

STAFF REPORT  
April 7, 2011

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**No. 11PD013 - Initial and Final Residential Development Plan**

**ITEM 21**

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GENERAL INFORMATION:

APPLICANT	Chad Lewis - OTS, Inc.
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	OTS, Inc.
REQUEST	<b>No. 11PD013 - Initial and Final Residential Development Plan</b>

EXISTING  
LEGAL DESCRIPTION

A portion of the NW1/4 of the SW1/4, and a portion of the SW1/4 of the SW1/4, Section 22, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 4 of Block 3 of Stoney Creek South Subdivision, common to a point on the westerly edge of the 68 feet wide right-of-way of Nugget Gulch Road, and the Point of Beginning; Thence, first course: S26°19'59"W, along the westerly edge of the right-of-way of said Nugget Gulch Road, a distance of 152.73 feet, to a point of curvature; Thence, second course: southwesterly, along the westerly edge of the right-of-way of said Nugget Gulch Road, curving to the left on a curve with a radius of 409.00 feet, a delta angle of 26°29'04", an arc length of 189.06 feet, a chord bearing of S13°05'29"W, and a chord distance of 187.38 feet, to a point of tangency; Thence, third course: S00°08'15"E, along the westerly edge of the right-of-way of said Nugget Gulch Road, a distance of 293.83 feet, to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, common to northwesterly corner of Lot H-3 of the SW1/4 of the SW1/4, and the SE1/4 of the SW1/4, of said Section 22; Thence, fourth course: S00°08'50"E, along the westerly edge of the right-of-way of said Lot H-3, a distance of 40.80 feet, to a point of curvature; Thence, fifth course: southeasterly, along the westerly edge of the right-of-way of said Lot H-3, curving to the left on a curve with a radius of 434.00 feet, a delta angle of 28°06'50", an arc length of 212.96 feet, a chord bearing of S14°13'03"E, and a chord distance of 210.83 feet, to a point of reverse curvature; Thence, sixth course: southeasterly, along the westerly edge of the right-of-way of said Lot H-3, curving to the right on a curve with a radius of 366.00 feet, a delta angle of 28°13'15", an arc length of 180.27 feet, a chord bearing of S14°09'51"E, and a chord distance of 178.46 feet, to a

# STAFF REPORT

April 7, 2011

---

**No. 11PD013 - Initial and Final Residential Development Plan**

**ITEM 21**

---

point of tangency; Thence, seventh course: S00°02'25"E, along the westerly edge of the right-of-way of said Lot H-3, a distance of 16.75 feet, to a point on the westerly edge of the right-of-way of said Lot H-3, common to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, and common to the northeasterly corner of Lot 8 of Block 2 of Catron Crossing Subdivision; Thence, eighth course: S89°55'17"W, along the northerly boundary of said Lot 8 of Block 2 of Catron Crossing Subdivision, a distance of 99.88 feet, to the northwesterly corner of said Lot 8 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 7 of Block 2 of Catron Crossing Subdivision; Thence, ninth course: S89°52'45"W, along the northerly boundary of said Lot 7 of Block 2 of Catron Crossing Subdivision, a distance of 93.85 feet, to the northwesterly corner of said Lot 7 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 6 of Block 2 of Catron Crossing Subdivision; Thence, tenth course: N89°56'47"W, along the northerly boundary of said Lot 6 of Block 2 of Catron Crossing Subdivision, a distance of 93.70 feet, to the northwesterly corner of said Lot 6 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 5 of Block 2 of Catron Crossing Subdivision; Thence, eleventh course: N89°59'19"W, along the northerly boundary of said Lot 5 of Block 2 of Catron Crossing Subdivision, a distance of 93.72 feet, to the northwesterly corner of said Lot 5 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 4 of Block 2 of Catron Crossing Subdivision; Thence, twelfth course: S89°51'50"W, along the northerly boundary of said Lot 4 of Block 2 of Catron Crossing Subdivision, a distance of 93.76 feet, to the northwesterly corner of said Lot 4 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 3 of Block 2 of Catron Crossing Subdivision; Thence, thirteenth course: N89°52'33"W, along the northerly boundary of said Lot 3 of Block 2 of Catron Crossing Subdivision, a distance of 93.69 feet, to the northwesterly corner of said Lot 3 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 2 of Block 2 of Catron Crossing Subdivision; Thence, fourteenth course: S89°55'44"W, along the northerly boundary of said Lot 2 of Block 2 of Catron Crossing Subdivision, a distance of 72.41 feet, to the northwesterly corner of said Lot 2 of Block 2 of Catron Crossing Subdivision, common to the

