

STAFF REPORT  
January 6, 2005

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**No. 04PD079 - Planned Residential Development - Final ITEM 39**  
**Development Plan**

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GENERAL INFORMATION:

PETITIONER

FMG, Inc. for Bill Freytag

REQUEST

**No. 04PD079 - Planned Residential Development -  
Final Development Plan**

EXISTING

LEGAL DESCRIPTION

a tract of land located in the SE1/4 of SW1/4 of Section 13, and in the NE1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at a point which is a 1" pipe marking the west 1/16 corner along the south section line of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence N00°11'23"E a distance of 33.00', more or less, to a point; Thence S89°50'11"E a distance of 157.00', more or less, to a point; Thence N45°09'49"E a distance of 11.31', more or less, to a point; Thence N00°09'49"E a distance of 90.00', more or less, to a point; Thence on a curve to the right with a Chord bearing of N18°38'12"E a Chord distance of 79.85', a radius of 126.00' and an arc length of 81.25', more or less, to a point; Thence N52°53'26"W a distance of 19.61', more or less, to a point; Thence N00°09'49"E a distance of 131.63', more or less, to a point; Thence S89°41'23"E a distance of 936.00', more or less, to a point; Thence S00°09'49"W a distance of 380.90', more or less, to a point; Thence N89°47'53"W a distance of 286.16', more or less, to a point; said point being a 5/8" rebar marking the northeast corner of Lot 12 of Block 1 of Mallridge Subdivision No. 2; Thence N89°51'52"W a distance of 374.71', more or less, to a point; Said point being a 5/8" rebar marking the northeast corner of Lot 7 of Block 1 of Mallridge Subdivision No. 2; Thence N89°49'06"W a distance of 449.80, more or less, to a point; said point being a 2" pipe with survey cap LS880 marking the northwest corner of Lot 16 of Mallridge Subdivision No. 2; Thence N00°11'52"E a distance of 33.00', more or less, to the point of beginning. Said area includes 8.496 acres, more or less

PROPOSED

LEGAL DESCRIPTION

Lot 1 of Block 1; Lots 1-10 of Block 2; Lots 1-20 of Block 3; Lot 1 of Block 4, and Lots 1-11 of Block 5; all of Kateland Subdivision, and dedicated public right-of-ways

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shown as Nace Court, Earleen Court, Roberta Street, Kateland Street and Country Road located in the SW1/4 of Section 13 and the NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota

PARCEL ACREAGE	Approximately 8.496 acres
LOCATION	west of Haines Avenue and north of Mallridge Subdivision
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Pennington County Zoning
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/21/2004
REVIEWED BY	Vicki L. Fisher / David L. Johnson

**RECOMMENDATION:**

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

1. A Final Plat shall be approved prior to or in conjunction with a Final Planned Residential Development;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre;
4. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;
5. A minimum six (6) foot side yard setback shall be provided;
6. A minimum 15 foot rear yard setback shall be provided. In addition, the single family residences and/or townhomes located on Lots 1 thru 11, Block 5 shall be one story structures only or a 25 foot rear yard setback shall be provided;
7. A minimum lot size of 4,800 square feet shall be provided;
8. A maximum 35% lot coverage shall be allowed;
9. All Uniform Fire Codes shall be met;
10. Prior to issuance of a building permit, all drainage channels or facilities as identified in the drainage plan for the subdivision to be installed on or adjacent to the parcel, shall be

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- constructed;
11. Prior to Planning Commission approval, covenants or some other mechanism shall be submitted for review and approval to insure that the development will provide affordable housing as proposed and that the housing will remain affordable. In addition, the covenants shall be recorded at the Register of Deed's Office in conjunction with a Final Plat;
  12. The proposed structures shall conform architecturally to the proposed elevations and design plans submitted as part of this Final Planned Residential Development; and,
  - 13.. The Planned Residential Development shall allow for the construction of single family and/or townhomes on the property. However, 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 two years.

**GENERAL COMMENTS:**

The applicant has submitted a Final Planned Residential Development request to allow a combination single family residential and townhome development on 43 lots. The applicant has also submitted a Preliminary Plat to subdivide the subject property into 43 residential lots. The Preliminary Plat also creates two additional lots located outside of the boundary of the Final Planned Residential Development. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct sidewalks along both sides of Country Road. (See companion items #04SV051 and 04PL198.)

