



Rapid City Planning Commission

Major Amendment to a Planned Development Project Report

September 24, 2015

Applicant Request(s)
Case # 15PD001 – Major Amendment to a Planned Development to reduce the minimum required side yard setback
Companion Case(s) # N/A

Development Review Team Recommendation(s)
The Development Review Team recommends that the Major Amendment to a Planned Development be approved with the stipulation noted below.

Project Summary Brief

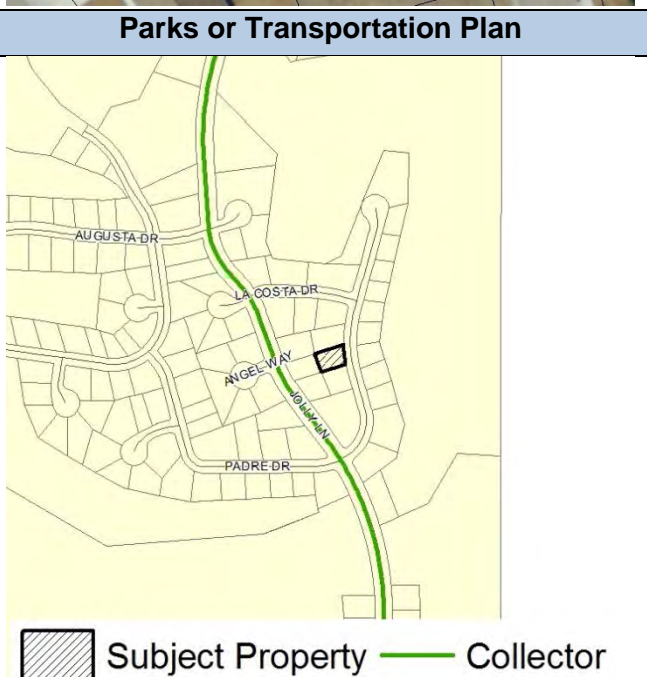
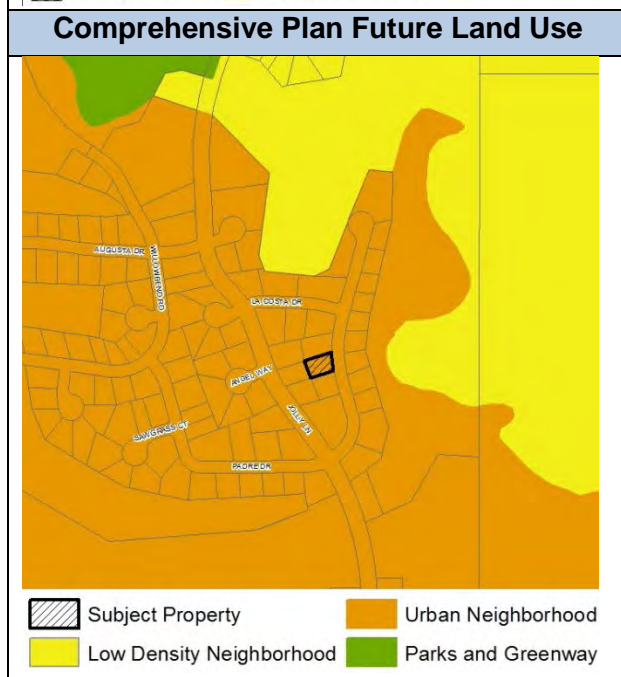
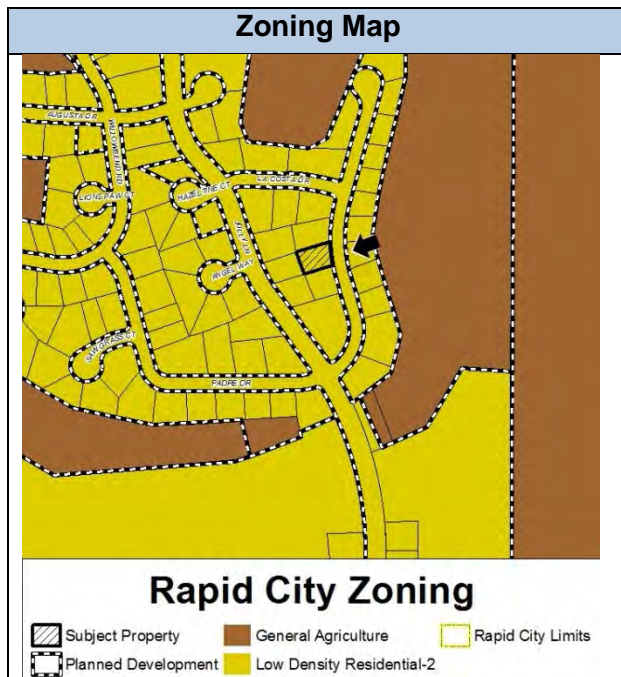
(Update September 17, 2015. All revised and/or added text is shown in bold.) This item was continued by the Planning Commission at the September 10, 2015 meeting to allow the applicant to finish construction of the drainage improvements. Staff has confirmed that the drainage improvements have been completed. Public Works staff indicates that the improvements appear to be functional and that site restoration is complete other than backfilling and cleanup after the new sidewalk is cured. (Update September 1, 2015. All revised and/or added text is shown in bold.) This item was continued by the Planning Commission at the August 27, 2015 meeting to address drainage concerns in the area of the request. The applicant's engineer indicated that the drainage improvements were being constructed. Staff will inspect the improvements and bring forward a recommendation at the September 10, 2015 Planning Commission meeting. (Update August 17, 2015. All revised and/or added text is shown in bold.) This item was continued by the Planning Commission at the August 6, 2015 meeting to address drainage concerns in the area of the request. The applicant has submitted a Major Amendment to a Planned Development to reduce the minimum required side yard setback for a one story single-family dwelling from eight feet to five feet. A Building Permit was issued for the dwelling which was subsequently constructed too close to the north property line. The applicant has vacated the portion of the utility and minor drainage easement into which the structure encroaches.

