

STAFF REPORT
August 25, 2011

No. 11PD031 - Major Amendment to a Planned Residential Development **ITEM 30**

GENERAL INFORMATION:

APPLICANT	Robert Drew - Eagle Ridge II, LLP
AGENT	Neil Eichstadt - FourFront Design, Inc.
PROPERTY OWNER	Eagle Ridge II, LLP
REQUEST	No. 11PD031 - Major Amendment to a Planned Residential Development
EXISTING LEGAL DESCRIPTION	Lot 2A of Block 1 of Black Hills Center located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.01 acres
LOCATION	121 Stumer Drive
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development) - Medium Density Residential District (Planned Residential Development)
South:	Highway Services District (Pennington County)
East:	Medium Density Residential District (Planned Residential Development)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/28/2011
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

1. The proposed basketball court shall be located east of proposed Building #10 as shown on the applicant's site plan and shall be constructed in compliance with the design plans;
2. Prior to issuance of a building permit for the proposed 8 foot high fence around the

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- basketball court, a Fence Height Exception shall be obtained to allow an 8 foot high fence in lieu of a maximum 6 foot high fence in a residential district or the fence height shall be adjusted accordingly. 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 landscape 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. Revisions to the landscape plan that do not result in a reduction in the required number of landscape points shall be allowed as a Minimal Amendment to the Planned Residential Development. Any reduction in the required number of landscape points shall require a Major Amendment to the Planned Residential Development;
 4. The six foot high privacy fence and retaining wall located along the west lot line shall continually be maintained;
 5. 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;
 6. 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;
 7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 8. Prior to issuance of a Certificate of Occupancy for Phase Two of the development, the "pork chop" traffic island shall be constructed in the northern approach along Stumer Road;
 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 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;

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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, a basketball court 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:

The applicant has submitted a Major Amendment to a Planned Residential Development to allow for the construction of a 32 foot by 34 foot basketball court enclosed with an 8 foot high chain link fence as a part of the Eagle Ridge Apartment Complex. The applicant has also submitted a Fence Height Exception (File #11FV006) to allow an 8 foot high fence in lieu of a maximum 6 foot high fence in a residential district.

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. The project was approved to be constructed in two phases with Phase One consisting of eight-12 plexes, a leasing/administration office, a tot lot 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.

On May 17, 2010, the City Council upheld the decision of the Planning Commission to approve 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.

The property is located south of Stumer Road and north of Catron Boulevard. Currently, all of Phase One has been constructed and Phase Two is under construction.

STAFF REVIEW:

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

Location and Design: The applicant had originally proposed to locate the basketball court in the southwest corner of the property. However, adjacent property owners noted concern with the location due to the noise associated with an outdoor recreational area. As such, the

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applicant submitted revised design plans showing the basketball court located east of proposed Building #10 which creates a structural buffer between the basketball court and the existing single family residential development located west of the property. The applicant has also submitted design information addressing drainage and demonstrating ADA access to the basketball court.

Staff recommends that the proposed basketball court be located east of proposed Building #10 as shown on the applicant's site plan and constructed in compliance with the design plans.

Fencing: The applicant is proposing to construct an 8 foot high chain link fence around the perimeter of the basketball court. However, Chapter 17.40.020 of the Rapid City Municipal Code restricts the height of a fence in a residential district to 6 feet. As such, prior to issuance of a building permit for the proposed 8 foot high fence around the basketball court, a Fence Height Exception must be obtained to allow an 8 foot high fence in lieu of a maximum 6 foot high fence in a residential district or the fence height must be adjusted accordingly. In addition, the fence must conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Residential Development Plan.

Landscaping/Fencing/Retaining Wall: The Major Amendment to the Planned Residential Development (File #09PD096) stipulated the timing for the construction of the fence and retaining wall and the planting of the landscaping along the west lot line. These improvements are currently in place and must be continually maintained.

Traffic Directional Device: The site plan identifies a previously approved "pork chop" traffic island to be installed in the north approach along Stumer Road as a part of Phase Two of the project to serve as a traffic directional device. To date, the "pork chop" traffic island has not been constructed. Prior to issuance of a Certificate of Occupancy for Phase Two of the development, the "pork chop" traffic island must be installed.

Notification Requirement: As of this writing, the receipts from the certified mailing have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the August 25, 2011 Planning Commission meeting if these requirements have not been met. Staff has received several calls of inquiry regarding this item.