

STAFF REPORT  
January 24, 2008

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**No. 07PD081 - Major Amendment to a Planned Residential Development**

**ITEM 35**

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GENERAL INFORMATION:

APPLICANT	Eagle Ridge Properties, LLC
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Eagle Ridge Properties, LLC
REQUEST	<b>No. 07PD081 - Major Amendment to a Planned Residential Development</b>
EXISTING LEGAL DESCRIPTION	Lots 2A and 2B of Block 1 of Black Hills Center, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.87 acres
LOCATION	121 Stumer Road
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Highway Services District (Pennington County)
East:	Office Commercial District (Planned Commercial Development)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/7/2007
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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

- 1. Prior to Planning Commission approval, the landscaping plan shall be revised to show a row of evergreen trees with a minimum height of 12 feet along the berm located in Catron Boulevard Right-of-way. In particular, the trees shall be Colorado Spruce, Black Hills Spruce or Colorado White Spruce as per the applicant's proposed specimen list. In addition, the landscaping plan shall show that all trees shall be irrigated;**

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2. The landscaping shall be planted in compliance with the approved landscaping plan and shall comply with all approved requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary. Any change in the approved landscaping plan shall require a Major Amendment to the Planned Residential Development;
3. All outdoor lighting shall be reflected within the property boundaries so as to not 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;
4. Sediment and erosion control measures shall be maintained to preclude sediment from impacting the adjacent properties and/or rights-of-way. In addition, sediment and erosion control measures shall be maintained along the berm located along Catron Boulevard;
5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. A fence shall be provided along the west lot line. In particular, the first 25 feet of the fence as it abuts Catron Boulevard and/or Stumer Road right-of-way shall be four feet in height or a Fence Height Exception shall be obtained. The balance of the fence shall be six feet in height and conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Residential Development Plan;
7. The retaining wall(s) shall be constructed in compliance with the approved design plans. In addition, the wall(s) shall be constructed at the start of construction for Phase Two;
8. An Exception is hereby granted to allow the apartment buildings to be 38 feet, 9 3/8 inches in height in lieu of a maximum height of 35 feet;
9. All provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Residential Development or a subsequent Major Amendment;
10. The dumpster(s) shall be screened on all four sides with an opaque screening fence;
11. A minimum of 231 parking spaces shall be provided with seven of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. A minimum of six planter islands shall be provided within the parking lot. Each planter island shall contain a minimum of one hundred square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. All provisions of the Off-Street Parking Ordinance shall be continually met;
12. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. All of the residential dwelling units or structures shall be sprinklered;
13. A storm water discharge permit shall be obtained as needed;
14. A Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation as needed;
15. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential

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- Development; and,
16. **The Planned Residential Development shall allow for the construction of a 154 unit apartment complex with a leasing/administration office, tot lots and accessory garages 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, January 15, 2008. All revised and/or added text is shown in bold print.) This item was continued at the January 10, 2008 Planning Commission meeting to allow the applicant to meet with the adjacent property owners and to allow staff to review recently submitted information. The applicant indicated that they subsequently met with the adjacent property owners to discuss proposed revisions to the landscaping plan between the neighboring properties and this development. Staff has received three e-mails from adjacent property owners voicing concerns with the proposed revisions. In particular, the property owners have stated that the proposed screening fence and landscaping does not adequately buffer the apartment use from their properties. (See attached comments from the public.)

(Update, November 21, 2007. All revised and/or added text is shown in bold print.) This item was continued at the December 6, 2007 Planning Commission meeting to allow the applicant to submit additional information. On December 11, 2007, staff met with the applicant to discuss the outstanding issues. On December 28, 2007 the applicant submitted a revised landscaping plan, a revised site plan, revised line of sight drawings, additional retaining wall details and photographs of the existing development. The applicant has indicated that they will be meeting next week with the neighboring property owners to review the revised information. As such, the applicant is in agreement that this item be continued to the January 24, 2008 Planning Commission meeting to allow staff to review the recently submitted information and to allow the applicant to meet with the neighboring property owners as proposed.

(Update, October 29, 2007. All revised and/or added text is shown in bold print.) This item was continued at the October 25, 2007 Planning Commission meeting to allow the applicant to submit additional information. On October 25, 2007, the applicant submitted a revised landscaping plan and revised diagrams demonstrating the line of sight between the adjacent properties and the proposed buildings. In addition, the applicant submitted elevations of a proposed privacy fence to be located along the west lot line.