Applicant Information	Development Review Team Contacts
Applicant: Chad Zandstra Construction, LLC	Planner: Fletcher Lacock
Property Owner: Joseph and Laurel Tippmann	Engineer: Ted Johnson
Architect: N/A	Fire District: Tim Behlings
Engineer: Sperlich Consulting, Inc	School District: N/A
Surveyor: Sperlich Consulting, Inc	Water/Sewer: Ted Johnson
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
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Address/Location	3744 Padre Drive
Neighborhood	Southeast Connector Neighborhood Area
Subdivision	Elks Country Estates
Land Area	0.206 acres (8,974 square feet)
Existing Buildings	2,379 square feet
Topography	Relatively flat
Access	Padre Drive
Water / Sewer	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	Federally designated 500-year floodplain on northeast side of property

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR – II / Final Planned Development	Urban Neighborhood	One-story single-family dwelling
Adjacent North	LDR – II / Final Planned Development	Urban Neighborhood	One-story single-family dwelling
Adjacent South	LDR – II / Final Planned Development	Urban Neighborhood	One-story single-family dwelling
Adjacent East	LDR – II / Final Planned Development	Urban Neighborhood	One-story single-family dwelling
Adjacent West	LDR – II / Final Planned Development	Urban Neighborhood	One-story single-family dwelling



Relevant Case History			
Case/File#	Date	Request	Action
14VE022	1/13/15	Vacation of a Utility and Minor Drainage Easement	Approved
Relevant Zoning District Regulations			
Low Density Residential District - II	Required	Proposed	
Lot Area	6,500 square feet	8,974 square feet	
Lot Frontage / Width	25 feet / 50 feet	82 feet / 80 feet	
Maximum Building Heights	2.5 stories or 35 feet	One story	
Maximum Density	30%	26%	
Minimum Building Setback:			
• Front	20 feet	25.7 feet	
• Rear	25 feet	26.8 feet	
• Side	8 feet	Requesting a 5 foot setback from the north lot line	
• Street Side	20 feet	N/A	
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	Two parking spaces	Three stall garage	
• # of ADA spaces	N/A	N/A	
Signage	One square foot	None proposed	
Fencing	Four feet in the front yard and six feet in the rear yard	None proposed	

Planning Commission Criteria and Findings for Approval or Denial	
<p>Pursuant to Section 17.50.050(F)5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a Major Amendment to a Planned Development:</p>	
Criteria	Findings
<p>1. There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:</p>	<p>A Building Permit was issued showing that all setbacks were being met. However, when the property was surveyed it was shown that the structure has been built encroaching into the side yard setback and a utility and minor drainage easement on the north side of the property. On January 13, 2015, a Vacation of utility and minor drainage easement was approved for the portion of the easement where the structure encroaches. In addition, the dwelling on the property to the north was also measured from the wrong pins and constructed with a larger setback from the property line ensuring that a minimum 16 foot separation is being provided between the two structures.</p>
<p>2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:</p>	<p>The property is zoned Low Density Residential District II which requires a minimum side yard setback of 8 feet for a one-story dwelling. The applicant is requesting a reduction in the minimum required side yard setback from 8 feet to 5 feet. On January 13, 2015, a Vacation of utility and minor drainage easement was approved for the portion of the easement where the structure encroaches. The Fire Department has indicated that since the structure to the</p>

