

STAFF REPORT

March 4, 2010

No. 10PD010 - Major Amendment to a Planned Residential Development **ITEM 26**

GENERAL INFORMATION:

APPLICANT	Robert Westlake
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Robert Westlake
REQUEST	No. 10PD010 - Major Amendment to a Planned Residential Development
EXISTING LEGAL DESCRIPTION	Lot 3R of Block 1 of Autumn Hills Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.18 acres
LOCATION	4733 Summerset Drive
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	2/5/2010
REVIEWED BY	Ali DeMersseman / Mary Bosworth

RECOMMENDATION:

If the Planning Commission determines it is appropriate to reduce the front yard setback from the property line from 15 feet to 13.5 feet for the attached garage and to reduce the setback from the back of the curb from 27 feet to 26 feet for the existing attached garage, then staff will recommend that the Major Amendment to a Planned Residential Development be approved with the following stipulations:

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1. The front yard setback from the property line is hereby reduced from 15 feet to 13.5 feet for the existing attached garage and the front yard setback from the back of the curb is reduced from 27 feet to 26 feet for the existing attached garage on Lot 3R of Block 1 of the Autumn Hills Subdivision. The existing attached garage shall not be expanded to encroach any further into the required setbacks, and in the event that the existing attached garage is removed, new construction on the property shall comply with all required setbacks, or a Major Amendment to the Planned Residential Development shall be obtained. In addition, the interior side yard minimum on the property shall be 3 feet from one property line only and the opposite side yard shall be not less than 10 feet. The minimum rear yard setback on the property shall be 10 feet from the property line;
2. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Residential Development or a subsequent Major Amendment to the Planned Residential Development;
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. The use on the site shall be a single family residence only;
5. The structure shall continue to conform architecturally to the submitted elevations and design plans; and,
6. The Planned Residential Development shall expire if the use has not commenced 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 request to reduce the front yard setback for the existing single family residence at 4733 Summerset Drive. In particular, the applicant is requesting that the front yard setback from the property line be reduced from the required 15 feet to 13.5 feet for the existing attached garage. The Planned Residential Development specifies that a minimum required 27 foot front yard setback be provided from the back of the curb. The applicant is also requesting that the setback from the back of the curb be reduced from 27 feet to 26 feet for the existing attached garage at the residence.

On September 6, 1983, the City Council approved a Planned Residential Development for 440 units of housing at Autumn Hills Subdivision. On September 4, 1984, the City Council adopted a resolution establishing minimum setback requirements for the lots within the Planned Residential Development. In particular, the resolution established the following setbacks for single family lots: "The minimum front yard shall be 15 feet from the property line and 27 feet from back of curb. The minimum side yard on a corner lot abutting two streets shall be 10 feet from the property line and 22 feet from the back of curb adjacent to both streets. Interior side yard minimum shall be 3 feet from one property line only and the opposite side yard shall be not less than 10 feet. The minimum rear yard setback shall be 10 feet from property line."

The property is located approximately 500 feet east of the intersection of Sheridan Lake Road and Summerset Drive in the Autumn Hills Subdivision. As previously noted, the property is developed with a single family residence, which was constructed in 1984.

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

Setbacks: The residence is part of the Autumn Hills Planned Residential Development. The Planned Residential Development establishes a minimum front yard setback for single family lots of 15 feet from the property line and 27 feet from the back of the curb. Due to a construction error, the eastern portion of the existing attached garage is 13.5 feet from the front property line, and 26 feet from the back of the curb. The applicant was made aware of the construction error when seeking a building permit to allow for modifications to the existing residence. Subsequently, the building permit was denied because the front yard setback was not in compliance with the requirements of the Autumn Hills Planned Residential Development. The proposed additions to the existing residence, with the exception of the front yard setbacks addressed in this Major Amendment, comply with the applicable area requirements of the Low Density Residential District, as well as the side and rear yard setbacks established in the Autumn Hills Planned Residential Development. In addition, the proposed additions to the existing residence will not encroach any further into the front yard setback.

The area between the attached garage and the street, Summerset Drive, is developed with a 16 foot wide by 26 foot long concrete driveway. An approximately 14 foot long portion of the driveway is located on the applicant's property, and an approximately 12 foot long portion of the driveway is located within the public right-of-way. In addition, the property was originally developed without sidewalks along the street. Because there are no sidewalks on the property, or on the surrounding properties, a vehicle parked within the existing driveway will not encroach into a designated pedestrian path.

Staff has noted that the proposed reduction in the front yard setback will not impact drainage on the lot and will not affect any applicable sight triangles. As such, if the Planning Commission determines it is appropriate to reduce the front yard setback from the property line from 15 feet to 13.5 feet for the existing attached garage and to reduce the setback from the back of the curb from 27 feet to 26 feet for the attached garage, then staff recommends that the Major Amendment to a Planned Residential Development be approved with the stipulations as noted above.

Use: As previously noted, the property is developed with a single family residence. Further, the Autumn Hills Planned Residential Development identified the property as a "single family conventional lot." As such, staff recommends that the use on the property continue to be for a single family residence.

Notification Requirements: As of this writing, the receipts from the certified mailings have not been returned and the sign has not been posted on the property. Staff will notify the Planning Commission at the March 4, 2010 meeting if this requirement has not been met. To date, staff has received no calls of inquiry regarding this item.