

STAFF REPORT
January 24, 2013

No. 12PD045 - Initial Planned Development Overlay to Allow a Residential Development **ITEM 4**

GENERAL INFORMATION:

APPLICANT	Sperlich Consulting, Inc.
AGENT	Freeland Meadows LLC
PROPERTY OWNER	Freeland Meadows LLC
REQUEST	No. 12PD045 - Initial Planned Development Overlay to Allow a Residential Development
EXISTING LEGAL DESCRIPTION	<p>A portion of Tract A of Prairie Meadows Subdivision, and A portion of "Government" Lot 4 of Section 18, All Located "Government" Lot 4, Section 18, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract A of Prairie Meadows Subdivision, common to a point on the easterly edge of the Dedicated Right-of-Way of West Nike Road, Thence, N45°30'00"E, along the northwesterly boundary of said Tract A of Prairie Meadows Subdivision, a distance of 112.03 feet, to a corner on the northerly boundary of said Tract A of Prairie Meadows Subdivision, and the Point of Beginning; Thence, first course: N89°51'00"E, along the northerly boundary of said Tract A of Prairie Meadows Subdivision, a distance of 117.38 feet, to a corner on the northerly boundary of said Tract A of Prairie Meadows Subdivision; Thence, second course: N89°51'00"E, a distance of 12.47 feet; Thence, third course: S15°55'30"E, a distance of 115.03 feet; Thence, fourth course: southeasterly, curving to the right on a curve with a radius of 157.50 feet, a delta angle of 51°32'24", an arc length of 141.68 feet, a chord bearing of S78°19'42"E, and a chord distance of 136.95 feet, to a point of compound curvature; Thence, fifth course: southeasterly, curving to the right on a curve with a radius of 7366.79 feet, a delta angle of 00°17'01", an arc length of 36.46 feet, a chord bearing of S52°24'59"E, and a chord distance of 36.46 feet; Thence, sixth course: N37°43'31"E, a distance of 82.25 feet; Thence, seventh course: S56°03'40"E, a distance of 504.87 feet; Thence, eighth course: S32°49'54"W, a distance of 100.00 feet; Thence, ninth course: S57°10'06"E, a distance of 22.01 feet, to a point on the northeasterly boundary of said Tract A of Prairie Meadows Subdivision; Thence, tenth course: S33°11'00"W, along the northerly boundary of</p>

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said Tract A of Prairie Meadows Subdivision, a distance of 52.00 feet, to a point on the northerly boundary of said Tract A of Prairie Meadows Subdivision; Thence, eleventh course: S32°49'54"W, a distance of 127.66 feet; Thence, twelfth course: S32°28'06"W, a distance of 108.93 feet; Thence, thirteenth course: S32°16'21"W a distance of 52.00 feet; Thence, fourteenth course: N57°43'39"W, a distance of 22.83 feet; Thence, fifteenth course: S32°16'21"W, a distance of 113.77 feet; Thence, sixteenth course: N60°00'00"W, a distance of 33.24 feet, to a corner on the southerly boundary of said Tract A of Prairie Meadows Subdivision; Thence, seventeenth course: N60°00'00"W, along the southerly boundary of said Tract A of Prairie Meadows Subdivision, a distance of 142.50 feet, to a corner on the southerly boundary of said Tract A of Prairie Meadows Subdivision; Thence, eighteenth course: N71°25'00"W, along the southerly boundary of said Tract A of Prairie Meadows Subdivision, a distance of 108.00 feet, to a corner on the southerly boundary of said Tract A of Prairie Meadows Subdivision; Thence, nineteenth course: S89°56'00"W, along the southerly boundary of said Tract A of Prairie Meadows Subdivision, a distance of 24.54 feet, to a point on the southerly boundary of said Tract A of Prairie Meadows Subdivision; Thence, twentieth course: S00°07'25"W, a distance of 34.69 feet; Thence, twenty-first course: N89°52'35"W, a distance of 296.09 feet, to a point on the westerly boundary of said Tract A of Prairie Meadows Subdivision, common to a point on the easterly edge of the Dedicated Right-of-Way of said West Nike Road; Thence, twenty-second course: N00°07'25"W, along the westerly boundary of said Tract A of Prairie Meadows Subdivision, common to the easterly edge of the Dedicated Right-of-Way of said West Nike Road, a distance of 145.00 feet, to the southwesterly corner of said Tract A of Prairie Meadows, common to a point on the easterly edge of the Dedicated Right-of-Way of said West Nike Road; Thence, twenty-third course: N00°07'25"E, along the westerly boundary said Tract A of Prairie Meadows Subdivision, common to the easterly edge of the Dedicated Right-of-Way of said West Nike Road, a distance of 489.54 feet, to a point on the southwesterly boundary of said Tract A of Prairie Meadows, common to a point on the easterly edge of the Dedicated Right-of-Way of said West Nike Road; Thence, twenty-fourth course: N33°29'27"E, a distance of 144.97 feet, to a corner on the northerly boundary of

