

STAFF REPORT
October 4, 2007

No. 07PD047 - Planned Residential Development - Initial and Final Development Plan **ITEM 36**

GENERAL INFORMATION:

APPLICANT	Brian Gonzalez for Century Development Co.
AGENT	David Jolly for TSP Three, Inc.
PROPERTY OWNER	Century Development Co.
REQUEST	No. 07PD047 - Planned Residential Development - Initial and Final Development Plan
EXISTING LEGAL DESCRIPTION	North 327.2 feet of the N1/2 of the SE1/4 lying west of Interstate 90 Right-of-Way, excepting there from the W1/2 of the NW1/4 of the SE1/4, and less North Boulevard Addition, located in the unplatted (9779); and, the East 670 feet of the south 30 feet of the SW1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.232 acres
LOCATION	1400 East Philadelphia Street
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Park Forest District
South:	Flood Hazard District
East:	Medium Density Residential District
West:	Office Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/29/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

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

- 1. Prior to Planning Commission approval, the site plan shall be revised to provide 12 additional off-street parking spaces for the clubhouse or 12 additional on-street visitor parking spaces. In addition, an Exception shall be obtained from the City Council to reduce the on-street visitor parking spaces from 49 spaces to 37 spaces**

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- if that is the parking requirement not being met. The site plan shall also continue to show 98 guest parking spaces within the driveways of the townhome lots and the proposed 12 off-street parking spaces for the clubhouse;
2. Prior to Planning Commission approval, the applicant shall submit a site plan showing the location and the design of mailboxes. In particular, the mailboxes shall be located to allow access in compliance with the United States Postal Service requirements;
 3. Prior to Planning Commission approval, the site plan shall be revised to eliminate the entrance gates;
 4. Prior to Planning Commission approval, Section 9 of the draft covenant agreement shall be revised to prohibit guest parking within LaVilla Vista Place since the street is not designed with an adequate width to provide any on-street parking;
 5. Prior to Planning Commission approval, the covenant agreement shall be revised to provide the mechanism for maintenance of the private street(s) and the gates. In addition, prior to issuance of a Building Permit, the covenant agreement shall be recorded at the Register of Deed's Office and a copy of the recorded document shall be submitted to the Growth Management Department;
 6. The approach along Founders Park Drive shall be posted as an "exit" only approach in order to prevent stacking and backing of vehicles into the Founders Park Drive right-of-way;
 7. The fence shall conform architecturally to the proposed elevations, color palette and design plans submitted as part of this Initial and Final Planned Residential Development;
 8. Prior to issuance of a Certificate of Occupancy, the right-of-way and/or an H Lot for Philadelphia Street shall be recorded at the Register of Deed's Office to insure legal access to the site;
 9. Prior to issuance of a building permit, a Preliminary Plat shall be reviewed and approved by the City Council. In addition, prior to issuance of a Certificate of Occupancy a Final Plat shall be approved and recorded;
 10. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 11. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Growth Management Department;
 12. Prior to issuance of a building permit, design calculations and details for retaining walls in excess of four feet high shall be submitted for review and approval. In addition, the plans shall be sealed and signed by a Professional Engineer;
 13. 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;
 14. All streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual and the currently adopted International Fire Code. In addition, fire hydrants shall be in place and operational prior to any building construction. Street signs and lot addresses shall also be posted prior to or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met;

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15. The rear yard setback is hereby reduced from 25 feet to 14.5 feet for the deck on the clubhouse;
16. The parking spaces for the clubhouse are hereby allowed to back into the adjacent LaVilla Vista access easement;
17. The signage shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development. In addition, the lighting for the sign shall be designed to preclude reflection on the adjacent properties and/or streets. A sign permit shall also be obtained;
18. The street lights shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development. In addition, the applicant shall provide continual maintenance of the street lights;
19. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development;
20. All other provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a part of this Initial and Final Residential Development Plan or as a Major Amendment to the Planned Residential Development; and,
21. The Planned Residential Development shall allow for the construction of a 49 townhome development and a clubhouse. The clubhouse shall be used exclusively by the tenants of the townhome development and their guests. 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 a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

GENERAL COMMENTS:

(Update, September 25, 2007. All revised and/or added text is shown in bold print.)
This item was continued at the September 20, 2007 Planning Commission meeting to allow staff to review recently submitted information and to allow the applicant to submit additional information.

