

STAFF REPORT
August 21, 2008

**No. 08PD034 - Major Amendment to a Planned Residential Development
to expand the boundaries**

ITEM 8

GENERAL INFORMATION:

APPLICANT	OTS Land Co., Inc.
AGENT	Boschee Engineering
PROPERTY OWNER	Paula Lewis
REQUEST	No. 08PD034 - Major Amendment to a Planned Residential Development to expand the boundaries
EXISTING LEGAL DESCRIPTION	A parcel of land located in SW¼ of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at a found corner No. 3977 along the South West section line of Section 22 and Sheridan Lake Road Right of Way; thence N89°51'52"E along said section line, 165.75 feet to the True Point Of Beginning; thence N01°47'32"E 108.50 feet; thence N10°12'24"E 123.33 feet; thence N15°57'27"E 140.25 feet; thence N26°16'50"E 217.16 feet; thence N00°00'00"E 112.04 feet; thence N12°21'02"E 160.14 feet; thence N23°19'30"E 120.85 feet; thence S68°58'39"E 24.58 feet; thence N53°48'13"E 105.00 feet; thence N06°18'31"E 135.46 feet; thence N85°21'27"E 69.30 feet; thence S04°38'33"E 36.30 feet; concave westerly having a radius of 476.00 feet 232.35 feet along said curve through a central angle of 27°58'03" along said curve having a chord direction of S09°20'29"W; thence S23°19'30"W 37.30 feet; thence S76°15'50"E 142.65 feet; thence S12°54'03"W 121.04 feet; thence N77°06'34"W 160.95 feet; concave Easterly having a radius of 274.00 feet 63.08 feet along said curve through a central angle of 13°11'25" along said curve having a chord direction of S06°35'43"W; thence S00°00'00"W 63.32 feet; thence S76°18'05"E 108.67 feet; thence S89°59'24"E 709.07 feet; thence S00°00'36"W 564.46 feet; thence S89°51'52"W 1146.51 feet; to the Point of Beginning
PARCEL ACREAGE	Approximately 16.54 acres
LOCATION	Southern terminus of Bendt Drive
EXISTING ZONING	Low Density Residential District/General Agriculture District

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SURROUNDING ZONING

North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Commercial District

PUBLIC UTILITIES City water and sewer

DATE OF APPLICATION 7/1/2008

REVIEWED BY Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

1. The Major Amendment to a Planned Residential Development is not effective until such time as the rezoning from General Agriculture District to Low Density Residential District (#08RZ029) is effective;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. 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;
4. A minimum 25 foot setback shall be provided along the side yard abutting a street;
5. A minimum eight foot side yard setback for one story structures and a minimum 12 foot side yard setback for two story structures shall be provided. A minimum 58 foot rear yard setback shall be provided on those lots abutting the east-west section line highway or the section line highway shall be vacated in which case a minimum 25 foot rear yard setback shall be provided. A minimum 25 foot rear yard setback shall be provided on the balance of the lots;
6. All provisions of the Low 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;
7. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to a Planned Residential Development; and,
8. The Planned Residential Development shall allow for the construction of single family residence(s). However, the Planned Residential Development shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years.

GENERAL COMMENTS: The applicant has submitted a Major Amendment to a Planned Residential Development to expand the boundaries by adding one additional lot that is 0.43 acres in size for a total planned development area of 16.54 acres with 43 single-family residences. The applicant has also submitted a Rezone request (#08RZ029) for a portion of the property from General Agriculture District to Low Density Residential District. The

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property is located south of Catron Boulevard and east of Sheridan Lake Road and several single-family homes are being constructed in the subdivision.

On August 9, 2007 Planning Commission approved a Planned Residential Development – Initial and Final Development Plan (#07PD056) for the property with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed and approved for the lots;
3. 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;
4. A minimum 25 foot setback shall be provided along the side yard abutting a street;
5. A minimum eight foot side yard setback for one story structures and a minimum 12 foot side yard setback for two story structures shall be provided. A minimum 58 foot rear yard setback shall be provided on those lots abutting the east-west section line highway or the section line highway shall be vacated in which case a minimum 25 foot rear yard setback shall be provided. A minimum 25 foot rear yard setback shall be provided on the balance of the lots;
6. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
7. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development; and,
8. The Planned Residential Development shall allow for the construction of single family residence(s). However, 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 two years.

STAFF REVIEW:

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

Design Features: The applicant has indicated that the proposed 43 single family residences will be constructed with a combination of stone, wood, brick, stucco and simulated siding and will be the same as the original design features approved with the Initial and Final Planned Residential Development. In addition, the single family residences are proposed to be one story and two story structures with attached garages and a contiguous pitched roof with concrete tile shingles or dimensional composition shingles. The applicant has also indicated the residences will be earth tone in color. Staff is recommending that the residences conform architecturally to the plans, elevations and color palette submitted as part of this Planned Residential Development.

Setbacks: The applicant's site plan identifies that an 18 foot front yard setback in front of the garage and a 15 foot front yard setback in front of the residence is being proposed. In

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addition, an 18 foot side yard setback is proposed along corner lots where the side yard abuts a street.

The Low Density Residential District requires a minimum 25 foot front yard setback. 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 ensure 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. As such, staff is recommending that the proposed front yard setback be allowed as proposed with the stipulation that a minimum 18 foot front yard setback be provided in front of each garage, a minimum 15 foot front yard setback be provided in front of each residence.

The Low Density Residential District also requires a minimum 25 foot side yard setback abutting a street. The Planning Commission has allowed an 18 foot side yard setback along corner lots where the side yard abuts a street in other developments. However, the City has received complaints from property owners within these area(s) identifying that the reduced setbacks negatively impact the character of the neighborhood and create safety issues along the adjacent streets. The Low Density Residential District requires a minimum 25 foot side yard setback abutting a street in order to provide an adequate buffer between the residential use and the street, minimizing noise and increasing safety. In addition, this is a new development which allows the applicant to design the project to meet the minimum side yard setback. As such, staff is recommending that a minimum 25 foot setback be provided along the side yard abutting a street. In addition, a side yard setback along interior side lot lines of eight feet for a one story structure and twelve feet for a two story structure must be provided. Staff is also recommending that a minimum 58 foot rear yard setback be provided on those lots abutting the north-south and the east-west section line highways or the section line highways must be vacated in which case a minimum 25 foot rear yard setback must be provided. In addition, a minimum 25 foot rear yard setback must be provided on the balance of the lots. All provisions of the Low Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the August 21, 2008 Planning Commission meeting if these requirements have not been met.