

STAFF REPORT
September 6, 2012

No. 12PD028 - Final Planned Development Overlay to allow a single family residential development **ITEM 5**

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
PROPERTY OWNER	SSST, LLC
REQUEST	No. 12PD028 - Final Planned Development Overlay to allow a single family residential development

EXISTING
LEGAL DESCRIPTION

A portion of the SE1/4 of the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 18 of Block 4 of Elks Crossing, and the point of beginning; Thence, first course: S51°19'22"E, along the southerly boundary of said Lot 18, a distance of 84.74 feet, to the southeasterly corner of said Lot 18, common to the southwesterly corner of Lot 19 of Block 4 of Elks Crossing; Thence, second course: S51°19'22"E, along the southerly boundary of said Lot 19, a distance of 141.17 feet, to the southeasterly corner of said Lot 19, common to a point on the westerly boundary of Lot 21 of Block 4 of Elks Crossing; Thence, third course: S00°06'48"W, along the westerly boundary of said Lot 21, a distance of 14.76 feet, to the southwesterly corner of said Lot 21, common to the northwesterly corner of Lot 22 of Block 4 of Elks Crossing; Thence, fourth course: S00°06'48"W, along the westerly boundary of said Lot 22, a distance of 17.26 feet, to a corner along the westerly boundary of said Lot 22; Thence, fifth course: S44°33'29"W, along the westerly boundary of said Lot 22, a distance of 37.79 feet, to the southwesterly corner of said Lot 22; Thence, sixth course: S45°26'31"E, along the southerly boundary of said Lot 22, a distance of 51.07 feet, to a corner along the southerly boundary of said Lot 22; Thence, seventh course: S89°53'12"E, along the southerly boundary of said Lot 22, a distance of 90.00 feet, to the southeasterly corner of said Lot 22, common to a point on the westerly edge of Fieldstone Drive right-of-way; Thence, eighth course: S00°06'48"W, along the westerly edge of said Fieldstone Drive right-of-way, a distance of 23.98 feet; Thence, ninth course: S89°53'12"E, a distance of 52.00 feet; to a point on the easterly edge of said Fieldstone Drive right-of-way, Thence, tenth course: N00°06'48"E, along the easterly edge of said Fieldstone Drive right-of-way, a distance of 1.15 feet to the southwesterly corner

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of Lot 15 of Block 5 of Elks Crossing; Thence, eleventh course: S89°53'12"E, along the southerly boundary of said Lot 15, a distance of 110.00 feet, to the southeasterly corner of said Lot 15; Thence, twelfth course: S00°06'48"W, a distance of 335.23 feet, to a point on the northerly edge of East Minnesota Street right-of-way; Thence, thirteenth course: N89°53'12"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 27.81 feet; Thence, fourteenth course: along the northerly edge of said East Minnesota Street right-of-way, curving to the right, on a curve with a radius of 550.00 feet, a delta angle of 9°57'01", a length of 95.52 feet, a chord bearing of N84°56'47"W, and chord distance of 95.40 feet; Thence, fifteenth course: N32°50'08"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 13.74 feet; Thence, sixteenth course: N13°46'48"E, along the northerly edge of said East Minnesota Street right-of-way, a distance of 21.06 feet; Thence, seventeenth course: N76°13'12"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 52.00 feet; Thence, eighteenth course: S13°46'48"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 21.06 feet; Thence, nineteenth course: S60°23'43"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 13.74 feet; Thence, twentieth course: along the northerly edge of said East Minnesota Street right-of-way, curving to the right, on a curve with a radius of 550.00 feet, a delta angle of 27°00'50", a length of 259.31 feet, a chord bearing of N58°57'43"W, and chord distance of 256.92 feet; Thence, twenty-first course: N45°27'18"W, along the northerly edge of said East Minnesota Street right-of-way, a distance of 328.10 feet; Thence, twenty-second course: N44°35'57"E, a distance of 153.77 feet; Thence, twenty-third course: N46°17'25"E, a distance of 140.11 feet, to the said point of beginning

PARCEL ACREAGE	Approximately 4.596 acres
LOCATION	North of East Minnesota Street and south of Fieldstone Drive
EXISTING ZONING	Low Density Residential-2 District (Planned Development) - Medium Density Residential District (Planned Development)

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FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Low Density Residential-2 District (Planned Development) - Medium Density Residential District (Planned Development)
South:	General Agriculture District
East:	Low Density Residential-2 District (Planned Development) - Medium Density Residential District (Planned Development)
West:	General Commercial District (Planned Development) - Medium Density Residential District (Planned Development)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	August 10, 2012
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to allow a single family 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 building permit, Development Engineering Plans shall be approved;
3. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;
4. Prior to issuance of a building permit, the water main improvements in Marlin Drive between East Minnesota Street and Creek Drive and the water main improvements in East Minnesota Street between Marlin Drive and the Fieldstone Drive intersection shall be completed and accepted by the City;
5. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
6. Prior to issuance of a Certificate of Occupancy, all public improvements shall be accepted by the City Council as per Chapter 12.04.170 of the Rapid City Municipal Code;
7. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
8. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
9. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Final Planned Development Overlay. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and

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- approval of a Major Amendment to the Final Planned Development Overlay. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
10. All applicable provisions of the adopted International Fire Code shall continually be met;
 11. All provisions of the underlying zoning districts shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
 12. 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; and,
 13. The Final Planned Development Overlay shall allow the construction of a single family residential development. Any change in use that is a permitted use in the underlying zoning district shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the underlying zoning district shall require the review and approval of a Major Amendment to the Final Planned Development Overlay.

