

STAFF REPORT

March 6, 2014

No. 13PD049 - Final Planned Development Overlay to construct a water reservoir **ITEM 9**

GENERAL INFORMATION:

APPLICANT	Richard Hanson - Chapel Lane Water Company
AGENT	Ron Davis - Davis Engineering, Inc.
PROPERTY OWNER	Chapel Lane Water Company
REQUEST	No. 13PD049 - Final Planned Development Overlay to construct a water reservoir
EXISTING LEGAL DESCRIPTION	Lot 2 of Lot A of Copperhill Ridge Subdivision, located in the SE1/4 of the SW1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.29 acres
LOCATION	At the current western terminus of Copper Hill Ridge
EXISTING ZONING	Low Density Residential District (Planned Development Initial)
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Development)
South:	Park Forest District
East:	Low Density Residential District - Park Forest - Low Density Residential District (Planned Development)
West:	Flood Hazard District - Park Forest District
PUBLIC UTILITIES	Chapel Lane Water Association and Rapid Canyon Sanitary Sewer District
DATE OF APPLICATION	November 12, 2013
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to construct a water reservoir be approved with the following stipulations:

- 1. An Exception is hereby granted to allow a gravel surfaced driveway in lieu of a paved driveway except for the first 50 feet as per Chapter 17.50.270(G)1 of the Rapid City Municipal Code;**
- 2. An Exception is hereby granted to eliminate the minimum parking requirement and**

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- to allow a gravel service area in lieu of the paved parking;
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 4. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
 5. Upon submittal of a building permit, the applicant shall specify the depth of the rip rap and confirm that the concrete drain and rip rap is adequate to prevent erosion down the hillside toward Rapid Creek. In addition, the plans shall be revised to show erosion control blanket requirements;
 6. Upon submittal of a building permit, the applicant shall confirm if corrosion protection is required and how it is being provided on buried metallic fittings;
 7. Upon submittal of a building permit, a revised site plan shall be submitted showing that the first 50 feet of the driveway shall be paved;
 8. A Minimal Amendment to the Planned Development Overlay shall be required for any future proposed signage in compliance with the Sign Code. In addition, future proposed signs not in compliance with the Sign Code shall require a Major Amendment to the Planned Development Overlay. Any proposed signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 9. A Minimal Amendment shall be required for any future proposed outdoor lighting. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 10. Upon submittal of a building permit, a landscaping plan for the developed area of the proposed utility lot shall be submitted for review and approval. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary.
 11. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
 12. 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; and,
 13. The Final Planned Development Overlay shall allow a 36 foot high water reservoir with screening as coordinated with the neighborhood. Amendments shall be allowed in conformance with Chapter 17.50.070 of the Rapid City Municipal Code.

GENERAL COMMENTS:

(Update February 26, 2014. All revised and/or added text is shown in bold.) This item was continued at the February 20, 2014 Planning Commission meeting to the March 6, 2104 Planning Commission meeting due to a lack of quorum. Subsequently, the applicant has submitted a revised site plan identifying a new location for the proposed water tower and a decrease in height from 57 feet to 36 feet. The applicant is proposing to move the water tower approximately 35 feet up the hill and approximately 80 feet further south on the property. In addition, the applicant has submitted a water design report showing that a water tower is needed as a part of the

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overall water system improvements in the Chapel Valley water service area. In particular, the water tower in conjunction with other improvements will increase water storage capacity and increase fire flows in the Chapel Valley water service area. Staff has also received correspondence from the neighborhood indicating concurrence with the new proposed water tower location and decrease in height from 57 feet to 36 feet. As such, staff recommends that the Final Planned Development Overlay be approved with the stipulations noted above.

(Update February 12, 2014. All revised and/or added text is shown in bold.) This item was continued at the January 23, 2014, Planning Commission meeting to allow the applicant to submit a water design report showing how the proposed water tower will impact the fire flows for the Chapel Valley water service area and to submit photo simulations of the proposed water tower. On February 5, 2014, the applicant met with staff to discuss a revised water tower location and to submit the required water design report. The applicant indicated that a meeting with neighborhood residents was to take place on February 8, 2014, to discuss the new water tower location. Subsequently, staff has received correspondence from the neighborhood indicating concurrence with the relocation of the proposed tank. Previously, staff indicated that a denial recommendation would be made if the water design report and photo simulations were not submitted for review. However, since the applicant is proposing a new location for the proposed water tower and the neighborhood has indicated concurrence with the proposed relocation, additional time may be needed to revise the plans for review. As such, if the Planning Commission concurs, staff recommends that the Final Planned Development Overlay be continued to the March 6, 2014 Planning Commission meeting.