# STAFF REPORT

April 7, 2011

---

**No. 11PD013 - Initial and Final Residential Development Plan**

**ITEM 21**

---

northeasterly corner of Lot 1 of Block 2 of Catron Crossing Subdivision; Thence, fifteenth course:  $N76^{\circ}23'31''W$ , along the northerly boundary of said Lot 1 of Block 2 of Catron Crossing Subdivision, a distance of 108.68 feet, to the northwesterly corner of said Lot 1 of Block 2 of Catron Crossing Subdivision, common to a point on the easterly edge of the 52 feet wide right-of-way of Bendt Drive; Thence, sixteenth course:  $N00^{\circ}08'35''W$ , along the easterly edge of the right-of-way of said Bendt Drive, a distance of 63.37 feet, to a point of curvature; Thence, seventeenth course: northeasterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of  $13^{\circ}10'54''$ , an arc length of 63.04 feet, a chord bearing of  $N06^{\circ}36'18''E$ , and a chord distance of 62.90 feet, to a point on the easterly edge of the right-of-way of said Bendt Drive, common to the southwesterly corner of Lot 9 of Block 2 of Catron Crossing Subdivision; Thence eighteenth course:  $S77^{\circ}13'45''E$ , along the southerly boundary of said Lot 9 of Block 2 of Catron Crossing Subdivision, a distance of 160.97 feet, to the southeasterly corner of said Lot 9 of Block 2 of Catron Crossing Subdivision; Thence, nineteenth course:  $N12^{\circ}46'51''E$ , along the easterly boundary of said Lot 9 of Block 2 of Catron Crossing Subdivision, a distance of 121.06 feet, to the northeasterly corner of said Lot 9 of Block 2 of Catron Crossing Subdivision; Thence, twentieth course:  $N76^{\circ}23'05''W$ , along the northerly boundary of said Lot 9 of Block 2 of Catron Crossing Subdivision, a distance of 142.67 feet, to the northwesterly corner of said Lot 9 of Block 2 of Catron Crossing Subdivision, common to a point on the easterly edge of the right-of-way of said Bendt Drive; Thence, twenty-first course:  $N23^{\circ}07'27''E$ , along the easterly edge of the right-of-way of said Bendt Drive, a distance of 37.31 feet, to a point of curvature; Thence, twenty-second course: northeasterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the left on a curve with a radius of 476.00 feet, a delta angle of  $27^{\circ}56'54''$ , an arc length of 232.19 feet, a chord bearing of  $N09^{\circ}22'33''E$ , and a chord distance of 229.89 feet, to a point of tangency; Thence, twenty-third course:  $N04^{\circ}37'59''W$ , along the easterly edge of the right-of-way of said Bendt Drive, a distance of 83.68 feet, to a point of curvature; Thence, twenty-fourth course: northeasterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of  $13^{\circ}23'57''$ , an arc

