

STAFF REPORT  
March 25, 2010

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**No. 10PD017 - Major Amendment to a Planned Residential Development**      **ITEM 11**

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GENERAL INFORMATION:

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|----------------------------|--|
| APPLICANT                  | Rushmore Properties, LLC   |
| AGENT                      | Bob Brandt   |
| PROPERTY OWNER             | Rushmore Properties, LLC   |
| REQUEST                    | <b>No. 10PD017 - Major Amendment to a Planned Residential Development</b>  |
| EXISTING LEGAL DESCRIPTION | The north 327.2 feet of the N1/2 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the Original Townsite of Rapid City, Pennington County, South Dakota as shown on the plat filed in Plat Book 14, Page 94; and excepting therefrom any streets or highway rights of way, 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 (Planned Residential Development)   |
| SURROUNDING ZONING         |  |
| North:                     | Park Forest District - Medium Density Residential District   |
| South:                     | Flood Hazard District  |
| East:                      | Medium Density Residential District  |
| West:                      | Office Commercial District (Planned Commercial Development)  |
| PUBLIC UTILITIES           | City sewer and water   |
| DATE OF APPLICATION        | 2/26/2010  |

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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. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. 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. In addition, a Final Plat shall be approved and recorded at the Register of Deed's Office;
3. An Exception is hereby granted to reduce the visitor parking requirement from 51 spaces to 37 spaces;
4. The rear yard setback is hereby reduced from 25 feet to 14.5 feet for the open deck(s) to be constructed along the south side of the townhomes on proposed Lots 10A and 10B. Unless otherwise stipulated, all other setback requirements as per the Office Commercial District shall be met;
5. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of the Initial and Final Planned Residential Development and this Major Amendment to the Planned Residential Development;
6. 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;
7. "No Parking" signs shall be posted along LaVilla Vista Place. In addition, the applicant shall record a covenant agreement to prohibit guest parking within LaVilla Vista Place since the street is not designed with an adequate width to provide any on-street parking;
8. The applicant shall record a covenant agreement 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;
9. The gates shall be designed to open with a radio activated access code and the Public Works Department, the Fire Department and the Police Department shall be provided with a code to allow entry;
10. 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;
11. The fence shall conform architecturally to the proposed elevations, color palette and design plans submitted as part of the Initial and Final Planned Residential Development;
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;

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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. The signage shall conform architecturally to the plans and elevations and color palette submitted as part of the Initial and Final 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;
15. The street lights shall conform architecturally to the plans and elevations and color palette submitted as part of the Initial and Final Planned Residential Development. In addition, the applicant shall provide continual maintenance of the street lights;
16. All other provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a part of this Major Amendment to the Planned Residential Development or a subsequent Major Amendment to the Planned Residential Development;
17. The Planned Residential Development shall allow for the construction of a 51 townhome development. In addition, decks shall be allowed along the south side of the townhomes located south of LaVilla Vista Place; and,
18. A time extension request to allow the applicant until October 1, 2014 to complete the project is hereby granted contingent upon the associated subdivision improvements being completed and accepted by the City prior to January 1, 2011.

**GENERAL COMMENTS:**

The applicant has submitted a Major Amendment to a Planned Residential Development to allow the previously approved clubhouse to be converted into two townhome units, to construct decks on the townhomes located south of LaVilla Vista Place and to extend the completion date of the project to October 1, 2014.

On October 4, 2007, the Planning Commission approved an Initial and Final Planned Residential Development (File #07PD047) to allow a 49 unit townhome development with a clubhouse to be constructed on the property.

On December 17, 2007, the City Council approved a Preliminary Plat (File #07PL090) to subdivide the property into 50 lots. On March 12, 2010, the applicant submitted a Preliminary Plat for proposed Lot 10 to replat the clubhouse lot into two townhome lots. The Preliminary Plat application will be considered at the April 8, 2010 Planning Commission meeting.

The property is located east of Founders Park Drive and west of 11<sup>th</sup> Street. Two of the three-plex townhomes are currently located on the property. In addition, construction on the clubhouse has begun. The applicant has indicated that upon approval of this Major Amendment to the Planned Residential Development, the clubhouse will be converted into two townhome units.

**STAFF REVIEW:**

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

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Gate/Kiosk: The previously approved Initial and Final Residential Development Plan allowed for the development to be fenced and gated. In addition, a kiosk was approved to be located within the LaVilla Vista Place easement to accommodate the entry and/or exit mechanisms for the gate. These features were allowed contingent upon the applicant securing a covenant agreement to provide maintenance of the gate and kiosk. To date, a copy of the recorded covenant agreement has not been submitted for review and approval. As such, staff recommends that prior to issuance of a Building Permit, a copy of the recorded document be submitted to the Growth Management Department.

