

STAFF REPORT
July 3, 2013

No. 13PD019 - Final Planned Development

ITEM 7

GENERAL INFORMATION:

APPLICANT	Pat Tlustos and Mike Tennyson - PLM Development, LLC
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	PLM Development LLC
REQUEST	No. 13PD019 - Final Planned Development
EXISTING LEGAL DESCRIPTION	<p>a parcel of land located in an unplatted portion of the Southeast One-Quarter of the Northwest One-Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Four (4) in Township One North (T1N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: beginning at the southeast corner of Lot 33 in Block 1 of PLM Subdivision, said corner being coincident with the northeasterly terminus of Conestoga Court right-of-way and said corner being marked by a rebar with survey cap LS 6251; thence, northeasterly on the easterly lot line of said Lot 33 in Block 1 of PLM Subdivision, North 00 degrees 02 minutes 19 seconds East, a distance of 120.21 feet more or less to the northeasterly corner of said Lot 33 in Block 1 of PLM Subdivision, said point being located on the southerly line of Lot 32 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, easterly on the south line of said Lot 32 of Block 1 of PLM Subdivision, North 86 degrees 03 minutes 45 seconds East a distance of 32.42 feet more or less to the southeast corner of said Lot 32 of Block 1 of PLM Subdivision, said point being coincident with the southwesterly corner of Lot 31 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, northeasterly on the south line of said Lot 31 of Block 1 of PLM Subdivision, North 78 degrees 30 minutes 47 seconds East a distance of 119.91 feet more or less to the southeast corner of said Lot 31 of Block 1 of PLM Subdivision, said point being coincident with the southwesterly corner of Lot 30 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, northeasterly on the south line of said Lot 30 of Block 1 of PLM Subdivision, North 78 degrees 24 minutes 37 seconds East a distance of 109.07 feet more</p>

STAFF REPORT
July 3, 2013

No. 13PD019 - Final Planned Development

ITEM 7

or less to the southeast corner of said Lot 30 of Block 1 of PLM Subdivision, said point being coincident with the southwesterly corner of Lot 29 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, southeasterly on the south line of said Lot 29 of Block 1 of PLM Subdivision, South 84 degrees 09 minutes 48 seconds East a distance of 104.65 feet more or less to the southeasterly corner of said Lot 29, Block 1 of PLM Subdivision, said corner being coincident with the southwesterly corner of Lot 28 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, southeasterly on the south line of said Lot 28 of Block 1 of PLM Subdivision, South 84 degrees 11 minutes 17 seconds East a distance of 119.55 feet more or less to the southeasterly corner of said Lot 28 of Block 1 of PLM Subdivision, said corner being coincident with the southwesterly corner of Lot 27 in Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, northeasterly on the south line of said Lot 27 of Block 1 of PLM Subdivision, North 86 degrees 56 minutes 07 seconds East a distance of 102.56 feet more or less to the southeasterly corner of said Lot 27 of Block 1 of PLM Subdivision, said corner being coincident with the southwesterly corner of Lot 26 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, northeasterly on the south line of said Lot 26 of Block 1 of PLM Subdivision, North 86 degrees 58 minutes 12 seconds East a distance of 102.43 feet more or less to the southeasterly corner of said Lot 26 of Block 1 of PLM Subdivision, said corner being coincident with the southwesterly corner of Lot 25 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, northeasterly on the south line of said Lot 25 of Block 1 of PLM Subdivision, North 80 degrees 31 minutes 48 seconds East a distance of 60.33 feet more or less to the southeasterly corner of said Lot 25 of Block 1 of PLM Subdivision, said corner being coincident with the southwesterly corner of Lot 24 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, northeasterly on the south line of said Lot 24 of Block 1 of PLM Subdivision, North 80 degrees 34 minutes 30 seconds East a distance of 60.27 feet more or less to the southeasterly corner of said Lot 24 of Block 1 of PLM Subdivision, said corner being coincident with the southwesterly corner of Lot 23 of Block 1 of PLM

