

STAFF REPORT

July 10, 2003

No. 03PD032 - Major Amendment to a Planned Residential Development to reduce a section line set back from 58 feet to 33 feet **ITEM 38**

GENERAL INFORMATION:

PETITIONER	Renner and Sperlich Engineering Co. for Werner Construction LLC
REQUEST	No. 03PD032 - Major Amendment to a Planned Residential Development to reduce a section line set back from 58 feet to 33 feet
EXISTING LEGAL DESCRIPTION	Lot 17R and 18 of Block 4, Fox Run Subdivision located in the NW1/4 NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.33 acres
LOCATION	At the west end of Fox Run Drive
EXISTING ZONING	Low Density Residential District w/Planned Residential Development
SURROUNDING ZONING	
North:	General Commercial District w/Planned Commercial Development
South:	Low Density Residential District
East:	Medium Density Residential District w/Planned Residential and Office Commercial District w/Planned Commercial Development
West:	Office Commercial w/Planned Commercial Development
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	06/12/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to reduce a section line set back from 58 feet to 33 feet be denied.

GENERAL COMMENTS: The applicant is requesting to reduce the required side yard setback from a section line highway from 58 feet to 33 feet. Exhibit A which was submitted as part of this request shows a proposed house to be constructed abutting the existing section line highway. The proposed reduction in the required side yard setback is located along the

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west property line of Lot 17R and Lot 18 of Fox Run Subdivision. Currently, there are no structures located on lots.

Section 17.12.050 (D) states, "Set Back from Section Lines. Principal and accessory buildings and structures shall be set back no less than fifty-eight feet from any section line. No set back is required from any legally vacated section line; however, if the vacated section line forms a property line, the applicable side, rear or front yard setbacks shall be observed."

The original Fox Run Planned Residential Development was approved in 1985 to allow a mixture of detached single family dwellings, patio homes, and townhouses. A Major Amendment to the Planned Residential Development was approved in 1992 requiring that Fox Run Drive be extended to provide access to the adjacent property to the west. A stipulation of that approval stated that Fox Run Drive could not connect to U.S. Highway 16. In 1995, the Layout and Preliminary Plats were approved for thirteen lots in Fox Run. This proposed platting represented the final phase of development proposed for the Fox Run Planned Residential Development. The Final Plat for this last phase was approved by the City Council on March 16, 1998.

A Major Amendment to the Fox Run Planned Residential Development was approved on July 23, 1998. The approved site plan for this request shows a 20 foot wide access way with a 40 foot radius cul-de-sac to serve as access to Lot 17R and "Lot 18R". This access way is located in the existing Section Line Right of Way; in addition, the approved site plan shows this as an access and utility easement. The setbacks were reduced to 15 feet from the proposed access way at that time.

The Preliminary Plat which was approved with six stipulations on June 15, 1998 included a Lot 18R; however, the Final Plat which was approved with three stipulations on June 5, 2000 did not include Lot 18R. The six stipulations which were approved with the Layout Plat on June 15, 1998 were:

1. That a major drainage easement shall be dedicated along the existing ravine on Lots 17R and 18R;
2. That plans for an emergency vehicle turnaround at the northern end of the proposed access easement shall be submitted for approval;
3. That a drainage site plan shall be submitted for approval;
4. That a non-access easement must be provided where this subdivision lies adjacent to the Highway 16 right-of-way;
5. That a major amendment to the Fox Run PRD is granted to increase in density and to allow a lot to not have 25 feet of frontage on a public street; and
6. That plans for the construction of the access easement to City standards must be submitted for approval.

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

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Highway U.S. 16 Corridor Study: The draft Highway U.S. 16 Corridor Study identifies the area adjacent to the proposed reduction in required minimum side yard setbacks as the location service road. There are currently plans to allow a service road to be routed through the section line right of way to allow safer access to and from U.S. Highway 16. If the reduction in setbacks were to be approved, the future service road would negatively impact the development on Lots 17R and 18. Staff is recommending that the request to reduce the required side yard setbacks be denied in order to allow any future service roads to be constructed without negatively impacting any adjacent structures.

Staff is recommending the request for a Major Amendment to a Planned Residential Development to reduce a section line highway setback from 58 feet to 33 feet be denied based upon the future potential impacts of structures built adjacent to future roads.

The green cards from the required notification of surrounding property owners have not been returned at the time of writing this report. A sign stating that a Major Amendment to a Planned Residential Development has been requested and is posted on the property. Staff shall notify the Planning Commission at the July 10, 2003 Planning Commission meeting, if these conditions have not been met. Staff has not received any comments regarding the proposed use at the time of writing this report.