Visitor Parking: An Exception was granted to reduce the visitor parking requirement from 49 spaces to 37 spaces as a part of the original Initial and Final Planned Residential Development. Since the applicant is converting the clubhouse to a two unit townhome, two additional visitor parking spaces are required. The applicant has subsequently submitted an Exception request with this application to reduce the visitor parking requirement from 51 spaces to 37 spaces noting that the elimination of the clubhouse will alleviate some of the parking demands for the project. In addition, the applicant has demonstrated that 37 visitor parking spaces exist along Philadelphia Street as it abuts the property. In addition, two off-street parking spaces are being provided in front of each townhome unit.

Since the two townhome units will typically generate less traffic than a community clubhouse and since the applicant has demonstrated that visitor parking exists along Philadelphia Street, staff recommends that the Exception request to reduce the visitor parking requirement from 51 spaces to 37 spaces be granted.

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 402,058 square feet of land area meeting this requirement. 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 approximately 26% of the townhome development lot. As such, the proposed density and lot coverage is in compliance with Chapter 17.50.030 of the Rapid City Municipal Code.

Setbacks: The applicant has requested a reduction in the rear yard setback from 25 feet to 14.5 feet for the construction of an open deck along the south side of the two converted townhome units to be located on proposed Lots 10A and 10B. The previously approved Preliminary Plat for the project identifies a 16.5 foot wide utility easement along the south lot line of the development. However, a Final Plat has not been recorded securing the easement. In addition, the revised Preliminary Plat for Lots 10A and 10B identifies a 12 foot wide easement along the south lot line. The applicant has also submitted written documentation from all of the affected utility companies indicating concurrence with the reduction in easement width.

Staff has noted that the adjacent properties are owned by the City and being used as park land. As such, reducing the setback from 25 feet to 14 feet for the open decks as requested

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will have a minimal impact.

Staff recommends that the rear yard setback be reduced from 25 feet to 14.5 feet for the open decks on the townhomes to be located on proposed Lots 10A and 10B as requested. Unless otherwise stipulated, all other setback requirements as per the Office Commercial District must be met.

Philadelphia Street: Philadelphia Street is located along the north lot line of the property. However, the constructed street is not located within a public right-of-way and/or an H Lot. As such, prior to issuance of a Certificate of Occupancy, the right-of-way and/or an H Lot for Philadelphia Street must be recorded at the Register of Deed's Office to insure legal access to the site. In addition, a Final Plat must be approved and recorded at the Register of Deed's Office.

Structural Design: The applicant has indicated that the converted townhomes will be a two story structure with the same exterior finish as the previously approved townhomes. In particular, the structure will be constructed with exterior insulation finish system, stone accents, wood trim and peaked asphalt and tile roofing. In addition, the structure will be shades of brown in color.

Staff recommends that the structures conform architecturally to the design plans, elevations and color palette submitted as part of the Initial and Final Residential Development Plan and as a part of this Major Amendment to the Residential Development Plan.

Signage: The previously approved sign package identified a sign to be located at the entrance of the development, outside of the access easement. In addition, the sign package identified that the sign will be constructed as a 4 foot high by 11 foot 3 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 recommends that the signage continue to conform architecturally to the plans and elevations and color palette submitted as part of the Initial and Final 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.

Lighting Plan: LaVilla Vista Place is a private street. As such, the applicant will be responsible for the construction and maintenance of the street lights. As a part of the Initial and Final Planned Residential Development application, the applicant submitted a lighting plan to the City. The Public Works Department, subsequently, reviewed and approved the proposed street lights. In addition, the applicant submitted a copy of a draft covenant agreement showing maintenance of the street lights will be provided by the Home Owners Association.

Staff recommends that the street lights conform architecturally to the plans and elevations and color palette submitted as part of the Initial and Final Planned Residential Development. In addition, the applicant must provide continual maintenance of the street lights.

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Trash: The applicant has indicated that residential type containers will be used and stored in the garages and equipment room of the clubhouse. The applicant has coordinated the trash pick-up with the Public Works Department. The previously approved Initial and Final Residential Development Plan required that 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.

Staff recommends that the gates continue to 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

Access: During the review and approval of the original Initial and Final Residential Development Plan, 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.

Staff recommends that gate be designed to open with a radio activated access code and that the Public Works Department, the Fire Department and the Police Department be provided with a code to allow entry.

Time Extension: Chapter 17.50.060 of the Rapid City Municipal Code states that Final Development Plan approval shall expire 2 years from the date upon which it becomes effective. As such the applicant has requested that a time extension to October 1, 2014 be granted to allow additional time to complete the project. The applicant has noted that economic conditions have slowed construction and that the additional time is needed in order to complete the project.

As previously indicated, a Preliminary Plat has been approved to create a 50 lot townhome development. The applicant has indicated that the remaining subdivision improvements will be completed by November 1, 2010. Staff can support extending the time to complete the Final Development Plan if the subdivision improvements are completed as proposed to insure that the streets and utilities are in place as the development is being constructed and occupied.

Staff recommends that the time extension request to allow the applicant until October 1, 2014 to complete the project be granted contingent upon the associated subdivision improvements being completed and accepted by the City prior to January 1, 2011.

Notification Requirement: As of this writing, the receipts for the certified mailing have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at their March 25, 2010 Planning Commission meeting if this requirement has

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not been met.