(Update, September 11, 2007. All revised and/or added text is shown in bold print.) This item was continued at the September 6, 2007 Planning Commission meeting to allow staff to review recently submitted information. In addition, this item was continued to allow the City Council to act on the associated Variance to the Subdivision Regulations request (#07SV044) to reduce the right-of-way width of Philadelphia Street from 68 feet to 54.62 feet. **The applicant has subsequently requested that the Variance to the Subdivision Regulations to reduce the right-of-way width along Philadelphia Street as identified above be withdrawn. On September 20, 2007, the Planning Commission acknowledged the applicant's request to withdraw the Variance to the Subdivision Regulations application.**

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On August 27, 2007, the applicant submitted a revised plat document and a revised site plan eliminating two of the proposed townhome units for a total of 49 townhome lots and one lot for the proposed clubhouse. On September 5, 2007, the applicant submitted a revised site plan showing 37 visitor parking spaces along Philadelphia Street. On September 7, 2007, the applicant submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate Philadelphia Street, a collector street, to the north lot line of the property and to eliminate 11th Street as a collector street. In addition, the applicant submitted a Vacation of Right-of-Way request to vacate Philadelphia Street located along the south lot line of the property. However, all of the necessary signatures were not on the vacation petition form nor was an Exhibit of the proposed Vacation request, sealed and signed by a licensed surveyor, submitted with the application. As such, the Vacation request can not be processed until these requirements are met. **On September 17, 2007, the City Council authorized the Mayor and Finance Officer to sign the Vacation of Right-of-way Petition.**

On September 10, 2007, the applicant submitted sample elevations of the proposed street lights within the development. In addition, the applicant submitted an Exception request to allow an access easement to serve 50 lots in lieu of four lots. The applicant also submitted an Exception request to reduce the visitor parking requirement from 49 spaces to 37 spaces. On September 11, 2007, staff reviewed and approved the Exception request to allow an access easement to serve 50 lots in lieu of four lots. In addition, on September 11, 2007, the Exception request to reduce the visitor parking requirement from 49 spaces to 37 spaces was denied.

As of this writing the following information has not been submitted for review and approval:

- A revised plat document and site plan showing the entry kiosk, the pillar and the sign located outside of the proposed access easement;
- An elevation of the entry kiosk and pillar with dimensions, building material and color scheme;
- An elevation of the proposed gate(s) and privacy fence with dimension, building material and color scheme;
- Revised construction plans showing the approach along Founders Park Place as an "exit" only approach;
- A revised site plan showing a minimum of 49 visitor parking spaces located within 300 feet of the residence or an appeal to the Exception request submitted for review and approval to reduce the number of required visitor parking spaces from 49 spaces to 37 spaces;
- Written documentation identifying the percentage of lot coverage on the property as a result of the revised site plan. In addition, the site plan must be revised to comply with the maximum 40% lot coverage if determined that the lot coverage exceeds this amount or an Exception must be submitted for review and approval to allow additional lot coverage;
- A written statement from the applicant identifying the users of the clubhouse in order to determine the parking required for the clubhouse;
- Documentation that the applicant has coordinated trash pick-up with the Public

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- Works Department;
- Proof of the legal entity which will provide the mechanism for maintenance of the street, gates, emergency access and street lights;
 - Emergency vehicle access to the gated community must be demonstrated. In addition, the access must be reviewed and approved by the Fire Department and the Police Department. If the proposed gate(s) hinder or slow emergency response, all structures within the development must be fully fire sprinklered;
 - A Master Utility Plan showing public and private utilities, signed by all of the affected private utilities; and,
 - A revised site plan and plat document showing the entire 68 feet of right-of-way along Philadelphia Street or a Variance to the Subdivision Regulations obtained to reduce the right-of-way width from 68 feet to 54.6 feet.

(Update, August 27, 2007. All revised and/or added text is shown in bold print.) This item was continued at the August 23, 2007 Planning Commission meeting to allow the applicant to submit additional information. On August 27, 2007, the applicant submitted a revised site plan, a revised plat document and a revised letter of intent. Staff is recommending that the Initial and Final Residential Development Plan be continued to the September 20, 2007 Planning Commission meeting to allow staff sufficient time to review the recently submitted information. In addition, staff is recommending that the Final Residential Development Plan be continued to allow the City Council to act on the associated Variance to the Subdivision Regulations request (#07SV044) to reduce the right-of-way width of Philadelphia Street from 68 feet to 54.62 feet since the plat document may be significantly altered if the applicant has to dedicate the additional right-of-way as required.

