

STAFF REPORT
March 10, 2005

No. 04PD080 - Major Amendment to Fairway Hills Subdivision

ITEM 49

GENERAL INFORMATION:

PETITIONER Fisk Land Surveying & Consulting Engineers for Mike Buckingham, Dlorah Inc.

REQUEST **No. 04PD080 - Major Amendment to Fairway Hills Planned Residential Development Plan**

EXISTING
LEGAL DESCRIPTION A tract of land located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ and in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: beginning at the southeast corner of Lot 29R of Fairway Hills P.R.D., as shown on the plat filed on February 17, 1984 and recorded in Plat Book 19 on Page 124, said corner being marked by a rebar with survey cap number 3095; Thence, South 73 degrees 09 minutes 46 seconds East, more or less, a distance of 4.84 feet more or less, to a point along the westerly edge of Fairway Hills Drive right-of-way, as shown on the plat filed on March 10, 1986 and recorded in Plat Book 20 on Page 224, said corner being marked by a rebar with survey cap number 6565; Thence, southerly and along the westerly edge of said Fairway Hills Drive right-of-way, S16°50'14"W, more or less, a distance of 160.90 feet, more or less to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 96.87 feet, a delta of 17°55'27", an arc length of 30.30 feet, a chord bearing of S25°58'25"W, more or less, and a chord distance of 30.18 feet, more or less, to a point of tangent on the westerly edge of said right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way, S34°46'00" W, more or less, a distance of 496.97 feet, more or less to a point of curvature on said right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the northwesterly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 151.11 feet, a delta of 91°35'13", an arc length of 241.55 feet, a chord bearing of S80°36'45" W, more or less, and a chord distance of -----right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the northerly edge of said Fairway Hills Drive right-

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of-way, N53°37'38", W more or less, a distance of 69.36 feet, more or less, to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way and curving to the left on a curve with a radius of 230.00 feet, a delta of 4°41'57", an arc length of 18.86 feet, a chord bearing of N56°09'17" W, more or less, and a chord distance of 18.86 feet, more or less, to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point being marked by a rebar with survey cap number 6565; Thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, as shown on the plat filed September 22, 2004 and recorded in Plat Book 32 on page 94, and curving to the left on a curve with a radius of 230.00 feet, a delta of 16°30'34", an arc length of 66.27 feet, a chord bearing of N66°39'30" W, more or less, and a chord distance of 66.04 feet, more or less, to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point also being the southeast corner of Lot 16 of Block 10 of Fairway Hills PRD, as shown on the aforementioned plat, said point being marked by a rebar with survey cap number 6565; Thence, northeasterly along the easterly line of said Lot 16 in Block 10 of Fairway Hills PRD, N14°38'21" E, more or less, a distance of 102.58 feet, more or less, to the northeast corner of said Lot 16, said corner being coincident with the southeast corner of Lot 15 of Block 10 of Fairway Hills PRD, and said corner being marked by a rebar with survey cap number 6565; Thence, northeasterly along the easterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, N14°38'21" E, more or less, a distance of 83.44 feet, more or less, to a point on the easterly lot line of said Lot 15, said point being marked by a rebar with survey cap number 6565; Thence, northwesterly along the northeasterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, N25°09'50" W, more or less, a distance of 132.38 feet, more or less, to the northerly corner of said Lot 15, said corner being coincident with the northeast corner of Lot 14 of Block 10 of Fairway Hills PRD, and also coincident with the southeast corner of Lot 3B of Fairway Hills PRD, as shown on the plat filed July 9, 1980 and filed in Plat Book 17, Page 189, and also coincident with the westerly lot line of Lot 3A of Fairway Hills PRD, as shown on the plat filed November 21, 1979 and recorded in Plat Book 17, on Page 132, said corner being marked by a rebar with survey cap number 1019; Thence, northeasterly along

