition No. 10, a distance of 24.17 feet, to a point on the easterly boundary of said Tract A of Robbinsdale Addition No. 10, common to the northeasterly corner of Lot 1 of Good Samaritan Subdivision, and common to a point on the westerly boundary of said Lot 2 of Block 26 of Robbinsdale Addition No. 10; Thence, third course: southwesterly, S27°54'21"W, along the northerly boundary of said Lot 1 of Good Samaritan Subdivision, a distance of 14.69 feet, to a point of curvature on the northerly boundary of said Lot 1 of Good Samaritan Subdivision; Thence, fourth course: southwesterly, along the northerly boundary of said Lot 1 of Good Samaritan Subdivision, curving to the left on a curve with a radius of 90.00 feet, a delta angle of 31°25'54", an arc length of 49.37 feet, a chord bearing</p>

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of S11°45'05"W, and a chord distance of 48.76 feet, to a point of reverse curvature, and common to a point on the northerly boundary of said Lot 1 of Good Samaritan Subdivision; Thence, fifth course: southwesterly, along the northerly boundary of said Lot 1 of Good Samaritan Subdivision, curving to the right on a curve with a radius of 10.00 feet, a delta angle of 113°19'03", an arc length of 19.78 feet, a chord bearing of S53°36'15"W, and a chord distance of 16.71 feet, to a point of tangency, and common to a point on the northerly boundary of said Lot 1 of Good Samaritan Subdivision; Thence, sixth course: N68°00'17"W, along the northerly boundary of said Lot 1 of Good Samaritan Subdivision, a distance of 27.68 feet, to a point of curvature on the northerly boundary of said Lot 1 of Good Samaritan Subdivision; Thence, seventh course: northwesterly, along the northerly boundary of said Lot 1 of Good Samaritan Subdivision, curving to the right on a curve with a radius of 93.00 feet, a delta angle of 32°08'39", an arc length of 52.18 feet, a chord bearing of N51°40'40"W, and a chord distance of 51.49 feet, to a point of tangency, and common to a point on the northerly boundary of said Lot 1 of Good Samaritan Subdivision; Thence, eighth course: N35°53'12"W, along the northerly boundary of said Lot 1 of Good Samaritan Subdivision, a distance of 17.01 feet, to a point of curvature on the northerly boundary of said Lot 1 of Good Samaritan Subdivision; Thence, ninth course: northwesterly, along the northerly boundary of said Lot 1 of Good Samaritan Subdivision, curving to the left on a curve with a radius of 56.50 feet, a delta angle of 60°29'28", an arc length of 59.65 feet, a chord bearing of N65°55'00"W, and a chord distance of 56.92 feet, to a point of tangency, and common to a point on the northerly boundary of said Lot 1 of Good Samaritan Subdivision; Thence, tenth course: S84°00'34"W, along the northerly boundary of said Lot 1 of Good Samaritan Subdivision, a distance of 31.88 feet, to a point on the northerly boundary of said Lot 1 of Good Samaritan Subdivision; Thence, eleventh course: N00°38'52"E, a distance of 167.73 feet, to a point on the southerly edge of the dedicated right-of-way of said East Minnesota Street; Thence, twelfth course: northeasterly, along the southerly edge of the dedicated right-of-way of said East Minnesota Street, curving to the right on a curve with a radius of 935.36 feet, a delta angle of 12°09'40", an arc length of 198.53 feet, a chord bearing of N74°08'56"E, and a chord distance of 198.16 feet, to a point on the easterly boundary of Tract A of Robbinsdale Addition No.

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	10, common to the northwesterly corner of Lot 1 of Block 26 of Robbinsdale Addition No. 10, and common to a point on the southerly edge of the dedicated right-of-way of East Minnesota Street, and the Point of Beginning
PARCEL ACREAGE	Approximately 1.54 acres
LOCATION	South of East Minnesota Street and east of Maple Avenue
EXISTING ZONING	Medium Density Residential District (Planned Development)
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Development)
South:	Public District
East:	Medium Density Residential District (Planned Development)
West:	Medium Density Residential District (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	May 30, 2013
REVIEWED BY	Robert Laroco / Nicole Lecy

**RECOMMENDATION:**

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

1. Prior to issuance of a building permit, Development Engineering Plans shall be approved for the property;
2. Prior to issuance of a building permit, final stamped and signed construction plans shall be submitted for review and approval. In particular, plans shall show that all construction is located outside the Major Drainage Easement. In addition, plans shall show that handicap accessibility is being provided throughout the site;
3. Prior to issuance of a building permit, all redlined comments shall be addressed and all comments shall be returned to Community Planning and Development Services;
4. Prior to a Certificate of Occupancy, a Final Plat shall be approved for the property;
5. Prior to a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;
6. A building permit shall be required prior to construction. A Certificate of Occupancy shall be required prior to occupancy;
7. An air quality permit shall be obtained for any surface disturbance greater than one acre;

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8. A minimum of 17 off-street parking spaces shall be provided. A minimum of two of the provided off-street parking spaces shall be handicap accessible. A minimum of one of the handicap accessible parking spaces shall be "van accessible". All parking shall comply with the approved site plan and the requirements of the Rapid City Parking Ordinance;
9. A minimum of 32,868 points of landscaping shall be provided. All landscaping shall be installed and maintained as shown on the approved site plan. All landscaping shall comply with the requirements of the Rapid City Landscaping Ordinance;
10. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
11. All signage shall comply with the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
12. All applicable provisions of the International Fire Code shall be maintained;
13. All provisions of the Medium Density Residential District shall be maintained unless specifically authorized as a stipulation of a subsequent Major Amendment to this Final Planned Development, and;
14. The Final Planned Development shall allow for the construction of a multi-family housing development. Any change in use permitted in the Medium Density Residential District shall require the review and approval of a building permit. Any change in use that is Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Final Planned Development.