(Update January 15, 2014. All revised and/or added text is shown in bold.) This item was continued at the January 9, 2014, Planning Commission meeting to allow the applicant to submit a water design report showing how the proposed water tower will impact the fire flows for the Chapel Valley water service area and to submit photo simulations of the proposed water tower. To date, information has not been submitted that supports the need or identifies the benefit for the proposed water tower. In addition, information has not been submitted that supports that the location is where the water tower must be located, as requested by the Planning Commission. The applicant has submitted photographs with markings showing the general height and location of the proposed water tower. However, the photographs do not reflect the dimensions of the tower and are not to scale. As such, staff recommends that the Final Planned Development Overlay be continued to the February 20, 2014 Planning Commission meeting to allow the applicant to address these concerns. The applicant should be aware that if the requested information is not submitted by February 6, 2014, staff will recommend that this item be denied at the February 20, 2014 Planning Commission meeting.

(Update January 2, 2014. All revised and/or added text is shown in bold.) This item was continued at the December 5, 2013, Planning Commission meeting to allow the applicant to hold a neighborhood meeting as stipulated in the Initial Planned Development Overlay. A neighborhood meeting was held on December 13, 2013. Since that meeting, staff has received numerous public comments in opposition of the water tower as proposed by the applicant.

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The Chapel Valley area is limited to one access point along Jackson Boulevard. In 2010, the Chapel Valley Access Route Alignment Study was completed to determine the feasibility and potential alignments for an alternate means of access to Chapel Valley. On December 6, 2010, the Rapid City Council voted unanimously not to build a second exit, but to form an Emergency Management Task Force to create a preparedness plan in the event of an emergency. The Task Force was subsequently formed and identified potential hazards and an evacuation and preparedness plan. Potential wildfire was one of the hazards identified in the plan. The applicant has submitted water data showing that fire flows are currently not being provided. Subsequently, the applicant is proposing to construct a 57 foot high water tower to improve the fire flows in the area. However, as of this writing, the applicant has not submitted a design report to show how the proposed water tower will impact the fire flows for the Chapel Valley water service area. In addition, the applicant has not submitted the photo simulations as discussed at a previous Planning Commission meeting. As such, staff recommends that the Final Planned Development be continued to the January 23, 2014 Planning Commission meeting as requested by the applicant.

The applicant has submitted a Final Planned Development Overlay to construct a water reservoir on the above legally described property for the purposes of improving the Chapel Lane Water Association's water system and to increase fire flows. The applicant has stated that the new reservoir will be approximately 30 feet in diameter, 57 feet high and will be painted "environmental green". In addition, the applicant is requesting an Exception to eliminate the minimum parking requirement and to allow a gravel service area in lieu of the paved parking. In addition, the applicant is requesting an Exception to allow an all-weather surfaced driveway in lieu of a paved driveway, except for the first 50 feet which will be paved.

On July 10, 2000, the City Council denied without prejudice a Conditional Use Permit (File #00UR002) to allow a water storage tower on the property. The City Council also denied without prejudice a Lot Split request (File #00PL002) to subdivide the property into two lots and a Variance to the Subdivision Regulations request (File #00SV004) to waive the requirement to provide pavement, curb, gutter and sidewalk along the access easement.

On July 26, 2013, the Planning Commission approved an Initial Planned Development Overlay (File #12PD024) to construct an approximately 50 foot high water reservoir on the above legally described property.

On August 6, 2012, the City Council approved a Preliminary Subdivision Plan (File #12PL033) to create Lot 1 of Lot A and Lot 2 of Lot A. On March 8, 2013, Development Engineering Plans (File #13PL021) were approved and on March 25, 2013, a Final Plat (File #13PL027) was approved.

The property is located southwest of the terminus of Copper Hill Drive. Currently, a one story residential structure is located on proposed Lot 1 of Lot A. The proposed water reservoir will be located on Lot 2 of Lot A.

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Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

1. *The location, character and natural features of the property:*

The property is located southwest of the terminus of Copper Hill Drive. A one story residential structure is currently located on the property.

2. *The location, character and design of adjacent buildings:*

The properties to the west are zoned Flood Hazard District and Park Forest District. These properties are currently undeveloped. The properties to the north, south and east are zoned Park Forest District, Low Density Residential District and Low Density Residential District with a Planned Development, respectively. A mix of one-story and two-story residential structures are located on these properties.