On October 4, 2004, the City Council approved a Layout Plat to subdivide the subject property into 45 residential lots. In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, water, sewer, street light conduit and to improve pavement along Haines Avenue as it abuts the subject property. On October 18, 2004, the City Council approved an Initial Planned Residential Development to allow a combination single family residential and townhome development on 43 of the 45 residential lots.

The property is located in the northwest corner of the Haines Avenue and Country Road intersection and is currently void of any structural development.

**STAFF REVIEW:**

Staff has reviewed the Final Planned Residential Development request and has noted the following stipulations:

**Platting:** As previously indicated, a Preliminary Plat has been submitted to subdivide the subject property into 45 residential lots. During the review of the associated Layout Plat, staff noted that infrastructure improvements as well as drainage and grading issues must be addressed upon submittal of a Preliminary Plat. The applicant has submitted the drainage and grading information as requested. Staff is recommending that a Final Plat be approved prior to or in conjunction with a Final Planned Residential Development to insure that the subdivision improvement issues have been addressed.

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Affordable Housing: The applicant has indicated that the proposed residential development will provide additional affordable housing for Rapid City. As such, during the review and approval of the Initial Planned Residential Development, the applicant requested and the City Council subsequently approved reduced setbacks, increased lot coverage and reduced the lot sized for single family residential and/or townhome development in order to reduce the overall cost of the project. Staff is recommending that prior to Planning Commission approval covenants or some other mechanism be established to insure that the development will provide affordable housing as proposed and that the housing will remain affordable.

Lot Area/Lot Coverage: The Medium Density Residential District requires a minimum 6,500 square foot lot size for a single family residential structure and a minimum 4,000 square foot lot size for a townhome. During the review of the Initial Planned Residential Development, the applicant requested and the City Council subsequently approved the request to reduce the lot size for a single family residential lot to 4,800 square feet. With the reduced lot size, the applicant also obtained approval to increase the allowable lot coverage area within the Medium Density Residential District from 30% to 35%. The proposed Final Planned Residential Development is providing the minimum lot sizes and allowable lot coverage as previously approved. Staff is recommending that a minimum 4,800 square foot area lot be maintained and that a maximum 30% lot coverage be provided.

Setbacks: The property is currently zoned Medium Density Residential District which requires the following setbacks for a residential structure: a minimum 25 foot front yard setback, a minimum 25 rear yard setback, a minimum eight foot side yard setback for a single story structure and a minimum 12 foot side yard setback for a two story structure. During the review of the Initial Planned Residential Development, the applicant requested and the City Council subsequently approved the request to reduce the front yard setback to 18 feet in front of the garage and 15 feet to the balance of the structure. As such, staff is recommending that the proposed front yard setback be allowed as proposed with the stipulation that a minimum 18 foot front yard setback be provided in front of each garage. In addition, staff is recommending that a minimum 15 foot front yard setback be provided in front of each residence.

During the Initial Planned Residential Development review and approval, the applicant requested and the City Council subsequently approved a request to reduce the side yard setback from eight feet and 12 feet, respectively, to six feet for either a one or two story single family residence or a townhome. In addition, the rear yard setback was reduced from 25 feet to 15 feet. The Final Planned Residential Development building envelopes are in compliance with the reduced setbacks. Staff is recommending that a minimum six foot side yard setback and a minimum 15 foot rear yard setback be continually provided.

Design Features: The applicant has indicated that the proposed townhomes and single family structures will be constructed with a combination of wood, brick, glass and simulated siding. In addition, the structures will be one and two story residences with an attached garage and have a contiguous pitched roof. Staff is recommending that the proposed structures conform architecturally to the proposed elevations and design plans submitted as part of this

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Major Amendment to the Planned Residential Development.

Experimental Subdivision: A number of special exceptions and variances have been proposed as a part of this subdivision. The applicant has indicated that these exceptions and variances are necessary to provide affordable housing at this site. Staff has supported the applicant's requests as an experimental subdivision noting this is an opportunity to try development standards that vary from those adopted as part of this Rapid City Municipal Code. Once constructed and fully operational, these improvements should be evaluated to determine their appropriateness for wide spread use and possible adoption as part of the City's development standards. However, until such time as a complete evaluation can be made of this experimental subdivision as a functioning residential neighborhood, staff does not support the use of these standards in other developments.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 6, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.