(Update, October 12, 2007. All revised and/or added text is shown in bold print.) This item was continued at the October 4, 2007 Planning Commission meeting to allow the applicant to submit additional information. On October 8, 2007, the applicant submitted and obtained approval modifying the Air Quality Permit for the site. On October 9, 2007, the applicant submitted a drainage report, a grading plan, a geotechnical report and a water analysis. In addition, the applicant submitted diagrams demonstrating the line of sight between the adjacent properties and the proposed buildings. The applicant has indicated that a revised landscaping plan will be submitted for review and approval as identified below. In addition, the applicant has indicated that a privacy fence will be located along the west lot line to

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separate the apartment use from the existing single family use located on the adjacent properties. To date, the landscaping plan, the site plan showing the privacy fence and an elevation of the proposed fence has not been submitted for review and approval. As such, staff is recommending that this item be continued to the November 8, 2007 Planning Commission meeting to allow the applicant to submit the additional information.

The applicant has submitted a Major Amendment to a Residential Development Plan to lower the elevation on a portion of the property by five to ten feet and to add a third floor onto two of the proposed apartment buildings.

On November 10, 2005, the Planning Commission approved an Initial and Final Residential Development Plan (#05PD070) to allow a 146 unit apartment complex with accessory structures to be constructed on the property. In particular, the project was approved to be constructed in two phases with Phase One consisting of eight-12 plexes, a leasing/administration office, a basketball court and accessory garages and Phase Two consisting of three-12 plexes, two-eight plexes and accessory garages. The project is known as the "Eagle Ridge Apartments".

The property is located south of Stumer Road and north of Catron Boulevard. Currently, all of Phase One has been constructed. Other than grading, no development has occurred in Phase Two.

**STAFF REVIEW:**

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

**Design:** The applicant has indicated that the two revised apartment buildings will be constructed with the same design plans and color palette reviewed and approved as a part of the original Initial and Final Planned Residential Development. In particular, the buildings will be constructed with a combination of wood, brick, glass, veneer siding and pre-finished metal trim and have earth tone colors. The applicant has also submitted an elevation of the building showing a maximum height of 38 feet 9 3/8 inches. However, the property is zoned Medium Density Residential District which allows a maximum height of 35 feet. The applicant has indicated that they will be submitting diagrams demonstrating the line of sight between the adjacent properties and the proposed buildings. In particular, the diagrams will show the elevation of the property lowered five to ten feet as proposed with the proposed buildings in order to determine the impact the structures may have on the adjacent properties. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Major Amendment to the Residential Development Plan be continued to allow the applicant to submit the information.

(Update 10-12-07) As noted above, the applicant has submitted diagrams demonstrating the line of sight between the adjacent properties and the proposed buildings. In particular, the diagrams show that the buildings will be located four to seven feet higher than the previously approved structure(s). As such, staff is recommending that a landscaping plan be submitted for review and approval which includes mature landscaping along the berms to create a visual buffer between the buildings and the surrounding properties.

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(Update 10-29-07) The applicant has submitted revised diagrams demonstrating the line of sight between the adjacent properties and the proposed buildings. In particular, the diagrams show the construction of a six foot high vinyl fence along the west lot line with eight foot high Ponderosa Pine trees and/or Austrian Pine trees along the interior of the fence. However, the third floor of the proposed and existing buildings is clearly visible from the adjacent properties. Please note that the originally approved Residential Development Plan for the development allowed 12 of the proposed 14 apartment buildings to be three story structures with a maximum 38 feet 9 3/8 inches height. The applicant is now proposing to revise the two remaining apartment buildings from a two story structure to a three story structure. However, Phase One of the development has been completed showing that the three story structures are highly visible from all of the neighboring properties, including Catron Boulevard. As such, in consideration of granting an Exception to allow a 38 feet 9 3/8 inches high building in lieu of a 35 foot high building for the two remaining apartment buildings, staff is recommending that minimum 20 foot high Ponderosa Pine trees and/or Austrian Pine trees be planted along the west lot line and the south lot line. In addition, the landscaping plan must be revised to show the trees extended along the entire west lot line and the south lot line of the property. The landscaping plan must also be revised to show irrigation of all of the landscaping. Staff is recommending that the revised landscaping plan be submitted for review and approval as identified prior to Planning Commission approval.