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	said Tract A of Prairie Meadows Subdivision, and the Point of Beginning.
PARCEL ACREAGE	Approximately 11.410 acres
LOCATION	West of the current terminus of Bengal Drive
EXISTING ZONING	Low Density Residential District (Planned Development) - Low Density Residential District (Planned Development Designation) - Medium Density Residential District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Development) - Low Density Residential District (Planned Development Designation) - Medium Density Residential District
South:	Low Density Residential District (Planned Development) - Low Density Residential District (Planned Development Designation) - Medium Density Residential District
East:	Low Density Residential District (Planned Development) - Low Density Residential District (Planned Development Designation) - Medium Density Residential District
West:	Low Density Residential District (Planned Development) - Low Density Residential District (Planned Development Designation) - Medium Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	December 28, 2012
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

Staff recommends that the Initial Planned Development Overlay to allow a residential development be approved with the following stipulations:

1. An Exception to reduce the rear yard setback from 25 feet to 20 feet for Lots 1 through 7 of Block 3 is hereby granted;
2. A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to occupancy.
3. Prior to issuance of a building permit, all redline comments shall be addressed and returned to Community Planning and Development Services Department;
4. Prior to issuance of a building permit, a Final Planned Development Plan and Development Engineering Plans shall be approved. Prior to issuance of a Certificate of Occupancy for each individual lot, a Final Plat shall be recorded at the Register of Deeds office;

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5. Upon submittal of a Final Development Plan and/or Development Engineering Plan application, a water and sanitary sewer analysis and improvements plan in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval;
6. Upon submittal of a Final Development Plan and/or Development Engineering Plan application, a drainage analysis and improvements plan in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval;
7. Upon submittal of a Final Development Plan and/or Development Engineering Plan application, South Dakota Department of Environment and Natural Resources approval of all utility improvements shall be submitted for review and approval;
8. Upon submittal of a Final Development Plan and/or Development Engineering Plan application, a geotechnical report and pavement design in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval;
9. Upon submittal of a Final Development Plan and/or Development Engineering Plan application, a recorded covenant agreement, homeowners agreement, or other arrangement specific to the perpetual ownership and maintenance of all proposed drainage lots and improvements shall be submitted for review and approval;
10. Upon submittal of a Final Development Plan and/or Development Engineering Plan application, the Master Plan shall be revised to show a complete street and utility layout to include a 12 inch water main connection to a future water main to be located in Country Road;
11. Upon submittal of a Final Development Plan and/or Development Engineering Plan application, a fire flow calculation shall be provided showing that adequate fire flows exists for the proposed development. All provisions of the adopted International Fire Code shall be continually maintained;
12. Prior to submittal of a Final Development Plan application, an Exception to increase the number of units to be accessed via a single access point from 40 to 42 shall be obtained, or a second access point shall be provided. Upon submittal of the Final Development Plan application, a copy of the approved Exception shall be submitted;
13. All development of the site shall comply with the requirements of the Rapid City Municipal Code unless specifically stipulated as a part of this Initial Planned Development, the Final Planned Development, or a subsequent Major Amendment to the Planned Development, and;
14. This Initial Planned Development shall allow for development of single family residences. Uses permitted in the Low Density Residential District shall be permitted. Conditional uses in the Low Density Residential District shall require a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has submitted a request for an Initial Planned Development Overlay for the development of 42 residential lots as single family residences. The applicant has requested reduced setbacks for a number of lots within the Planned Development. The proposed development is the first phase of a larger residential development. Each phase of development must comply with the requirements of the Rapid City Municipal Code.

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A Planned Development Designation (File #05PD006) was approved for this property by staff on February 17, 2005. An Initial and Final Planned Development (File # 11PD014) was approved for western portions of this property on April 7, 2011 to allow the development of 47 single-family residential lots with reduced front yard setbacks. The development of the property has not occurred as anticipated and the property owners have redesigned the proposed development. Subsequently, they have submitted this Initial Planned Development Overlay to allow development of the property. A Final Planned Development and Development Engineering Plan must be approved for the property prior to issuance of a building permit.

A Preliminary Subdivision Plan (File #13PL001) has recently been submitted to Community Planning and Development Services and will go before Planning Commission after it has been determined that a complete application has been submitted.

The property is located southeast of the intersection of West Nike Road and Cobalt Drive and is currently undeveloped.