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the easterly lot line of said Lot 3B of Fairway Hills PRD, and the westerly line of said Lot 3A of Fairway Hills PRD, N17°55'58" E, more or less, a distance of 191.15 feet, more or less, to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being marked by a rebar with survey cap number 6565; Thence, northwesterly along the easterly lot line of said Lot 3B of Fairway Hills PRD, and the westerly line of said Lot 3A of Fairway Hills PRD, N20°01'18" W, more or less, a distance of 326.69 feet, more or less, to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being coincident with the southwest corner of Lot H1 of Lot 3A of Fairway Hills PRD, as shown on the plat filed on August 30, 1991 and recorded in Book 8 of Highway Plats on Page 39, said corner being marked by a rebar with survey cap number 6565; Thence, northeasterly along the southerly line of said Lot H1 of Lot 3A of Fairway Hills PRD, N57°02'43" E, more or less, a distance of 77.75 feet, more or less, to the southeasterly corner of said Lot H1 of Lot 3A, said point also being located on the northeasterly lot line of said Lot 3A of Fairway Hills PRD, and also on the southwesterly line of Lot 2 of Fairway Hills PRD, as shown on the plat filed on November 30, 1977 and recorded in Plat Book 15 of Page 215, said corner being marked by a rebar with survey cap number 6565; Thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD, and along the southwesterly line of said Lot 2 of Fairway Hills PRD, S22°24'27" E, more or less, a distance of 100.94 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 3095; Thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD, and along the southwesterly line of said Lot 2 of Fairway Hills PRD, S40°29'56" E, more or less, a distance of 133.62 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 1019; Thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD, and along the southerly line of said Lot 2 of Fairway Hills PRD, S76°54'53" E, more or less, a distance of 221.11 feet, more or less, to a point on the northeasterly lot line of said Lot 3A, said point being coincident with the southeast corner of said Lot 2 of Fairway Hills PRD, and also coincident with the westerly line of Lot 30 of Fairway

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Hills PRD, as shown on the plat filed February 17, 1984 and recorded in Plat Book 19 on Page 124, said point being marked by a rebar with survey cap number 1019; Thence, southerly along the easterly line of said Lot 3A of Fairway Hills PRD, and along the westerly line of said Lot 30 of Fairway Hills PRD, S08°05'24" E, more or less, a distance of 102.89 feet, more or less, to a point on the easterly line of said Lot 3A, said point being coincident with the southwest corner of said Lot 30, said point being marked by a rebar with survey cap number 3095; Thence, northeasterly along the southerly line of said Lot 30 of Fairway Hills PRD, N76°46'01" E, more or less, a distance of 105.59 feet, more or less, to the southeast corner of said Lot 30, said corner also being coincident with the southwesterly corner of Lot 29R of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and filed in Plat Book 19 and Page 124, said corner being marked by a rebar with survey cap number 3095; Thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, N76°42'20" E, more or less, a distance of 161.03 feet, more or less, to a point on the southerly lot line of said Lot 29R, said point being marked by a rebar with survey cap 3095; Thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, N87°22'22" E, more or less, a distance of 66.97 feet, more or less, to the point of beginning. Said tract of land contains 8.00 acres, more or less

PROPOSED LEGAL DESCRIPTION	Lot 3A revised and Block 11 of Fairway Hills Planned Residential Development
PARCEL ACREAGE	Approximately 8.00 acres
LOCATION	Along Fairway Hills Drive and Old Hwy. 40
EXISTING ZONING	Medium Density Residential District with a Planned Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District with a Planned Residential District
South:	Medium Density Residential District with a Planned Residential District
East:	Medium Density Residential District with a Planned Residential District
West:	Medium Density Residential District with a Planned Residential District

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	Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/10/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Major Amendment to the Fairway Hills Planned Residential Development Plan be **approved with the following stipulations:**

1. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
3. **Prior to issuance of a Building Permit, a Final Plat shall be reviewed and approved reconfiguring the two lots as shown on the site plan;**
4. **The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Major Amendment to the Planned Residential Development Plan;**
5. **A minimum of 162 parking spaces shall be provided with six handicap accessible spaces. One of the handicap spaces shall be "van" accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
6. **A minimum of 152,946 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
7. **Each air handling unit shall not exceed four ton in size. In addition, the air handling equipment shall be screened either with an opaque screening fence or a landscaping screen consisting of evergreen plant material and maintained in a live vegetative state and replaced as necessary;**
8. **The dumpsters shall be screened with an opaque screening fence or located within the structure(s);**
9. **Prior to approval by the Planning Commission, the applicant shall enter into an agreement with the City for future off-site high pressure water main improvements in exchange for being able to connect to the existing eight inch high pressure water main located in Fairway Hills Drive**
10. **All Uniform Fire Codes shall be met;**
11. **The subject property shall be used as a 108 unit apartment complex. Any other use shall require a Major Amendment to the Fairway Hills Planned Residential Development Plan; and,**
12. **The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.**

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GENERAL COMMENTS:

(This Staff Report has been updated on March 2, 2005. All revised and or added text is shown in bold print.) The applicant's consultant has submitted a revised parking plan, a complete landscaping, sign and lighting plan, a revised utility service plan, a drainage plan, a phasing plan and a list of the building materials and design features for the proposed apartment complex. The applicant has subsequently agreed to enter into an agreement with the City for future off-site high pressure water main improvements in exchange for being able to connect to the existing eight inch high pressure water main located in Fairway Hills Drive. This item was continued at the February 10, 2005 Planning Commission meeting to allow the applicant to finalize the terms of the agreement with the City Attorney's Office. To date, the final agreement has not been signed. The City Attorney has indicated that the final agreement will be available for the applicant's signature prior to the March 10, 2005 Planning Commission meeting. Staff will notify the Planning Commission at the meeting if this requirement has not been met.

