

STAFF REPORT
March 10, 2005

No. 05PD008 - Major Amendment to a Planned Residential Development to allow the adjustment of lot lines, increase garage size and convert duplexes to townhomes **ITEM 33**

GENERAL INFORMATION:

PETITIONER	Richard O. Stahl
REQUEST	No. 05PD008 - Major Amendment to a Planned Residential Development to allow the adjustment of lot lines, increase garage size and convert duplexes to townhomes
EXISTING LEGAL DESCRIPTION	Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.59 acres
LOCATION	At the southwest corner of the intersection of West Street and South Street
EXISTING ZONING	High Density Residential District w/PRD
SURROUNDING ZONING	
North:	High Density Residential District
South:	Medium Density Residential District
East:	High Density Residential District
West:	High Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/9/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to allow the adjustment of lot lines, increase garage size and convert duplexes to townhomes be approved with the following stipulations:

1. The uses allowed within the Planned Residential Development shall be limited to a maximum of 16 dwelling units;
2. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the buildings;
3. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;
4. Prior to Planning Commission approval, a signed letter indicating approval from the West Boulevard Homeowners Association shall be submitted ;

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5. All building height, setback and area requirements shall comply with the requirements of the High Density Residential Zoning District. However, a reduced side yard setback on lots 2A and 3A from 25 feet to six feet shall be allowed, a reduced rear yard setback from 25 feet to 21 on lot 2A, a reduced rear yard setback on lot 2B from 25 feet to nine feet and a reduced rear yard setback on lots 3A and 3B from 25 feet to 20 feet shall be allowed;
6. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscaping plan;
7. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
8. All applicable provisions of the International Fire Code shall be continually met;
9. The proposed structures shall conform architecturally to the plans and elevations submitted; and,
10. 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: The subject property is located on the north side of Hill Street between 12th Street and Mill Street at the western terminus of Carolyn Court. The property is currently void of any structural development and is zoned High Density Residential District. On August 5, 2004 the Planning Commission approved a Planned Residential Development – Initial and Final Development Plan (04PD036), with nine stipulations, to allow the construction of multi-family and duplex structures on the subject property. Those stipulations of approval were as follows:

1. All stipulations of the Preliminary Plat (04PL092) shall be met;
2. All requirements of the Uniform Fire Code shall be continually met;
3. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met;
4. All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met except the following: parking may be designed to allow vehicles to back into Stahl Court;
5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. The proposed structure shall conform architecturally to the plans submitted as part of this Planned Residential Development, including the signed letter of agreement with the West Boulevard Homeowners Association;
7. The Final Residential Development Plan approval 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;
8. If more than one acre shall be disturbed by construction, an air quality permit shall be obtained prior to issuance of a grading permit or a building permit; and,

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9. All building height, setback and area requirements shall comply with the requirements of the High Density Residential Zoning District; however, a reduced setback shall be allowed as follows: an eleven foot (11') rear yard setback and a six foot (6') South Street front yard setback shall be allowed for Lot 2; a twenty foot (20') rear yard setback and a six foot (6') South Street front yard setback shall be allowed for Lot 3.

The applicant has now submitted a Major Amendment to the Planned Residential Development to allow the adjustment of lot lines, an increase in garage size and to convert the proposed duplexes into townhouses. The property owner has submitted a Preliminary Plat (05PL026) and Variance to the Subdivision Regulations (04SV013) in conjunction with this Major Amendment to a Planned Residential Development. Staff is recommending that the applicant notify the West Boulevard Homeowners Association of the proposed changes and receive written consent of their approval.

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

Building Permit: Staff noted that a Building Permit must be obtained prior initiation of construction, and that a Certificate of Occupancy must be obtained prior to occupying the buildings.

Air Quality Permit: Staff noted that if the area of disturbance exceeds one acre, an Air Quality Permit must be obtained.