STAFF REPORT

April 7, 2011

---

No. 11PD013 - Initial and Final Residential Development Plan

ITEM 21

---

length of 64.08 feet, a chord bearing of N02°02'14"E, and a chord distance of 63.93 feet, to a point of reverse curvature; Thence, twenty-fifth course: northwesterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 28°06'40", an arc length of 159.95 feet, a chord bearing of N05°21'25"W, and a chord distance of 158.35 feet, to a point of reverse curvature; Thence, twenty-sixth course: northwesterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 27°25'54", an arc length of 131.18 feet, a chord bearing of N05°39'36"W, and a chord distance of 129.93 feet, to a point on the easterly edge of the right-of-way of said Bendt Drive, common to the southwesterly corner of Lot 1 of Block 3 of Stoney Creek South Subdivision; Thence, twenty-seventh course: N89°18'01"E, along the southerly boundary of said Lot 1 of Block 3 of Stoney Creek South Subdivision, a distance of 159.42 feet, to the southeasterly corner of said Lot 1 of Block 3 of Stoney Creek South Subdivision; Thence, twenty-eighth course: N00°39'56"W, along the easterly boundary of said Lot 1 and Lot 2 of Block 3 of Stoney Creek South Subdivision, a distance of 239.98 feet, to the northeasterly corner of said Lot 2 of Block 3 of Stoney Creek South Subdivision, common to the southeasterly corner of Lot 3 of Block 3 of Stoney Creek South Subdivision; Thence, twenty-ninth course: N00°39'30"W, along the easterly boundary of said Lot 3 of Block 3 of Stoney Creek South Subdivision, a distance of 119.95 feet, to the northeasterly corner of said Lot 3 of Block 3 of Stoney Creek South Subdivision, common to a point on the southerly boundary of said Lot 4 of Block 3 of Stoney Creek South Subdivision; Thence, thirtieth course: S62°36'40"E, along the southerly boundary of said Lot 4 of Block 3 of Stoney Creek South Subdivision, a distance of 600.41 feet, to the southeasterly corner of said Lot 4 of Block 3 of Stoney Creek South Subdivision, common to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, and the Point of Beginning

PARCEL ACREAGE

Approximately 15.637 acres

LOCATION

West of the intersection of Overview Lane and Nugget Gulch Road

EXISTING ZONING

Low Density Residential District (Planned Residential

STAFF REPORT

April 7, 2011

---

No. 11PD013 - Initial and Final Residential Development Plan

ITEM 21

---

Development) - General Agriculture District (Planned Development Designation)

SURROUNDING ZONING

North: Low Density Residential District (Planned Residential Development)  
South: Low Density Residential District (Planned Residential Development)  
East: Medium Density Residential District (Planned Residential Development) - General Agriculture District  
West: Low Density Residential District (Planned Residential Development) - General Agriculture District

PUBLIC UTILITIES

City sewer and water

DATE OF APPLICATION

2/25/2011

REVIEWED BY

Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Initial and Final Residential Development Plan be approved with stipulations:

1. Prior to Planning Commission approval, a grading plan showing building envelopes shall be submitted for review and approval to insure that an adequate building envelope is being provided on each lot;
2. Prior to Planning Commission approval, erosion and sediment controls shall be provided to prevent sediment transport off the site and a permanent vegetative cover with a density of 70% of the native cover must be established on the property in compliance with Chapter 8.34 and 8.50 of the Rapid City Municipal Code
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. Prior to issuance of a building permit, Rezoning request #11RZ002 to rezone the southern portion of the property from General Agriculture District to Low Density Residential District shall be approved;
5. Prior to issuance of a building permit, the associated Preliminary Plat shall be approved;
6. **Prior to issuance of a building permit, an Exception to waive the requirement to provide an intermediate turnaround every 600 feet along Rustic Ridge Court, a cul-de-sac street, and to allow Rustic Ridge Court to serve 23 lots in lieu of a maximum 20 lots as per the Street Design Criteria Manual shall be obtained or the site plan shall be revised accordingly. Changes to the site plan which comply with the City's Design Standards shall be allowed as a Minimal Amendment to the Planned Residential Development;**
7. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed and approved;
8. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
9. A minimum 20 foot front yard setback shall be provided in front of each garage and a

STAFF REPORT  
April 7, 2011

---

No. 11PD013 - Initial and Final Residential Development Plan

ITEM 21

---

- minimum 15 foot front yard setback shall be provided in front of each residence. In addition, a minimum 25 foot side yard setback along a street right-of-way shall be provided and a minimum eight foot side yard setback for one story structures and a minimum 12 foot side yard setback for two story structures along shared lot lines shall be provided. A minimum 25 foot rear yard setback shall also be provided;
10. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
  11. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development. Changes to the elevations may be authorized by the Growth Management Director when they are consistent with the architectural style of the development as approved herein; and,
  12. The Planned Residential Development shall allow for the construction of single family residence(s). However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years.

