

STAFF REPORT

April 24, 2014

No. 14PD007 - Final Planned Development Overlay to construct townhomes **ITEM 5**

GENERAL INFORMATION:

APPLICANT	Black Hills Area Habitat for Humanity
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Garfield School LLC
REQUEST	No. 14PD007 - Final Planned Development Overlay to construct townhomes
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in Section Thirty-Six (36) of Township Two North (T2N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: All of Block 76 of North Rapid Addition #2, less the following: Beginning at the southeast corner of said Block 76 of North Rapid Addition #2, said corner being marked with a rebar; thence, westerly on the south line of said Block 76 of North Rapid Addition #2, North 89 degrees 57 minutes 08 seconds West, a distance of 133.62 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, North 00 degrees 02 minutes 33 seconds East, a distance of 11.00 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, curving to the left on a curve with a radius of 45.00 feet, a delta of 18 degrees 43 minutes 06 seconds, an arc length of 14.70 feet, and a chord bearing of North 9 degrees 19 minutes 00 seconds West and chord distance of 14.64 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565";thence, North 18 degrees 40 minutes 33 seconds West a distance of 64.26 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565"; thence, curving to the right on a curve with a radius of 110.00 feet, a delta of 18 degrees 40 minutes 32 seconds, an arc length of 35.85 feet, and a chord bearing of North 9 degrees 20 minutes 16 seconds West and chord distance of 35.70 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565";thence, North 0 degrees 00 minutes 00 seconds East a distance of 57.14 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565";thence, curving to the right on a curve with a radius of 110.00 feet, a delta of 22 degrees 12 minutes</p>

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48 seconds, an arc length of 42.65 feet, and a chord bearing of North 11 degrees 06 minutes 24 seconds East and chord distance of 42.38 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565";thence, North 22 degrees 12 minutes 48 seconds East a distance of 19.14 feet more or less to a point marked by a rebar with survey cap "RW FISK 6565";thence, North 90 degrees 00 minutes 00 seconds East a distance of 147.20 feet more or less to a point on the east line of said Block 76 of North Rapid Addition #2, said point being marked by a rebar with survey cap "RW FISK 6565";thence, southerly on the east line of said Block 76 of North Rapid Addition #2, South 00 degrees 03 minutes 39 seconds West a distance of 238.10 feet more or less to the point of beginning.

PROPOSED LEGAL DESCRIPTION	Proposed Lots 1 thru 4 of Block 76 of North Rapid Addition #2
PARCEL ACREAGE	Approximately 2.41 acres
LOCATION	925 Dilger Avenue
EXISTING ZONING	Medium Density Residential District (Initial Planned Development)
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	March 19, 2014
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

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

1. Acknowledge the previously granted Exception to reduce the minimum required front yard setback from 25 feet to 18.5 feet for proposed Lots 2A and 2C and from 25 feet to

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2. 20.5 feet for the remainder of the proposed townhome units located on Lots 1 through 4; Acknowledge the previously granted Exception to reduce the minimum required side yard setback for carports located on Lots 1A and 1B, Lots 2B and 2C, Lots 3B and 3C and Lots 4A and 4B from eight feet to zero feet provided that fire resistive construction materials are used;
3. Acknowledge the previously granted Exception to reduce the rear yard setback for the proposed apartment building from 25 feet to 14.5 feet;
4. Acknowledge the previously granted Exception to reduce the minimum required parking aisle width from 26 feet to 24 feet for the existing parking lot located adjacent to the Garfield School building;
5. A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. Prior to issuance of a Building Permit, Development Engineering Plans shall be approved;
7. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved for each townhome lot;
8. Upon submittal of a Building Permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
9. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
10. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
11. All applicable provisions of the adopted International Fire Code shall continually be met;
12. All provisions of the Medium 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 for a total of 12 townhome units in three unit blocks with alley accessed carports to be constructed on the property. Any change in use that is a permitted use in the Medium Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment.

GENERAL COMMENTS:

The applicant has submitted a Final Planned Development Overlay to construct townhomes. In particular, the applicant is proposing to construct 12 townhome units in three unit blocks taking primary access from a proposed 22 foot wide alley. The applicant is also proposing to construct carports behind each townhome unit. Proposed Lots 1 through 4 will each be further subdivided into three townhome lots.