The applicant has also submitted an Initial and Final Planned Residential Development to allow the development of 51 townhome units and a clubhouse on the property. In addition, the applicant has submitted a Preliminary Plat (#07PL090) to subdivide the property into 52 lots. The applicant has also submitted a Variance to the Subdivision Regulations (#07SV044) to reduce the right-of-way width for the eastern 481 feet of Philadelphia Street as it abuts the property from 68 feet to 54.6 feet.

On January 5, 2006, the Planning Commission approved an Initial Residential Development Plan (#05PD079) to construct a 96 unit condominium development on the property. On July 5, 2007, the Planning Commission approved a SDCL 11-6-19 Review (#07SR025) to construct Philadelphia Street and 11th Street located adjacent to the property. The applicant has subsequently revised the proposed development plan for the property and submitted the Initial and Final Planned Residential Development application as identified above. In addition, the applicant is currently constructing Philadelphia Street and 11th Street.

The property is located between Founders Park Drive and west of 11th Street and is currently void of any structural development.

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STAFF REVIEW:

Staff has reviewed the Initial and Final Residential Development Plan and has noted the following considerations:

Gated Community: The applicant has indicated that the proposed development will be a gated community with gates along Philadelphia Street and Founders Park Place. In addition, the applicant has indicated that the street will be a private street, maintained by the applicant, with public utilities extending through the site. In the past, the Planning Commission has had significant concerns with approving gated communities. Concerns have been expressed with the negative impacts of separating different social, cultural and economic groups. Further concerns have been expressed with potential delays in emergency response times. For these reasons, staff does not support approval of the gates as a part of this Planned Residential Development. If the Planning Commission chooses to approve the development of this project as a gated community, the applicant must demonstrate that access through the development for purposes of maintaining the public utilities and for emergency vehicle access is being provided. The Fire Department has indicated that if the proposed gate(s) hinder or slow emergency response, all structures within the development must be fully fire sprinklered. **On September 24, 2007, the applicant submitted a letter signed by the Police Department Chief, the Fire Department Chief and the Public Works Director indicating that the design of the gates will allow them access as needed with the use of a radio activated access code. Even though the applicant has demonstrated that access is being provided, staff continues to voice concerns with the negative impacts of separating different social, cultural and economic groups. In the past, the Planning Commission and the City Council have had significant concerns with approving gated communities based on these reasons. In this case, the gates provide no additional security as the development is open to the Executive Golf Course taking advantage of the public open space. Further experiences in other communities across the country have resulted in the gates being left open due to the difficulties to the users. In a number of communities the gates have been removed. As such, staff is recommending that prior to Planning Commission approval, the site plan be revised to eliminate the gates.**

If the Planning Commission allows the gates, then staff is recommending that the gates be constructed in compliance with the proposed elevations and design plan. In addition, the gates must be designed to open with a radio activated access code and the City Fire Department, Police Department and Public Works Department must be provided with a code to allow entry.

The applicant must also submit proof of the legal entity which will provide the mechanism for maintenance of the street, gates and emergency access. **The applicant has submitted a draft copy of a covenant agreement. However, the agreement does not specifically identify maintenance of the streets and/or gates. As such, staff is recommending that prior to Planning Commission approval, the covenant agreement be revised to provide the mechanism for maintenance as identified. In addition, prior to issuance of a Building Permit, the covenant agreement must be recorded at the Register of Deed's Office and a copy of the recorded document must be submitted to the Growth**

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Management Department.

The applicant has submitted an elevation of the proposed gates to be located at the two accesses. In particular, the elevations show the gates as being four foot eight inches high with stone and/or brick veneer pillars at either side. In addition, a third pillar is proposed within the middle of the LaVilla Vista Place easement to support and provide the mechanism to lock the gate. However, the gate at the exit along Founders Park Place is located within 25 feet of the Founders Park Place right-of-way which limits the maximum height of the gate to four feet. As such, staff is recommending that prior to Planning Commission approval, a Fence Height Exception be obtained or the gate must be redesigned accordingly. **Staff is also recommending that the approach along Founders Park Drive function as an "exit" only approach in order to prevent stacking and backing of vehicles into the Founders Park Drive right-of-way.**

