

STAFF REPORT

April 8, 2010

No. 09PD096 - Major Amendment to a Planned Residential Development ITEM 31

GENERAL INFORMATION:

APPLICANT	Eagle Ridge Properties, LLC
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Eagle Ridge Properties, LLC
REQUEST	No. 09PD096 - Major Amendment to a Planned Residential Development
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 Development Designation)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/5/2009
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, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the construction plans shall be sealed and signed by a Professional Engineer. The red lined drawings shall also be returned to the Growth Management Office;**

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2. Prior to Planning Commission approval, a Fence Height Exception shall be obtained to allow a 6 foot high fence in lieu of a 4 foot high fence in the front yard as it abuts Stumer Road or the fence shall not exceed four feet within the front yard as it abuts Stumer. In addition, 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;
3. 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. The applicant also has the option of placing the evergreen trees along the west lot line on the adjacent property with the adjacent property owner's concurrence. The landscaping placed on the adjacent property shall count towards the landscaping requirements for this project; however, the applicant is not required to provide maintenance of the landscaping placed on the adjacent property. Any change in the approved landscaping plan shall require a Major Amendment to the Planned Residential Development;
4. Construction of the fence shall begin within one week and shall be completed within 30 days of issuance of a building permit. In addition, all landscaping located along the west lot line shall be planted within 90 days of issuance of a building permit;
5. 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;
6. 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;
7. Sediment and erosion control measures shall be continually maintained to preclude sediment from depositing onto 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;
8. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
9. The proposed apartment buildings shall not exceed 38 feet, 9 3/8 inches in height as per the previously approved Exception request;
10. All provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment;
11. The dumpster(s) shall be screened on all four sides with an opaque screening fence;
12. 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 100 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;
13. The International Fire Code shall be continually met. In particular, fire hydrants

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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;

14. A storm water discharge permit shall be obtained as needed;
15. A Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation as needed;
16. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development; and,
17. 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. The time to complete the Planned Residential Development shall be extended two years from the date of approval by the Planning Commission. However, the Planned Residential Development shall expire if the use is not undertaken and completed within the two years or if the use as approved has ceased for two years.

GENERAL COMMENTS:

(Update, March 27, 2010. All revised and/or added text is shown in bold print.) This item was continued at the March 25, 2010 Planning Commission meeting to allow staff to review revised construction plans and to allow the applicant to continue discussions with the adjacent property owners regarding proposed revisions to the landscape plan for the northwest corner of the property.

(Update, March 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the March 4, 2010 Planning Commission meeting to allow the applicant to continue discussions with the adjacent property owners regarding proposed revisions to the landscaping plan and a revised fence design at the northwest corner of the property. The applicant has subsequently submitted a revised landscape plan and a Fence Height Exception request to allow a six foot high fence within the front yard as it abuts Stumer Road. The Fence Height Exception will be considered at the March 30, 2010 Public Works Committee meeting and the April 5, 2010 City Council meeting. The applicant has indicated that revised elevations will be submitted for the proposed apartments within Phase Two to address handicap accessible issues. As such, the applicant has requested that this item be continued to the April 8, 2010 Planning Commission meeting to allow them time to submit revised elevations and to allow the Fence Height Exception to be considered by the Public Works Committee and the City Council.

Staff recommends that the Major Amendment to the Planned Residential Development be continued to the April 8, 2010 Planning Commission meeting as requested by the applicant.

(Update, February 19, 2010. All revised and/or added text is shown in bold print.) This item was continued at the February 18, 2010 Planning Commission meeting to allow the applicant to continue discussions with the adjacent property owners regarding proposed

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revisions to the landscaping plan and a revised fence design at the northwest corner of the property. The applicant has requested that this item be continued to the March 25, 2010 Planning Commission meeting to continue the discussions regarding, fencing, landscaping and cost sharing.

Staff recommends that the Major Amendment to the Planned Residential Development be continued to the March 25, 2010 Planning Commission meeting as requested by the applicant.