(This Staff Report has been updated on February 2, 2005. All revised and or added text is shown in bold print.) This item was continued at the January 6, 2005 Planning Commission meeting to allow the applicant to submit additional information.

The applicant has submitted a Major Amendment to the Fairway Hills P.R.D. to allow an apartment complex to be constructed on the subject property. In particular, the apartment complex will consist of four buildings, each three stories in height with a drive under garage in each building. In addition, each building will consist of 27 units for a total of 108 units. The applicant has also submitted a Preliminary Plat to subdivide the subject property into two lots. (See companion item #04PL192.)

The applicant has submitted a Major Amendment to the Fairway Hills P.R.D. to allow an apartment complex to be constructed on the subject property. In particular, the apartment complex will consist of four buildings, each three stories in height with a drive under garage in each building. In addition, each building will consist of 27 units for a total of 108 units. The applicant has also submitted a Preliminary Plat to subdivide the subject property into two lots. (See companion item #04PL192.)

The property is located along Fairway Hills Drive within the Fairway Hills Planned Residential Development. Currently, a clubhouse, swimming pool and playground are located on proposed Lot 3A and proposed Block 11 is void of any structural development.

STAFF REVIEW:

Staff has reviewed the Major Amendment to the Planned Residential Development and has noted the following considerations:

Design Features: As noted above, the apartment complex will consist of four buildings, each three stories in height with a drive under garage in each building for a total height from ground elevation of 25 feet-11 3/8 inches. In addition, each building will consist of 27 units for a total of 108 units. The structural elevations show a balcony on each unit and that each structure will have a peaked roofline. However, to date a list of the building material has not

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been submitted for reviewed and approval. In addition, the location of the dumpster(s) must be shown in order to determine if any screening may be needed so as not to negatively impact adjacent properties. Staff is also recommending that the location of any proposed air handling equipment as well as information identifying the decibels of noise generated by the equipment and the range of influence from the projected decibel levels be submitted for review and approval in order to determine what impact, if any, the use(s) may have on the area properties. As such, staff is recommending that the Major Amendment to the Planned Residential Development be continued to the January 27, 2005 Planning Commission meeting to allow the applicant additional time to submit the above referenced information. On January 12, 2005, the applicant submitted a list of building materials identifying that the structures will consist of fiberglass shingles, cement board lap siding, stone and rock face integral color conic block, glass, aluminum and wood. In addition, the structures will consist of natural earth tone colors. The applicant has also indicated that the dumpsters will be located in the garage(s) and not on the exterior of the buildings. Staff is recommending that the proposed structure(s) conform architecturally to the plans and elevations and color palette submitted as part of this Major Amendment to the Planned Residential Development Plan.

The applicant also submitted information indicating that three air handling units per building will be located along the south side of each structure. The units are each four ton in size. Information submitted from Steen Engineering, Inc. indicates that a four ton unit will generate an average 62 decibels of noise resulting in 70 frequency of revolutions per second. The applicant has indicated that a landscaping screen will be planted around all of the air handling equipment. Staff is recommending that each air handling unit not exceed four ton. In addition, the equipment must be screened either with an opaque screening fence or a landscaping screen consisting of evergreen plant material and maintained in a live vegetative state and replaced as necessary.

Parking: The 108 unit apartment complex requires that a minimum of 162 parking spaces be provided. In addition, six of the parking spaces must be handicap accessible, with one of the handicap spaces being "van" accessible. The site plan identifies 27 parking stalls located within each drive under garage. However, the access aisle between 22 of the spaces measures 24 feet in lieu of 26 minimum feet as per the Parking Regulations. As such, only five of the parking spaces within each garage, for a total of 20 spaces, meet all the requirements of the Parking Regulations. In addition, the site plan identifies 56 parking spaces within the exterior parking lot located on the subject property and 26 additional parking spaces located on the east side of Fairway Hills Drive, directly across from the subject property. However, the adjacent property was not included in the legal description submitted as a part of this Major Amendment to the Planned Residential Development. As such, a subsequent Major Amendment to the Planned Residential Development or an amendment to this request must be submitted for review and approval in order for the parking spaces to be used for this development and/or any other development. The applicant should also be aware that the existing Medium Density Residential District allows a parking lot only as an accessory use to a residential use on the same property. However, the site plan currently has 76 parking spaces with four of the spaces being "van" handicap accessible meeting all of the Parking Regulation requirements. It appears that the applicant may be able to adjust the design of the garage parking spaces to provide the minimum 26 foot wide access aisle which subsequently would result in a total of 164 parking spaces