STAFF REPORT
July 3, 2013

No. 13PD019 - Final Planned Development

ITEM 7

Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, northeasterly on the south line of said Lot 23 of Block 1 of PLM Subdivision North 80 degrees 29 minutes 17 seconds East a distance of 60.45 feet more or less to the southeasterly corner of said Lot 23 of Block 1 of PLM Subdivision, said corner being coincident with the southwesterly corner of Lot 22 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, northeasterly on the south line of said Lot 22 of Block 1 of PLM Subdivision North 80 degrees 25 minutes 18 seconds East a distance of 60.35 feet more or less to the southeasterly corner of said Lot 22 of Block 1 of PLM Subdivision, said corner being coincident with the southwesterly corner of Lot 21 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, southeasterly on the south line of said Lot 21 of Block 1 of PLM Subdivision South 83 degrees 03 minutes 27 seconds East a distance of 102.75 feet more or less to the southeasterly corner of said Lot 21 of Block 1 of PLM Subdivision, said corner being coincident with the southwesterly corner of Lot 20 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, southeasterly on the south line of said Lot 20 of Block 1 of PLM Subdivision, South 83 degrees 06 minutes 54 seconds East a distance of 102.76 feet more or less to the southeasterly corner of said Lot 20 of Block 1 of PLM Subdivision, said corner being coincident with the southwesterly corner of Lot 19 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, southeasterly on the south line of said Lot 19 of Block 1 of PLM Subdivision, South 70 degrees 25 minutes 39 seconds East a distance of 99.91 feet more or less to the southeasterly corner of said Lot 19 of Block 1 of PLM Subdivision, said corner being coincident with the southwesterly corner of Lot 18 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, southeasterly on the south line of said Lot 18 of Block 1 of PLM Subdivision and on the south line of Lot 17 of Block 1 of PLM Subdivision, South 70 degrees 29 minutes 45 seconds East a distance of 199.95 feet more or less to the southeasterly corner of Lot 17 of Block 1 of PLM Subdivision, said point being located on the westerly line of Lot 16 of Block 1 of PLM Subdivision and said point being marked by a rebar with survey cap LS 6251; thence, southwesterly on the westerly line of Lot

STAFF REPORT

July 3, 2013

No. 13PD019 - Final Planned Development

ITEM 7

16 of Block 1 of PLM Subdivision South 20 degrees 06 minutes 19 seconds West a distance of 407.52 feet more or less to a point on the north line of Lot 5 of Block 2 of Eastridge Estates Subdivision, said point being marked by a rebar with survey cap RW FISK 6565; thence, northwesterly on the north line of said Lot 5 of Block 2 of Eastridge Estates Subdivision, North 89 degrees 42 minutes 37 seconds West a distance of 84.43 feet more or less to the northwesterly corner of said Lot 5 of Block 2 of Eastridge Estates Subdivision, said corner being coincident with the northeasterly corner of Lot 6 of Block 2 of Eastridge Estates Subdivision and said corner being marked by a rebar with survey cap LS 3977; thence, westerly on the north line of Lot 6 of Block 2 of Eastridge Estates Subdivision, North 89 degrees 36 minutes 58 seconds West a distance of 159.95 feet more or less to the northwesterly corner of said Lot 6 of Block 2 of Eastridge Estates Subdivision, said corner being coincident with the northeasterly corner of Lot 7 of Block 2 of Eastridge Estates Subdivision and said corner being marked by a rebar with survey cap LS 3977; thence, westerly on the north line of Lot 7 of Block 2 of Eastridge Estates Subdivision, North 89 degrees 41 minutes 02 seconds West a distance of 160.01 feet more or less to the northwesterly corner of said Lot 7 of Block 2 of Eastridge Estates Subdivision, said corner being coincident with the northeasterly corner of Lot 8 of Block 2 of Eastridge Estates Subdivision and said corner being marked by a rebar with survey cap LS 3977; thence, westerly on the north line of Lot 8 of Block 2 of Eastridge Estates Subdivision, North 89 degrees 40 minutes 46 seconds West a distance of 159.99 feet more or less to the northwesterly corner of said Lot 8 of Block 2 of Eastridge Estates Subdivision, said point being coincident with the northeasterly corner of Lot 9 of Block 2 of Eastridge Estates Subdivision and said point being marked by a rebar with survey cap LS 3977; thence, westerly on the north line of said Lot 9 of Block 2 of Eastridge Estates Subdivision, North 88 degrees 30 minutes 32 seconds West a distance of 119.67 feet more or less to the northwesterly corner of said Lot 9 of Block 2 of Eastridge Estates Subdivision, said corner being coincident with the northeasterly corner of Lot 10 of Block 2 of Eastridge Estates Subdivision and said corner being marked by a rebar with survey cap LS 3977; thence, northwesterly on the north line of said Lot 10 of Block 2 of Eastridge Estates Subdivision, North 72 degrees 49 minutes 44 seconds West a distance of