(Update, February 5, 2010. All revised and/or added text is shown in bold print.) This item was continued at the February 4, 2010 Planning Commission meeting to allow the applicant to continue discussions with the adjacent property owners regarding proposed revisions to the landscaping plan and a revised fence design at the northwest corner of the property. The applicant has requested that this item be continued to the March 4, 2010 Planning Commission meeting to resolve cost sharing issues regarding the revisions.

Staff recommends that the Major Amendment to the Planned Residential Development be continued to the March 4, 2010 Planning Commission meeting as requested by the applicant.

(Update, January 29, 2010. All revised and/or added text is shown in bold print.) This item was continued at the January 21, 2010 Planning Commission meeting to allow the applicant to address the erosion and sediment control issue that currently exists along the west lot line of the property. Subsequently, the erosion control blanket has been installed along the top of the hill and the compost filter socks have been placed along the length of each gully. Staff has inspected and approved the project. Staff has noted that the site will require continued inspections and may require maintenance and/or additional erosion control measures during the spring thaw.

The applicant has indicated that they are currently working with the adjacent property owners to insure the timing of the construction of the fence, retaining wall and the landscaping along the west lot line. In addition, the applicant has indicated that they are also discussing possible revisions to the landscape plan and the fence design which may also require a Fence Height Exception. The applicant is in concurrence that this item be continued to the February 18, 2010 Planning Commission meeting to allow them to resolve the issues with the adjacent property owners.

(Update, January 11, 2010. All revised and/or added text is shown in bold print.) This item was continued at the January 7, 2010 Planning Commission meeting to allow the applicant to address the erosion and sediment control issue that currently exists along the west lot line of the property. The applicant had previously submitted an Erosion Control Plan which identified an erosion control blanket being placed along the top of the hill as it extends along the west lot line and the placement of 3 inch or larger rock along the slope of the hill where needed to stabilize the hill. Staff, subsequently, reviewed and approved the plan.

The erosion control blanket has been placed along the top of the hill and staff has inspected

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and approved that portion of the project. On January 11, 2010, the applicant submitted a revised erosion and sediment control plan identifying the placement of compost filter socks along the length of each gully in lieu of 3 inch or larger rock to stabilize the hill. To date, this portion of the project has not been completed. As such, staff recommends that the Major Amendment to the Planned Residential Development be continued to the February 4, 2010 Planning Commission meeting to allow the applicant to complete the Erosion Control Plan and to allow staff to inspect the property to insure compliance with the plan.

(Update, December 23, 2009. All revised and/or added text is shown in bold print.) This item was continued at the December 10, 2009 Planning Commission meeting to allow the applicant to address the erosion and sediment control issue that currently exists along the west lot line of the property. The applicant has subsequently submitted an Erosion Control Plan for review and approval. In addition, staff has reviewed and approved the plan. However, to date the plan has not been implemented. As such, staff recommends that the Major Amendment to the Planned Residential Development be continued to the January 21, 2010 Planning Commission meeting to allow the applicant to implement the Erosion Control Plan and to allow staff to inspect the property to insure compliance with the plan.

The applicant has submitted a Major Amendment to the Eagle Ridge Apartments Planned Residential Development to extend the time to complete Phase Two of the project for two additional years.

On November 10, 2005, the Planning Commission approved an Initial and Final Residential Development Plan (#05PD070) for the Eagle Ridge Apartments 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.

On January 24, 2008, the Planning Commission approved a Major Amendment to the Planned Residential Development (#07PD081) for Phase Two of the project. In particular, the Major Amendment to the Planned Residential Development was approved 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 with the following stipulations:

1. Prior to Planning Commission approval, the landscaping plan shall be revised to show a minimum of 12 evergreen trees with a minimum height of eight feet along the berm located in Catron Boulevard Right-of-way. In particular, the trees shall be Colorado Spruce, Black Hills Spruce, Colorado White Spruce or White Concolor Fir as per the applicant's proposed specimen list. In addition, the landscaping plan shall show that all trees shall be irrigated. The landscaping plan shall also be revised to show evergreen trees along the entire west lot line. In particular the 13 proposed Mountain Ash trees located along the northern portion of the west lot line shall be replaced with a minimum 12 foot tall Colorado Spruce, Black Hills Spruce, Colorado White Spruce or White Concolor Fir tree. The applicant also has the option of placing the evergreen trees along

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- the west lot line on the adjacent property with the adjacent property owner's concurrence. The landscaping placed on the adjacent property shall count towards the landscaping requirements for this project; however, the applicant is not required to provide maintenance of the landscaping placed on the adjacent property;
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;

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15. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential 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.

