

STAFF REPORT  
November 6, 2014

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**No. 14PD035 - An Initial and Final Planned Development Overlay to allow a multi-family housing development with reduced front yard setbacks**

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**ITEM 8**

GENERAL INFORMATION:

APPLICANT	Best Rent LLC
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Best Rent LLC
REQUEST	<b>No. 14PD035 - An Initial and Final Planned Development Overlay to allow a multi-family housing development with reduced front yard setbacks</b>
EXISTING LEGAL DESCRIPTION	Lots C, D, E and F of Block 3 of Owen Mann Tract, located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lot C Revised of Block 3 of Owen Mann
PARCEL ACREAGE	Approximately 1.07 acres
LOCATION	At the northwest corner of the intersection of Federal Avenue and West Rapid Street
EXISTING ZONING	Medium Density Residential District
FUTURE LAND USE DESIGNATION	Urban Neighborhood
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	October 10, 2014
REVIEWED BY	Robert Laroco / Bob Reiss

RECOMMENDATION:

Staff recommends that the Initial and Final Planned Development Overlay to allow a multi-family housing development with reduced front yard setbacks be approved with the following

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stipulations:

1. An Exception to reduce the required front yard setback along West Rapid Street and Federal Avenue from 25 feet to 20 feet is hereby granted;
2. Prior to issuance of a building permit, a Lot Line Consolidation Plat shall be approved combining the four existing lots into one lot;
3. A building permit shall be obtained prior to construction, a Certificate of Occupancy shall be required prior to occupancy;
4. An air quality permit shall be obtained for any disturbance of earth greater than one acre;
5. All landscaping shall comply with the requirements of the Rapid City Landscaping Ordinance and the submitted landscaping plan;
6. All parking shall comply with the requirements of the Rapid City Parking Ordinance and the submitted parking plan;
7. All signage shall comply with the requirements of the Rapid City Sign Code. A sign permit is required for each sign;
8. All lighting shall be designed to preclude shining on adjacent properties or rights-of-way;
9. All requirements of the International Fire Code shall be continually maintained;
10. All requirements of the Medium Density Residential District shall be continually maintained unless specifically authorized as a stipulation of this Initial and Final Planned Development or a future Major Amendment to the Planned Development, and;
11. This Initial and Final Planned Development shall allow for the development of an apartment complex. All uses permitted in the Medium Density Residential District shall be permitted contingent upon provision of sufficient parking and an approved building permit. All conditional uses shall require the review and approval of a Major Amendment to the Planned Development.

**GENERAL COMMENTS:** The applicant has submitted a Final Planned Development to allow multi-family housing on four existing lots zoned Medium Density Residential District. The applicant has announced their intention to consolidate the four lots into one lot if this Final Planned Development is approved. The proposed multi-family housing will consist of a total of 24 units located in two three-story structures. The applicant has requested a reduction in the front yard setback from 25 feet to 20 feet in order to accommodate the proposed development.

The property is located northwest of the intersection of Federal Avenue and West Rapid Street in western Rapid City. The property is currently undeveloped.

**STAFF REVIEW:** Staff has reviewed the request for an Final Planned Development 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 questions because of its size, shape, or topography;*

The property is comprised of approximately 1.07 acres of property currently zoned Medium Density Residential District. The area is developed primarily with residential uses. However, property to the south and west is zoned General Commercial District. These

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properties are currently developed with residential uses. The property is hilly, sloping downhill from north to south. The northern portions of the property are approximately 20 feet higher in elevation than the southernmost portions of the property. The existing topographical constraints limit the buildable area on the property. As such, the applicant has requested a reduction in the front yard setback from 25 feet to 20 feet.

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

Multi-family housing in the Medium Density Residential District requires a minimum 25 foot front yard setback. However, due to topographical constraints, development of the property with the required 25 foot setback creates limited buildable areas on the site. It appears that the application of these regulations to this particular piece of property may create a practical difficulty to the development of the property.

*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 to reduce the required front yard setback along West Rapid Street and Federal Avenue from 25 feet to 20 feet. No additional Exceptions are being requested as a part of this Initial and Final Planned Development. Front yard setbacks exist in order to provide adequate separation between structures and the street right-of-way. West Rapid Street and Federal are both classified as local streets. The proposed reduction in front yard setback is to accommodate a site design which will ensure that all parking is accessed from the interior of the site and is not backing into the right-of-way. In addition, the submitted landscaping plan shows that a total of 12 medium trees are proposed to be located between the structures and the right-of-way, which will add a vegetative buffer between the proposed buildings and the street. Plans also show that a five foot wide curbside sidewalk currently exists along Federal Avenue and is proposed to be constructed along West Rapid Street as a part of this development. It does not appear that the requested reduction in setback will cause undue hardship to the public good or impair the intent of these regulations.

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

The Medium Density Residential District is intended to provide for medium to high density residential populations and includes multi-family housing as a permitted use. The applicant should note that the property currently consists of four lots. The proposed structures and parking area cross existing lot lines. Prior to issuance of a building permit, the four lots must be consolidated into one lot. The applicant has requested that multiple residential structures be located on a single lot and, as such, has submitted this Final Planned Development. A literal interpretation of this chapter would not deprive the applicant of rights that others in the same district are allowed.

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*Any adverse impacts will be reasonably mitigated;*

With the exception of the requested reduction in the front yard setback, it appears that the proposed development complies with all the requirements of the Medium Density Residential District, assuming that the proposed Lot Line Adjustment/Consolidation Plat is completed prior to construction. The requested reduction in the front yard setback will ensure that all parking for the property is accessed from the interior of the site and will not back onto the street right-of-way. In addition, the submitted landscaping plan will provide a buffer between the buildings and the street. It appears that potential negative impacts of the requested reduction in the front yard setback are being reasonably mitigated.

A minimum of 36 parking spaces are required for the site. Submitted plans show that a total of 36 parking spaces are being provided. In addition, a minimum of 37,452 points of landscaping are required on the site. A total of 38,500 points of landscaping are proposed. It appears that the proposed landscaping and parking comply with the requirements of the Rapid City Municipal Code. In addition, the proposed structures are each three stories tall and approximately 31.2 feet in height. All signage and lighting must comply with the requirements of the Rapid City Sign Code. Transportation Planning staff has noted that a maximum 17 peak hour trips will be anticipated for this development. No Traffic Impact Study is required.

Submitted plans show that retaining walls will be located along West Rapid Street and Federal Avenue as a part of this development. Rapid City Fire Department staff has noted that the proposed retaining walls may create issues with providing adequate service in the event of a fire. Fire Department staff has noted that at the time of building permit submittal, an on-site fire hydrant may be required on the property if it is determined that the existing fire hydrant cannot provide adequate service. However, at this time, an on-site fire hydrant is not required. All requirements of the International Fire Code must be continually maintained.

*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;*

Submitted plans show the development of the property with a total of 24 apartments to be located in two buildings, requiring that a Planned Development be approved for the property. As a part of this Initial and Final Planned Development, the applicant has requested a reduction in the front yard setbacks from 25 feet to 20 feet. The requested reduction will allow all parking and landscaping requirements to be met on a property with some topographical constraints. The proposed landscaping on the site will provide a buffer between the structures and the street right-of-way. All parking, landscaping, lot coverage, building height, and building setback requirements with the exception of the front yard setback are being met. As such, staff recommends that the proposed Initial and Final Planned Development to allow multi-family housing be approved with the stipulations noted above.

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