The site plan identifies a privacy fence along the perimeter of the property. To date, an elevation of the privacy fence has not been submitted for review and approval. As such, staff is recommending that elevations be submitted for review and approval prior to Planning Commission approval. In addition, an Exception must be obtained to allow a privacy fence in excess of four feet located within 25 feet of right-of-way if applicable. Update September 11, 2007: The applicant has submitted a revised letter of intent stating that the privacy fence and the gate will not exceed four feet. However, an elevation of the proposed gate(s) and privacy fence with dimensions, building material and color scheme has not been submitted for review and approval. **On September 24, 2007, the applicant submitted a revised fence elevation. In particular, the elevation shows the fence with a maximum height of four feet. In addition, the elevations show that the fence will be constructed with wrought iron and that the pillars located at the entrances will be constructed of stone or brick veneer. The applicant has also indicated that the fence will consist of same shades of brown as the proposed buildings. Staff is recommending that the fence conform architecturally to the proposed elevations, color palette and design plans submitted as part of this Initial and Final Planned Residential Development.**

The site plan does not show the proposed privacy fence along the entire perimeter of the property or connecting with the gate. As such, it is unclear as to the intent of gating the streets. Without a continuous fence along the perimeter of the project, it does not appear that the proposed gates are being constructed to provide security.

The applicant has indicated that a kiosk will be located within the LaVilla Vista Place easement to accommodate the entry and/or exit mechanisms for the gate. To date, an elevation of the kiosk has not been submitted for review and approval. The kiosk is a structure and may not be located within the access easement. As such, staff is recommending that prior to Planning Commission approval, the easement be revised to exclude the kiosk or the kiosk must be relocated. If the easement boundaries are reviewed, they must be done in a manner as to provide adequate accessibility for all utility and emergency vehicles. In addition, an elevation of the kiosk must be submitted for review and approval. **On September 24, 2007, the applicant submitted a site plan showing an entry keypad on a pole within the proposed raised island, directly adjacent to the**

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proposed sign. The entry keypad does not protrude into the adjacent access easement but is located directly adjacent to the driving aisle so that it can be accessed from a vehicle. Staff is recommending that if the Planning Commission allows the gates, the entry keypad must conform architecturally to the proposed elevations and design plans submitted as part of this Initial and Final Planned Residential Development

Philadelphia Street: During the review of the associated Preliminary Plat, staff noted that the plat document must be revised to show the eastern portion of Philadelphia Street located within 68 feet of right-of-way, or 13.38 additional feet of right-of-way, or a Variance to the Subdivision Regulations must be obtained or the street must be redesigned to show the entire dedication of the 68 feet of right-of-way from the property. **As noted above, on September 20, 2007, the Planning Commission acknowledged the applicant's request to withdraw the Variance to the Subdivision Regulations application. In addition, the applicant has submitted a revised site plan showing the entire 68 foot of right-of-way for Philadelphia Street. As such, staff is recommending that prior to issuance of a Certificate of Occupancy, the right-of-way and/or an H Lot for Philadelphia Street shall be recorded at the Register of Deed's Office to insure legal access to the site.**

The applicant has also indicated that visitor parking for the 51 unit townhome development will be provided along Philadelphia Street. To date, a site plan showing the visitor parking along Philadelphia Street has not been submitted for review and approval. In particular, the site plan must show visitor parking at a ratio of one parking space per residence located within 300 feet of the residence, or in this case 51 visitor parking spaces. Since the site plan may be significantly altered if the applicant has to dedicate the additional right-of-way, staff is recommending that the Initial and Final Residential Development Plan be continued to allow the applicant to address these issues. Update September 11, 2007: As noted above, the applicant has submitted a revised site plan reducing the number of townhome units from 51 units to 49 units. In addition, the applicant has submitted a revised site plan showing 37 visitor parking spaces along Philadelphia Street. On September 11, 2007, an Exception request to reduce the number of required visitor parking spaces from 49 spaces to 37 spaces was denied. As such, an appeal to the Exception request must be submitted and approved by the City Council or a revised site plan must be submitted showing a minimum of 49 visitor parking spaces located within 300 feet of the residence. **The proposed use of the property requires that two off-street guest parking spaces be provided per unit, or 98 spaces. In addition, 24 off-street parking spaces must be provided for the clubhouse. One on-street visitor parking space per unit must also be provided within 300 feet of the residence, or 49 spaces. The applicant has submitted a site plan showing two guest parking spaces within the driveways of each of the 49 townhome lots for a total of 98 guest parking spaces. In addition, the site plan shows 12 off-street parking spaces for the clubhouse and 37 on-street visitor parking spaces along Philadelphia Street. The applicant has subsequently requested to reduce the off-street parking requirement for the clubhouse from 24 spaces to 12 spaces and to reduce the on-street visitor parking spaces from 49 spaces to 37 spaces.**