GENERAL COMMENTS:

**(Update: March 28, 2011. All revised and/or added text is shown in bold print.) This item was continued at the March 24, 2011 Planning Commission meeting to allow the applicant to submit a grading plan showing building envelopes to insure that an adequate building envelope is being provided on each lot and to address an Air Quality and Storm Water Quality violation currently existing on the property. As of this writing, these two issues have not been resolved. Staff will notify the Planning Commission at the April 7, 2011 Planning Commission meeting if these issues have not been resolved.**

The applicant has submitted an Initial and Final Planned Residential Development to create 29 single family residential lots and a drainage lot. In addition, the applicant has submitted a Preliminary Plat (File #11PL013) to subdivide the property creating 30 lots leaving an unplatted non-transferable balance located east and west of the site. The applicant has also submitted a Rezoning request (File #11RZ002) to rezone the southern portion of the property from General Agriculture District to Low Density Residential District.

The property is located west of the intersection of Overview Lane and Nugget Gulch Road and is currently void of any structural development.

STAFF REVIEW:

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

Air Quality/Storm Water Quality: The property is currently in violation of Chapter 8.34 and 8.50 of the Rapid City Municipal Code which regulates Air Quality and Storm Water Quality. As such, prior to Planning Commission approval, erosion and sediment controls must be maintained to prevent sediment transport off the site and a permanent vegetative cover with a density of 70% of the native cover must be established on the property in compliance with Chapter 8.34 and 8.50 of the Rapid City Municipal Code.

STAFF REPORT  
April 7, 2011

---

**No. 11PD013 - Initial and Final Residential Development Plan**

**ITEM 21**

---

Grading Plan: To date a grading plan has not been submitted for review and approval. As such, staff recommends that prior to Planning Commission approval, a grading plan showing building envelopes be submitted for review and approval to insure that an adequate building envelope is being provided on each lot.

Design Features: The applicant has indicated that the proposed single family residences will be constructed with a stick frame construction using amazonite siding and limited brick and stone veneer. In addition, the single family residences are proposed to be one story and two story structures with attached garages and a pitched roof with asphalt shingles. The applicant has also indicated the residences will be earth tone in color. Staff is recommending that the residences conform architecturally to the plans, elevations and color palette submitted as part of this Planned Residential Development. Changes to the elevations may be authorized by the Growth Management Director when they are consistent with the architectural style of the development as approved herein.

Setbacks: The applicant is requesting an 18 foot front yard setback in front of the proposed garage and a 15 foot front yard setback in front of the residence. The Low Density Residential District requires a minimum 25 foot front yard setback for residential structures. In the past, the Planning Commission has allowed reduced setbacks within Planned Residential Developments when a minimum 18 foot front yard setback is provided in front of the proposed garages in order to insure a vehicle may be parked in the driveway without overhanging the public right-of-way or across the sidewalk in violation of the Rapid City Municipal Code. However, the City has received complaints that the reduced setback results in vehicles overhanging onto the adjacent sidewalk which impedes pedestrian access.

On February 18, 2010, the Planning Commission approved an Initial and Final Planned Residential Development to reduce the front yard setback in front of the garage from 25 feet to 20 feet. In particular, it was noted that the 20 foot setback provided sufficient area between the front of the garage and the sidewalk to allow vehicles to park in the driveway without obstructing the adjacent sidewalk. It was also recommended that a minimum 25 side yard setback that abuts a street right-of-way be provided to insure sufficient setbacks along corner lots.

Based on the previous action of the Planning Commission, staff recommends that a minimum 20 foot front yard setback be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. In addition, a minimum 25 foot side yard setback along a street right-of-way must be provided and a minimum eight foot side yard setback for one story structures and a minimum 12 foot side yard setback for two story structures along shared lot lines must be provided. A minimum 25 foot rear yard setback must also be provided. All provisions of the Low Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment.

Infrastructure Improvements: Prior to issuance of a building permit, a Preliminary Plat must be approved to insure that the utilities, access and drainage issues are being addressed for the proposed development. In addition, a Final Plat must be approved prior to issuance of a

STAFF REPORT  
April 7, 2011

---

**No. 11PD013 - Initial and Final Residential Development Plan**

**ITEM 21**

---

Certificate of Occupancy to insure that legal access and utility and drainage easements are in place as needed.

**Notification: The white slips and green cards from the certified mailing have been returned. In addition, the sign has been posted on the property. Staff has received three inquiries regarding this application.**