

STAFF REPORT
May 23, 2013

No. 13PD012 - Major Amendment to a Planned Development

ITEM 3

GENERAL INFORMATION:

APPLICANT	Rushmore Properties, LLC
AGENT	Jake Boerger
PROPERTY OWNER	Rushmore Properties, LLC
REQUEST	No. 13PD012 - Major Amendment to a Planned Development
EXISTING LEGAL DESCRIPTION	Lots 1 through 6 and Lots 10 through 27 of Block 1 of Settlers Creek Townhomes, located in the NE1/4 of the SE1/4 and the NW1/4 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.42 acres
LOCATION	South of Philadelphia Street between North 11th Street and Founders Park Drive
EXISTING ZONING	Office Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Development)
South:	Office Commercial District (Planned Development)
East:	Medium Density Residential District
West:	Office Commercial District (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	April 26, 2013
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

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

1. The Exception to reduce the rear yard setback from 25 feet to 16.5 feet is hereby granted;
2. Prior to issuance of a building permit, Development Engineering Plans shall be approved for the property;

STAFF REPORT
May 23, 2013

No. 13PD012 - Major Amendment to a Planned Development

ITEM 3

3. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved for the property;
4. Prior to issuance of a Certificate of Occupancy, any water of sewer services that will not be used shall be abandoned at the main per the requirements of the Infrastructure Design Criteria Manual;
5. Prior to a Certificate of Occupancy, any existing curb cuts that will not be used as the single point of access shall be removed and replaced with full height curb and gutter in compliance with the requirements of the Infrastructure Design Criteria Manual;
6. A building permit shall be required prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;
7. All requirements of the International Fire Code shall be continually maintained;
8. This Major Amendment to the Planned Development shall allow single-family residences and two-unit attached townhomes as permitted uses within the Planned Development. Additional uses permitted in the Office Commercial District shall require review and approval through a Minimal Amendment to the Planned Development. Conditional uses in the Office Commercial District shall require a Major Amendment to the Planned Development, and;
9. All provisions of the Office Commercial District shall be continually maintained unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment.

GENERAL COMMENTS: The applicant has submitted a Major Amendment to the Planned Development to expand the approved uses within the development and to request an Exception for the rear yard setbacks. On October 4, 2007 an Initial and Final Planned Residential Development was approved for the property to allow the development of a clubhouse and 51 townhome units to be located in three and four unit structures. The Planned Development was submitted with an associated Preliminary Plat (File #07PL090) and Variance to the Subdivision Regulations (File # 07SV044). The anticipated townhome development has not occurred and on July 26, 2012, the Planning Commission approved a Major Amendment to the Planned Development to alter the conditions of the approved Planned Development for lots located on the south side of Settler's Creek Place. The revised stipulations included single-family residences and townhomes as permitted uses and removed architectural restrictions on the design of structures. The approved Major Amendment to the Planned Development also granted Exceptions reducing rear yard setbacks on all lots, and the side yard setbacks on some specific lots.

The applicant is now proposing to develop property on the north side of Settler's Creek Place with similar uses and, as such, has submitted this Major Amendment to the Planned Development to allow single family homes as well as townhome units and to request an Exception to reduce the rear yard setback on all lots. A previously existing residential structure located on the north side of Settler's Creek place has not been included in this request for a Major Amendment to the Planned Development and meets the requirements of the originally approved Planned Residential Development. The applicant has also submitted an associated Preliminary Subdivision Plan (File #13PL040) revising the existing lots to accommodate the newly proposed uses and site layouts. The Preliminary Subdivision Plan is tentatively scheduled to be heard at the May 23, 2013 Planning Commission meeting.

The property is located north of Settler's Creek Place and south of Philadelphia Street, in

STAFF REPORT
May 23, 2013

No. 13PD012 - Major Amendment to a Planned Development

ITEM 3

central Rapid City. Currently the property is undeveloped.