STAFF REPORT

July 3, 2013

No. 13PD019 - Final Planned Development

ITEM 7

148.96 feet more or less to the northwesterly corner of said Lot 10 of Block 2 of Eastridge Estates Subdivision, said corner being coincident with the northeasterly corner of Lot 11 of Block 2 of Eastridge Estates Subdivision and said corner being marked by a rebar with survey cap LS 3977; thence, northwesterly on the north line of said Lot 11 of Block 2 of Eastridge Estates Subdivision, North 72 degrees 45 minutes 23 seconds West a distance of 159.90 feet more or less to the northwesterly corner of said Lot 11 of Block 2 of Eastridge Estates Subdivision, said corner being coincident with the northeasterly corner of Lot 12 of Block 2 of Eastridge Estates Subdivision and said corner being marked by a rebar with survey cap LS 3977; thence, northwesterly on the north line of said Lot 12 of Block 2 of Eastridge Estates Subdivision, North 72 degrees 44 minutes 42 seconds West a distance of 131.80 feet more or less to the northwesterly corner of said Lot 12 of Block 2 of Eastridge Estates Subdivision, said corner being coincident with the northeasterly corner of Lot 35 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 3977; thence, westerly on the north line of said Lot 35 of Block 1 of PLM Subdivision, North 89 degrees 57 minutes 49 seconds West a distance of 164.12 feet more or less to a northerly corner on said Lot 35 of Block 2 of PLM Subdivision, said corner being with the southeasterly corner of Lot 34 of Block 1 of PLM Subdivision and said corner being marked by a rebar with survey cap LS 6251; thence, northerly on the east line of said Lot 34 of Block 1 of PLM Subdivision, North 00 degrees 02 minutes 12 seconds West a distance of 125.46 feet more or less to the northeasterly corner of said Lot 34 of Block 1 of PLM Subdivision, said corner being coincident with the southeasterly terminus of Conestoga Court right-of-way and said corner being marked by a rebar with survey cap LS 6251; thence, northerly on the easterly terminus of Conestoga Court right-of-way, North 00 degrees 02 minutes 48 seconds West a distance of 49.03 feet more or less to the point of beginning

PARCEL ACREAGE	Approximately 13.17 acres
LOCATION	At the current terminus of Conestoga Court
EXISTING ZONING	Low Density Residential (Planned Development) (I&F)
FUTURE LAND USE DESIGNATION	Residential

STAFF REPORT
July 3, 2013

No. 13PD019 - Final Planned Development

ITEM 7

SURROUNDING ZONING

North:	Low Density Residential
South:	Low Density Residential (Planned Development)
East:	Low Density Residential (Planned Development)
West:	Low Density Residential (Planned Development)

PUBLIC UTILITIES Rapid City

DATE OF APPLICATION May 30, 2013

REVIEWED BY Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay be approved with the following stipulations:

1. An Exception is hereby granted to reduce the minimum required front yard setback from 20 feet to 15 feet in front of each residence. The required front yard setback to a frontloading garage shall be 20 feet. Any further reduction to the front yard setback to a frontloading garage shall require the review and approval of a Major Amendment to the Planned Development;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. Prior to issuance of a building permit, a Development Engineering Plan shall be approved;
4. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;
5. Upon submittal of a building permit, an erosion and sediment control plan shall be submitted for review and approval;
6. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
7. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
8. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
9. Upon submittal of a building permit application, the applicant shall demonstrate that the residential dwellings are fire sprinkler protected or an intermediate turnaround shall be provided or an Exception shall be obtained. All applicable provisions of the adopted International Fire Code shall continually be met; and,
10. The Final Planned Development Overlay shall allow for a single family residential development. Any change in use that is a permitted use in the Low Density Residential District shall require a building permit. Any change in use that is a Conditional Use in the Low Density Residential 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 single-family residential development. In particular, the applicant is requesting a reduction in the

STAFF REPORT
July 3, 2013

No. 13PD019 - Final Planned Development

ITEM 7

minimum required front yard setback from 20 feet to 15 feet to dwelling. The minimum front yard setback to the garage will remain at 20 feet.

