

STAFF REPORT
July 26, 2012

No. 12PD026 - Major Amendment to a Development Plan

ITEM 15

GENERAL INFORMATION:

APPLICANT	Rushmore Properties, LLC
PROPERTY OWNER	Rushmore Properties, LLC
REQUEST	No. 12PD026 - Major Amendment to a Development Plan
EXISTING LEGAL DESCRIPTION	Lots 1-6 and Lots 10-27 of Block 1 and Lots 1-7, Lot 13, Lot 14, and Lots 18-23 of Block 2 all of Settlers Creek Townhomes located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9 acres
LOCATION	On the north and south sides of Settlers Creek Place
EXISTING ZONING	Office Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Medium Density Residential District - Medium Density Residential District (Planned Development)
South:	Public District
East:	Medium Density Residential District
West:	Office Commercial District (Planned Development)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	July 3, 2012
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

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

1. Prior to issuance of a building permit, the lots shall be platted to reflect the lot lines shown on the submitted Master Plan;
2. Prior to issuance of a building permit, the applicant shall coordinate with the Rapid City Fire Department to ensure all requirements of the International Fire Code are continually maintained;
3. Prior to issuance of a Building Permit, existing utility services that will not be used shall be abandoned at the main, or the Exception to waive the requirement to abandon the services at the main shall be appealed to the City Council and obtained at that level;

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4. Prior to a Certificate of Occupancy for each residential dwelling, existing curb cuts shall be adjusted to accommodate lot line adjustments as needed;
5. A Building Permit shall be required prior to any construction. A Certificate of Occupancy shall be required prior to occupancy;
6. The Exception to reduce the side yard setback on Lot 13 from 8 feet to 4 feet is hereby granted contingent upon the installation of an approved fire sprinkler system in each primary structure. The Exception to reduce the side yard setback from 8 feet to 7 feet on the west side of proposed lot 18R and the east side of proposed Lot 20R is hereby granted contingent upon the installation of an approved fire sprinkler system in each primary structure;
7. The Exception to reduce the rear yard setback from 25 feet to 16.5 feet on all lots is hereby granted;
8. The Exception to allow a deck to encroach 8.5 in lieu of the maximum allowable 19 feet in the rear yard of all lots south of Settler's Creek Place is hereby granted;
9. This Major Amendment to the Planned Development shall allow single-family residences and two unit attached townhomes as approved uses in the Planned Development. Any other uses shall require a Major Amendment to the Planned Development; and,
10. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment.

GENERAL COMMENTS: The applicant has submitted a Major Amendment to the Planned Development to expand the approved uses within the development and to request exceptions to setbacks. In particular, the applicant has submitted this Amendment to allow single-family and townhomes as approved uses in the Settler's Creek Townhome Subdivision. The Initial and Final Planned Residential Development (File #07PD047) was approved to allow attached townhomes in three or four dwelling unit configurations. The applicant is now proposing to expand the approved uses on the property to include single-family residences and townhomes. The applicant has also requested Exceptions to reduce setbacks in the side and rear yards of specific lots in the Planned Development, and to allow a rear deck to extend into the rear yard setback on all properties south of Settler's Creek Place.

The property is located north of Executive Golf Course, south of Philadelphia Street, in central Rapid City. Currently, the property is developed as a mix of townhomes, single-family residences, and undeveloped lots.

STAFF REVIEW: Staff has reviewed the proposed Major Amendment to the Planned Development and has noted the following considerations:

Utilities: The original Initial and Final Planned Residential Development allowed the construction of three and four-unit attached townhomes. Each unit was to be developed on its own lot. The approved Plat for the property shows that water and sewer lines have been installed for each lot. The proposed Major Amendment to the Planned Development will include single-family and two-unit townhomes as well as the originally approved three and four-unit structures. As such, utility services on some lots will not be required. The applicant submitted an Exception request to the Public Works Department (File #12EX083) to allow unused water and sewer service mains to remain in place. The requested

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Exception was denied. As such, prior to issuance of a building permit, all utility services that will not be used must be abandoned at the main per City standard specifications.

Curb Cuts: Curb cuts were previously installed in Settler's Creek Place per the approved designs for three and four unit attached residences. The requested Major Amendment will alter the location and number of units in the Planned Development. Only one curb cut is permitted per residential dwelling unit. As such, prior to a Certificate of Occupancy for each residential dwelling, existing curb cuts must be adjusted to accommodate lot line adjustments as needed.

