

STAFF REPORT
August 22, 2013

No. 13PD033 - Final Planned Development Overlay to allow a Single Family Residential Development **ITEM 9**

GENERAL INFORMATION:

APPLICANT	Don Ward - DKEA, LLC
AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	DKEA, LLC
REQUEST	No. 13PD033 - Final Planned Development Overlay to allow a Single Family Residential Development
EXISTING LEGAL DESCRIPTION	A portion of Tract A of Red Rock Village Subdivision, Located in the NE1/4 of the NE1/4 of Section 29, Township 1 North, Range 7 East, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot H2 of the NE1/4 of the NE1/4 of Section 29, T1N, R7E, BHM, common to a point on the northerly boundary of Tract A of Red Rock Village Subdivision, thence, S89°59'27"E , along the southerly boundary of said Lot H2, common to the northerly boundary of said Tract A, a distance of 54.00 feet to the point of beginning; Thence, first course: S89°59'27"E, along the southerly edge of said Lot H2, common to the northerly boundary of said Tract A, a distance of 105.00 feet, to the northeasterly corner of said Tract A, , common to a point on the westerly edge of Dunsmore Road Right-of-Way ; Thence, second course: S00°18'28"E, along the westerly edge of said Dunsmore Road Right-of-Way, common to the easterly edge of said Tract A, a distance of 722.58 feet, to the northeasterly corner of Lot 3R of Block 12 of Red Rock Meadows Subdivision; Thence, third course: S89°41'32"W, along the northerly edge of said Lot 3R of Block 12 of Red Rock Meadows Subdivision, a distance of 105.00 feet; Thence, fourth course: N00°18'28"W, a distance of 723.16 feet, to the said point of beginning
PARCEL ACREAGE	Approximately 1.62 acres
LOCATION	West of Dunsmore Road
EXISTING ZONING	General Agricultural District
FUTURE LAND USE DESIGNATION	Residential

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SURROUNDING ZONING

North:	General Agricultural District (Pennington County)
South:	Low Density Residential District (Planned Development)
East:	Low Density Residential District (Planned Development)
West:	General Agricultural District

PUBLIC UTILITIES Rapid City

DATE OF APPLICATION July 26, 2013

REVIEWED BY Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to allow a single family residential development be approved with the following stipulations:

1. An Exception is hereby granted to reduce the minimum required setback to a section line highway from 58 feet to 51 feet. Any further reduction to the section line highway setback shall require the review and approval of a Major Amendment to the Planned Development. A minimum front yard setback of 25 feet shall be provided;
2. An Exception is hereby granted to reduce the minimum required rear yard setback from 25 feet to 20 feet;
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. Prior to issuance of a building permit, a Development Engineering Plan shall be approved;
5. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved;
6. Upon submittal of a building permit, an erosion and sediment control plan shall be submitted for review and approval;
7. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
8. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
9. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
10. All applicable provisions of the adopted International Fire Code shall continually be met; and,
11. The Final Planned Development Overlay shall allow for a single family residential development. Any change in use that is a permitted use in the Low Density Residential District shall require a building permit. Any change in use that is a Conditional Use in the Low Density Residential District shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS:

The applicant has submitted a Final Planned Development Overlay to allow a single-family residential development. In particular, the applicant is proposing to construct single-family

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structures with a footprint of 1,300 square feet to 1,700 square feet. In addition, the applicant is requesting a reduction in the minimum required setback to a section line highway from 58 feet to 51 feet. The proposed reduction will maintain a front yard setback of 25 feet. The applicant is also requesting a reduction in the rear yard setback from 25 feet to 20 feet.

On August 8, 2013, the Planning Commission approved a rezoning request (File #13RZ018) to change the land use designation from General Agriculture District to Low Density Residential District. The rezoning request will have two hearings before the City Council on August 19, 2013 and September 3, 2013, respectively.

The applicant has also submitted a Preliminary Subdivision Plan (File #13PL079) to create 10 residential lots.

The property is located on the west side of Dunsmore Road approximately 340 feet north of the intersection of Dunsmore Road and Donegal Way. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed the Final Planned Development Overlay with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

1. *There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:*

The applicant is proposing to construct single-family dwellings. The property is located on the west side of Dunsmore Road which is located within a section line highway. The property is relatively flat and void of any structural development.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

The applicant is requesting a reduction in the minimum setback to a section line highway from 58 feet to 51 feet. Dunsmore Road is classified as a local street and requires a minimum front yard setback of 20 feet. The proposed 51 foot setback to the section line highway will maintain a front yard setback of 25 feet. The proposed 25 foot front yard setback is in character with the existing setbacks for properties located along Dunsmore Road. Maintaining the setback to the section line highway would increase the front yard setback from 25 feet to 32 feet.

