

STAFF REPORT  
October 22, 2009

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**No. 09PD032 - Planned Residential Development - Initial and Final Development Plan**      **ITEM 13**

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GENERAL INFORMATION:

APPLICANT	PLM Land Development, LLC
AGENT	Lawrence M. Kostaneski for Centerline, Inc.
PROPERTY OWNER	Pat Tlustos
REQUEST	<b>No. 09PD032 - Planned Residential Development - Initial and Final Development Plan</b>
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 **continued to the November 5, 2009 Planning Commission meeting.**

GENERAL COMMENTS:

**(Update, October 9, 2009. All revised and/or added text is shown in bold print.) This item was continued at the October 8, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, a revised site plan showing access to Lot 45 has not been submitted for review and approval. As such, staff recommends that this item be continued to the November 5, 2009 Planning Commission meeting to allow the applicant to submit a revised site plan as identified.**

(Update, September 25, 2009. All revised and/or added text is shown in bold print.) This item was continued at the September 24, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, a revised site plan showing access to Lot 45 has not been submitted for review and approval. As such, staff recommends that this item be continued to the October 22, 2009 Planning Commission meeting to allow the applicant to submit a revised site plan as identified.

(Update, September 12, 2009. All revised and/or added text is shown in bold print.) This item was continued at the September 10, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, a revised site plan showing access to Lot 45 has not been submitted for review and approval. As such, staff recommends that this item be continued to the October 8, 2009 Planning Commission meeting to allow the applicant to submit a revised site plan as identified.

(Update, August 31, 2009. All revised and/or added text is shown in bold print.) This item was continued at the August 27, 2009 Planning Commission meeting to allow the applicant

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to submit additional information. To date, a revised site plan showing access to Lot 45 has not been submitted for review and approval. As such, staff recommends that this item be continued to the September 24, 2009 Planning Commission meeting to allow the applicant to submit a revised site plan as identified.

(Update, August 18, 2009. All revised and/or added text is shown in bold print.) This item was continued at the August 6, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, a revised site plan showing access to Lot 45 has not been submitted for review and approval. In addition, the applicant has indicated that they would like to meet with staff to discuss the requested front yard setback(s) within the Planned Residential Development. Staff recommends that the Initial and Final Residential Development Plan be continued to the September 10, 2009 Planning Commission meeting with the applicant's concurrence.

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.

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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 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 white slips have been returned but not the green cards. Staff will notify the Planning Commission at the **October 22, 2009** Planning Commission meeting if this requirement has not been met.