

STAFF REPORT
October 9, 2014

No. 14PD029 - Final Planned Development Overlay to allow a single-family residential development **ITEM 6**

GENERAL INFORMATION:

APPLICANT	ETC Ventures LLC
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	ETC Ventures LLC
REQUEST	No. 14PD029 - Final Planned Development Overlay to allow a single-family residential development
EXISTING LEGAL DESCRIPTION	<p>A portion of the SE1/4 of the NW1/4 and a portion of the NE1/4 of the SW1/4, Section 4, T1N, R8E, BHM Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly corner of Lot A of the SE1/4 of the NW1/4 of Section 4, T1N, R8E, BHM, and thence, S00°10'45"W, along the easterly boundary of said Lot A, a distance of 10.41 feet, to the point of beginning; Thence, first course: S89°46'05"E, a distance of 152.09 feet; Thence, second course: S00°13'55"W, a distance of 794.92 feet; Thence, third course: S83°46'02"E, a distance of 266.31 feet; Thence, fourth course: S76°03'42"E, a distance of 414.15 feet; Thence, fifth course: N89°51'01"E, a distance of 57.51 feet, to a point on the westerly boundary of Block 4 of Copperfield Vistas Subdivision; Thence, sixth course: S00°49'41"W, along the westerly boundary of said Block 4, a distance of 34.81 feet; Thence, seventh course: S13°56'09"W, along the westerly boundary of said Block 4, a distance of 80.09 feet, to a point along the northerly edge of Conservation Way Right-of-Way; Thence, eighth course: N76°03'54"W, along the northerly edge of said Conservation Way Right-of-Way, a distance of 5.67 feet, to the northwesterly corner of said Conservation Way Right-of-Way; Thence, ninth course: S13°56'06"W, along the westerly edge of said Conservation Way Right-of-Way, a distance of 52.00 feet, to the southwestly corner of said Conservation Way Right-of-Way; Thence, tenth course: S76°03'42"E, along the southerly edge of said Conservation Way Right-of-Way, a distance of 13.77 feet, to the northwesterly corner of Block 3 of Copperfield Vistas Subdivision; Thence, eleventh course: S13°56'08"W, along the westerly boundary of said Block 3, a distance of 98.06 feet, to a point on the northerly boundary of said Block 3; Thence, twelfth course:</p>

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N78°04'22"W, along the northerly boundary of said Block 3, a distance of 59.02 feet; Thence, thirteenth course: N76°14'26"W, along the northerly boundary of said Block 3, a distance of 55.32 feet; Thence, fourteenth course: N75°59'52"W, along the northerly boundary of said Block 3, a distance of 65.10 feet; Thence, fifteenth course: N75°57'40"W, along the northerly boundary of said Block 3, a distance of 64.92 feet; Thence, sixteenth course: N76°01'54"W, along the northerly boundary of said Block 3, a distance of 196.42 feet; Thence, seventeenth course: N83°35'11"W, along the northerly boundary of said Block 3, a distance of 70.83 feet; Thence, eighteenth course: N86°00'50"W, along the northerly boundary of said Block 3, a distance of 130.05 feet; Thence, nineteenth course: N87°19'19"W, along the northerly boundary of said Block 3, a distance of 166.68 feet, to the northwesterly corner of said Block 3; Thence, twentieth course: curving to the left, along the westerly boundary of said Block 3, on a curve with a radius of 574.00 feet, a delta angle of 2°29'25", a length of 24.95 feet, a chord bearing of S01°25'51"W, and chord distance of 24.95 feet; Thence, twenty-first course: S00°10'12"W, along the westerly boundary of said Block 3, a distance of 60.00 feet, to the northeasterly corner of Summerfield Drive Right-of-Way; Thence, twenty-second course: N89°43'58"W, along the northerly edge of said Summerfield Drive Right-of-Way, a distance of 52.09 feet, to the northwesterly corner of said Summerfield Drive Right-of-Way, common to a point on the easterly boundary of Block 14 of Copperfield Vistas Subdivision.; Thence, twenty-third course: N00°00'17"W, along the easterly boundary of said Block 14, a distance of 2.00 feet, to the northeasterly corner of said Block 14; Thence, twenty-fourth course: S89°59'43"W, along the northerly boundary of said Block 14, a distance of 120.99 feet, to the northwesterly corner of said Block 14, common to a point on the said Section 1/16 Line; Thence, twenty-fifth course: N00°13'55"E, along the said Section 1/16 Line, a distance of 1038.01 feet, to the southwesterly corner of said Lot A; Thence, twenty-sixth course: S89°47'06"E, along the southerly boundary of said Lot A, a distance of 145.32 feet; Thence, twenty-seventh course: N00°10'45"E, along the easterly boundary of said Lot A, a distance of 99.96 feet, to the said point of beginning