The applicant has indicated that due to funding issues, it may take as long as June, 2010 to begin construction of Phase Two. As such, the applicant has submitted this Major Amendment to the Planned Residential Development to extend the expiration date from January 24, 2010 to January 24, 2012.

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:

Erosion and Sediment Control: As noted above, other than grading, no development has occurred in Phase Two of the development. However, the slope along the west lot line is eroding and requires intermediate and permanent erosion control if construction is not taking place. In particular, the lack of erosion and sediment control could have a significant impact on the adjacent properties. In addition, the northwest corner of the property continues to erode and during major storm events, the silt overtops the sediment fence and crosses the sidewalk onto Stumer Road. To date, permanent vegetation has not been established in Phase Two of the project resulting in weeds covering a large portion of this area.

(Update: March 27, 2010.) In January, 2010, the applicant installed an erosion control blanket along the top of the hill located along the west lot line and compost filter socks were placed along the length of each gully. Staff has inspected and approved the project. Staff has noted that the site will require continued inspections and may require maintenance and/or additional erosion control measures during the spring thaw.

Staff recommends that sediment and erosion control measures be continually maintained to preclude sediment from depositing onto the adjacent properties and/or rights-of-way.

Construction Plans: The applicant has submitted revised elevations for the proposed apartments within Phase Two to address handicap accessible issues. In particular, a sidewalk has been provided into the west parking lot and an accessible route has been provided to the dumpsters. Staff is currently reviewing the plans. Prior to

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Planning Commission approval, all necessary changes must be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings must be returned to the Growth Management Department.

Fencing: The applicant has submitted a revised site plan showing a 6 foot high almond colored vinyl fence located along the west lot line, with the exception of the first 25 feet as it extends north from Catron Boulevard. The applicant has also submitted a Fence Height Exception request to allow a 6 foot high fence within the front yard as it abuts Stumer Road. The Fence Height Exception will be considered at the March 30, 2010 Public Works Committee meeting and the April 5, 2010 City Council meeting.

Staff recommends that prior to Planning Commission approval, the Fence Height Exception be obtained to allow a 6 foot high fence in lieu of a 4 foot high fence in the front yard as it abuts Stumer Road or the fence must not exceed 4 feet within the front yard as it abuts Stumer Road.

Landscaping: Two of the adjacent property owners have requested that the previously approved deciduous trees along the west lot line of the property be replaced with evergreen trees in order to improve the buffer between the properties. The applicant has subsequently submitted a revised landscape plan replacing the previously approved Mountain Ash trees with Ponderosa Pine trees. Since the applicant is replacing a deciduous tree with an evergreen tree, the overall landscape points for the development are not impacted.

Staff recommends that the landscaping be planted in compliance with the approved landscaping plan and comply with all approved requirements of the Zoning Ordinance. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Time Extension: On January 24, 2008, the Planning Commission approved a Major Amendment to the Planned Residential Development (#07PD081) for Phase Two of the project with the stipulation that it be completed within two years of the date of approval by the Planning Commission. To date, construction on Phase Two has not commenced. As such, the applicant has submitted this Major Amendment request to extend the time to complete the project for two additional years.

The applicant also met with neighboring property owners to discuss the timing of the project and has agreed that the construction of the fence will start within one week and be completed within 30 days of issuance of a building permit. In addition, all landscaping along the west lot line will be planted within 90 days of issuance of a building permit. Staff has also noted that the retaining wall along the west lot line must be constructed at the start of construction for Phase Two.

Staff recommends that the fence, retaining wall and landscaping be provided as noted.

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Notification Requirement: The receipts from the certified mailing have been returned and the sign been posted on the property. Staff has received several calls of inquiry regarding this item voicing concern with the lack of a screening fence and erosion and sediment control along the west lot line.

Staff recommends that the Major Amendment to the Planned Residential Development be approved with the stipulations of approval as outlined above.