3. *Proposed fencing, screening and landscaping:*

The applicant is not proposing any fencing. The applicant has not submitted a landscaping plan with this application. Upon submittal of a building permit, a landscaping plan for the developed area of the proposed utility lot must be submitted for review and approval. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, must be continually met. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

4. *Proposed vegetation, topography and natural drainage:*

The applicant has identified a four foot wide concrete drain and rip rap for overflow from the proposed tank. The applicant states that overflow will drain to the west down to Rapid Creek. Upon submittal of a building permit, the applicant must specify the depth of the rip rap and confirm that the concrete drain and rip rap is adequate to prevent erosion down the hillside toward Rapid Creek. The applicant should be aware that an erosion control blanket is required on slopes 3:1 and steeper. As such, the plans must be revised to show erosion control blanket requirements. In addition, the applicant must confirm if corrosion protection is required and how it is being provided on buried metallic fittings.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

The property is located at the western terminus of Copper Hill Drive. The applicant is requesting an Exception to allow a 12 foot wide gravel surfaced driveway in lieu of a paved driveway except for the first 50 feet. The site plan identifies a twelve foot wide all-weather surfaced driveway leading to the proposed water reservoir. The applicant has indicated that the water reservoir will require limited maintenance. In addition, the applicant is proposing to pave the first 50 feet of driveway which should address any tracking of mud onto Copper Hill Drive. For these reasons, staff recommends that the

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Exception to allow an all-weather surfaced driveway in lieu of a paved driveway excepting the first 50 feet be granted. The applicant should be aware that construction surety has been submitted for the paving of the first 50 feet of the driveway. As such, upon submittal of a building permit, a revised site plan must be submitted showing that the first 50 feet of the driveway will be paved.

The minimum required parking for a water reservoir is two parking spaces with one parking space being handicap "van accessible". The applicant is requesting an Exception to eliminate the parking requirement and to instead provide a gravel "service area". The applicant has stated that the water reservoir will require very limited servicing for a minimum of 10 years. In addition, the applicant is not proposing to construct any structures other than the 57 foot high water reservoir. For these reasons, staff recommends that the Exception to eliminate the minimum parking requirement and to allow a gravel service area in lieu of paved parking be approved.

6. *Existing traffic and traffic to be generated by the proposed use:*

It is not expected that the site will generate traffic other than regular maintenance.

7. *Proposed signs and lighting:*

The applicant has stated that there will be no signs located on the property. The applicant should be aware that a Minimal Amendment to the Planned Development Overlay will be required for any future proposed signage designed in compliance with the Sign Code. In addition, future proposed signs not in compliance with the Sign Code will require a Major Amendment to the Planned Development Overlay. Any proposed signage must continually conform to Chapter 15.28 of the Rapid City Municipal Code. Lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

The applicant has stated that no outdoor lighting is being proposed. The applicant should be aware that a Minimal Amendment will be required for any future proposed outdoor lighting. All outdoor lighting must be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind.

8. *The availability of public utilities and services:*

The proposed water tower is to be constructed for the Chapel Lane Water Company for the purposes of improving the Chapel Lane Water Association's water system and to increase fire flows. The property is located in the Rapid Canyon Sanitary Sewer District.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

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The Zoning Ordinance is the tool that implements the Comprehensive Plan. The applicant is proposing to construct a 57 foot high water reservoir which is a Conditional Use in the Low Density Residential District. The applicant has indicated that the proposed water reservoir is required to ensure adequate fire flows and the existing water service.

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. The Final Planned Development Overlay will allow a 57 foot high water reservoir. Any change in use that is a permitted use in the Low Density Residential District shall require the review and approval of a Minimal Amendment. 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 Overlay.

10. The overall density, yard, height and other requirements of the zone in which it is located:

The proposed water reservoir is in compliance with the minimum setback requirements. In addition, Chapter 17.50.260(B) of the Rapid City Municipal Code exempts water tanks from the height limitations of the Low Density Residential District. However, the neighborhood has indicated that the proposed height of the water tower is a concern. The applicant has indicated that photo simulations will be provided before the Planning Commission meeting. As of this writing, the applicant has not submitted the photo simulations.

11. The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation:

The proposed water reservoir does not appear to generate any additional noise, odor, smoke, dust, air or water pollution that would negatively impact the neighborhood.

12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:

The stipulations of approval will serve as the tool to ensure that the proposed development is in compliance with the Zoning Ordinance, building code and International Fire Code.

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 Rapid City Fire Department has indicated that the property is located within a high wild fire hazard area. The applicant has worked with the Rapid City Fire

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Department to implement an approved Fuel Mitigations Plan. All applicable provisions of the adopted International Fire Code must continually be met.

Notification: The notification requirement has been met and the sign has been posted on the property.