

STAFF REPORT
January 22, 2009

No. 08PD064 - Major Amendment to a Planned Residential Development ITEM 52

GENERAL INFORMATION:

APPLICANT/AGENT	Jay Schmierer for Mandalay Homes
PROPERTY OWNER	Mandalay Homes
REQUEST	No. 08PD064 - Major Amendment to a Planned Residential Development
EXISTING LEGAL DESCRIPTION	Lot 13 of Block 2 of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.21 acres
LOCATION	6446 Cog Hill Lane
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District (Planned Residential Development)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	12/3/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development be denied without prejudice.

GENERAL COMMENTS: The property is located at 6446 Cog Hill Lane north of Sahalee Drive, south of Vardon Court and east of Cog Hill Lane. The property is currently zoned Low Density Residential District with a Planned Residential Development. The adjacent properties to the north, south, east, and west are currently zoned Low Density Residential District with a Planned Residential Development. A single family residence was recently

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constructed on the property. The garage was built 17 feet and 3 inches from the front property line. The applicant is now proposing a Major Amendment to a Planned Residential Development to reduce the required front yard set back for Lot 13, Block 2 of Red Rock Meadows Subdivision from 18 feet to 17 feet 3 inches.

On November 5, 2005 The Rapid City Planning Commission approved a Planned Residential Development – Initial and Final Development Plan (#05PD074) with stipulations.

On October 23, 2008 the Planning Commission Denied Without Prejudice the applicant's request for Major Amendment to a Planned Residential Development to reduce the front yard set back from 18 feet to 17 feet 6 inches. The applicant appealed that decision to the City Council; however, after completing a new survey of the property, it was determined that the garage was actually constructed 17 feet 3 inches from the front property line. The applicant subsequently requested that the earlier request be denied without prejudice and submitted this application for a Major Amendment to a Planned Residential Development to reduce the required front yard set back for Lot 13, Block 2 of Red Rock Meadows Subdivision from 18 feet to 17 feet 3 inches.

STAFF REVIEW: Staff has reviewed the Major Amendment to a Planned Residential Development request and has noted the following considerations:

Building Permit: A building permit was issued for the property on August 28, 2008. The building permit application indicated that the garage would be set back 19 feet from the front property line. It appears that the approved plans and dimensions were not followed during the construction of the home. To avoid any prejudice in reviewing this request, staff has considered the application as if it has been submitted prior to the work being completed.

Parking: The Low Density Residential District requires a minimum 25 foot front yard setback for residential structures. However, the Planning Commission has allowed reduced setbacks within Planned Residential Developments when a minimum 18 foot front yard setback is provided in front of the proposed garages in order to insure a vehicle may be parked in the driveway without overhanging the public right-of-way or across the sidewalk in violation of the Rapid City Municipal Code. An 18 foot setback in the front of the proposed garage is the minimum necessary to insure that a vehicle may be parked in the driveway without overhanging the right-of-way or crossing the sidewalk creating a public safety hazard. The proposed 17 foot 3 inch setback is not adequate. As such, staff recommends denial of the Major Amendment to a Planned Residential Development.

Notification Requirement: As of this writing, the sign has been posted on the property. However, all of the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 22, 2009 Planning Commission meeting if these requirements have not been met.

Staff recommends that the Major Amendment to a Planned Residential Development be denied without prejudice.

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