

STAFF REPORT
September 22, 2005

No. 05PD054 - Planned Residential Development - Initial and Final Plan

ITEM 41

GENERAL INFORMATION:

PETITIONER	Centerline for Brett & Patricia Lawlor
REQUEST	No. 05PD054 - Planned Residential Development - Initial and Final Plan
EXISTING LEGAL DESCRIPTION	Lots 1, 2 and 3, Block 5, Schamber Addition, SW1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .25 acres
LOCATION	4114 Sunset Drive
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/29/2005
REVIEWED BY	Karen Bulman / David L. Johnson

RECOMMENDATION: Staff recommends that the Planned Residential Development - Initial and Final Plan be denied without prejudice.

GENERAL COMMENTS: **This staff report has been revised as of September 14, 2005. All revised and/or added text is shown in bold print.** The subject property is located at the northeast corner of Sunset Drive and Canyon Lake Drive. Two structures are located on the subject property, a single family residence and a five unit apartment. When the apartment was constructed in 1979, the single family residence was to be removed and an adjoining lot was to be used for parking. The house remains on the lot and the adjoining property has been sold. As such, the property is not in compliance with the parking regulations or the zoning regulations of the Rapid City Municipal Code. The Planned Residential Development is requested in order to bring the property into conformance with the Rapid City Municipal Code.

STAFF REVIEW: Staff has reviewed the Planned Residential Development and has noted the following issues:

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Intensity of Use: For multiple-family structures, there shall be lot area of not less than five thousand square feet plus an additional one thousand five hundred square feet for each multiple-family unit. The lot size of the subject property is 10,890 square feet. This size would allow for a three-plex multifamily unit. Currently, a 5-unit apartment and a single family home are located on the property. At the time the 5-unit apartment was constructed in 1979, the single family residence on the subject property was to be removed. Adjacent property was to be used as a parking lot for the multifamily structure. The developed lot was reduced from the original lot size required for a 4-unit apartment. As such, the subject property does not comply with the Rapid City Municipal Code. It should be noted that the City cannot increase the allowable density of development through a Planned Development except in vary specific circumstances such as when underground parking is provided or common recreational facilities are provided. Those circumstances are not present. Based on the square footage of the existing lot, a maximum of three dwelling units may be allowed. Any revised plan will require that no more than three dwelling units are proposed or additional lot areas must be acquired.

City staff has received numerous complaints regarding the impacts of this development on the adjacent land uses. The lack of adequate parking and the lack of adequate space for the intensity of the residential uses have all been cited as negatively impacting the neighborhood.

Setbacks: The multifamily dwelling is set back from the property line slightly less than 25 feet on the Canyon Lake Drive front yard setback. The front yard setback on Sunset Drive is 26 feet. However, the deck on the south side of the structure encroaches into the required 25 foot setback by nine feet. Decks are allowed to encroach six feet into the setbacks. The rear yard setback is approximately 24 feet rather than the required 25 feet. Additionally, a rear deck encroaches into the rear yard setback 16 feet. The single family dwelling has an approximate 20 foot front yard setback, a 30 foot rear yard setback and less than a foot side yard setback. A variance request for the 4-plex to allow a 17 foot setback on the south side of the property and an 8 foot setback on the north side of the property was denied October 7, 2004 by the Zoning Board of Adjustments. In summary, numerous zoning violations exist on the site and are significant enough in nature that the staff cannot support the granting of exceptions through the Planned Development process.

Parking: Currently there is not a designated parking lot on the subject property. The parking lot as shown on the original site plan was never constructed. The occupants of the apartment complex and the single family residence park where they can on gravel located on either side of the apartment and behind the single family residence. The parking regulations require that the apartment complex have 1.5 off-street parking spaces per unit for a total of 8 spaces. The parking lot is required to be paved and striped and meet all the parking regulations of the Rapid City Municipal Code.

Landscaping: There are some trees and grass areas on the subject property. Based on the Landscape regulations, a required number of landscaping points are required based on the square footage of the lot and the size of the structures. Since the property is overbuilt for

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the size of the lot and is not in compliance with the Rapid City Municipal Code, it is difficult to determine the correct amount of landscaping required. Prior to approving a Planned Residential Development, a landscaping plan in compliance with all City requirements will need to be submitted for review and approval.

Based on the issues indicated with this request, staff does not support the Planned Residential Development – Initial and Final Development Plan. The property is overbuilt for the size of the lot. Traffic and parking issues affect the surrounding neighborhood. Staff has received many calls and complaints from the surrounding neighbors concerned about the dense lot and congested neighborhood adjacent to the subject property.

As of this writing, the required Conditional Use Permit sign has not been posted on the property and the receipts from the required certified mailings have not been returned. Staff will notify the Planning Commission at the August 25, 2005 Planning Commission meeting if these requirements have not been met.

Staff is recommending that the Planned Residential Development – Initial and Final Development Plan be denied without prejudice to allow the property owner to review the issues on the subject property with staff and possibly submit a revised site plan that would allow the property to be in compliance with the Rapid City Municipal Code through a Planned Residential Development. As noted, significant changes are required to bring the proposal into compliance with the City ordinance, including a reduction in density, provision of safe parking areas and potentially removal of encroaching structures. Significant changes are required to make this project one that complies with the City ordinances and mitigates the impacts that the neighborhood currently must deal with.

On August 25, 2005, the Planning Commission recommended that this application be continued to the September 22, 2005 Planning Commission meeting to allow the applicant to visit with staff regarding any possible remedies that are available to bring this property into compliance with the Municipal Codes. To date, the applicant has not met with staff. However, a meeting has been established with a representative for the applicant on Monday, September 19, 2005. Any changes or corrections to this staff report will be submitted to the Planning Commission on September 22, 2005. (Revised 9-14-05)