

STAFF REPORT  
March 25, 2010

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**No. 10PD009 - Major Amendment to a Planned Residential Development      ITEM 10**

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GENERAL INFORMATION:

APPLICANT	J & J Enterprises
AGENT	Jerry Peterson
PROPERTY OWNER	J & J Enterprises, LLC
REQUEST	<b>No. 10PD009 - Major Amendment to a Planned Residential Development</b>
EXISTING LEGAL DESCRIPTION	Lot 2 of Block 4 of Copperfield Vistas Subdivision, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.17 acres
LOCATION	1023 Copperfield 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 sewer and water
DATE OF APPLICATION	1/28/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a building permit for an open deck, a drainage analysis**

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- identifying the impact of the proposed deck and providing additional on-site drainage improvements as warranted shall be submitted for review and approval;
3. **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 side yard setback of eight feet for a one story structure and 12 feet for a two story structure shall be provided. In addition, a minimum 14.146 foot rear yard setback shall be provided to the open deck contingent upon a landscaping buffer or screening fence being provided along the rear lot line. The balance of the structure shall provide a minimum 25 foot rear yard setback;**
  4. **An Exception is hereby granted to allow a 32.8% lot coverage in lieu of a maximum 30% lot coverage to allow for the proposed open deck;**
  5. **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;**
  6. **The proposed structure shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development;**
  7. **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. 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:

**(Update, March 17, 2010. All revised and/or added text is shown in bold print.) This item was continued at the March 4, 2010 Planning Commission meeting to allow the applicant to submit a drainage analysis. On March 16, 2010, a drainage analysis was submitted for review and approval.**

The applicant has submitted a Major Amendment to a Planned Residential Development to reduce the rear setback from 25 feet to 14.146 feet for an open deck and to increase the lot coverage from 30% to 32.8% due to the construction of the proposed open deck. The Major Amendment is specific to Lot 2 of Block 4 and is a part of the Copperfield Vista Subdivision.

On August 9, 2007, the Planning Commission approved an Initial and Final Planned Residential Development (File #07PD004) to construct 278 single family residential lots on 61.13 acres as a part of the Copperfield Vista Subdivision, which included this property. The previously approved Initial and Final Planned Residential Development stipulated that "a minimum 18 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 25 foot rear yard setback shall be provided." The applicant is requesting that the

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rear yard setback be reduced from 25 feet to 14.146 feet to allow for a 12 foot long by 17 foot wide open deck to be constructed along the rear of the house. In addition, the applicant has indicated that the future occupant of the residence is a special needs individual that is losing the ability to walk. The proposed deck will allow her to enjoy the back yard.

The property is located west of Copperfield Drive, south of Bar Five Ranch Road and north of Conservation Way. Currently, a single family residence is being constructed on the property.

STAFF REVIEW:

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

Density: Chapter 17.10 of the Rapid City Municipal Code states that “dwellings and building accessory thereto shall cover not more than 30% of the lot area”. Constructing the proposed deck will result in lot coverage of 32.85%. The applicant is requesting that an Exception be granted to allow the additional lot coverage for the open deck.

Based on the applicant’s site plan, the proposed impervious area, which includes the building footprint and the parking apron, will exceed 43%. Surface and storm sewer drainage improvements constructed with the Copperfield Vista Subdivision, Phase One, appear to have been sized based on a 35 to 40% impervious area. In addition, the major stormwater detention components appear to be sized for 35 to 43% impervious areas. As such, the drainage improvements for the subdivision should accommodate the additional lot coverage. However, in order to insure that the lot has been designed to accommodate the additional lot coverage, a drainage analysis identifying the impact of the proposed deck and providing additional on-site drainage improvements as warranted must be submitted for review and approval.

Staff recommends that the Major Amendment to the Planned Residential Development be continued to the March 25, 2010 Planning Commission meeting to allow the applicant to submit a drainage analysis as identified.

**(Update, March 17, 2010. All revised and/or added text is shown in bold print.) As previously indicated, on March 16, 2010, a drainage analysis was submitted for review and approval. The drainage analysis identifies that the proposed deck will not have a substantial affect on the drainage and, as such, will not impact the adjacent properties. Based on the drainage analysis, staff recommends that the Exception to allow 32.8% lot coverage in lieu of a maximum 30% lot coverage to allow for the proposed open deck be granted.**

Setbacks: Chapter 17.50.250 of the Rapid City Municipal Code states that an open porch or terrace may extend 6 feet into the required setback. Pursuant to this regulation, the proposed open deck could be located 19 feet from the rear lot line. As previously indicated, the applicant is requesting that the setback be reduced to 14.146 feet for the deck. This is in addition to the reduced front yard setback previously granted to allow a minimum 18 foot

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front yard setback in front of the garage and a minimum 15 foot front yard setback in front of the residence.

In January of 2009, the Planning Commission approved a similar Initial Planned Development request to allow for the encroachment of porches with roofs but no walls or other enclosures within the rear yard setback as a part of the Skyline Village residential development. In particular, it was noted that a porch with no walls or other enclosure(s) will have limited impact on the adjacent properties if a landscape buffer or a screening fence is provided along the rear lot line of the property. Subsequently, the rear yard setback was reduced with the stipulation that a landscape buffer or screening fence be provided to insure that a visual separation and a noise buffer are being provided between the adjacent properties.

The City has approved one other residential development known as "Kateland Subdivision" as an "experimental development" with reduced front yard and rear yard setbacks. In particular, the front yard setback was reduced to allow a minimum 18 foot front yard setback in front of the garage and a minimum 15 foot front yard setback in front of the residence. In addition, the rear yard setback was reduced to 15 feet for the residence. Fencing and/or other screening was not required. The City has received complaints that the reduced setbacks in that development do not allow for adequate separation between residential units.

In consideration of reducing the rear yard setback from 25 feet to 14.146 feet for the open deck, staff recommends that a landscape buffer or a screening fence be provided along the rear lot line. In addition, the fencing must be located outside of the 8 foot wide minor drainage and utility easement located along the interior lot line(s) or the applicant must obtain approval from the City Engineer to allow the fence within the easement.

Fire Department: The Fire Department has indicated that since the future occupant of the residence is a special needs individual that is losing the ability to walk as per the applicant's statement, the applicant should consider the installation of a residential fire sprinkler system. Even though the fire sprinkler system is not required, it would significantly enhance the safety of the occupant.

Notification Requirement: **The receipts from the certified mailings have been returned. In addition, the sign has been posted on the property. Staff has received several telephone calls inquiring about this item. None of the callers objected to the request.**