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being provided on-site. In addition, it appears that the applicant could provide the two additional handicap spaces without losing any of the aforementioned parking spaces. As such, staff is recommending that the Major Amendment to the Planned Residential Development be continued to the January 27, 2005 Planning Commission meeting to allow the applicant to adjust the site plan as identified and resubmit the parking plan for review and approval. On January 12, 2004, the applicant submitted a revised parking plan identifying 164 parking spaces with six of the spaces being handicap accessible. As noted above, the proposed use requires that a minimum of 162 parking spaces be provided with six of the spaces being handicap accessible. Staff is recommending that the parking lot be constructed as proposed and that all provisions of the Off-Street Parking Ordinance be continually met.

Phasing Plan: To date, a Phasing Plan for the proposed development has not been submitted for review and approval. A phasing plan allows the staff to review the phased project to insure that circulation through the site is continually maintained and that the Fire Department has adequate fire apparatus access as well as other on-site improvements such as utility extension(s), grading, drainage, etc. As such, staff is recommending that the Major Amendment to the Planned Residential Development be continued to the January 27, 2005 Planning Commission meeting to allow the applicant to submit a phasing plan. On January 12, 2005, the applicant submitted a Phasing Plan identifying that each building will be constructed as a separate phase for a total of four phases. In addition, the Phasing Plan identifies that sufficient parking will be provided per phase.

Lighting and Signage: The applicant has submitted a lighting package identifying exterior lighting at the entrances of each structure as well as within the parking area as per the Parking Regulations. To date, a sign package has not been submitted. If the applicant is not proposing signage then the sign package would consist of a statement indicating that "no signage is being proposed". The applicant has submitted a statement indicating that no signage is being proposed.

Site Improvements: A grading plan has been submitted; however, the plan must be revised to include an erosion and sediment control plan. In addition, a drainage plan, including on-site detention if necessary must be submitted for review and approval. Staff is also recommending that a phased grading and drainage plan be submitted if the applicant is proposing to develop the site in phases. The site plan for the apartment complex shows a sanitary sewer service line connecting into a sanitary sewer main located on proposed Lot 3A. A sanitary sewer plan and profile for the connection must be submitted for review and approval. Staff is recommending that the Major Amendment to the Planned Residential Development be continued to the January 27, 2005 Planning Commission meeting to allow the applicant additional time to submit the above referenced information. On January 12, 2005, the applicant submitted an erosion and sediment control plan, a grading plan and a drainage plan. The plan(s) have subsequently been reviewed and approved. Minor on-site grading, drainage and service line extension(s) information will be submitted in conjunction with the building permit.

Water: Staff has met with the applicant and his representative to discuss water volume and pressure issues relative to the site. The applicant has been discussing options for providing the necessary domestic and fire flow protection needed for the development and indicated

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he would get back to staff with additional information. To date, the information has not been submitted and the applicant is unavailable until Monday, January 3, 2005. As such, staff is recommending that the Preliminary Plat be continued to the January 27, 2005 Planning Commission meeting to allow staff and the applicant additional time to resolve the water issue. The applicant has agreed to enter into an agreement with the City for future off-site high pressure water main improvements in exchange for being able to connect to the existing eight inch high pressure water main located in Fairway Hills Drive. Staff is recommending that the agreement be signed by the applicant prior to Planning Commission approval.

Fire: The Fire Department has indicated that all Uniform Fire Codes must be met as a part of the design standards for the development. In particular, fire hydrants must be in place and operational prior to or in conjunction with building construction. In addition, the church must be fully sprinklered. An all weather drivable surface must be in place prior to any building construction on the site. The Fire Department has also indicated that an address must be posted on the site prior to or in conjunction with building construction. Staff is recommending that all Uniform Fire Codes be continually met.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the January 6, 2005 Planning Commission meeting if these requirements has not been met. Staff has received one call voicing opposition to the proposed development. In particular, the caller voiced opposition to the apartment complex use and the height of the structures. Staff has received the receipts from the certified mailings. In addition, the sign has been posted on the property. Staff has received several telephone calls and letters voicing opposition to this request. Please note that the written objections have been attached for your review.