On September 25, 2007, the Public Works Committee considered an Exception

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request to reduce the visitor parking requirement from 49 spaces to 37 spaces. In particular, the Public Works Committee voiced concern that reducing both the on-street visitor parking requirement and the off-street parking requirement as identified will result in parking issues within the development and along the adjacent street(s). In particular, the construction plans submitted for LaVilla Vista Place and 11th Street show the two streets being constructed with no on-street parking provisions. In addition, Philadelphia Street is being constructed with parking along one side only. However, the applicant indicated at the Public Works Committee meeting that Philadelphia Street could be constructed to provide parking along both sides. As such, the Public Works Committee recommended that the Exception request be sent forward to the City Council without recommendation. The City Council will consider the Exception request at their October 1, 2007 City Council meeting.

The typical uses of the clubhouse may include anniversary parties, birthday parties, family reunions, etc. which will require that off-street and/or on-street parking be provided in addition to the two guest parking spaces provided on each townhome lot. As such, reducing the parking for the clubhouse and reducing the on-street visitor parking requirement will create parking issues within the development. In addition, as indicated by the applicant, Philadelphia Street could be constructed to provide parking along both sides. As such, staff is recommending that prior to Planning Commission approval, the site plan be revised to provide 12 additional off-street parking spaces for the clubhouse or 12 additional on-street visitor parking spaces. In addition, an Exception must be obtained from the City Council to reduce the on-street visitor parking spaces from 49 spaces to 37 spaces if that is the parking requirement not being met. The site plan must also continue to show 98 guest parking spaces within the driveways of the townhome lots and the proposed 12 off-street parking spaces for the clubhouse.

Infrastructure Improvements: Construction plans have been submitted for review and approval as a part of the associated Preliminary Plat application. The construction plans show the construction of access streets, utilities, and drainage improvements for the proposed residential development. Staff is recommending that the Preliminary Plat be approved prior to approval of a Final Residential Development Plan to insure that the site functions correctly for the proposed development. In addition, a Final Plat must be approved prior to issuance of a Certificate of Occupancy to insure that legal access and utility and drainage easements are in place as needed.

Structural Design: The applicant has indicated that the proposed townhomes will be one and two story structures. In addition, the townhomes will be designed as three and four connecting townhome units. The applicant has also indicated that the clubhouse will be a two story structure with a deck along the south side of the building. All of the structures will be constructed with exterior insulation finish system, stone accents, wood trim and peaked asphalt and tile roofing. In addition, the structures will be shades of brown in color. Staff is recommending that the structures conform architecturally to the design plans, elevations and color palette submitted as part of this Initial and Final Residential Development Plan.

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Signage: The applicant has submitted a sign package showing a 4.5 foot high by 11.25 foot wide ground sign located within the LaVilla Vista Place access easement extending south from Philadelphia Street. The sign will be constructed on a stone and/or brick veneer base with similar pillars at either end. A sign can not be located in an access easement and/or right-of-way. As such, staff is recommending that prior to Planning Commission approval, the easement be revised to exclude the sign or the sign must be relocated outside of the access easement. If the easement boundaries are reviewed, they must be done in a manner as to provide adequate accessibility for all utility and emergency vehicles. **On September 24, 2007, the applicant submitted a revised site plan and plat document showing the sign located outside of the access easement. In addition, the applicant submitted an elevation of the sign showing it as a four foot high by 11 foot three inch wide ground mounted sign. The sign will include two stone veneer pillars along each side with a stone veneer base connecting the two pillars. Staff is recommending that the signage conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development. In addition, the lighting for the sign must be designed to preclude reflection on the adjacent properties and/or streets. A sign permit must also be obtained.**

