

STAFF REPORT
November 21, 2012

No. 12PD036 - Major Amendment to a Planned Development Overlay **ITEM 4**

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
AGENT	Dream Design International, Inc.
PROPERTY OWNER	SSST, LLC
REQUEST	No. 12PD036 - Major Amendment to a Planned Development Overlay
EXISTING LEGAL DESCRIPTION	<p>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,</p>

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along the easterly edge of said Fieldstone Drive right-of-way, a distance of 1.15 feet to the southwesterly corner 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 4.6 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

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(Planned Development)

FUTURE LAND USE DESIGNATION Residential

SURROUNDING ZONING

North: Low Density Residential-2 District (Planned Development) - Medium Density Residential District (Planned Development)

South: General Agricultural 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 water and sewer

DATE OF APPLICATION October 26, 2012

REVIEWED BY Robert Laroco / Nicole Lecy

RECOMMENDATION:

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

1. A Building Permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to occupancy;
2. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
3. Prior to issuance of a Certificate of Occupancy for any non-sprinkler protected residence larger than 3,600 square feet, the water main improvements along Marlin Drive and E. Minnesota Street through the Fieldstone Drive intersection shall be completed and accepted by the City;
4. 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;
5. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;
6. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
7. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
8. Any proposed signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to the Planned Development. Changes to the proposed sign package which the Director of Community Planning and Development Services determines to be consistent with the original approved sign package may be allowed as a Minimal Amendment to the

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- 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 approval of a Major Amendment to the 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;
9. Any proposed 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;
 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 Major Amendment to the Planned Development Overlay or a subsequent Major Amendment, and;
 12. The Major Amendment to the 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 Major Amendment to a Final Planned Development to revise a previously approved stipulation. More specifically, on September 6, 2012, a Final Planned Development (File #12PD028) was approved by Planning Commission to allow construction of single family residences. Stipulation #4 of the approved Planned Development required that water main improvements must be completed and accepted by the City prior to issuance of a building permit. The applicant has submitted a Major Amendment to the Planned Development to revise Stipulation #4.

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) which included a portion of the above legally described property. In addition, 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) which included 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.

On September 19, 2012, City staff approved Development Engineering Plans (File #12PL046) 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.

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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:*

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. There are no conditions pertaining to this particular property with respect to size, shape, or topography.

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. As such, development of the property must occur through the Planned Development process. The applicant has requested to revise Stipulation #4 of the approved Planned Development and subsequently submitted this Major Amendment to the Planned Development. The application of these regulations does not 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:*

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 Major Amendment or a subsequent Major Amendment. The Major Amendment to the Final Planned Development 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 lowest available fire flows of 1,510 gallons per minute (gpm) within the Elks Crossing development prevent the construction of homes in excess of 3,600 square feet unless residential sprinkler systems are provided or a water connection is made along E.

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Minnesota Street and Marlin Drive creating a looped water system. The applicant has previously submitted a water model schematic indicating that 2,500 gpm of fire flow will be available for the proposed development once the water connection along Marlin Drive and E. Minnesota Street is completed. The water system improvements along East Minnesota Street are currently being constructed. The applicant has indicated that the water system improvement along Marlin Drive is under contract to be constructed and that the looped system will be completed by March 1, 2013. In order to ensure that adequate fire flow is maintained to serve the existing residential development(s) within this area and to ensure that adequate fire flow will be provided to the proposed residential development, staff recommends that prior to issuance of a Certificate of Occupancy for any non-sprinkler protected residence larger than 3,600 gross square feet, the water main improvements along Marlin Drive and E. Minnesota Street through the Fieldstone Drive intersection be completed and accepted by the City.

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. A Major Amendment must be approved for changes to the originally approved Planned 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 September 19, 2012, Development Engineering Plans were approved for 16 lots on the above legally described property. Prior to issuance of a Certificate of Occupancy, a Final Plat must 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.

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Signage and Lighting: The applicant has not submitted a sign package with this application. Any future proposed signage must conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to the Planned Development. Changes to the proposed sign package which the Director of Community Planning and Development Services determines to be consistent with the original approved sign package may 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 preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

A portion of the property is zoned Medium Density Residential District and a change in the proposed development may include lighted parking. Any proposed 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 Requirements: As of this writing, the sign has not been posted on the property. The white slips and green cards which serve as proof of the certified mailing have not been returned. Staff will inform the Planning Commission at the November 21, 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.