

STAFF REPORT
January 23, 2014

No. 13PD056 - Final Planned Development Overlay to allow a residential development **ITEM 2**

GENERAL INFORMATION:

APPLICANT	Freeland Meadows LLC
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	Freeland Meadows LLC
REQUEST	No. 13PD056 - Final Planned Development Overlay to allow a residential development
EXISTING LEGAL DESCRIPTION	<p>A portion of Tract A of Prairie Meadows Subdivision, and a portion of "Government" Lot 4 of Section 18, all located in "Government" Lot 4, Section 18, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the northeasterly corner of Lot 15 of Block 1 of Prairie Meadows Subdivision, and the Point of Beginning; Thence, first course: S57°10'06"E, a distance of 276.00 feet, to an angle point; Thence, second course: S32°49'54"W, a distance of 100.00 feet, to an angle point; Thence, third course: S57°10'06"E, a distance of 36.43 feet, to an angle point; Thence, fourth course: S32°49'54"W, a distance of 137.00 feet, to an angle point; Thence, fifth course: S41°03'28"W, a distance of 73.01 feet, to an angle point; Thence, sixth course: S51°42'19"W, a distance of 111.49 feet, to an angle point; Thence, seventh course: S75°06'03"W, a distance of 110.26 feet, to an angle point; Thence, eighth course: S86°40'12"W, a distance of 88.69 feet, to an angle point; Thence, ninth course: S60°00'00"W a distance of 119.13 feet, to the southeasterly corner of Lot 7 of Block 4 of Prairie Meadows Subdivision; Thence, tenth course: N32°16'21"E, along the easterly boundary of said Lot 7 of Block 4 of Prairie Meadows Subdivision, a distance of 113.77 feet, to the northeasterly corner of said Lot 7 of Block 4 of Prairie Meadows Subdivision, common to a point on the southerly edge of the dedicated right-of-way of East Bengal Drive; Thence, eleventh course: S57°43'39"E, along southerly edge of said dedicated right-of-way of East Bengal Drive, a distance of 22.83 feet, to the southeasterly corner of said dedicated right-of-way of East Bengal Drive; Thence, twelfth course: N32°16'21"E, along the easterly end of said dedicated right-of-way of East Bengal Drive, a distance of 52.00 feet, to a point on the northerly edge of said dedicated</p>

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right-of-way of East Bengal Drive, common to the southeasterly corner of Lot 16 of Block 2 of Prairie Meadows Subdivision; Thence, thirteenth course: N32°28'06"E, along the easterly boundary of said Lot 16 of Block 2 of Prairie Meadows Subdivision, a distance of 108.93 feet, to the northeasterly corner of said Lot 16 of Block 2 of Prairie Meadows Subdivision, common to the southeasterly corner of Lot 13 of Block 2 of Prairie Meadows Subdivision; Thence, fourteenth course: N32°49'54"E, along the easterly boundary of said Lot 13 of Block 2 of Prairie Meadows Subdivision, a distance of 124.66 feet, to the northeasterly corner of said Lot 13 of Block 2 of Prairie Meadows Subdivision, common to the southeasterly corner of the dedicated right-of-way of Eli Drive; Thence, fifteenth course: N33°09'51"E, along the easterly end of said dedicated right-of-way of Eli Drive, a distance of 55.00 feet, to the northeasterly corner of said dedicated right-of-way of Eli Drive, common to a point on the easterly boundary of Tract A of Prairie Meadows Subdivision; Thence, sixteenth course: N57°10'06"W, along the northerly edge of said dedicated right-of-way of Eli Drive, a distance of 22.01 feet, to a point on the northerly edge of said dedicated right-of-way of Eli Drive, common to the southeasterly corner of said Lot 15 of Block 1 of Prairie Meadows Subdivision; Thence, seventeenth course: N32°49'54"E, along the easterly boundary of said Lot 15 of Block 1 of Prairie Meadows Subdivision, a distance of 100.00 feet, to the northeasterly corner of said Lot 15 of Block 1 of Prairie Meadows Subdivision, and the Point of Beginning

PARCEL ACREAGE	Approximately 3.27 acres
LOCATION	East of the current terminus of East Bengal Drive and Eli Drive
EXISTING ZONING	Low Density Residential District (Planned Development Designation - Medium Density Residential District (Planned Development Designation)
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Development Designation)
South:	Medium Density Residential District (Planned

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East:	Development Designation) Low Density Residential District (Planned Development Designation)
West:	Low Density Residential District (Planned Development Final)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	December 20, 2013
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to allow a residential development be approved with the following stipulations:

