

STAFF REPORT

April 4, 2013

No. 12PD043 - Initial and Final Planned Development Overlay to Allow a Townhome Development **ITEM 3**

GENERAL INFORMATION:

APPLICANT	Parkview Estate LLC
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	Parkview Estate LLC
REQUEST	No. 12PD043 - Initial and Final Planned Development Overlay to Allow a Townhome Development
EXISTING LEGAL DESCRIPTION	The unplatted balance of the W1/2 of the NW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.64 acres
LOCATION	Southeast of the intersection of Parkview Drive and East Minnesota Street
EXISTING ZONING	Low Density Residential District - Medium Density Residential District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District - Medium Density Residential District
West:	Public District - Medium Density Residential District (Planned Development)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	December 14, 2012
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Initial and Final Planned Development Overlay to allow a townhome 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, a Development Engineering Plan shall be

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- approved;
3. Prior to issuance of a building permit, access easements shall be dedicated for the townhome driveways and a copy shall be submitted to Community Planning and Development Services Department;
 4. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;
 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. 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. All provisions of the underlying zoning must be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Development Overlay or a subsequent Major Amendment;
 9. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 10. The Initial and Final Planned Development shall allow for a townhome development with a "common lot". 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 Planned Development.

GENERAL COMMENTS:

The applicant has submitted a Final Planned Development Overlay to allow a townhome development. In particular, the applicant is proposing to construct 24 townhome units. Five of the structures will have 4 dwelling units and two of the structures will have 2 dwelling units. In addition, there is a "common lot" with no structures. The proposed townhome structures will be two-stories high with earth tone siding and stone and stucco accents. The applicant has also submitted a Rezoning request (File #12RZ019) to change the land use designation for a portion of the above legally described property from Low Density Residential District to Medium Density Residential District.

On March 21, 2013, the Planning Commission recommended approval of a Preliminary Subdivision Plan (File #13PL019) to create 8 lots and a "Common Lot". The item will be considered at the April 1, 2013 City Council meeting. The applicant has indicated that the 8 lots will be subdivided into 24 townhome lots as development occurs.

The property is located on the southeast corner of Parkview Drive and East Minnesota Street. Currently, the property is 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 applicant is proposing to construct 24 townhomes on a 3.64 acre lot. There is an existing 50 foot wide Major Drainage Easement located on the east side of the property. A Preliminary Subdivision Plan was approved on March 21, 2013, to create 8 lots and a "Common Lot".

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

Currently, the north half of the property is zoned Medium Density Residential District and the south half is zoned Low Density Residential District. The applicant has also submitted a Rezoning request to change the land use designation for the south half of the property from Low Density Residential District to Medium Density Residential District. The applicant is not requesting any Exceptions to the Zoning Ordinance.

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. All provisions of the underlying zoning must be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Development Overlay or a subsequent Major Amendment. The Initial and Final Planned Development Overlay will allow for a townhome development with a "common lot". 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 Planned Development.

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 proposed development is located on the east side of Parkview Drive which is identified as a Collector Street on the City's Major Street Plan. The applicant is proposing seven access approaches for the 24 townhome units instead of individual approaches. The reduction in the number of access approaches will reduce negative impacts on the traffic flow along Parkview Drive. Prior to issuance of a building permit, access easements must be dedicated for the proposed townhome driveways and a copy of the recorded easements must be submitted to the Community Planning and Development Services Department.

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:*

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The applicant is not requesting any Exceptions to the Zoning Ordinance.

Platting: The above legally described property was transferred by the Register of Deeds Office in violation of State and City regulations. As such, the applicant must plat the property to bring the property into compliance with State and City regulations. On March 21, 2013, the Planning Commission recommended approval of a Preliminary Subdivision Plan to create 8 lots and a "common lot" from the above legally described property. The Preliminary Subdivision Plan will be considered at the April 1, 2013 City Council meeting. The applicant has indicated that the property will be further subdivided into 24 lots as development occurs. As such, prior to issuance of a building permit, Development Engineering Plans must be approved for the proposed 8 lots and "common lot". In addition, prior to issuance of a Certificate of Occupancy, a Final Plat must be approved for the individual townhome lots.

Air Quality: An Air Quality Construction Permit must be obtained prior to any surface disturbance of one acre or more.

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.

Fire Department: The applicant should be aware that if the townhome units are not subdivided into individual lots that the entire structures will need to be fire sprinkler protected. All applicable provisions of the adopted International Fire Code must continually be met.

Notification: As of this writing, the first class mailings have been returned to the Community Planning and Development Services Department for mailing and the sign has been picked up. However, as of this writing, staff cannot confirm that the sign has been posted on the property. Staff will notify the Planning Commission at the April 4, 2013 Planning Commission meeting if these requirements have not been met.