Criteria for Review: Section 17.50.050.F(5) of the Rapid City Municipal Code sets forth the criteria used to review a Planned Development. They are as follows:

1. *There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:*

The property is located on the north and south sides of Settler's Creek Place on property zoned Office Commercial District. The Office Commercial District does allow residential uses however, the originally approved Planned Residential Development limited the design of residences to three and four-unit attached townhomes. Certain lots in the original Planned Residential Development have been developed as townhome and as single-family residences with the approval of a Minimal Amendment to allow a single-family residence to be constructed. Portions of the southern-most part of lots are located within the 100 Year Federally Designated Floodplain, however, no development has been permitted in those portions located in the Floodplain. The size, shape, or topography of lots does not create particular conditions limiting the development of the property.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;*

Single-family residences and townhomes are permitted uses in the Office Commercial Districts. The original Planned Residential Development approved the use of attached three and four unit townhomes. An associated Preliminary Plat (File #07PL090) was also approved to create a total of 52 lots that would allow each of the attached units to be located on a separate lot. The anticipated development on the properties has not occurred, and the applicant is now seeking an expansion of the approved uses on the property. The proposed Master Plan requires that existing lot lines be moved to allow for the development of single-family residences and two-unit townhomes. As such, prior to issuance of a Building Permit, the lots must be platted to reflect the lot lines shown on the submitted Master Plan. The Major Amendment to the Planned Development is required to allow the proposed uses on the property. The application of the regulations to this particular piece of property does not appear to create a practical difficulty or undue hardship.

3. *Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations;*

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The applicant has requested reductions to several setbacks. The requested exceptions are as follows:

- Reduce the side yard setback on Lot 13 to 4 feet in lieu of the minimum required 8 feet.
- Reduce the rear yard setback on all properties to 16.5 feet in lieu of the minimum required 25 feet.
- Reduce the side yard setback on the west side of proposed Lot 18R to 7 feet in lieu of the minimum required 8 feet.
- Reduce the side yard setback on the east side of proposed Lot 20R to 7 feet in lieu of the minimum required 8 feet.
- Increase allowable decks to 8.5 feet on all units south of Settler's Creek Place.

The side yard setbacks on lots other than those with requested reductions will comply with the requirements of the Rapid City Municipal Code. The reduced setbacks will allow the proposed single-family residences to be built on the proposed lots. The Rapid City Fire Department has noted that in order to support any requests for reduced side yard setbacks, the structures on all lots with reduced side yard setbacks must be protected with a fire sprinkler system. As such, prior to issuance of a building permit, the applicant must coordinate with the Rapid City Fire Department to ensure all applicable provisions of the International Fire Code are continually maintained. The requested reductions in setbacks, if approved, do not appear to create undue hardship to the public good or impair the purpose or intent of the Planned Development regulations. As such, staff recommends that the requested reduction in side yard and rear yard setbacks as shown in the applicant's submitted Master Plan be approved.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;*

The Office Commercial District is intended to provide a mix of residential and commercial uses. The approved Planned Development limited the development of the site to three and four-unit attached townhome developments. This Major Amendment to the Planned Development will allow for the construction of single-family residences and attached two-unit townhomes as well. Both of the proposed uses are permitted in the Office Commercial District. As such, a literal interpretation of this chapter does not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated;*

This Major Amendment will allow single-family residences and two-family attached townhomes as approved uses in the Planned Development. Any other uses permitted in the Office Commercial District will be allowed through a Minimal Amendment to the Planned Development. Conditional Uses in the Office Commercial District will require a Major Amendment to the Planned Development. The Planned Development must serve as the tool by which any adverse impacts of the proposed Major Amendment will be mitigated.

6. *The requested exception to the underlying zoning district standards is an alternative or*

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innovative practice that reasonably achieves the objectives of the existing standard sought to be modified;

The Major Amendment to the Planned Development will modify the Master Plan of the originally approved Planned Residential Development allow the properties to be developed as single-family residences and attached two-unit townhomes. The requested reductions in setbacks will allow the property to be developed with the similar high density development that was a characteristic of the original Planned Residential Development. The requested Exceptions allow for an alternative practice that mirrors the objectives of the existing Planned Residential Development while simultaneously allowing a wider range of uses in the Development. As such, staff recommends that the Major Amendment to the Planned Development to allow single-family residences and attached two-unit townhomes as approved uses on the property be approved. In addition, staff recommends that the requested reductions in side and rear yard setbacks be approved as shown in the submitted Master Plan.

Notification Requirements: As of this writing, the sign has been posted on the property. The white receipts and green cards required as proof of the certified mailing have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the July 26, 2012 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into the proposed Major Amendment to the Planned Development.