

STAFF REPORT
August 6, 2009

No. 09PD030 - Major Amendment to a Planned Residential Development to revise the previously approved building envelope location **ITEM 21**

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

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:

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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. **Lots 1 through 12 are designated for single family dwellings only. Any change in use shall require a Major Amendment;**
5. **No sidewalks are required for this Planned Development;**
6. **Building envelopes and driveway approaches shall be developed and maintained in accordance for Lots 1 through 13 as shown on the original approved plan; however, the building envelope and driveway for Lot 10 shall be in developed and maintained in accordance with the plan submitted with this Major Amendment. Building envelopes as shown are for principal and accessory structures greater than 400 square feet. Minor structures may be located outside of the approved building envelope in compliance with all other setback requirements;**
7. **Lots 14, 15 and 16 as shown on the original plan are for identification purposes only on previously unplatted balances. Lot usage is limited to single family dwellings. Any change in use shall require a Major Amendment;**
8. **Water service shall be provided by the City of Rapid City;**
9. **Sewer service shall be provided by the City of Rapid City by conventional gravity or by individual lift stations through a common force main;**
10. **Lot 13 as identified on the original plan is for a storage facility with the use limited to Kepp Heights owners and no habitable structures are permitted;**
11. **The maximum lot coverage shall not exceed 30% of the lot area;**
12. **On-street parking is prohibited;**
13. **An access road to Lot 13 shall be developed and paved at such time as a storage facility is developed; and,**
14. Prior to issuance of a building permit an Erosion and Sediment Control Permit shall be obtained.

GENERAL COMMENTS: (Update, July 31, 2009. All revised and/or added text is shown in bold.) This item was continued to the August 6, 2009 Planning Commission meeting at the applicants' request. 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 site plan that was originally approved with the following conditions noted on the site plan:**

1. **Lots 1-12 are designated for single family dwellings.**
2. **No sidewalks are proposed for this rural setting subdivision.**
3. **Building envelopes and driveway approached for Lots 1 to 13 are as shown here on.**

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4. Lots 14, 15 and 16 are for identification purposes on previously unplatted balances. Lot usage is limited to single family dwellings unless further development plans are approved.
5. Street grades of up to 13% are permitted for access to these premium sites.
6. Water service is from Rapid City system as per plans.
7. Sewer service is to the Rapid City system by conventional gravity or by individual lift stations through a common force main.
8. Lot 13 is for a storage facility. Use limited to Kepp Heights owners and no habitable structures are permitted.
9. Building area is limited to 30% of lot area.
10. Building envelopes shown are for principal and accessory structures greater than 400 square feet. Minor structures may setback according to City Ordinance.
11. On-street parking is prohibited.
12. Access road to Lot 13 shall be developed and paved at such time as storage structures are constructed.
13. Access between Flormann Street, as developed hereon and Skyline Drive is limited to emergency situations. A wire fastened gate shall be maintained at Skyline Drive.

The applicant is now proposing to revise 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 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

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Skyline Drive ridge line. **However, it should be noted that the proposed building envelope and structure location does impact the views from the residential structures located to the east (looking west) in Kepp Heights Subdivision No. 2. Two property owners appeared at the August 6, 2009 Planning Commission meeting and objected to the requested change in the location of the building envelope due to the impact on their properties.**

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. **As of this writing, the water system information has not been submitted.**

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. **The wastewater system information has been submitted and approved.**

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. **The grading and drainage plan has been reviewed and approved.**

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.

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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.

Objections to the requested change in the location of the building envelope were expressed at the July 23, 2009 Planning Commission meeting. In addition, staff has received a number of phone calls and several e-mails objecting to the proposed relocation of the building envelope. Several area residents noted that they had purchased lots and built their homes and located those homes on their lots in reliance on the building envelopes identified on the approved Planned Residential Development Plan. They noted the long and very contentious discussions that had occurred prior to the approval of the Planned Development Plan for the original development and expressed significant concerns with modifying the approvals to allow this type of modification after others have invested in the neighborhood in reliance on that plan.

Staff recommends approval of the Major Amendment to a Planned Commercial Development with the previously stated stipulations. **The Planning Commission should be aware that action on this request must be taken at the August 6, 2009 Planning Commission meeting as a time extension waiver has not been submitted by the applicant.**