GENERAL COMMENTS:

The applicant has submitted a Final Planned Development Overlay to allow a single family residential development. In particular, the applicant is proposing to construct one and two story single family dwellings. The applicant has also submitted Development Engineering Plans for 16 lots on the above legally described property.

On June 11, 2007, a Planned Development Designation (File #07PD041) was approved for the above legally described property.

On July 2, 2007, the City Council approved a Rezoning request from Low Density Residential II District to Medium Density Residential District (File #07RZ046) including a portion of the above legally described property.

On July 2, 2007, the City Council approved an Amendment to the Comprehensive Plan to change the future land use designation from General Agriculture District to Medium Density Residential District with a Planned Residential Development (File #07CA027) including a portion of the above legally described property.

On August 6, 2012, the City Council approved a Preliminary Subdivision Plan (File #12PL029) for the above legally described property to create 16 residential lots.

The property is located at the southern terminus of Fieldstone Drive and north of the extension of East Minnesota Street. The property is currently undeveloped.

STAFF REVIEW:

Staff has reviewed the Final Planned Development Overlay with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

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

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The proposed development is approximately 4.6 acres in size. The property is located at the current terminus of Fieldstone Drive and north of the extension of East Minnesota Street.

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

Previously, a Rezoning request from Low Density Residential II District to Medium Density Residential District for a portion of the property (File #07RZ046) was approved in conjunction with a Planned Development Designation. The Planned Development Designation requires that a Final Planned Development Overlay be approved prior to development.

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:*

The applicant is not requesting any exceptions to the underlying zoning district. All provisions of the underlying zoning districts must be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment. The Final Planned Development Overlay will allow the construction of a single family residential development. Any change in use that is a permitted use in the underlying zoning district will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the underlying zoning district will require the review and approval of a Major Amendment to the Final Planned Development Overlay.

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

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

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

The applicant was informed as a part of the approved Preliminary Subdivision Plan (File #12PL029) that inadequate water flows exist in the area of the proposed development. The Fire Department has also voiced concerns that there may not be adequate fire flows to serve the proposed development. In 2009, staff approved plans to construct water system improvements along Marlin Drive creating a loop in the water system. To date, the loop has not been constructed. In addition, in 2008, plans were approved to construct water system improvements along East Minnesota Street. To date, construction has started and the applicant anticipates completion by the end of the year. As such, prior to issuance of a building permit, the water main improvements in Marlin Drive between East Minnesota Street and Creek Drive and the water main improvements in East Minnesota Street between Marlin Drive and the Fieldstone Drive intersection must be completed and accepted by the City in order to ensure that adequate water capacity for domestic water and fire flows exist. In addition, all

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applicable provisions of the adopted International Fire Code must continually be met.

6. *The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:*

The applicant is not requesting any exceptions to the underlying zoning. Previously, a portion of the above legally described property was rezoned to Medium Density Residential District in conjunction with a Planned Development Designation. The Planned Development Designation requires that a Final Planned Development Overlay be approved prior to development.

Public Improvements: Chapter 12.04.170 of the Rapid City Municipal Code states that, "All Infrastructures within the jurisdictional area of the City of Rapid City that is or will be located within public right of way, on city-owned property or within an easement given to the city or the public shall not be utilized for public use until such infrastructure is formally accepted by the city through action of the Common Council." As such, prior to issuance of a Certificate of Occupancy, all public improvements must be accepted by the City Council as per Chapter 12.04.170 of the Rapid City Municipal Code.

Platting: On August 6, 2012, a Preliminary Subdivision Plan was approved for 16 lots on the above legally described property. Currently, Development Engineering Plans have been submitted for review and approval. Prior to issuance of a building permit, the Development Engineering Plans must be approved. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved for the proposed development.

Air Quality: If a building permit is obtained and construction begins before a Final Plat is approved, an Air Quality Construction Permit will be required prior to any surface disturbance of one acre or more. An Air Quality Construction Permit may not be required if construction begins after a Final Plat has been approved for the proposed 16 lots.

Building Permit: A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. Upon submittal of a building permit, plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. Temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy.

Signage and Lighting: The applicant has not submitted a sign package with this application. All signage must continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, will be allowed as a Minimal Amendment to the Planned Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs will require the review and approval of a Major Amendment to the Planned Development. Lighting for the signs must be designed to

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preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

Outdoor lighting is not usually an issue in single family residential developments. However, multi-family development is a permitted use in the Medium Density Residential District. A portion of the property is zoned Medium Density Residential District and a change in the proposed development may include a parking lot including lighting. As such, all outdoor lighting must 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.

Notification: The white slips and green cards have not been returned. As of this writing, staff is not aware if the sign has been posted. Staff will conduct a site visit before the September 6, 2012 Planning Commission meeting and will notify the Planning Commission at the meeting if these requirements have not been met.