STAFF REVIEW: Staff has reviewed the requested Initial Planned Development Overlay pursuant to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code and has noted the following considerations:

There are certain conditions pertaining to the particular piece of property in questions because of its size, shape, or topography;

The property is comprised of approximately 11.41 acres zoned Low Density Residential District. Portions of the property are within an approved Initial and Final Planned Development (File #11PD014) while the balance of the property is located within a Planned Development Designation (File #05PD006). Prior to issuance of a building permit, a Final Planned Development must be approved for the property. In the Low Density Residential District only one principal structure is allowed per parcel. As such, in order to meet this requirement, prior to a Certificate of Occupancy for each residence a Final Plat for each lot must be recorded with the Register of Deeds office.

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

The applicant has requested that the rear yard setback for Lots 1 through 7 of Block 3 in the northern part of the development be reduced from 25 feet to 20 feet. The submitted Master Plan for the development shows that the proposed lots are located adjacent to a future drainage easement. The proposed future drainage easement appears to match the boundaries of the Federally Designated 100 Year Floodplain. The requested reduction in rear yard setbacks for these lots does not appear to have an impact on drainage and will not impact future development of the property north of the development as the drainage channel provides adequate separation. For these reasons, staff recommends the request to reduce the rear yard setback for Lots 1 through 7 of Block 3 from 25 feet to 20 feet be granted. No other exception to the land use regulations has been requested for this Planned Development. The application of these regulations to this particular piece of property does

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not create a practical difficulty or undue hardship.

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;

Staff is currently reviewing a requested Exception to allow a total of 42 single family residential lots to be accessed from one access point. Rapid City design criteria states that no more than 40 units may be accessed from one access point. Prior to submittal of a Development Engineering Plan application the submitted Exception to increase the number of units accessed from a single access point to 42 units must be obtained, or a second access point shall be provided. Upon submittal of the Development Engineering Plan application a copy of the approved Exception must be submitted.

The applicant has stated that the proposed development will meet all the requirements of the zoning ordinance with the exception of the requested reduced rear yard setback on Lots 1 through 7 of Block 3. The requested exception does not appear to impact potential future development. It does not appear that granting the requested exception will cause undue hardship on the public good or impair the purposes and intent of these regulations.

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

The Low Density Residential District is intended to be used for single-family development with low population densities. The proposed development meets all the requirements of the Low Density Residential District with the exception of the proposed rear yard setback for Lots 1 through 7 of Block 3. The property is located within an Initial and Final Planned Development and a Planned Development Designation and, as such, must be developed through the Planned Development process. Application of the requirements of the Low Density Residential District would not deprive the applicant of rights that others in the same district are allowed.

Any adverse impacts will be reasonable mitigated;

The Planned Development will serve as the tool by which the adverse impacts of this request are mitigated. During staff review of this item, Emergency Services and Building Inspections staff have both noted that the proposed Eli Drive cannot include two parts of the street running east/and west as shown on the submitted plans because it will create conflicts with the street numbering system. The applicant should note that the east/west portion of Eli Drive located south of the intersection of Bengal Drive and Eli Drive will require a different name when right-of-way is dedicated, however, the proposed road name does not affect approval of this Initial Planned Development.

Staff has noted that upon submittal of Development Engineering Plan application and/or the Final Planned Development application, the applicant must submit the following information for review and approval:

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- A water and sanitary sewer analysis and improvements plan;
- A drainage analysis and improvements plan;
- A geotechnical analysis and pavement design in compliance with the Infrastructure Design Criteria Manual;
- South Dakota Department of Environment and Natural Resources approval of all utility improvements;
- A covenant agreement, homeowner's agreement, or other arrangements specific to the perpetual ownership and maintenance of drainage lots and improvements;
- A revised Master Plan showing a complete street and utility layout to include the 12 inch water main connection to a future water main located in Country Road, and;
- A fire flow analysis must be provided showing that adequate fire flow protection is available for the proposed development. All provisions of the adopted International Fire Code must be continuously maintained.

The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objectives of the existing standard sought to be modified;

The requested Exception to the land-area regulations for the Low Density Residential District will allow development of the property as single family residences while protecting the 100 Year Federally Designated Floodplain. The balance of the property will be developed with single family residences which meet the regulations of the Low Density Residential District. Portions of the property are located within an existing Initial and Final Planned Development and within a Planned Development Designation. Based on these reasons, staff recommends the requested Initial Planned Development Overlay be approved with the stipulations outlined above. All requirements of the Low Density Residential District will be met unless specifically stipulated as a part of this Initial Planned Development, the Final Planned Development, or a subsequent Major Amendment to the Planned Development.

Notification Requirements: As of this writing, the sign has not been posted on the property. The green cards and white receipts that serve as proof of the required certified mailing have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the January 24, 2013 Planning Commission if these requirements have not been met. As of this writing, there have been no inquiries into the proposed Initial Planned Development Overlay.