STAFF REVIEW: Staff has reviewed the request for an Initial Planned Development 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 question because of its size, shape, or topography;

The property is comprised of approximately 3.402 acres of land zoned Office Commercial District. Uses permitted in the Medium Density Residential District are permitted in the Office Commercial District. The properties located to the south and west are zoned Office Commercial District. Property to the north and east are zoned Medium Density Residential District. The area is located in a central, currently developing section of the City. The originally approved Planned Development was for the development of three and four unit townhome structures. The anticipated development has not occurred. The size, shape, or topography of the lots does not create particular conditions limiting the development of the property.

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

The anticipated development of the property has not occurred and, as such, the applicant has requested that permitted uses and original design of structures within the Planned Development be revised to allow more residential uses and greater flexibility in design options. The associated Preliminary Subdivision Plan revises the lot configurations to accommodate use of both single-family residences and two-unit townhomes. Prior to issuance of a building permit, Development Engineering Plans must be approved reflecting the revised lot configurations. In particular, plans must show the location of all existing and proposed utilities. Prior to issuance of a Certificate of Occupancy, all water and sewer lines on a property which are not to be used must be abandoned at the main in compliance with the requirements of the Infrastructure Design Criteria Manual. In addition, any existing curb cuts to the property that will not be used as the single point of access shall be removed and replaced with full height curb and gutter in compliance with the requirements of the Infrastructure Design Criteria Manual. Portions of lots located on the south side of Settler's Creek Place are located within the 100 Year Federally Designated Floodplain, however, this Major Amendment is only for property located on the north side of Settler's Creek Place.

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 has requested to reduce the rear yard setback on all lots within this Major Amendment to the Planned Development from 25 feet to 16.5 feet. This will allow for proposed decks for the residences. In the previously approved Major Amendment to the Planned Development a reduction in the rear yard setback from 25 feet to 16.5 feet was approved. The required side yard setbacks will be maintained, ensuring the adequate space between residential structures is being provided. In addition, the proposed reduction in rear yard setbacks will maintain the established character of existing development in the

STAFF REPORT
May 23, 2013

No. 13PD012 - Major Amendment to a Planned Development

ITEM 3

Planned Development. The Rapid City Fire Department has not noted any concerns with the requested reduction in rear yard setback. Staff recommends that the requested Exception to reduce the rear yard setbacks from 25 feet to 16.5 feet be approved.

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

The Office Commercial District is intended to provide a mix of residential and commercial uses. The originally approved Planned Development limited the development of the site to three and four-unit attached townhomes. The previously approved Major Amendment and this Major Amendment will allow for the construction of single-family residences and two-unit townhomes. Both uses are permitted in the Office Commercial District. As such, a literal interpretation of this chapter does not deprive the applicant of rights that others in the same district are allowed.

Any adverse impacts will be reasonably mitigated;

This Major Amendment will allow for single-family residences and two-family attached townhomes as approved uses within the Planned Development. Any other uses permitted in the Office Commercial District will be allowed through a Minimal Amendment to the Planned Development. Conditional uses in the Office Commercial District will require a Major Amendment to the Planned Development. All The Planned Development must serve as the tool by which any adverse impacts of the proposed Major Amendment will be mitigated.

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;

This Major Amendment to the Planned Development will modify the Master Plan of the originally approved Planned Residential Development. The conditions of approval will permit single-family and two-unit townhomes to be developed on the property. The requested reductions in the rear yard setbacks will permit the property to be developed with design standards consistent with the rest of the neighborhood. The requested Exception will allow for an alternative practice that mirrors the intent of the originally approved Planned Development while concurrently permitting a wider range of uses. Based on these reasons, staff recommends that the Major Amendment to the Planned Development to allow single-family residences and attached two-unit townhomes as permitted uses on the property be approved with the stipulations noted above.

Notification Requirements: The sign has been posted on the property. As of this writing, the proof of the required mailing has not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the May 23, 2013 Planning Commission 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.