

STAFF REPORT

April 8, 2004

No. 04PD018 - Major Amendment to a Planned Residential Development to allow townhomes **ITEM 40**

GENERAL INFORMATION:

PETITIONER Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien

REQUEST **No. 04PD018 - Major Amendment to a Planned Residential Development to allow townhomes**

EXISTING
LEGAL DESCRIPTION

A tract of land located within the Southwest One Quarter (SW $\frac{1}{4}$) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northwest corner of Lot Six (6) of Block Nine (9) of Fairway Hills P.R.D., located in the Southwest One Quarter (SW $\frac{1}{4}$) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, as shown on the plat recorded on August 22, 1997 and filed in Plat Book 28 of Plats on Page 41, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, southwesterly along the westerly edge of said Lot Six, South 18 degrees 28 minutes 52 seconds West (more or less) a distance of 111.80 feet (more or less), to a corner of said Lot Six, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, continuing southeasterly along the westerly edge of said Lot Six, South 19 degrees 43 minutes 55 seconds East (more or less) a distance of 106.84 feet (more or less), to the southerly corner of said Lot Six and the northwesterly corner of Lot Two (2) of Block Nine (9) of Fairway Hills P.R.D., as shown on the plat recorded on November 18, 1993 and recorded in Plat Book 25 on Page 181, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southwesterly along the westerly edge of said Lot Two, South 10 degrees 57 minutes 41 seconds West (more or less) a distance of 143.39 feet (more or less) to a corner on the west line of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southeasterly along the westerly edge of said Lot Two, South 32 degrees 59 minutes 10 seconds East (more or less) a distance of 189.09 feet (more or less) to the southwest corner of said Lot Two,

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said corner being marked with a rebar and cap marked "LS 2554" and located along the northerly edge of Lot Six (6) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on July 26, 1972 and recorded in Plat Book 12 on Page 59; thence, continuing westerly along the northerly edge of said Lot Six, South 89 degrees 44 minutes 54 seconds West (more or less) a distance of 248.12 feet (more or less) to the northwest corner of said Lot Six and the northeast corner of Lot Five (5) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Five, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 73.08 feet (more or less) to the northwest corner of said Lot Five and the northeast corner of Lot Four (4) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Four and along the northerly edge of Lot Three (3) of Block One (1) of Spring Brook Acres, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 217.92 feet (more or less) to the northwest corner of said Lot Three and the northeast corner of Lot A of Lot Two (2) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on March 20, 1997 and filed in Plat Book 27 on Page 189, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot A of Lot Two, South 89 degrees 43 minutes 51 seconds West (more or less) a distance of 263.57 feet (more or less) to a point along the easterly edge Sheridan Lake Road right-of-way and the southeasterly corner of Lot H1 of the unplatted portion of the Northwest One Quarter (NW $\frac{1}{4}$) of the Southwest One Quarter (SW $\frac{1}{4}$) of Section Fifteen (15) Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), City of Rapid City, Pennington County, South Dakota as shown on the plat recorded on May 21, 1993 and recorded in Plat Book 8 of Highway Plats on Page 54; thence, curving to the left and continuing northeasterly along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 17 degrees 57 minutes 06 seconds, an arc length of 210.74 feet and a chord bearing of North 47 degrees 59 minutes 42 seconds East (more or less) and chord distance of 209.88 feet, more or less; thence, continuing along the easterly edge of said Lot H1, South

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51 degrees 09 minutes 05 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 38 degrees 50 minutes 55 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 51 degrees 09 minutes 05 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 1 degree 38 minutes 38 seconds, an arc length of 19.30 feet and a chord bearing of North 37 degrees 51 minutes 23 seconds East (more or less) and a chord distance of 19.30 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 11 degrees 54 minutes 54 seconds, an arc length of 139.88 feet and a chord bearing of North 31 degrees 04 minutes 36 seconds East (more or less) and a chord distance of 139.63 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 6 degrees 58 minutes 05 seconds, an arc length of 81.80 feet and a chord bearing of North 21 degrees 38 minutes 06 seconds East (more or less) and a chord distance of 81.75 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 72 degrees 01 minute 10 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 17 degrees 58 minutes 50 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 72 degrees 01 minute 10 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 0 degrees 58 minutes 08 seconds, an arc length of 11.38 feet and a chord bearing of North 17 degrees 19 minutes 33 seconds East (more or less) and a chord distance of 11.38 feet (more or less); thence, continuing along the same curve and the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 2 degrees 03 minutes 55 seconds, an arc length of 24.25 feet and a chord bearing of North 15 degrees 48 minutes 30 seconds East (more or less)

