

STAFF REPORT

April 7, 2005

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**No. 05PD013 - Planned Residential Development - Initial and Final  
Development Plan**

**ITEM 42**

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GENERAL INFORMATION:

PETITIONER

Cedar Hill Corporation

REQUEST

**No. 05PD013 - Planned Residential Development -  
Initial and Final Development Plan**

EXISTING

LEGAL DESCRIPTION

Two tracts of land located in the SW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Tract 1: Beginning at a point from which the N 1/16 corner of Section 24 bears N89°45'54"W a distance of 33.00 feet; Thence S89°45'54"E a distance of 204.00 feet; Thence S00°28'01"W a distance of 529.94 feet; Thence S89°31'59"E a distance of 169.42 feet; Thence S77°13'54"E a distance of 144.99 feet; Thence S00°26'09"W a distance of 111.69 feet; Thence S45°19'07"W a distance of 14.17 feet; thence on a curve turning to the right with an arc length of 99.69 feet, a radius of 224.00 feet, a chord bearing of N75°45'01"W and a chord length of 98.87 feet; thence on a curve turning to the left with an arc length of 127.81 feet, a radius of 276.00 feet, a chord bearing of N76°16'00"W and a chord length of 126.67 feet; thence N89°31'59"W a distance of 275.83 feet; thence N44°31'59"W a distance of 14.14 feet; thence N00°28'01"E a distance of 619.11 feet to the point of beginning. Said tract contains 3.75 acres more or less. Tract 2: Beginning at the ¼ corner common to Sections 23 and 24; thence S89°48'44"E a distance of 33.00 feet; thence S89°48'44"E a distance of 175.00 feet; thence N00°28'01"E a distance of 539.76 feet; thence S89°31'59"E a distance of 99.50 feet; thence S82°34'08"E a distance of 68.31 feet; thence S63°24'40"E a distance of 92.01 feet; thence S83°10'51"E a distance of 89.53 feet; thence on a curve turning to the left with an arc length of 25.10 feet, a radius of 236.29', a chord bearing of N03°28'47"E and a chord length of 25.09'; thence N00°26'09"E a distance of 77.98 feet; thence N44°38'43"W a distance of 14.12 feet; thence on a curve turning to the right with an arc length of 123.80', a radius of 276.00 feet, a chord bearing of N75°51'02"W and a chord length of 122.76 feet; thence on a curve turning to the left with an arc length of 103.73', a radius of 224.00 feet, a chord bearing of N76°16'00"W and a chord length of 102.81 feet; thence N89°31'59"W a distance of 275.83 feet; thence

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S45°28'01"W a distance of 14.14 feet; thence  
S00°28'01"W a distance of 191.11 feet; thence  
S44°31'59"E a distance of 14.14 feet; thence  
S00°28'01"W a distance of 52.00 feet; thence  
S45°28'01"W a distance of 14.14 feet; thence  
S00°28'01"W a distance of 85.00 feet; thence  
N89°31'59"W a distance of 52.00 feet; thence  
S00°28'01"W a distance of 85.00 feet; thence  
S45°28'01"W a distance of 14.14 feet; thence  
S00°28'01"W a distance of 49.00 feet; thence  
S44°31'59"E a distance of 14.14 feet; thence  
S00°28'01"W a distance of 135.67 feet; thence  
S89°45'08"E a distance of 19.00 feet to the point of  
beginning; said tract contains 3.80 acres, more or less

PARCEL ACREAGE Approximately 9.197 Acres

LOCATION Generally lying south of Nicole Street, west of Brooke Street, and west of Northridge Drive

EXISTING ZONING Low Density Residential - II District - Mobile Home Residential District

SURROUNDING ZONING  
North: Low Density Residential - II District  
South: Public District  
East: Mobile Home Residential District  
West: Low Density Residential District (Planned Residential Development)

PUBLIC UTILITIES City sewer and water

DATE OF APPLICATION 2/25/2005

REVIEWED BY Vicki L. Fisher / David L. Johnson

**RECOMMENDATION:**

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

- 1. A Final Plat shall be approved prior to issuance of a building permit;**
- 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**

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- and a minimum 15 foot front yard setback shall be provided in front of each residence;
5. **A minimum 15 foot rear yard setback shall be provided. In addition, the single family residences and/or townhomes be one story structures only or a 25 foot rear yard setback shall be provided;**
  6. **All International Fire Codes shall be met;**
  7. **The proposed structures shall conform architecturally to the proposed elevations, design plans and color scheme submitted as part of this Final Planned Residential Development; and,**
  8. **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:

**(Update, March 30, 2005. All revised and/or added text is shown in bold print.) This item was continued at the March 24, 2005 Planning Commission meeting to allow a correct legal description to be advertised.** The applicant has submitted an Initial and Final Planned Residential Development to allow a mix of single family and townhome residential development to be constructed on the subject property. In addition, the applicant has submitted a Rezoning request to change the zoning designation on the subject property from Mobile Home Residential District to Low Density Residential District II. The applicant has also submitted a Preliminary Plat to subdivide the subject property and two additional parcels into 25 lots leaving a non-transferable unplatted balance. (See companion items #05RZ022 and 05PL040.)