On January 6, 2014, the City Council approved a Rezoning request (File #13RZ028) to change the zoning designation of the above legally described property from Public District to Medium Density Residential District. In addition, on December 16, 2013, the City Council approved an Amendment to the Comprehensive Plan (File #13CA016) to change the future land use designation of the property from Public to Residential.

On March 6, 2014, the Planning Commission approved an Initial Planned Development

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Overlay (File #13PD057) to construct a residential development. The following Exceptions were granted:

- An Exception to reduce the minimum required front yard setback from 25 feet to 18.5 feet for proposed Lots 2A and 2C and from 25 feet to 20.5 feet for the remainder of the proposed townhome units located on Lots 1 through 4;
- An Exception to reduce the minimum required side yard setback for carports located on Lots 1A and 1B, Lots 2B and 2C, Lots 3B and 3C and Lots 4A and 4B from eight feet to zero feet;
- An Exception to reduce the rear yard setback for the proposed apartment building from 25 feet to 14.5 feet; and,
- An Exception to reduce the minimum required parking aisle width from 26 feet to 24 feet for the existing parking lot located adjacent to the Garfield School building.

On March 17, 2014, the City Council approved a Preliminary Subdivision Plan (File #13PL139) to create five residential lots. The applicant has subsequently submitted Development Engineering Plans (File #14PL019) that are currently under review by staff.

The property is located on the north side of East Van Buren Street between North 7th Street and Dilger Street and on the south side of Custer Street. The property is the site of the former Garfield Elementary School.

STAFF REVIEW:

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

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

The property is approximately 2.41 acres in size. The applicant is proposing to construct four sets of three townhome units. The proposed townhome lots will range in size from 4,061 square feet to 6,949 square feet. Primary access to the proposed residential development is proposed from an alley located to the rear of the proposed lots.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

The applicant is proposing to construct 12 townhome units in three unit blocks. The proposed townhomes are permitted uses in the Medium Density Residential District. The Planning Commission approved the following Exceptions as a part of the approved Initial Planned Development Overlay application:

- An Exception to reduce the minimum required front yard setback from 25 feet to 18.5 feet for proposed Lots 2A and 2C and from 25 feet to 20.5 feet for the remainder of the proposed townhome units located on Lots 1 through 4;
- An Exception to reduce the minimum required side yard setback for carports

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located on Lots 1A and 1B, Lots 2B and 2C, Lots 3B and 3C and Lots 4A and 4B from eight feet to zero feet;

- An Exception to reduce the rear yard setback for the proposed apartment building from 25 feet to 14.5 feet; and,
- An Exception to reduce the minimum required parking aisle width from 26 feet to 24 feet for the existing parking lot located adjacent to the Garfield School building.

3. *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:*

As noted above, Exceptions were granted as a part of the Initial Planned Development Overlay application.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

The Final Planned Development will allow for a total of 12 townhome units in three unit blocks to be constructed on the property. Any change in use that is a permitted use in the Medium Density Residential District will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Medium Density Residential District will require the review and approval of a Major Amendment. All provisions of the Medium Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment.

6. *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:*

The applicant is proposing to construct a residential development and to construct an alley with the extension of utilities to serve the development. As such, prior to issuance of a Building Permit, a Development Engineering Plan must be approved and prior to issuance of a Certificate of Occupancy, a Final Plat must be approved.

The property is zoned Medium Density Residential District. The proposed townhomes are permitted uses in the Medium Density Residential District.

Fire Department: The applicant should be aware that the proposed townhome units may require fire sprinkler protection based upon construction features and/or building code criteria established for townhome development. The Rapid City Fire Department supported the zero foot side yard setbacks for the proposed carports based on the site

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layout and the use of fire resistive construction materials to provide separation. In addition, the Rapid City Fire Department would encourage the applicant to provide residential fire sprinkler protection throughout the proposed townhome development to provide a safe living environment. All applicable provisions of the adopted International Fire Code must continually be met.

Air Quality: The applicant should be aware that surface disturbance of one acre or more will require an Air Quality Construction Permit.

Building Permit: A Building Permit must be obtained prior to any structural 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. Prior to issuance of a Building Permit, Development Engineering Plans must be approved. Prior to issuance of a Certificate of Occupancy, a Final Plat must be approved for each townhome lot. In addition, temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy.

Notification: The mailings and sign have been picked up. The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the April 24, 2014 Planning Commission meeting if this requirement has not been met.