	north also erred in locating the correct pins on the property, a minimum 16 foot separation is still maintained, which is important for fire safety.
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 allow a 5 foot side yard setback in lieu of the minimum required 8 foot side yard setback. On January 13, 2015, a Vacation of utility and minor drainage easement was approved for the portion of the easement where the structure encroaches. This ensures that utilities and site drainage will not be impacted by the reduction in setback. In addition, the Rapid City Fire Department has indicated concurrence with the proposed setback reduction as the dwelling located on the property to the north also erred in finding the property line and has side yard setback greater than 8 feet which maintains a minimum 16 foot separation between the structures. For these reasons, staff recommends that the Exception to reduce the minimum required side yard setback from 8 feet to 5 feet be approved.
4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:	A Building Permit was issued showing that a minimum 8 foot side yard setback was being provided. However, the property line was not correctly identified when the foundation was poured for the existing dwelling. The applicant has vacated the portion of the utility and minor drainage easement where the structure encroaches. In addition, there is a minimum 16 foot separation from the structure located on the property to the north.
5. Any adverse impacts will be reasonably mitigated:	The applicant has constructed the drainage feature which directs stormwater away from the adjacent structure and should mitigate drainage issues associated with the reduced side yard setback request. Staff has received a complaint from the adjacent property owner indicating that the proposed drainage improvements approved with the Vacation of Utility and Minor Drainage Easement application have not been constructed. The applicant has indicated that the improvements will be constructed but not before the June 25, 2015 Planning Commission meeting. As such, in order to allow the applicant the time to construct the drainage improvements and to allow staff an opportunity to inspect the improvements, staff recommends that the Major Amendment be continued to the July 9, 2015 Planning Commission meeting. The structure encroaches into the 8 foot utility and minor drainage easement on the north side of the property. On January 13, 2015, a Vacation of utility and minor drainage easement was approved for the portion of the easement where the structure encroaches. In addition, the Rapid City Fire Department has indicated concurrence with the Exception request based on a minimum 16 foot separation between the subject dwelling and the dwelling located on the property to the north.
6. The requested exception to the underlying zoning district standards is an alternative or innovative practice that	A Building Permit was issued for a single-family dwelling showing that a minimum 8 foot side yard setback was being provided. The north lot line was not correctly identified by the builder before the foundation was poured. An "as-built"

reasonably achieves the objective of the existing standard sought to be modified:	survey identified that the structure encroaches into the minimum required 8 foot side yard setback. The applicant has vacated the portion of the utility and minor drainage easement where the structure encroaches and a minimum 16 foot separation is being maintained between the subject dwelling and the dwelling located on the property to the north.
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Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial

In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters

 A Balanced Pattern of Growth	
BPG-2.1G	City Department Coordination: The review of this application has been coordinated with Public Works Department to ensure that on-site drainage will not be affected by the encroachment of the structure into a minor drainage easement and with the Rapid City Fire Department to ensure that the fire safety is maintained.
 A Vibrant, Livable Community	
LC-1.2A	Code Enforcement: An “as-built” survey of the property identified that the structure encroached into a utility and minor drainage easement and the minimum required side yard setback. Staff has worked with the applicant to vacate the portion of the easement where the structure encroaches and to remedy the encroachment into the side yard setback. On-site drainage will not be impacted by the encroachment and fire safety is being maintained.
 A Safe, Healthy, Inclusive, and Skilled Community	
	NA
 Efficient Transportation and Infrastructure Systems	
	NA
 Economic Stability and Growth	
EC-1.2A	Housing Stock: The property is located in the Elks Crossing Planned Development which approved a mix of single-family and townhome development.
 Outstanding Recreational and Cultural Opportunities	
	NA
 Responsive, Accessible, and Effective Governance	
GOV-2.1A	Public Input Opportunities: The requested Major Amendment to the Planned Development is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
Future Land Use Plan Designation(s):	Urban Neighborhood
Design Standards:	
SDP-N1	Mix of Housing Types: The property is located in the Elks Crossing planned development boundaries which approved a mix of single-family and townhome development.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Southeast Connector Neighborhood Area
Neighborhood Goal/Policy:	
SEC-NA1.1G	Residential Growth: The property is located in the Elks Crossing subdivision which is an existing residential development with potential for further growth.

Findings	
<p>The applicant's engineer indicated that drainage improvements were being constructed and had not been completed. Staff will bring forward a recommendation at the September 10, 2015 Planning Commission meeting once the drainage improvements are constructed and inspected by staff. On August 12, 2015, staff met with the applicant, the applicant's engineer, and the neighbor at the subject property. The applicant indicated that the drainage channel between the properties would be re-graded and drain pipes installed in the backyard to conduct stormwater to the street. Staff will bring forward a recommendation at the August 27, 2015 Planning Commission meeting dependent upon the drainage features being constructed. The applicant has constructed the required drainage feature which will direct stormwater away from the adjacent property and should mitigate the requested side yard setback reduction. As such, staff recommends that the Major Amendment to the Planned Development be approved. It has been brought to staff's attention that the drainage improvements approved with the Vacation of Utility and Minor Drainage Easement application have not been constructed causing drainage issues on the property to the north. The applicant has indicated that the improvements will be constructed in the next couple of weeks. As such, to allow the applicant time to construct the improvements and for staff to inspect the improvements, staff recommends that the Major Amendment be continued to the July 9, 2015 Planning Commission meeting. Staff has reviewed the Major Amendment to the Planned Development to reduce the minimum required side yard setback pursuant to Chapter 17.50.050(G) of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. In coordination with the Public Works Department and the Rapid City Fire Department, the proposed reduction in the minimum required side yard setback will not negatively impact on-site drainage or fire safety.</p>	

Planning Commission Recommendation and Stipulations of Approval	
Staff recommends that the Major Amendment to the Planned Development to reduce the minimum required side yard setback be approved with the following stipulation:	
1.	An Exception is hereby granted to reduce the minimum required side yard setback for the existing structure from eight feet to five feet. Any redevelopment of the property shall be in compliance with the minimum required setbacks.