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PROPOSED LEGAL DESCRIPTION	Lot A Revised, Lots 15 thru 25 of Block 3, Lots 21 thru 40 of Block 4, Lot 2 of Block 8 and Lots 5 thru 17 of Block 14 of Copperfield Vistas Subdivision
PARCEL ACREAGE	Approximately 11.75 acres
LOCATION	At the current terminus of Summerfield Drive
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:	Low Density Residential District (Planned Development)
East:	Light Industrial District
West:	General Agricultural District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	September 12, 2014
REVIEWED BY	Fletcher Lacock / Bob Reiss

RECOMMENDATION:

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

1. An Exception is hereby granted to reduce the minimum required front yard setback for Lot 17 of Block 14 and Lot 21 of Block 4 as they abut Homestead Street from 25 feet to 20 feet. Access shall be taken from Summerfield Drive;
2. An Exception is hereby denied to reduce the minimum required front yard setback for Lot 2 of Block 8 as it abuts Homestead Street. A minimum 25 foot front yard setback shall be maintained from Homestead Street;
3. A Building Permit shall be obtained prior to any structural construction and a Certificate 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

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- 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 45 residential lots. The applicant is proposing to construct single-family dwellings. In addition, the applicant is requesting an Exception to reduce the minimum required front yard setback for Lots 17 of Block 14, Lot 21 of Block 4, and Lot 2 of Block 8 from 25 feet to 20 feet. The three lots are corner lots abutting Homestead Street which is identified as a Collector Street on the City's Major Street Plan and requires a minimum 25 foot front yard setback.

The applicant has also submitted a Preliminary Subdivision Plan (File #14PL054) to create 45 residential lots.

The property is located at the northern terminus of Summerfield Drive and southwest of 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 45 residential lots ranging in size from 0.149 acres to 0.292 acres. The proposed lots meet the minimum size requirements of the Low 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.

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:*

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The applicant is requesting an Exception to reduce the minimum required front yard setback for the proposed corner 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 and requires a minimum width of 68 feet of right-of-way. The site plan shows that the Homestead Street right-of-way will be 68 feet. Previously, the Planning Commission granted a similar Exception for Phase I of Copperfield Vistas Subdivision for the lots located on the south side of Homestead Street. However, the Planning Commission denied the Exception request for the lots located on the north side of Homestead Street because it is identified as a Collector Street and more right-of-way may be needed in the future when Homestead Street links up with the road network to the west.

The applicant has stated that the residential lots will be accessed from Summerfield Drive and not from Homestead Street. In order to maintain a uniform building setback along the north side of Homestead Street and for the above mentioned reasons, staff recommends that the Exception request to reduce the front yard setback for the corner lots located on the south side of Homestead Street be granted provided that access is taken from Summerfield Drive. In addition, staff recommends that the Exception request for Lot 2 of Block 8 located on the north side of Homestead Street be denied.

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 applicant has stated that the proposed Exception request is for corner lots that will be accessed from Summerfield Drive and not from Homestead Street. For the previously mentioned reasons, staff recommends that the Exception request be granted for Lot 17 of Block 14 and Lot 21 of Block 4 provided that access is taken from Summerfield Drive and not from Homestead Street. Staff also recommends that the Exception for Lot 2 of Block 8 be denied for the above mentioned reasons and to maintain a uniform building setback with the previously approved Phase I of Copperfield Vistas Subdivision.

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 Exception for the lots located along the south side of Homestead Street should not have a negative impact on traffic provided that access is taken from Summerfield Drive. However, granting the Exception request for the north side of Homestead Street would not maintain a uniform building setback.

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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 October 9, 2014 Planning Commission meeting if this requirement has not been met.