

STAFF REPORT
August 6, 2009

No. 09PD032 - Planned Residential Development - Initial and Final Development Plan **ITEM 22**

GENERAL INFORMATION:

APPLICANT	PLM Land Development, LLC
AGENT	Lawrence M. Kostaneski for Centerline, Inc.
PROPERTY OWNER	Pat Tlustos
REQUEST	No. 09PD032 - Planned Residential Development - Initial and Final Development Plan
EXISTING LEGAL DESCRIPTION	A portion of the unplatted balance of the N1/2 NW1/4 and the unplatted balance of the SW1/4 NW1/4, all in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: commencing from the Point of Beginning, the northeast corner of Lot 33 in Block 1 of PLM Subdivision consisting of a 5/8" rebar with Hanson #6251 cap, thence first course - N85°57'24"E a distance of 32.35', thence second course - N78°30'13"E a distance of 229.00', thence third course - S84°12'27"E a distance of 224.17', thence fourth course - N86°55'12"E a distance of 205.00', thence fifth course - N80°28'46"E a distance of 241.41', thence sixth course - S83°06'22"E a distance of 205.42', thence seventh course - S70°31'14"E a distance of 300.02', thence eighth course - S20°04'47"W a distance of 407.59' to the southwest corner of Lot 16 of Block 1 of PLM Subdivision, thence ninth course - N89°42'39"W a distance of 564.79' along the north boundary of Eastridge Estates Subdivision, thence tenth course - N88°31'55"W a distance of 119.66', thence eleventh course - N72°48'55"W a distance of 309.01', thence twelfth course - N72°34'37"W a distance of 131.54', thence thirteenth course - N90°00'00"W a distance of 164.21', thence fourteenth course - N0°00'00"E a distance of 294.68' to the Point of Beginning. Said Parcel containing 13.1855 acres more or less
PARCEL ACREAGE	Approximately 13.1855 acres
LOCATION	East and north of Stumer Road, south of Enchanted Pines Drive at the eastern terminus of Conestoga Court
EXISTING ZONING	Low Density Residential District (Planned Development

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	Designation)
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 sewer and water
DATE OF APPLICATION	7/9/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Planned Residential Development - Initial and Final Development Plan be approved with the following stipulations:

1. Prior to Planning Commission approval, the site plan shall be revised to show access to Lot 45 in compliance with the Rapid City Municipal Code;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. Prior to issuance of a building permit, a Preliminary Plat shall be submitted for review and approval;
4. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed and approved;
5. A minimum 25 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. In addition, 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 25 foot rear yard setback shall also be provided;
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.

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GENERAL COMMENTS:

The applicant has submitted an Initial and Final Planned Residential Development to allow a single family residential development on the property. In addition, the applicant has submitted a Layout Plat (File #09PL039) to subdivide the property into 18 lots. The proposed residential development is to be known as Phase 2C of the PLM Subdivision.

The property is located north of Stumer Road and south of Enchanted Pines Drive at the current eastern terminus of Conestoga Court. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed the Initial and Final Planned Residential Development request and has noted the following considerations:

Design Features: The applicant has indicated that the proposed single family residences will be constructed with a combination of stone, glass, wood, brick, stone, drivet and simulated wood siding. In addition, the single family residences are proposed to be one story and two story structures with attached garages and a pitched roof with asphalt 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 is requesting an 18 foot front yard setback in front of the proposed garage and a 15 foot front yard setback in front of the residence. The Low Density Residential District requires a minimum 25 foot front yard setback for residential structures. In the past, 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 insure 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. However, the City has received complaints that the reduced setback results in vehicles overhanging onto the adjacent sidewalk which impedes pedestrian access.

On January 22, 2009, the Planning Commission denied a Major Amendment to a Planned Residential Development to reduce the required front yard setback for a lot in Red Rock Meadows Subdivision from 18 feet to 17 feet 3 inches. In particular, it was noted that the reduced setback would compromise pedestrian safety. The applicant of that request presented photographs demonstrating that vehicles overhang onto the adjacent sidewalk even when a minimum 18 foot setback is provided in front of the garage. As such, several Planning Commission members noted that they would no longer be supporting a reduced front yard setback in front of a garage.

Since reducing the setback from 25 feet to 18 feet in front of the garage has resulted in vehicles encroaching into the adjacent sidewalk which compromises pedestrian safety and is in violation of the Rapid City Municipal Code and based on the direction of the Planning Commission to require a minimum 25 foot setback in front of the garage, staff recommends

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that the request to reduce the front yard setback from 25 feet to 18 feet in front of the garage be denied. In particular, staff recommends that a minimum 25 foot front yard setback be provided in front of each garage and a minimum 15 foot front yard setback be provided in front of each residence. In addition, a minimum eight foot side yard setback for one story structures and a minimum 12 foot side yard setback for two story structures must be provided. A minimum 25 foot rear yard setback must also be provided. 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.

Access: The applicant's site plan does not show access to proposed Lot 45. As such, prior to Planning Commission approval, the site plan must be revised to show access to the lot. The applicant has the option of either revising the site plan to show Lot 45 as a flagpole lot abutting Conestoga Court a minimum width of 25 feet or showing an access easement extending from the end of Conestoga Court across Lots 44 and/or 46. The access easement must be located within a minimum 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, streetlight conduit, water and sewer.

Infrastructure Improvements: Prior to issuance of a building permit, a Preliminary Plat must be approved to insure that the utilities, access and drainage issues are being addressed for the proposed development. In addition, a Final Plat must be approved prior to issuance of a Certificate of Occupancy to insure that legal access and utility and drainage easements are in place as needed.

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 6, 2009 Planning Commission meeting if these requirements have not been met.