

STAFF REPORT
July 24, 2014

No. 14PD017 - Final Planned Development Overlay to allow a residential development **ITEM 7**

GENERAL INFORMATION:

APPLICANT	ETC Ventures LLC
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	ETC Ventures LLC
REQUEST	No. 14PD017 - Final Planned Development Overlay to allow a residential development
EXISTING LEGAL DESCRIPTION	<p>A portion of the SE1/4 of the NW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the northwesterly corner of Block 6 of Copperfield Vistas Subdivision, common to a point along the southerly edge of Homestead Street Right-of-Way, and the point of beginning; Thence, first course: S 00°07'12" E, along the westerly boundary of said Block 6, a distance of 78.23 feet; Thence, second course: S 00°28'15" W, along the westerly boundary of said Block 6, a distance of 73.14 feet; Thence, third course: S 00°07'52" W, along the westerly boundary of said Block 6, a distance of 73.01 feet; Thence, fourth course: S 00°03'54" W, along the westerly boundary of said Block 6, a distance of 73.09 feet; Thence, fifth course: S 00°14'29" W, along the westerly boundary of said Block 6, a distance of 158.13 feet, to the southwestly corner of said Block 6, common to a point on the northerly edge of Eunice Drive Right-of-Way; Thence, sixth course: N 89°48'51" W, along the northerly edge of said Eunice Drive Right-of-Way, a distance of 2.17 feet, to the northwesterly corner of said Eunice Drive Right-of-Way; Thence, seventh course: S 00°11'09" W, along the westerly edge of said Eunice Drive Right-of-Way, a distance of 52.00 feet, to the southwestly corner of said Eunice Drive Right-of-Way; Thence, eighth course: S 89°48'51" E, along the southerly edge of said Eunice Drive Right-of-Way, a distance of 13.17 feet, to the northwesterly corner of Block 5 of Copperfield Vistas Subdivision, common to a point on the southerly edge of said Eunice Drive Right-of-Way; Thence, ninth course: S 00°14'06" W, along the westerly boundary of said Block 5, a distance of 100.14 feet; Thence, tenth course: S 89°48'51" W, along the westerly boundary of said Block 5, a distance of 7.00 feet; Thence, eleventh course: S 00°11'09" W, along the</p>

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westerly boundary of said Block 5, a distance of 100.18 feet, to the southwesterly corner of said Block 5, common to a point along the northerly edge of Bar Five Ranch Road Right-of-Way; Thence, twelfth course: N 89°48'51" W, along the northerly edge of said Bar Five Ranch Road Right-of-Way, a distance of 18.65 feet, to the northwesterly corner of said Bar Five Ranch Road Right-of-Way; Thence, thirteenth course: S 00°11'09" W, along the westerly edge of said Bar Five Ranch Road Right-of-Way, a distance of 52.00 feet, to the southwesterly corner of said Bar Five Ranch Road Right-of-Way; Thence, fourteenth course: S 85°46'17" E, along the southerly edge of said Bar Five Ranch Road Right-of-Way, a distance of 0.65 feet, to the northwesterly corner of Block 4 of Copperfield Vistas Subdivision, common to a point along the southerly edge of said Bar Five Ranch Road Right-of-Way; Thence, fifteenth course: S 00°07'33" W, along the westerly boundary of said Block 4, a distance of 83.80 feet; Thence, sixteenth course: S 00°49'41" W, along the westerly boundary of said Block 4, a distance of 33.99 feet; Thence, seventeenth course: S 89°51'01"W, a distance of 57.51 feet; Thence, eighteenth course: N 76°03'42" W, a distance of 414.15 feet; Thence, nineteenth course: N 83°46'02" W, a distance of 266.31 feet; Thence, twentieth course: N 00°13'55" E, a distance of 794.22 feet; Thence, twenty-first course: S 89°46'05" E, a distance of 254.44 feet; Thence, twenty-second course: N 68°17'27"E, a distance of 410.42 feet; Thence, twenty-third course: S 89°45'08" E, a distance of 241.17 feet; Thence, twenty-fourth course: S 00°14'52" E, a distance of 84.29 feet, to the northeasterly corner of Copperfield Drive Right-of-Way; Thence, twenty-fifth course: N 89°45'08" W, along the northerly edge of said Copperfield Drive Right-of-Way, a distance of 52.00 feet; Thence, twenty-sixth course: S 00°14'52" W, a distance of 15.20 feet, to a corner on said Homestead Street Right-of-Way; Thence, twenty-seventh course: S 44°36'41" W, a distance of 14.30 feet, to a corner on said Homestead Street Right-of-Way; Thence, twenty-eighth course: curving to the left, along the northerly edge of said Homestead Street Right-of-Way, on a curve with a radius of 638.00 feet, a delta angle of 10°54'37", a length of 121.49 feet, a chord bearing of S 83°04'17" W, and chord distance of 121.30 feet, to the northwesterly corner of said Homestead Street Right-of-Way; Thence, twenty-ninth course: S 12°23'11" E, along the westerly edge of

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said Homestead Street Right-of-Way, a distance of 76.00 feet, to the southwesterly corner of said Homestead Street Right-of-Way; Thence, thirtieth course: curving to the right, along the southerly edge of said Homestead Street Right-of-Way, on a curve with a radius of 562.00 feet, a delta angle of 1°25'49", a length of 14.03 feet, a chord bearing of S 78°19'54" W, and chord distance of 14.03 feet, to the point of beginning