**(Update 1-15-08) As previously indicated, the applicant has submitted a revised landscaping plan showing 12 foot tall Colorado Spruce, Black Hills Spruce and Colorado White Spruce trees located along the west lot line. In addition, the applicant has indicated that the trees will be irrigated. The applicant has also submitted a growing chart for the trees showing that the 12 foot irrigated trees will grow at a higher rate than 20 foot tall trees due to the smaller root base at the time of planting.**

**The revised landscaping plan does not show a row of trees along the berm as previously requested. However, Phase One of the development has been completed showing that the three story structures are highly visible from all of the neighboring properties, including Catron Boulevard. As such, in consideration of granting an Exception to allow a 38 feet 9 3/8 inches high building in lieu of a 35 foot high building for the two remaining apartment buildings, staff is recommending that prior to Planning Commission approval, a revised landscaping plan be submitted for review and approval showing a row of evergreen trees with a minimum height of 12 feet along the berm located in Catron Boulevard Right-of-way. In particular, the trees shall be Colorado Spruce, Black Hills Spruce or Colorado White Spruce as per the applicant's proposed specimen list. In addition, the landscaping plan must show that all trees on the site will be irrigated.**

Lighting: Complaints have been received that the entrance lighting along the front of the existing apartment buildings shines onto the adjacent rights-of-way. In addition, the lighting for the entrance sign along Stumer Road shines onto adjacent properties. As such, staff is recommending that prior to Planning Commission approval, the entrance lights on the front of the apartment buildings, proposed and existing, and the lighting for the sign along Stumer Road be revised to reflect 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

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nuisance of any kind.

**(Update 1-15-08) The applicant has provided shields on the lights located along the exterior of the apartment buildings and redesigned the sign to prevent the lighting from reflecting onto the adjacent properties and/or roadways. Staff is recommending that all outdoor lighting for Phase 2 of the development be reflected within the property boundaries so as to not 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.**

Fence: The Rapid City Municipal Code states that a fence located within 25 feet of right-of-way shall not exceed four feet in height. As such, the proposed six foot high vinyl fence must be lowered to four feet within the first 25 feet as it abuts Catron Boulevard and Stumer Road or a Fence Height Exception must be obtained. Please note that if the applicant demonstrates that the fence does not encroach into any sight triangles along the adjacent street rights-of-way, the Exception request can be supported.

The balance of the fence shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Residential Development Plan.

**(Update 1-15-08) The applicant has submitted revised elevations showing the vinyl fence located along the west lot line reduced to four feet in height for the first 25 feet as it abuts Stumer Road and Catron Boulevard rights-of-way. The balance of the fence is shown to be six feet in height. Staff is recommending that the fence conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Residential Development Plan;**

Drainage/Geotechnical/ Water Analysis: A drainage report, a geotechnical report and a water analysis were submitted, reviewed and approved with the review and approval of the original Initial and Final Residential Development Plan. However, the reports must be revised to address the proposed elevation changes as proposed by the applicant. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Major Amendment to the Residential Development Plan be continued to allow the applicant to submit the information.

(Update 10-12-07) As noted above, the applicant has submitted a drainage report, a geotechnical report and a water analysis. Staff is currently reviewing the information.

(Update 10-29-07) The previously submitted drainage report, the geotechnical report and the water analysis have been reviewed and approved. However, silt is currently filtering into the adjacent Stumer Road right-of-way and onto an adjacent property located west of the site. In particular, the developer and/or his contractor were notified on August 8, 2006, June 28, 2007 and August 13, 2007 of these ordinance violations. In addition, the developer and/or his contractor were notified of the requirement to reclaim the berm along Catron Boulevard on July 12, 2006, September 12, 2006 and October 8, 2007. To date, these issues have not been resolved. As such, staff is recommending that prior to Planning Commission approval, sediment and erosion control measures be implemented to preclude sediment from impacting the adjacent property and/or right-of-way and that reclamation

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measures be implemented on the berm along Catron Boulevard.

**(Update 1-15-08) The applicant has implemented sediment and erosion control measures as required. Staff is recommending that the sediment and erosion control measures be maintained to preclude sediment from impacting the adjacent properties and/or rights-of-way. In addition, sediment and erosion control measures must be maintained along the berm located along Catron Boulevard.**

Grading Plan: The applicant has submitted a grading plan. However, the plan does not show the existing contours or contour elevations. In addition, the plan must be revised to show the location of silt fence(s) and the stabilization of the construction entrance. An erosion control plan must also be submitted for review and approval. Staff is recommending that the Major Amendment to the Residential Development Plan be continued to allow the applicant to submit the information.

(Update 10-12-07) As noted above, the applicant has submitted a grading plan. Staff is currently reviewing the information.

(Update 10-29-07) The grading plan shows a retaining wall to be constructed along portions of the west lot line. However, to date the design of the retaining wall has not been submitted for review and approval. As such, prior to Planning Commission approval, construction plans showing the location and design of the retaining wall shall be submitted for review and approval. Any portion of the retaining wall in excess of four feet must be designed and sealed by a Professional Engineer and the construction plans must be sealed and signed accordingly. In addition, the applicant must submit a construction schedule for review and approval identifying the timing for the construction of the retaining wall.