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and a chord distance of 24.25 feet (more or less), to a point of tangent; thence, northeasterly along the easterly edge of said Lot H1 North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 186.27 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 75 degrees 13 minutes 27 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 75 degrees 13 minutes 27 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing northeasterly along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 22.45 feet (more or less); thence, continuing along the easterly edge of said Lot H1 along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 28 minutes 02 seconds, an arc length of 46.44 feet and a chord bearing of North 14 degrees 51 minutes 53 seconds East (more or less) and chord distance of 46.44 feet (more or less); thence, continuing along the same curve along the easterly edge of said Lot H1, said curve having a radius of 5693.58 feet, a delta of 1 degree 09 minutes 02 seconds, an arc length of 114.34 feet and a chord bearing of North 15 degrees 40 minutes 43 seconds East (more or less) and chord distance of 114.33 feet (more or less), to a point along the easterly edge of Lot H2 of Lot 3A of Fairway Hills P.R.D., as shown on the plat recorded on May 21, 1993 and filed in Plat Book 8 of Highway Plats on Page 56; thence, continuing along the same curve along the easterly edge of said Lot H2 of Lot 3A, said curve having a radius of 5693.58 feet, a delta of 0 degrees 40 minutes 07 seconds, an arc length of 66.45 feet and a chord bearing of North 16 degrees 35 minutes 18 seconds East (more or less) and a chord distance of 66.45 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, South 73 degrees 03 minutes 26 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 16 degrees 56 minutes 34 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the

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easterly edge of said Lot H2 of Lot 3A, North 73 degrees 03 minutes 26 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 39 minutes 34 seconds, an arc length of 65.56 feet and a chord bearing of North 17 degrees 17 minutes 34 seconds East (more or less) and a chord distance of 65.56 feet (more or less) to the northeasterly corner of said Lot H2 of Lot 3A, said point also being located on the southerly line of Lot 3B of Fairway Hills P.R.D., as shown on the plat recorded July 9, 1980 and filed in Plat Book 17 of Plats on Page 189, said point marked by a rebar with survey cap "RW FISK 6565"; thence, continuing northeasterly along the southerly line of said Lot 3B, North 87 degrees 25 minutes 20 seconds East (more or less) a distance of 256.09 feet (more or less) to the southeast corner of said Lot 3B, said corner being marked by a rebar with survey cap "1019"; thence, South 25 degrees 09 minutes 50 seconds East (more or less) a distance of 132.38 feet (more or less); thence, South 14 degrees 38 minutes 21 seconds West (more or less) a distance of 186.02 feet (more or less); thence, curving to the right on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, and a chord bearing of South 66 degrees 39 minutes 30 seconds East (more or less) and chord distance of 66.04 feet (more or less) to a point along the northerly edge of previously platted Fairway Hills Drive right-of-way; thence, South 18 degrees 35 minutes 19 seconds West (more or less) a distance of 62.17 feet (more or less) to the point of beginning; said tract of land contains 9.0 acres, more or less

PARCEL ACREAGE	Approximately 9.0 acres
LOCATION	Along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive
EXISTING ZONING	Medium Density Residential w/PRD
SURROUNDING ZONING	
North:	Medium Density Residential W/PRD
South:	Low Density Residential District
East:	Medium Density Residential w/PRD

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West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	02/27/2004
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to allow townhomes be approved with the following stipulations:

1. A minimum front yard setback of 18 feet in front of the garage and a minimum 15 feet in front of the residence shall be provided for all lots within the Planned Residential Development;
2. Thirty-one visitor parking stalls shall be provided at all times;
3. Prior to Planning Commission approval, a revised lighting plan shall be submitted for review and approval;
4. All signage shall comply with Section 15.28 of the Rapid City Municipal Code;
5. Prior to construction of the proposed fence, the fence elevations shall be revised to comply with all provisions of Section 15.40 of the Rapid City Municipal Code or a fence height exception shall be obtained;
6. All Uniform Fire Codes shall be continually met;
7. The proposed structures shall conform architecturally to the plans and elevations submitted; and,
8. The Planned Residential 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 a period of two years.

