

STAFF REPORT
February 21, 2013

**No. 13PD003 – An Initial and Final Planned Development to Allow
Townhome Development**

ITEM 13

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Nesland Construction Company
REQUEST	No. 13PD003 - Initial and Final Planned Development to Allow a Townhome a Development
EXISTING LEGAL DESCRIPTION	Lots 1A, 1B, 2A, 2B, 3A & 3B of Block 1 of Red Rock Shadows Subdivision, located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.96 acres
LOCATION	At the intersection of Kennemer Drive and Portrush Road
EXISTING ZONING	Low Density Residential District 2 (Planned Development Designation)
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Low Density Residential District (Final Planned Development) - General Agricultural District
South:	Planned Unit Development (Pennington County)
East:	Planned Unit Development (Pennington County)
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	January 25, 2013
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Initial and Final Planned Development to allow a townhome development 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, all required drainage improvements shall

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4. be installed by the applicant and accepted by the City;
4. Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;
5. All provisions of the adopted International Fire Code shall be continually met;
6. All provisions of the underlying zoning district shall be met unless specifically authorized as a stipulations of this Initial and Final Planned Development or a subsequent Major Amendment, and;
7. The Initial and Final Planned Development Overlay shall allow for the construction of a townhome development. Any changes in use that are permitted in the underlying zoning district shall be permitted. Any changes in use that are conditional uses in the underlying zoning district shall require the review and approval of a Major Amendment to the Initial and Final Planned Development.

GENERAL COMMENTS: The applicant has submitted a request for an Initial and Final Planned Development to allow for the construction of townhomes. In particular, the applicant has requested an Initial and Final Planned Development to allow for the construction of six townhomes units to be constructed on approximately 0.96 acres of property zoned Low Density Residential-2 District located on the south side of Portrush Road in the Red Rock Meadows development.

On June 16, 2008 a Planned Development Designation was approved for the property (File #08PD025) contingent upon approval of a request to Rezone the property from No Use District to Low Density Residential-2 District. The associated request to Rezone the property (File #08RZ025) was approved by City Council on July 21, 2008. The applicant has subsequently submitted this application for an Initial and Final Planned Development in order to obtain a building permit.

On December 4, 2012, a Minor Plat (File #12PL088) was approved for the creation of six townhome lots on the property.

The property is located on the south side of Portrush Road, immediately south of the intersection of Portrush Road and Kennemer Drive and is currently undeveloped.

STAFF REVIEW: Staff has reviewed the request for an Initial and Final Planned Development per the requirements of Chapter 17.50.050.F(5) 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 proposed development is approximately 0.96 acres in size and is located on the south side of Portrush Road in the Red Rock Meadows neighborhood. There are no conditions pertaining to this particular property with respect to size, shape, or topography.

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

A request to rezone the property from No Use District to Low Density Residential-2 District

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was approved for the property in conjunction with a Planned Development Designation. As such, development of the property must occur through the Planned Development process. The application of these regulations does not create a practical difficulty or undue hardship.

Exceptions to the underlying zoning district, if granted, would not create 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 Initial and Final Planned Development or a subsequent Major Amendment. The Initial and Final Planned Development will allow the construction of six townhomes. Any change in use that is a permitted use in the underlying zoning district will be permitted. 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 Initial and Final Planned Development.

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

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

Any adverse impacts will be reasonably mitigated;

Public Works staff has noted that submitted plans show a drainage channel proposed along the southern edge of the property. Prior to issuance of a Certificate of Occupancy, the drainage channel on the southern boundary must be installed. Public Works staff has noted that each unit on separate parcels must have individual water and sewer services.

Rapid City Fire Department staff has not noted any concerns with the proposed development. All development of the property must continually maintain the requirements of the International Building Code.

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 has not requested any exceptions to the underlying zoning. The previously approved Planned Development Designation for the property ensures that development of the property meets minimum City design standards. The proposed development meets all the requirements of the Low Density Residential-2 District and maintains a similar characteristic to existing development in the area. For these reasons, staff recommends that application be approved with the stipulations noted above.

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

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per SDCL 36-18A. Temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy.

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 February 21, 2013 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into the proposed Initial and Final Planned Development.