

STAFF REPORT  
August 10, 2006

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**No. 06PD055 - Major Amendment to a Planned Residential Development** **ITEM 25**

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GENERAL INFORMATION:

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| PETITIONER                    | City of Rapid City for Hani Shafai and Dream Design International, Inc.  |
| REQUEST                       | <b>No. 06PD055 - Major Amendment to a Planned Residential Development</b>  |
| EXISTING<br>LEGAL DESCRIPTION | Tract H, Lots 13A, 13B, and 14 thru 19, Block 4; Lots 1A thru 3A, Lots 1B thru 3B, and Lots 4 thru 15, Block 19; and Lots 1 thru 10, Block 20, Big Sky Subdivision, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE                | Approximately 9.18 acres   |
| LOCATION                      | Bozeman Circle and Patricia Street   |
| EXISTING ZONING               | Low Density Residential District (Planned Residential Development) - Medium Density Residential District (Planned Residential Development)   |
| SURROUNDING ZONING            |  |
| North:                        | Medium Density Residential District (Planned Residential Development)  |
| South:                        | Low Density Residential District   |
| East:                         | Low Density Residential District - Medium Density Residential District   |
| West:                         | Medium Density Residential District (Planned Residential Development)  |
| PUBLIC UTILITIES              | City water and sewer   |
| DATE OF APPLICATION           | 7/20/2006  |
| REVIEWED BY                   | Travis Tegethoff / Emily Fisher  |

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development be approved with the following stipulations:

1. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structures;
2. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence, including corner lots;

STAFF REPORT  
August 10, 2006

---

**No. 06PD055 - Major Amendment to a Planned Residential Development      ITEM 25**

---

3. A minimum rear yard setback of 25 feet shall be provided for all lots within the Planned Residential Development;
4. A minimum side yard setback of 8 feet shall be provided for all two-story townhome lots within the Planned Residential Development if no openings such as windows or doors are allowed on the internal side walls or a Major Amendment to the Planned Residential Development shall be required;
5. All other provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Residential Development or a subsequent Major Amendment;
6. The proposed structures shall conform architecturally to the plans and elevations previously submitted;
7. All International Fire Codes shall be continually met;
8. All driveways shall be constructed as per Section 8.2.7 and Figure 8-5 of the Street Design Criteria Manual; and,
9. The Major Amendment to a Planned Residential Development shall be limited to a maximum of 28 single-family dwelling units and eight townhome dwelling units. Any change in use shall require a Major Amendment. In addition, the Major Amendment to a Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS: The subject property is located south of Homestead Street between Degeest Street and Aurora Drive. Thirteen single family residences are located on the subject property in various phases of construction.

On November 21, 2002 the Planning Commission approved a Planned Development Designation (02PD066) for the subject property with one stipulation. That stipulation required that no Building Permits or Sign Permits shall be issued for the property until such time as an Initial and Final Development Plan has been approved for the property.

On February 10, 2005 the Planning Commission approved a Planned Residential Development – Initial and Final Development Plan (04PD083) for the subject property with the following stipulations:

1. The uses allowed within the Planned Residential Development shall be limited to a maximum of 28 single-family dwelling units and eight townhome dwelling units;
2. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the buildings;
3. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;
4. A minimum front yard setback of 18 feet in front of the garage and a minimum 15 feet in front of the residence shall be provided for all townhome lots within the Planned Residential Development;
5. A minimum rear yard setback of 25 feet shall be provided for all townhome lots within the Planned Residential Development;
6. A note shall be placed on the Final Development Plan stating that all townhome structures will not have window openings on more than one side of the structure

STAFF REPORT  
August 10, 2006

---

**No. 06PD055 - Major Amendment to a Planned Residential Development      ITEM 25**

---

and that adjacent townhomes shall not have window openings that face each other.

7. A Major Amendment to the Planned Residential Development shall be required if adjacent townhomes are to have window openings that face each other.
8. Prior to issuance of a Building Permit, the applicant shall submit a remedial construction plan for the existing sewer or demonstrate the sewer is adequate per the South Dakota Department of Environment and Natural Resources design criteria;
9. The proposed structures shall conform architecturally to the plans and elevations submitted; and,
10. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

The applicant is now requesting a reduction for front yard setbacks of 18 feet to the garage and 15 feet to the residence, a rear yard setback of 20 feet and a side yard setback of 8 feet.

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

Design Features: The Major Amendment to a Planned Residential Development identifies 28 proposed single-family structures and eight townhomes on the subject property. The elevations drawings previously submitted for the single-family residences indicate that they will be one story structures. The elevation drawings previously submitted for the townhome structures shows them to be two story structures.

Setbacks: The applicant's site plan shows the building envelopes for the proposed structures. The applicant has requested various reduced setbacks for the lots within the proposed development. The applicant has requested that the minimum required front yard setback be reduced from 25 to 15 feet to the residence and 18 feet to the garage. Staff noted the City has supported a reduction of front yard setbacks in other Planned Residential Developments with a minimum front yard setback of 18 feet in front of the garage door and a minimum 15 foot setback for the balance of the dwelling unit. Staff also noted that Bozeman Circle is classified as a lane/place street and Patricia Street is classified as a subcollector street. As such, staff recommends that a minimum front yard setback of 18 feet in front of the garage and a minimum 15 feet in front of the residence, including corner lots, be provided for all lots within the Planned Residential Development.

The applicant has requested that the minimum required rear yard setback be reduced from 25 feet to 20 feet. The purpose of rear yards is to insure adequate distances and separation between structures. The primary use of the rear yard is for family or group activities which generally require more room than front yards. As such, staff recommends that a minimum 25 foot rear yard setback be provided for all lots within the Planned Residential Development.

STAFF REPORT  
August 10, 2006

---

**No. 06PD055 - Major Amendment to a Planned Residential Development      ITEM 25**

---

The applicant has also identified a minimum side yard setback of eight feet. However, as previously indicated, the proposed townhomes are identified as two story structures. Section 17.50.030 of the Rapid City Municipal Code requires that a group of townhouses shall have a minimum side yard setback of twelve feet for two story structures. Staff noted that they could support a side yard setback of eight feet for the two story structures if no openings such as windows or doors were allowed on the internal side walls.

All other provisions of the Medium Density Residential Zoning District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Residential Development or a subsequent Major Amendment.

Engineering: Staff noted that all driveways shall be constructed as per Section 8.2.7 and Figure 8-5 of the Street Design Criteria Manual.

As of this writing, the required Planned Residential Development sign has been posted on the property but the receipts from the required certified mailings have not been returned. Staff will notify the Planning Commission at the August 10, 2006 Planning Commission meeting if this requirement has not been met.

Staff is recommending that the Major Amendment to a Planned Residential Development be approved with the stipulations as indicated above.