(Update 11-21-07) As previously indicated, on November 20, 2007, the applicant submitted construction plans showing the location and design of the retaining wall(s) along the west lot line. Staff is currently reviewing the plans. As such, staff is recommending that prior to Planning Commission approval, the construction plans be revised if and as needed. In addition, the applicant must submit a construction schedule for review and approval identifying the timing for the construction of the retaining wall(s).

**(Update 1-15-08) The applicant has submitted design plans for the proposed retaining wall(s) identifying a concrete block wall, similar to the retaining wall utilized in Phase One of the development. The applicant has also indicated that the retaining wall(s) will be constructed at the start of construction for Phase Two. Staff is recommending that the retaining wall(s) be constructed in compliance with the approved design plans. In addition, the wall(s) must be constructed at the start of construction for Phase Two.**

Air Quality: An Air Quality Permit was originally obtained for Phase One of the development. As such, staff is recommending that prior to Planning Commission approval, the Air Quality Permit be amended to include Phase Two or a new Air Quality Permit must be obtained.

(Update 10-12-07) On October 8, 2007, the applicant submitted and obtained approval modifying the Air Quality Permit for the site.

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Parking: The original Initial and Final Residential Development Plan allowed for the construction of 146 units. Adding a third floor on the two buildings increases the number of units by 8 units for a total of 154 units. As such, a minimum of 231 parking spaces must be provided. In addition, seven of the spaces must be handicap accessible with one of the accessible spaces being "van" accessible. The applicant's site plan identifies that 272 parking spaces are being provided with 20 handicap spaces. In addition, two of the spaces are "van" handicap accessible. The site plan also identifies that 92 parking stalls will be provided in the proposed garages for a total of 364 parking spaces. Staff is recommending that all provisions of the Off-Street Parking Ordinance be continually met.

Density: The property consists of 10.87 acres which allows for a total of 312 units. The proposed 154 unit development is in compliance with the maximum allowed density for the property.

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. In addition, all of the residential structures or dwelling units must be sprinklered. Staff is recommending that the currently adopted International Fire Codes be continually met.

Landscaping: The original Initial and Final Residential Development Plan was approved with the stipulation that 246,698 landscaping points be provided. In addition, the approved landscaping plan identified landscaping with the Catron Boulevard right-of-way and along the perimeter of the property. However, the landscaping has not been planted as required.

A berm currently exists along the south side of the property. The berm is currently not landscaped and consists of exposed rock and dirt. However, a berm provides an opportunity for the applicant to create a unique landscape plan for the property. In particular, mature landscaping along the berm will create a visual buffer between the proposed and existing buildings and the surrounding properties.

(Update 10-12-07) To date, a landscaping plan has not been submitted for review and approval. As such, staff is recommending that the Major Amendment to the Residential Development Plan be continued to allow the applicant to submit a landscaping plan as identified.

(Update 10-29-07) As previously indicated, a revised landscaping plan has been submitted for review and approval. In particular, the landscaping plan shows the original required 246,698 landscaping points and an additional row of eight foot high Ponderosa Pine trees and/or Austrian Pine trees along the west and south lot lines. The landscaping plan must be revised to provide a minimum 20 foot high Ponderosa Pine tree and/or Austrian Pine tree along the west and south lot lines in order to provide a visual buffer between the adjacent properties and the proposed three story apartment building(s). In addition, the landscaping plan must be revised to show the trees extended along the entire west lot line and the south lot line of the property. The landscaping plan must also be revised to show irrigation of all of



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the landscaping. Staff is recommending that the revised landscaping plan be submitted for review and approval as identified prior to Planning Commission approval.

**(Update 1-15-08) As previously indicated, a revised landscaping plan showing trees along the berm located along the south lot line has not been submitted for review and approval. As such, staff is recommending that prior to Planning Commission approval, the landscaping plan be revised to show a row of evergreen trees with a minimum height of 12 feet along the berm located in Catron Boulevard Right-of-way. In particular, the trees must be Colorado Spruce, Black Hills Spruce or Colorado White Spruce as per the applicant's proposed specimen list. In addition, the landscaping plan must show that all of the trees will be irrigated.**

**Staff is also recommending that the landscaping plan comply with all requirements of the Zoning Ordinance. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary. Any change in the approved landscaping plan will require a Major Amendment to the Planned Residential Development.**

Notification Requirement: The receipts from the certified mailings have been returned and the sign has been posted on the property. Several calls of inquiry and e-mails regarding this item have been received. In particular, the callers have indicated concern with mitigating the size of the proposed apartment buildings.