

STAFF REPORT  
January 7, 2010

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**No. 09PD106 - Major Amendment to a Planned Residential Development**      **ITEM 39**

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GENERAL INFORMATION:

APPLICANT/AGENT	K1 Construction, Inc.
PROPERTY OWNER	Jeffrey S. and Diana Penney
REQUEST	<b>No. 09PD106 - Major Amendment to a Planned Residential Development</b>
EXISTING LEGAL DESCRIPTION	Lot 10 of Block 7 of Red Rock Meadows Subdivision, located in the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.23 acres
LOCATION	6515 Seminole Lane
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 sewer and water
DATE OF APPLICATION	12/3/2009
REVIEWED BY	Ali DeMersseman / Mary Bosworth

RECOMMENDATION:

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

1. Prior to Planning Commission approval, the associated Vacation of Minor Drainage and Utility Easement request shall be approved by the City Council;
2. On-going maintenance of the drainage channel shall be continually provided;
3. The side yard setback is hereby reduced from 8 feet to approximately 4.2 feet along the north lot line of the property for the existing residence only. A minimum side yard

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setback of eight feet for a one story structure and 12 feet for a two story structure shall be provided along the balance of the property. In addition, a minimum 18 foot front yard setback shall be provided in front of the garage and a minimum 15 foot front yard setback shall be provided in front of the residence. A minimum 25 foot rear yard setback shall also be provided;

4. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Initial and Final Planned Residential Development or a subsequent Major Amendment;
5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. The structure shall continue to conform architecturally to the approved elevations and design plans for the Initial and Final Planned Residential Development. In addition, the color scheme shall consist of brown, white and/or blue earth tone shades;
7. All streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual and the currently adopted International Fire Code. In addition, fire hydrants shall be in place and operational prior to any building construction. Street signs and lot addresses shall also be posted prior to, or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met; 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 a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

**GENERAL COMMENTS:**

The applicant has submitted a Major Amendment to a Planned Residential Development to reduce the side yard setback from 8 feet to approximately 4.2 feet along the north lot line for the existing residence located on Lot 10 of Block 7. In addition, the applicant has submitted a Vacation of a Minor Drainage and Utility Easement request (No. 09VE017) to vacate a portion of the easement located along the north lot line of the property. The site plan submitted with the application indicates that the existing single family residence is located within this area of the easement.

On September 20, 2007, the Planning Commission approved an Initial and Final Planned Residential Development (No. 07PD073) to allow a 33 lot single family residential development to be known as Red Rock Meadows. The Planned Residential Development included this property.

On December 29, 2009, the Public Works Committee considered the Vacation of a Minor Drainage and Utility Easement request (No. 09VE017) and sent it on to the January 4, 2010 City Council meeting with a recommendation of approval.

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The property is located approximately 200 feet north of the intersection of Cog Hill Lane and Seminole Lane on the south side of Seminole Lane. As previously noted, the property is developed with a single family home.

**STAFF REVIEW:**

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

**Drainage:** An 8 foot wide Minor Drainage and Utility Easement is located along the interior lot lines of the property. As noted above, a portion of the residence is within the easement located along the north lot line. As such, the applicant is proposing to vacate a portion of the easement and has submitted drainage information for review and approval. The drainage report and site plan demonstrate that the encroachment will not impact the adjacent property, and that the remaining easement can accommodate the anticipated drainage flows. Staff recommends that prior to Planning Commission approval, the associated Vacation of Minor Drainage and Utility Easement (No. 09VE017) request be approved by the City Council. In addition, on-going maintenance of the drainage channel must be continually provided.

**Setbacks:** The original Planned Residential Development was approved to allow a minimum 18 foot front setback in front of each garage, a minimum 15 foot front yard setback in front of each residence, a minimum side yard setback along interior side lot lines of eight feet for a one story structure and 12 feet for a two story structure, and a minimum 25 foot rear yard setback. Due to the structural encroachment along the north lot line, the applicant is proposing to reduce the side yard setback along the north lot line from 8 feet to approximately 4.2 feet.

Since all of the affected utility companies have indicated that this area of the property is not needed for their utilities, and because the applicant has demonstrated that the remaining easement can accommodate the anticipated drainage flows, staff recommends that the side yard setback be reduced from 8 feet to 4.2 feet for the existing residence only. All other development must comply with the setback requirements as previously approved.

**Design Features:** The original Planned Residential Development was approved to allow one or two story single family residences with garages and a peaked fiberglass shingled roof. In addition, the residences are to be constructed of wood, concrete, glass, hard board lap siding, stone and/or brick accents with earth tone colors in shades of brown, white and blue.

The existing single family residence is a one story structure and has been constructed in compliance with the approved design plans. Staff recommends that the proposed structure continue to conform architecturally to the approved elevations and design plans for the Initial and Final Planned Residential Development.

**Notification Requirements:** The receipts from the certified mailings have been returned and the sign has been posted on the property. As of this writing, staff has received no calls of

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inquiry regarding this item.

Staff is recommending that the Major Amendment to the Planned Residential Development be approved with the stipulations as outlined above.