Density/Lot Coverage: Chapter 17.50.030 of the Rapid City Municipal Code states that a maximum density for a townhome development shall have 4,000 square feet of land area for each townhome unit located on the townhome development. The 51 unit townhome development requires 204,000 square feet of land area be provided. The property includes 402,145 square feet of land area meeting this requirement. However, Chapter 17.50.030 also states that main and accessory buildings shall not cover more than 40% of the townhouse development lot. The proposed structural development within this project will cover 59.56% of the townhome development lot. As such, prior to Planning Commission approval, the applicant must submit a revised plan in compliance with the lot coverage requirement or an Exception must be obtained to allow 59.56% lot coverage. Update September 11, 2007: As noted above, the applicant has submitted a revised site plan reducing the number of townhomes from 51 units to 49 units. To date, the applicant has not submitted written documentation identifying the percentage of lot coverage on the property as a result of the revised site plan. In addition, the site plan must be revised to comply with the maximum 40% lot coverage if determined that the lot coverage exceeds this amount or an Exception must be submitted for review and approval to allow additional lot coverage. **On September 25, 2007, the applicant submitted revised calculations identifying that the proposed development will result in 24.29% lot coverage.**

Setbacks: The applicant has requested to reduce the rear yard setback for the clubhouse from 25 feet to 16.5 feet for the building and from 19 feet to 4.5 feet for the deck. The City has granted similar requests along the City's golf course property when a minimum ten foot setback was provided and landscaping was planted to serve as a buffer. However, staff has noted that a 20 foot wide sanitary sewer easement must be dedicated along the south lot line of the property, centered on the sewer main. The proposed deck along the south side of the building as currently proposed will encroach into the easement. As such, staff is recommending that the Initial and Final Residential Development Plan be continued to allow the applicant to revise the site plan as needed to preclude encroaching into the sanitary

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sewer easement and to provide a minimum ten foot rear yard setback. **On August 27, 2007, the applicant submitted a revised site plan showing that the deck no longer encroaches into the sanitary sewer easement. In addition, the site plan shows the deck located 14.5 feet from the rear lot line. As noted above, the City has granted similar requests along the City's golf course property when a minimum ten foot setback was provided and landscaping was planted to serve as a buffer. Since the deck is located in excess of ten feet from the rear lot line and the landscaping plan identifies landscaping along the south lot line, staff is recommending that the rear yard setback be reduced from 25 feet to 14.5 feet for the deck.**

The applicant has also requested to reduce the side yard setback for a two story residential structure from 12 feet to 10 feet. However, on August 14, 2007, staff met with the applicant and discussed the need to provide a minimum 20 foot wide major drainage and utility easement along the common lot lines, except where townhomes are proposed. In addition, it was discussed that design features such as bay windows and eaves could not extend into the easements. The applicant indicated that they would review the design of the structures to ensure that there are no encroachments into the easements and that the site plan would be revised to provide additional setbacks if needed. As such, staff is recommending that the Initial and Final Residential Development Plan be continued to allow the applicant to review the elevations of the structures and to revise the site plan as needed. The applicant should be aware that the Planning Commission has only reduced the side yard setbacks within one residential development as an experimental project and as an affordable housing development. The development is currently being constructed in phases and staff has received complaints from the owners indicating that an insufficient area exists for decks along the sides of the homes. In addition, the reduced setbacks do not insure adequate area for light, air and open space between dwelling units.

The applicant has also requested to reduce the side yard setback for the two townhomes adjacent to 11th Street from 25 feet to 16 feet and to reduce the side yard setback for the townhome located in the southwest corner of the property adjacent to Founders Park Place from 25 feet to 24 feet. However, staff has received complaints in other developments when the side yard setbacks are reduced as proposed due to the vision clearance as well as the aesthetic impacts along the adjacent streets. As such, staff is recommending that the applicant revise the site plan to provide the minimum 25 foot setback along the two collector streets. **On August 27, 2007, the applicant submitted a revised site plan showing a 12 foot side yard setback between the townhome units. In addition, the applicant submitted a revised plat document showing a 20 foot wide major drainage easement along common lot lines as needed.**

The applicant should be aware that the City has granted reductions to the front yard setbacks within residential developments when a minimum 18 foot setback is provided in front of the garage to provide an off-street parking space and a minimum 15 foot setback is provided to the residence. The applicant is encouraged to revise the layout and design of the townhomes reducing the front yard setback as identified in order to provide the minimum side and rear yard setbacks. **On August 27, 2007, the applicant submitted a revised site plan showing a minimum 18 foot front yard setback along the townhome units.**