Proposed Townhouses: The Planned Residential Development – Initial and Final Development Plan indicated that there would be two duplexes located on Lots 2 and 3. The applicant is now proposing to subdivide the lots into townhouse lots and selling the proposed structures as townhouses. As previously indicated the applicant has submitted a Preliminary Plat to subdivide the existing lots into townhouse lots. The proposed townhouse lots meet the minimum requirements of the Rapid City Municipal Code. The applicant is also proposing to construct three four unit apartment buildings on the subject property.

Design Features: On January 17, 2002, an agreement was signed by Fred Thurston, Bill Kessloff, the West Boulevard Homeowners Association and Dick Stahl identifying seven items of compatibility for the proposed development. The seven items of the agreement are as follows:

1. Project a two foot or more portion of the rear wall outward on the apartment building on Hill Street;
2. Revisions to the entries of the three apartment buildings to increase the size of the entry porticos or to include the adjacent window;
3. Use pre-finished double lap steel wood grain siding in a brown tone;
4. Use Prestique Elk Premium Roofing in a brown tone;
5. Appropriate landscape to contour the site to fit the natural grades and conceal the concrete foundation as the building terraces down the hillside;

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6. Location of dumpsters would be located to front of Victorian Nursing Home; and,
7. All Victorian Nursing Home's guest and employee parking to take place in the front of the nursing home.

As previously indicated the applicant is proposing to increase the size of the attached garages for the proposed townhouses. The Planned Residential Development – Initial and Final Development Plan showed the proposed duplexes to have a 26 foot wide attached garage. The applicant is now proposing to widen the garages to a width of 40 feet to accommodate a two car garage for each dwelling unit. The external design of the structures will not change except for the garage being wider than previously approved.

Setbacks: At the August 5, 2004 Planning Commission meeting, Planning Commission approved reduced setbacks for the proposed Planned Residential Development. The applicant is again requesting to reduce the setbacks for the proposed townhouses duplexes as a part of this Major Amendment to a Planned Residential Development. A six foot setback from the South Street right-of-way was previously approved with the Initial and Final Development Plan. The applicant is not proposing to reduce the previously approved setback from the South Street right-of-way for either townhouse. A nine foot rear yard setback was previously approved for the duplex located on Lot 2. The applicant is not proposing to reduce the previously approved rear yard setback more than what was previously approved. However, the applicant is proposing to subdivide Lot 2 into two separate townhouse lots, also asking for a reduced rear yard setback for the townhouses of 21 feet on Lot 2A, nine feet on Lot 2B. A 20 foot rear yard setback was previously approved for the duplex located on Lot 3. The applicant is not proposing to reduce the previously approved rear yard setback more than what was previously approved. However, the applicant is proposing to subdivide Lot 3 into two separate townhouse lots, also asking for a reduced rear yard setback for the townhouses of 20 feet on Lots 3A and 3B. Staff is supporting the reduced rear yard setback due to the terrain of the area and the reduced setbacks should not impact the neighboring properties.

Landscaping: The applicant's landscaping plan shows that each lot located within the Planned Residential Development will meet the minimum requirements of the Landscaping Ordinance found in Section 17.50.300 of the Rapid City Municipal Code.

Parking: The applicant's site plan shows that each lot located within the Planned Residential Development will meet the minimum requirements of the Parking Ordinance found in Section 17.50.270 of the Rapid City Municipal Code.

Maintenance Agreement: Due to the fact that Stahl Court and Carolyn Court are private roads a Restrictive Covenant prepared by the City of Rapid City Attorneys Office has been signed by the applicant insuring street maintenance and snow removal on Stahl Court and Carolyn Court.

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Notification: As of this writing the required sign has not been posted on the property and the receipts from the required notification of surrounding property owners have not been returned. Staff will notify the Planning Commission at the March 10, 2005 Planning Commission meeting if these requirements have not been met.

Staff recommends that the Planned Residential Development – Initial and Final Development Plan be approved with the above stated stipulations.