

STAFF REPORT

July 23, 2009

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**No. 09PD030 - Major Amendment to a Planned Residential Development to revise the previously approved building envelope location**

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**ITEM 40**

GENERAL INFORMATION:

APPLICANT	Shelby E. And Jessica A. Nester
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Shelby and Jessica Nester
REQUEST	<b>No. 09PD030 - Major Amendment to a Planned Residential Development to revise the previously approved building envelope location</b>
EXISTING LEGAL DESCRIPTION	Lot 10 of Kepp Heights Subdivision No. 3, located in the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.9 acres
LOCATION	1551 South Kepp Court
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	6/26/2009
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to revise the previously approved building envelope location be approved with following stipulations:

STAFF REPORT  
July 23, 2009

---

**No. 09PD030 - Major Amendment to a Planned Residential Development to revise the previously approved building envelope location** **ITEM 40**

---

1. A Building Permit must be obtained prior to any construction and a Certificate of Occupancy obtained prior to occupancy;
2. All applicable provisions of the International Fire Code shall be continually met. In particular, the residence shall be fully fire sprinklered and fire hydrants shall be installed as needed;
3. Prior to Planning Commission approval, the applicant shall demonstrate adequate water capacity for the proposed structure;
4. Prior to Planning Commission approval, the applicant shall demonstrate adequate sewer capacity for the proposed structure;
5. Prior to issuance of a building permit an Erosion and Sediment Control Permit shall be obtained; and,
6. The Major Amendment to a 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 a period of two years.

GENERAL COMMENTS: The applicant has submitted a Major Amendment to a Planned Residential Development to to revise the previously approved building envelope on the property.

On January 20, 1992 City Council approved a Planned Residential Development – Final Development Plan (#1056) that included this property.

The applicant is now proposing to relocate the location of the building envelope that was approved as part of the previous Planned Residential Development. The property is located at 1551 South Kepp Court which is south of Flormann Street. The property is currently zoned Low Density Residential District with a Planned Residential Development and void of structural development. The surrounding properties are also zoned Low Density Residential District with a Planned Residential Development.

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

Site Location: On October 11, 1995 the City Council approved a Skyline Drive Infrastructure and Development Plan. Part of that Plan included Development Standards for all development within the study area to protect the Skyline Drive ridge line. The Development Standards required included a minimum lot size of 0.5 acres and a minimum setback of 100 feet from the Skyline Drive right-of-way. The proposed building will be located at an approximate elevation of 3612 feet and is at approximately the same elevation of the existing building envelope. In addition, the structure will be located approximately 700 feet east of Skyline Drive and approximately 150 feet below the ridge of Skyline Drive. On October 11, 1995 the City Council approved a Skyline Drive Infrastructure and Development Plan. Part of that Plan included Development Standards for all development within the study area to protect the Skyline Drive ridge line. The Development Standards required included a minimum lot size of 0.5 acres and a minimum setback of 100 feet from the Skyline Drive right-of-way. It also appears that the proposed structure will be parallel with

STAFF REPORT  
July 23, 2009

---

**No. 09PD030 - Major Amendment to a Planned Residential Development to revise the previously approved building envelope location** **ITEM 40**

---

the existing house on Lot 9 of Kepp Heights Subdivision No. 3. Based on the location of the proposed structure it appears to comply with the Development Standards of the Skyline Drive Infrastructure and Development Plan and does not appear to effect views of the Skyline Drive ridge line.

Building Permits: Staff noted that a Building Permit must be obtained prior to any construction and a Certificate of Occupancy obtained prior to occupancy.

Fire Code: Staff noted that all applicable provisions of the International Fire Code shall be continually met. In particular, the residence shall be fully fire sprinklered and fire hydrants must be installed as needed.

Water System: Staff noted that prior to Planning Commission approval the applicant will have to demonstrate adequate water flow can be provided for the proposed structure.

Wastewater System: Staff noted that prior to Planning Commission approval the applicant will have to demonstrate that the proposed structure can be adequately served by the existing sanitary sewer system.

Drainage: As part of the Planned Residential Development application, a grading plan and a drainage plan for all improved areas must be submitted for review and approval. The drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. The applicant submitted a grading and drainage plan for review and approval.

Stormwater Management Plan: The City Council has recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. The applicant submitted an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual. However, the applicant has not obtained the Erosion and Sediment Control Permit. As such, staff recommends that prior to issuance of a Building Permit an Erosion and Sediment Control Permit shall be obtained.

Soils: Staff noted that a soils report was submitted for the proposed building envelope. The report stated that the area was gently to moderately sloping and that no signs of slope sloughing were observed. The subsurface is anticipated to consist of variable thicknesses of sandstones and siltstones with interbedded shales. It is the consultant's opinion that the proposed site has suitable soils for construction of the proposed residential structure.

Notification: As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the July 23, 2009 Planning Commission meeting if this requirement has not been met. Staff has not received any objections regarding the Major Amendment to a Planned Commercial Development at the time of this writing.

STAFF REPORT  
July 23, 2009

---

**No. 09PD030 - Major Amendment to a Planned Residential Development to revise the previously approved building envelope location** **ITEM 40**

---

Staff is recommending that the Major Amendment to a Planned Commercial Development be approved with the previously stated stipulations.