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Parking: The proposed townhome development requires that **98 off-street parking spaces, or two spaces per townhome unit be provided. In addition, a minimum of 24 off-street parking spaces must be provided for the clubhouse. As a part of platting the property, a minimum of 49 on-street visitor parking spaces, or one space per residential unit, must be provided. As noted above, the applicant has requested an Exception request to reduce the on-street visitor parking spaces from 49 spaces to 37 spaces. (The City Council will consider this request at their October 1, 2007 City Council meeting.) In addition, the applicant has submitted a request to reduce the off-street parking requirement for the clubhouse from 24 spaces to 12 spaces. The applicant has indicated that the clubhouse will be used exclusively by occupants of the development.**

However, the typical uses of the clubhouse may include anniversary parties, birthday parties, family reunions, etc. which will require that off-street and/or on-street parking be provided in addition to the two guest parking spaces provided on each townhome lot. As such, reducing the parking for the clubhouse and reducing the on-street visitor parking requirement will create parking issues within the development. In addition, as indicated by the applicant, Philadelphia Street could be constructed to provide parking along both sides. As such, staff is recommending that prior to Planning Commission approval, the site plan be revised to provide 12 additional off-street parking spaces for the clubhouse or 12 additional on-street visitor parking spaces. In addition, an Exception must be obtained from the City Council to reduce the on-street visitor parking spaces from 49 spaces to 37 spaces if that is the parking requirement not being met. The site plan must also continue to show 98 guest parking spaces within the driveways of the townhome lots and the proposed 12 off-street parking spaces for the clubhouse.

The applicant has also requested that the 12 parking spaces for the clubhouse be allowed to back into the adjacent LaVilla Vista Place access easement. Staff has noted that if the applicant maintains ownership and maintenance of the access easement and if the applicant demonstrates sufficient visitor parking for the proposed townhomes along Philadelphia Street, backing into the LaVilla Vista Place easement may be allowed. **The applicant has indicated that the access easement will be owned by the home owners and that the covenant agreement will provide the mechanism to maintain the access easement. As such, staff is recommending that the parking spaces for the clubhouse be allowed to back into the adjacent LaVilla Vista access easement.**

The driveways along LaVilla Vista Place do not align nor do they provide a minimum separation of 75 feet as per the Street Design Criteria Manual. As such, the site plan must be revised to show the driveway locations in compliance with the Street Design Criteria Manual or an Exception must be obtained. **An Exception has been approved to reduce the separation between driveways as shown on the site plan.**

Lighting Plan: The applicant has not submitted a lighting plan identifying street lights along LaVilla Vista Place. Since the street is being proposed as a private street, the applicant will

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be responsible for the construction and maintenance of the street lights. Staff is recommending that prior to Planning Commission approval, a lighting plan be submitted for review and approval. In addition, the applicant must submit proof of the legal entity which will provide the mechanism for maintenance for the street lights. Staff is also recommending that the lighting be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind. Update September 11, 2007: On September 10, 2007, the applicant submitted elevations of proposed street lights within the development. Staff has routed the elevations to the Public Works Department for review and approval. **The Public Works Department has reviewed and approved the proposed street lights. In addition, the applicant has submitted a copy of a covenant agreement showing maintenance of the street lights will be provided by the Home Owners Association. Staff is recommending that the street lights conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development. In addition, the applicant must provide continual maintenance of the street lights.**

Trash: The applicant has indicated that residential type containers will be used and stored in the garages and equipment room of the clubhouse. However, since LaVilla Vista Place will be a gated street, the applicant must coordinate with the Public Works Department to allow access to pick up the trash or the applicant must identify how they propose to dispose of the trash. Update September 11, 2007: To date, the applicant has not submitted documentation identifying that they have coordinated the trash pick-up with the Public Works Department. **The applicant has coordinated the trash pick-up with the Public Works Department. As noted above, staff is recommending the gates be designed to open with a radio activated access code and that the Public Works Department be provided with a code to allow entry.**

Fire Protection: The Fire Department staff has indicated that fire hydrants must be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). The Fire Department has also indicated that prior to issuance of a building permit, all weather access roads must be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. As noted above, the Fire Department has indicated that if the proposed gate(s) hinder or slow emergency response, all structures within the development must be fully fire sprinklered. **As noted above, on September 24, 2007, the applicant submitted a letter signed by the Fire Chief, the Police Chief and the Public Works Director indicating that the design of the gates will allow them access as needed with the use of a radio activated access code.**

Notification Requirement: As of this writing, the receipts for the certified mailing requirement have been returned and the sign has been posted on the property. Staff has received two calls of inquiry regarding this proposal.