On December 20, 2004, the City Council approved an Exception to the Street Design Criteria Manual to allow 106 dwelling units with one point of access in lieu of 40 dwelling units. In particular, the Exception allows 67 lots to be platted as Phase One of the Rainbow Ridge Subdivision and these 25 lots as shown on the associated Preliminary Plat.

The subject property is located west of the western terminus of Northridge Drive. Currently, a single family residence is located on proposed Lot 1R.

STAFF REVIEW:

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

**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 story residences with an attached garage and have a contiguous pitched roof. The applicant has also indicated that the structures will be earth tone in color. Staff is recommending that the proposed structures conform architecturally to the proposed elevations, design plans and color scheme submitted as part of this Major Amendment to the Planned**

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**Residential Development.**

**Platting:** On March 24, 2005, the Planning Commission recommended approval of the Preliminary Plat to subdivide the subject property as identified above. The City Council will consider the request at their April 4, 2005 City Council meeting. As previously indicated, the applicant has submitted a Rezoning request to change the zoning designation of the property from Mobile Home Residential District to Low Density Residential District II. The Low Density Residential District II allows one residential structure per parcel of land. As such, Staff is recommending that a Final Plat be approved prior to issuance of a building permit.

**Setbacks:** The Low Density Residential District II 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. The applicant has requested that the front yard setback be reduced to 18 feet in front of the garage and 15 feet in front of the balance of the structure. The Planning Commission has allowed reduced front yard setbacks within Planned Residential Developments when a minimum 18 foot front yard setback is provided in front of the proposed garages in order to insure a vehicle may be parked in the driveway without overhanging the public right-of-way or across the sidewalk in violation of the Rapid City Municipal Code. As such, staff is recommending that the proposed front yard setback of 15 feet be allowed as proposed with the stipulation that a minimum 18 foot front yard setback be provided in front of each garage.

The applicant is also requesting that the rear yard setback be reduced from 25 feet to 15 feet. In the past, the Planning Commission has reduced the rear yard setback for a residential development located east of the subject property with the stipulation that the single family residence and/or townhome be a one story structures only or that a 25 foot rear yard setback be provided. The Planning Commission has also reduced the rear yard setback for a residential development known as "Kateland Subdivision" located southeast of the subject property. However, it was noted that the development was being approved as an experimental subdivision and would be constructed to determine if similar reductions should be allowed in future developments. The applicant is currently constructing the street and utility improvements within Kateland Subdivision. To date, a Final Plat has not been submitted for review and approval nor has a building permit been issued for a residential structure. It was also noted that the reduced rear yard setback for both one story and two story residential structures would not be supported in other developments until it was determined if the reduced standard was appropriate for wide spread use and possible adoption as part of the City's development standards. The applicant has indicated that the reduced rear yard setback will allow for a sunroom to be constructed along the rear of the residence. In addition, the proposed residential structures, with the proposed sunrooms, have an average lot coverage of 25% with no lot exceeding the permitted 30% lot coverage. It is also important to note that the applicant currently owns all of the property abutting the rear lot line(s) of the

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proposed development. In addition, the applicant has submitted topographic information identifying that a forty plus foot high hill exists on the adjacent property abutting the proposed rear lot lines in the northern portion of the subject property. In addition, a 30 plus foot high hill with a natural drainage area exists on the adjacent property abutting the proposed rear lot lines in the southern portion of the proposed development. The topographic features existing on the adjacent properties will serve as a natural buffer between the subject property and future development of the adjacent property. As such, staff is recommending that a minimum 15 foot rear yard setback be allowed for a one story structure or that a minimum 25 foot rear yard setback be provided for a two story structure as a continuation of the adjacent experimental subdivision. In addition, all provisions of the Low Density Residential District II must be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment.

Please note that staff has supported the applicant's requests as a continuation of the previously approved 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.

**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. 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 International Fire Codes be continually met.

**Legal Notification:** The receipts from the certified mailing have been returned and the sign has been posted on the property. As of this writing, staff has not received any calls or inquiries regarding this proposal.