**GENERAL COMMENTS:** The applicant has submitted a Final Planned Development to allow the development of multi-family housing to be located on East Minnesota Street. In particular, the applicant is proposing a total of eleven dwelling units, each with an attached garage, to be located in two structures. The submitted plans also show additional parking and landscaping is being proposed. A Final Planned Development is required for multi-family housing constructed in more than one structure and, as such, the applicant has requested this Final Planned Development. No Exceptions to the land area regulation are being requested. On April 1, 2013, the City Council approved a Preliminary Subdivision Plan (File # 13PL015) subdividing the property into two lots. All proposed construction in this Final Planned Development is located on one of the proposed lots.

The property is located on East Minnesota Street, west of the intersection of Parkview Drive and East Minnesota Street. The property is currently undeveloped.

**STAFF REVIEW:** Staff has reviewed the request for a Final 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 question because of its size, shape, or topography;*

The property is comprised of approximately 1.54 acres of land zoned Medium Density

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Residential District. Multi-family housing is a permitted use in the Medium Density Residential District. Prior to issuance of a building permit, final signed and sealed plans must be submitted for review and approval. In particular, plans must show all proposed construction is located outside of the Major Drainage Easement located to the south of the property. In addition, plans must show handicap accessibility is being provided throughout the site.

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

Multi-family housing constructed in more than one structure requires approval through a Final Planned Development. It does not appear that application of the regulations to this particular piece of property would create a practical difficulty or undue hardship.

*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;*

No exceptions to the underlying zoning district have been requested. The proposed construction meets all the setback, building height, and lot coverage requirements of the Medium Density Residential District. The proposed apartment complex must comply with all the regulations of the Medium Density Residential District unless specifically stipulated as a part of a subsequent Major Amendment to the Planned Development. The Final Planned Development will allow for the construction of an eleven unit multi-family housing development. Any change in use permitted in the Medium Density Residential District will require the review and approval of a building permit. Any change in use that is Conditional Use in the Medium Density Residential District will require the review and approval of a Major Amendment to the Final Planned Development.

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

A literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

*Any adverse impacts will be reasonably mitigated;*

The applicant's submitted plans show that the development will be located on one of two future lots. A Preliminary Subdivision Plan has been previously approved to subdivide the property to create two residentially zoned lots. Prior to issuance of a building permit, Development Engineering Plans must be approved for the property. Prior to issuance of a Certificate of Occupancy, a Final Plat must be approved for the property.

The Final Planned Development will serve as the tool to ensure that the proposed apartment complex meets all the design standards of the Medium Density Residential District. Prior to issuance of a building permit, final construction plans signed and sealed by a registered professional engineer must be submitted for review and approval. A building permit is required prior to any construction. A Certificate of Occupancy is required prior to occupancy of the structures. An air quality permit must be obtained prior to any surface disturbance of

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one acre or greater. Prior to issuance of a building permit, all redlined comments must be addressed and all comments must be returned to Community Planning and Development Services.

Landscaping: A minimum of 32,868 points of landscaping are required for the proposed development. The submitted landscaping plan shows a total of 33,630 points of landscaping are being proposed. The landscaping plan identifies eight large trees located on the perimeter of the site, and specifically along Minnesota Street. The proposed trees will serve as a buffer to East Minnesota Street. Minnesota Street is classified as a Minor Arterial Street on the City's Major Street Plan, which is designed to accommodate heavier traffic volumes. Staff recommends that the landscaping be provided per the submitted landscaping plan and maintained in compliance with the City's adopted Landscaping Regulations.

Parking: A total of eleven apartment units are proposed with this Final Planned Development, requiring a minimum of 17 off-street parking spaces be provided, with two of the spaces being handicap accessible. One of the handicap accessible spaces must be "van accessible". The applicant's submitted plans show that a total of eleven garages and twelve off-street parking spaces are proposed. Two of the proposed parking spaces are handicap accessible, with one space being "van accessible". All parking must comply with the requirements of the Rapid City Municipal Code and the approved parking plan.

Signage: No signage is being proposed as a part of this Final Planned Development. If signage is proposed in the future, a copy of the approved sign package must be submitted to Community Planning and Development Services for review and approval. All signage must comply with the submitted sign package and the requirements of the Rapid City Municipal Code. Future changes to the signage which comply with the Rapid City Municipal Code will be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of the Planned Development. The addition of electronic or LED signage will require a Major Amendment to the Planned Development. A sign permit is required of each sign.

Lighting: All outdoor lighting, including all lighting for signage, must be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind.

*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;*

Multi-family housing is a permitted use in the Medium Density Residential District. Development of the proposed Final Planned Development will serve as a tool to ensure the design and character of the proposed development meets the requirements of the Medium Density Residential District. Sufficient parking is being provided for the proposed apartment units. In addition, it appears that the landscaping proposed around the perimeter of the development will sufficiently buffer the development from heavy traffic on East Minnesota Street. Based on these reasons, staff recommends that the Final Planned Development to

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allow construction of multi-family housing be approved with the stipulations outlined above.

Notification Requirements: The required mailing has been returned to Community Planning and Development Services. The sign has been picked up from Community Planning and Development. However, as of this writing, staff cannot confirm that the sign has been posted on the property. Staff will inform the Planning Commission at the July 3, 2013 Planning Commission if this requirement has not been met. As of this writing, there have been no inquiries into the proposed Final Planned Development.