GENERAL COMMENTS: (This Staff Report was revised on March 30, 2004. All revised and/or added text is shown on bold text.) This item was continued at the March 25, 2004 Planning Commission meeting at the applicant's request. Staff is meeting with the applicant on April 1, 2004 to discuss some of the recommended stipulations of approval. Staff will notify the Planning Commission at the April 8, 2004 meeting if the staff recommendation is revised as a result of the meeting.

The applicant is requesting a Major Amendment to a Planned Residential Development to allow for the platting and development of 32 residential townhome units in lieu of the garden cottages as approved in the Fairway Hills Planned Residential Development. The applicant has also submitted a Preliminary Plat request to plat the properties into 16 residential lots. (See companion request #04PL023.) The applicant has indicated that the 16 initial lots are to be divided at the time of construction. Five separate building packages are being proposed. The applicant has submitted floor plans and elevation drawings for the proposed structures within the planned development. Currently the site of the proposed residential development is void of any structural development.

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STAFF REVIEW: The purpose of planned developments is to provide deviation from conventional zoning and subdivision regulations in order to provide optional methods of land development. Planned developments also allow a mix of land uses which are compatible and well integrated.

They provide an adequate review procedure which promotes the proper development of environmentally sensitive areas, and they promote compatibility with adjacent land use and available public facilities.

Staff has reviewed this request with respect to the criteria established for planned developments identified in Section 17.50.060 of the Rapid City Municipal Code.

Setbacks: The applicant is requesting that the minimum required front yard setback be reduced from 25 feet to 18 feet in front of the garage door and a minimum 15 foot setback for the balance of the dwelling unit. Staff noted that the City has supported this request in other Planned Residential Development throughout the City.

Parking: The number of parking spaces required for the subject property is identified as 32 spaces. The applicant's site plan identifies 35 on and off street parking stalls; however four of the on street parking spaces are located in a cul-de-sac. Staff noted that no on street parking will be allowed in the cul-de-sacs, to provide adequate turnaround for fire apparatus. Staff noted that the 31 visitor on and off street parking spaces provided will be sufficient for the development due to the constraints imposed by the street configuration.

Lighting: The applicant has submitted an alternate street light design to allow yard lights in lieu of street lights. In particular, the lights will be located on the individual lots in lieu of right-of-way. The applicant is proposing to maintain the street lights through covenants imposed by a Home Owners Association. However, the City has experienced problems with allowing street lights outside of right-of-way. In particular, Home Owners Associations have failed to maintain the lights over an extended period leaving subdivision(s) with inadequate lighting. It becomes problematic for the City to require the maintenance when the lights are located on private property. In addition, it is an expense for the City to maintain the lights since they vary from the standard design. As such, prior to Planning Commission approval a revised lighting plan must be submitted for review and approval.

Signage: The applicant's site plan shows a four feet by eight feet temporary wood sign to be located on the southeast corner of Sheridan Lake Road and Heidiway Lane. Staff noted that all signage installed must comply with the Section 15.28 of the Rapid City Municipal Code.

Fencing: The applicant's fence package shows a six feet to eight feet high wood fence with brick pillars every 50 feet to be located along Sheridan Lake Road. The location of the fence is within a 14 foot public right-of-way easement to be granted with the development which is not allowed in Section 15.40.070 of the Rapid City Municipal Code. Fences in a residential zoning district cannot exceed six feet in height. The applicant has also submitted

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a fence height variance to allow an eight feet high fence in a residential zoning district. Prior to construction of the fence, the fence height exception must be obtained or the fence elevation's be revised to comply with Section 15.40 of the Rapid City Municipal Code.

Notification Requirement: **The green cards from the required notification of surrounding property owners have been returned, and a sign stating that a Conditional Use Permit has been requested is posted on the property.**

Staff recommends approval of the Major Amendment to the Planned Residential Development with the above stated stipulations.