PROPOSED LEGAL DESCRIPTION	Proposed Lots 4 thru 20 of Block 4, Lots 3 thru 22 of Block 5, Lots 7 thru 17 of Block and Lot 1 of Block 8 of Copperfield Vistas Subdivision
PARCEL ACREAGE	Approximately 15 acres
LOCATION	At the current western terminus of Homestead Street
EXISTING ZONING	Low Density Residential District (Planned Development) - Medium Density Residential District (Planned Development Designation)
FUTURE LAND USE DESIGNATION	Urban Neighborhood
SURROUNDING ZONING	
North:	General Agricultural District
South:	Light Industrial District
East:	Low Density Residential District (Planned Development)
West:	General Agricultural District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	June 27, 2014
REVIEWED BY	Fletcher Lacock / Ted Johnson

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 minimum required front yard setback for properties abutting Homestead Street from 25 feet to 20 feet;
2. An Exception is hereby granted to reduce the minimum required side yard setback that abuts a street for Lots 10 and 15 of Block 4 where they abut Bar Five Ranch Road and Lots 8 and 12 of Block 6 where they abut Eunice Drive from 20 feet to 18 feet. Access shall not be taken from these street frontages;
3. A Building Permit shall be obtained prior to any structural construction and a Certificate

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- of Occupancy shall be obtained prior to occupancy;
4. Prior to issuance of a Building Permit, Development Engineering Plans shall be approved;
 5. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;
 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. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
 9. All applicable provisions of the adopted International Fire Code shall continually be met;
 10. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development or a subsequent Major Amendment; and,
 11. The Final Planned Development Overlay shall allow for the construction of a single-family development. Any change in use that is a permitted use in the underlying zoning district and in compliance with the Parking Ordinance shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the underlying zoning district shall require the review and approval of a Major Amendment.

GENERAL COMMENTS:

The applicant has submitted a Final Planned Development Overlay to allow for the construction of a single-family development. The proposed development includes 58 residential lots. The applicant is proposing to construct single-family dwellings. In addition, the applicant is requesting two Exceptions:

- An Exception to reduce the minimum required front yard setback for properties abutting Homestead Street from 25 feet to 20 feet; and,
- An Exception to reduce the minimum required side yard setback that abuts a street for Lots 10 and 15 of Block 4 where they abut Bar Five Ranch Road and Lots 8 and 12 of Block 6 where they abut Eunice Drive from 20 feet to 18 feet.

On June 16, 2014, the City Council approved a Preliminary Subdivision Plan (File #14PL033) to create 58 residential lots.

The property is located at the western terminus of Homestead Street. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed the Final 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 applicant is proposing to create 58 residential lots ranging in size from 0.156 acres to 0.346 acres. The proposed lots meet the minimum size requirements of the Low

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Density Residential District.

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

The strict application of the regulations would not create a practical difficulty or undue hardship.

The Final Planned Development Overlay shall allow for the construction of a single-family development. Any change in use that is a permitted use in the underlying zoning district and in compliance with the Parking Ordinance shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the underlying zoning district shall require the review and approval of a Major Amendment. 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.

- 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:*

The applicant is requesting an Exception to reduce the minimum required front yard setback for the proposed lots that abut Homestead Street from 25 feet to 20 feet. Homestead Street is identified as a Collector Street on the City's Major Street Plan. The proposed 20 foot setback should not cause site triangle issues and provides a minimum 20 foot driving apron. The 20 foot driveway length should prevent vehicles parked in the driveways from blocking the sidewalk. Based on these reasons, staff recommends that the Exception be granted.

The applicant has also requested an Exception to reduce the minimum required side yard setback that abuts a street for Lots 10 and 15 of Block 4 where they abut Bar Five Ranch Road and Lots 8 and 12 of Block 6 where they abut Eunice Drive from 20 feet to 18 feet. These lots are located at the start of two separate cul-de-sacs and thus abut two street frontages. The applicant has indicated that access will be taken from the cul-de-sac frontages. As such, the 18 foot front yard setback will not impact any driveways causing vehicles to park in the sidewalks. Staff recommends that the Exception be granted provided that access is taken from the cul-de-sac and that no access is taken from the frontage with an 18 foot setback.

- 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 proposed 20 foot setbacks along Homestead Street will ensure that vehicles do not

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block sidewalks and maintain clear site triangles. In addition, the proposed 18 foot side yard setbacks that abut a street are for lots with two frontages. Access is not proposed from these side yards.

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 intent of the Zoning Ordinance is to ensure adequate separation between structures and adjacent properties and rights-of-way. It appears that the requested Exceptions should not have a negative impact on traffic.

Building Permit: A Building Permit must be obtained prior to any structural construction and a Certificate of Occupancy must be obtained prior to occupancy. The applicant should be aware that prior to issuance of a Building Permit, Development Engineering plans must be approved and prior to issuance of a Certificate of Occupancy, a Final Plat must be approved. 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. In addition, an Air Quality Construction Permit must be obtained prior to any surface disturbance of one acre or more.

Fire Department: All applicable provisions of the adopted International Fire Code must continually be met.

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 July 24, 2014 Planning Commission meeting if this requirement has not been met.