1. An Exception is hereby granted to reduce the required rear yard setback on proposed Lots 16-19 of Block 1 from 25 feet to 20 feet;
2. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy of the structures;
3. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved for each individual lot.
4. All provisions of the International Fire Code shall continually be maintained;
5. All provisions of the Low Density Residential District shall be continually maintained unless specifically stipulated as a part of this Final Planned Development or a subsequent Major Amendment to the Planned Development, and;
6. This Final Planned Development shall allow for the development of single-family residences. All uses permitted within the Low Density Residential District shall be permitted with the review and approval of a Building Permit. All conditional uses 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 request to allow construction of single-family residences on 12 lots. On October 24, 2013, the Planning Commission approved a Final Planned Development (File #13PD041) on property located to the west of the subject property for the construction of 27 single-family residences and 1 drainage lot. Plans submitted at the time showed that an additional 12 residential lots would be completed as a second phase of the development. The applicant has now submitted this request for a Final Planned Development for the additional 12 lots. The applicant has requested a reduction in the rear yard setback on proposed Lots 16-19 of Block 1 of the development. No other Exceptions have been requested. On December 6, 2013, staff approved a Development Engineering Plan application (File #13PD089) for the proposed 12 lots. As of this writing, a Final Plat application has not been submitted for this property. Prior to issuance of a Certificate of Occupancy, a Final Plat must be recorded for each lot.

The property is located immediately east of the existing terminus of Eli Drive. Currently, the property is void of structural development.

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STAFF REVIEW: Staff has reviewed the requested Final Planned Development Overlay 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 3.27 acres zoned Low Density Residential District. Property to the north, east, and west is zoned Low Density Residential District with a Planned Development. The area continues to develop with single-family residential uses. Portions of the property running from east to west along the northern property line are located within a Major Drainage Easement. The applicant has requested a reduction in the rear yard setback from 25 feet to 20 feet for proposed Lots 16-19 of Block 1, which abut the existing Major Drainage Easement. Other than the drainage along the north lot line, there are no particular conditions pertaining to this piece of property due to size, shape, or topography.

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

The application of these regulations to this particular piece of property does not create a practical difficulty or undue hardship. All requirements of the Low Density Residential District shall be continually maintained unless specifically authorized as a part of this Final Planned Development or a subsequent Major Amendment to the Planned Development.

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 a reduction in the rear yard setback on four lots located north of Eli Drive which abut a Major Drainage Easement. The location of the Major Drainage Easement reduces the depth of these lots. The requested reduction in the rear yard setback will allow the applicant to maintain the existing front yard setbacks and building envelopes typical of the balance of the neighborhood while still maintaining the existing Major Drainage Easement north of the lots. It does not appear that the requested Exception will cause undue hardship to the public or impair the purpose or intent of these regulations. Staff recommends that the requested Exception to reduce the rear yard setback on proposed Lots 16-19 of Block 1 be approved.

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

The Low Density Residential District is intended to be used for single-family development with low population densities. The proposed development meets all the requirements of the Low Density Residential District with the exception of the proposed rear yard setback on four lots. Application of the requirements of the Low Density Residential District would not deprive the applicant of rights that others in the same district are allowed.

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Any adverse impacts will be reasonable mitigated;

The Rapid City Fire Department has not noted any concerns with the proposed development. All requirements of the International Fire Code must be continually maintained.

The Planned Development will serve as the tool to mitigate any potential adverse impacts. The requested reduction in the rear yard setbacks for proposed Lots 16-19 of Block 1 will serve to ensure the character of the neighborhood is preserved while also maintaining the existing Major Drainage Easement located north of the property. Prior to the submittal of the Development Engineering Plan application for previous phases of this development, the applicant applied for and obtained an Exception from the Infrastructure Design Criteria Manual to allow a total of 42 lots to be accessed via one access point. No additional Exceptions to the Infrastructure Design Criteria Manual have been requested.

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;

All uses permitted in the Low Density Residential District will be permitted. All conditional uses in the Low Density Residential District will require the review and approval of a Major Amendment to the Planned Development. All requirements of the Low Density Residential District will be continually maintained unless specifically stipulated as a part of this Final Planned Development or a subsequent Major Amendment to the Planned Development. The property will be developed with single family residences which meet all the regulations of the Low Density Residential District with the Exception of the rear yard setback on four proposed lots. The requested Exception to reduce the rear yard setback for proposed Lots 16-19 will serve to maintain the character of the residential neighborhood. For these reasons, staff recommends that the Final Planned Development to allow a residential development be approved with the stipulations outlined above.

NOTIFICATION REQUIREMENTS: The sign has been posted on the property. The notification letters have been returned to Community Planning and Development Services for mailing. As of this writing, there have been no inquiries into the proposed Final Planned Development.