

STAFF REPORT  
July 3, 2013

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**No. 13PD021 - Final Planned Development**

**ITEM 9**

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GENERAL INFORMATION:

APPLICANT	Don Ward - DKEA, LLC
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	DKEA, LLC
REQUEST	<b>No. 13PD021 - Final Planned Development</b>
EXISTING LEGAL DESCRIPTION	A portion of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Lot 4, Block 13, Red Rock Meadows Subdivision, and the point of beginning; Thence, first course: S 00°08'49" W a distance of 94.96'; Thence, second course: S 00°05'08" W a distance of 84.97'; Thence, third course: S 00°04'10" W a distance of 84.98'; Thence, fourth course: N 89°55'32" W a distance of 65.95'; Thence, fifth course: N 89°55'38" W a distance of 372.90'; Thence, sixth course: S 08°37'00" W a distance of 94.04'; Thence, seventh course: N 89°55'41" W a distance of 107.24'; Thence, eighth course: N 00°19'45" W a distance of 93.00'; Thence, ninth course: N 07°32'13" W a distance of 79.70'; Thence, tenth course: N 00°19'45" W a distance of 91.00'; Thence, eleventh course: N 89°55'41" W a distance of 110.00'; Thence, twelfth course: N 00°19'45" W a distance of 85.21'; Thence, thirteenth course: N 44°53'01" E a distance of 14.09'; Thence, fourteenth course: S 89°54'08" E a distance of 672.71', to the said point of beginning
PARCEL ACREAGE	Approximately 7.12 acres
LOCATION	At the current terminus of Poppy Trail
EXISTING ZONING	Low Density Residential District (Planned Development)
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Suburban Residential (Pennington County)
South:	Low Density Residential District (Planned Development)
East:	Low Density Residential District (Planned Development)
West:	Low Density Residential District (Planned Development)

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PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	June 7, 2013
REVIEWED BY	Robert Laroco / Brandon Quiett

**RECOMMENDATION:**

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

1. An Exception to reduce the front yard setback on the north side of Lots 1, 2, 7, and 8 from 25 feet to 21 feet is hereby approved;
2. An Exception to reduce the front yard setback along the first 40 feet of Poppy Court as it extends from Poppy Trail along Lots 2 and 7 from 20 feet to 15 feet is hereby approved. A 20 foot front yard setback shall be required for the balance of Poppy Court;
3. Prior to issuance of a building permit, Development Engineering Plans shall be approved;
4. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;
5. Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;
6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
7. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed architect or professional engineer as per SDCL 36-18A;
8. Upon submittal of a building permit, an erosion and sediment control plan shall be submitted for review and approval;
9. All requirements of the International Fire Code shall continually be maintained;
10. All provisions of the Low Density Residential District shall continually be maintained unless specifically authorized as a stipulation of the Final Planned Development or a subsequent Major Amendment to the Planned Development, and;
11. This Final Planned Development shall allow for the development of single family residences with reduced setbacks. All uses permitted in the Low Density Residential District shall be permitted. All conditional uses in the Low Density Residential District shall require the review and approval of Major Amendment to the Planned Development.

**GENERAL COMMENTS:** The applicant has submitted a Final Planned Development to allow the construction of single family residences on eight lots zoned Low Density Residential District located in the Red Rock Meadows residential development. The applicant has requested reduced front yard setbacks along Poppy Trail and a portion of Poppy Court. A Preliminary Subdivision Plan (File #13PL048) to subdivide the property to create nine lots was recommended for approval with stipulations by the Planning Commission on June 20, 2013. The item is scheduled to be heard at the July 1, 2013 City Council meeting.

The Final Planned Development is to include proposed Lots 1-8 of Block 14 and a Drainage Lot. The property is located between the northern terminus of Seminole Lane and the northern terminus of Cog Hill Lane. Currently the property is 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:

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

The proposed development is approximately 7.12 acres in size and is located between the northern terminus of Seminole Lane and the northern terminus of Cog Hill Lane 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;*

The Red Rock Meadows Subdivision has been developed through the Planned Development process. Previous Planned Developments (File #06PD007 and File #07PD073) have been approved for property located to the south of the proposed development, but did not include plans for development for this property. As such, the applicant has submitted this Final Planned Development to allow construction of single family homes. 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 has requested a reduction in the front yard setback from 25 feet to 21 feet along Poppy Trail for Lots 1,2,7 and 8. A previously approved Planned Development (File #12PD033) for single family residential development located along Poppy Trail granted a similar reduction in the front yard setback along Poppy Trail. Poppy Trail is designated as an arterial street on the City's Major Street Plan. The reduced front yard setback granted through the previously approved Planned Development ensured that a sufficient parking apron was being provided while accounting for the anticipated future expansion of Poppy Trail. It should be noted that the proposed 21 foot front yard setback will still maintain the required 58 foot setback from the section line highway. Submitted plans also show that access for Lots 2 and 7 is not being taken from Poppy Trail, which will mitigate traffic backing into the right-of-way. Access for Lots 1 and 8 will only be taken from Poppy Trail. The requested reduction in the front yard setback along Poppy Lane is in keeping with the design standards approved as a part of previous Planned Developments in the area. For these reasons, staff recommends that the request to reduce the front yard setback along Poppy Lane for Lots 1, 2, 7, and 8 from 25 feet to 21 feet be granted.

The applicant has requested a reduction in the front yard setback for Lots 2 and 7 along portions of Poppy Court from 20 feet to 15 feet. Lots 2 and 7 are double frontage lots with one street frontage along Poppy Trail, a through street, and one street frontage along Poppy Court, a cul-de-sac street. Poppy Court is designed as a lane/place street, requiring a minimum 20 foot front yard setback. The second street frontage is comprised of a 40 foot long section of Poppy Court and the turnaround. The applicant has proposed that access for Lots 2 and 7 be taken only from the Poppy Court turnaround. The portions of Lots 2 and 7 for which the applicant has requested a 15 foot front yard setback are for a 40 foot long section of Poppy Court located north of the Poppy Court turnaround. That section of Poppy

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Court abutting Lots 2 and 7 will not be permitted for access to the property and, as such, a parking apron does not need to be maintained along those portions of the street. For these reasons, staff recommends the Exception to reduce the front yard setback along the first 40 feet of Poppy Court as it extends from Poppy Trail along Lots 2 and 7 from 20 feet to 15 feet be approved. A 20 foot front yard setback will be required for the balance of Poppy Court;

All provisions of the Low Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Final Planned Development or a subsequent Major Amendment. The Final Planned Development will allow development of single family residences. 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 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 prior to issuance of a building permit, Development Engineering Plans must be approved for the property. In addition, prior to issuance of a Certificate of Occupancy, a Final Plat must be approved for the property. Public Works staff has also noted that prior to acceptance of public infrastructure improvements for this proposed Planned Development, all other phases of Red Rock Meadows must be accepted by the City. Upon submittal of a building permit, an erosion and sediment control plan must be submitted. In addition, upon submittal of a building permit, plans must be prepared and stamped by a licensed architect or professional engineer per SDCL 36-18A. Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization must be achieved.

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;*

Single family residences are a permitted use in the Low Density Residential District. The requested Exceptions to the setback regulations maintain the character of the neighborhood established through previously approved Planned Developments and meet the design standards set forth by the City. The proposed development meets all other requirements of the Low Density Residential District. For these reasons, staff recommends that the application be approved with the stipulations noted above.

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Notification: The first class mailings have been returned to Community Planning and Development Services. 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. There have been no inquiries into the proposed Final Planned Development.