On June 21, 2010, the City Council approved a Preliminary Plat (File #09PL047) to create 18 residential lots. However, the subdivision improvements were not started and/or completed and, subsequently, the Preliminary Plat expired two years from the date of approval.

On February 18, 2010, the Planning Commission approved an Initial and Final Planned Residential Development application (File #09PD032) to allow a single family residential development to be constructed on the proposed 18 lot residential subdivision. However, the use was not undertaken and completed within two years of the date of approval. Subsequently, the approved Planned Residential Development for the property expired.

On May 20, 2013, the City Council approved a Preliminary Subdivision Plan (File #13PL035) to create 18 residential lots.

The property is located at the eastern terminus of Conestoga Court and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Major Amendment to the Planned Development with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

Use: The applicant is proposing to construct a single-family residential development. The property is zoned Low Density Residential District which allows for single-family development. As such, the Final Planned Development Overlay will allow for a single-family residential development. Any change in use that is a permitted use in the Low Density Residential District will require a building permit. Any change in use that is a Conditional Use in the Low Density Residential District will require the review and approval of a Major Amendment to the Planned Development.

Setbacks: The applicant is requesting a reduction in the front yard setback to the front of a residence from 20 feet to 15 feet. The applicant has stated that the front yard setback to a frontloading garage will remain at 20 feet as required in the Low Density Residential District. The reduced front yard setback of 15 feet to the front of each residence is what was approved as a part of the previously approved Final Planned Development (File #09PD032). Retaining the 20 foot front yard setback to front loading garages will ensure that a parking apron is provided that will accommodate larger vehicles without encroaching onto sidewalks. Based on these reasons, staff recommends that an Exception be granted to reduce the minimum required front yard setback from 20 feet to 15 feet in front of each residence and that a minimum 20 foot setback be provided to frontloading garages.

The applicant should take care in locating the front yard setback for all frontloading garages. In order to secure an adequate parking apron staff cannot support reducing the front yard setback of 20 feet to frontloading garages. As such, a Major Amendment to the Planned Development will be required to allow a front yard setback of less than 20

STAFF REPORT
July 3, 2013

No. 13PD019 - Final Planned Development

ITEM 7

feet to a garage. All provisions of the Low Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment.

Building Permit: A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. A Preliminary Subdivision Plan has been approved to create 18 residential lots on the above legally described property. Development Engineering Plans must be approved prior to issuance of a building permit and a Final Plat must be approved for individual lots prior to issuance of a Certificate of Occupancy.

Upon submittal of a building permit, an erosion and sediment control plan must be submitted for review and approval. Upon submittal of a building permit, plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. In addition, temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy.

Fire Department: Section 2.13.3 of the Infrastructure Design Criteria Manual states that if the length of a cul-de-sac within a residential moderate, high or extreme fire hazard area exceeds 600 feet in length, a project covenants must be placed on any development requiring residential fire sprinkler systems be installed in all buildings accessing from the cul-de-sac roadway. The Rapid City Fire Department has indicated that the property is located within a high fire hazard area. In addition, Conestoga Court is an approximate 900 foot long cul-de-sac street and serves as access to a proposed residential development. As such, upon submittal of a building permit application, the applicant must demonstrate that the residential dwellings are fire sprinkler protected or an intermediate turnaround must be provided or an Exception must be obtained. All applicable provisions of the adopted International Fire Code must continually be met.

Sidewalks: The submitted plans indicate that a rolled curb sidewalk will be constructed along Conestoga Court. The Infrastructure Design Criteria Manuel allows curbside sidewalk. Even though not required, staff suggests that the applicant consider property line sidewalk as an alternative to improve pedestrian safety and to discourage parking within the boulevard.

Notification: As of this writing, the first class mailings have been returned to Community Planning and Development Services for mailing. The sign has been picked up; however, as of this writing, staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the July 3, 2013 Planning Commission meeting if this requirement has not been met.