The applicant is also requesting a reduction in the rear yard setback from 25 feet to 20 feet. A minimum 20 foot front yard setback is required along a local street. The proposed front yard setback of 25 feet is 5 feet over the minimum required in the Low Density Residential District for a property abutting a local street. The proposed reduction in the rear yard setback will be mitigated by the increased front yard setback and should not have a negative impact on the neighborhood.

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3. *Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:*

A rezoning request to change the land use designation from General Agriculture District to Low Density Residential District was approved at the August 8, 2013 Planning Commission meeting. The rezoning request will be heard at the August 19, 2013 and September 3, 2013 City Council meetings, respectively.

The applicant is requesting a reduction in the minimum setback to a section line highway from 58 feet to 51 feet. Dunsmore Road is classified as a local street and requires a minimum front yard setback of 20 feet. The proposed 51 foot setback to the section line highway will maintain a front yard setback of 25 feet. The proposed 25 foot front yard setback is in character with the existing setbacks for properties located along Dunsmore Road. As such, staff recommends that the Exception to reduce the minimum setback requirement to a section line highway from 58 feet to 51 feet be granted and that the front yard setback from the property line to all structures must be maintained at 25 feet. The applicant should be aware that any further reduction to the section line highway setback will require the review and approval of a Major Amendment to the Planned Development.

The applicant is also requesting a reduction in the rear yard setback from 25 feet to 20 feet. The proposed front yard setback of 25 feet is 5 feet over the minimum required in the Low Density Residential District. The proposed reduction in the rear yard setback will be mitigated by the increased front yard setback and should not have a negative impact on the neighborhood. As such, staff recommends that the Exception to reduce the minimum rear yard setback from 25 feet to 20 feet be granted.

All provisions of the Low Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment. The Final Planned Development Overlay will allow for a single-family residential development on the property. Any change in use that is a permitted use in the Low Density Residential District will require a building permit. Any change in use that is a Conditional Use in the Low Density Residential District will require the review and approval of a Major Amendment to the Planned Development.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

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The proposed reduction in the minimum setback to a section line highway will maintain a 25 foot front yard setback. Dunsmore Road is classified as a local street and requires a minimum front yard setback of 20 feet. The proposed 51 foot setback to a section line is in keeping with previously approved reductions for residential properties along Dunsmore Road. In addition, the proposed 20 foot rear yard setback will be mitigated by the increased front yard setback of 5 feet.

6. *The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:*

A rezoning request to change the land use designation from General Agriculture District to Low Density Residential District was approved at the August 8, 2013 Planning Commission meeting. The rezoning request will be heard at the August 19, 2013 and September 3, 2013 City Council meetings, respectively. The proposed Exceptions to the minimum required setback to a section line highway and rear yard setback are in keeping with the existing setbacks along Dunsmore Road.

Use: The applicant is proposing to construct a single-family residential development. A rezoning request to change the land use designation from General Agriculture District to Low Density Residential District was approved at the August 8, 2013 Planning Commission meeting. The rezoning request will be heard at the August 19, 2013 and September 3, 2013 City Council meetings, respectively. Single-family dwellings are a permitted use in the Low Density Residential District. As such, the Final Planned Development Overlay will allow for a single-family residential development. Any change in use that is a permitted use in the Low Density Residential District will require a building permit. Any change in use that is a Conditional Use in the Low Density Residential District will require the review and approval of a Major Amendment to the Planned Development.

The applicant has also submitted a Preliminary Subdivision Plan to create 10 residential lots. The proposed lots will be approximately 6,600 square feet in size which exceeds the minimum lot size requirement of 6,500 square feet for the Low Density Residential District.

Building Permit: A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. A Preliminary Subdivision Plan has been submitted to create 10 residential lots on the above legally described property. Development Engineering Plans must be approved prior to issuance of a building permit and a Final Plat must be approved for individual lots prior to issuance of a Certificate of Occupancy.

Upon submittal of a building permit, an erosion and sediment control plan must be submitted for review and approval. Upon submittal of a building permit, plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. In addition, temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy.

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Fire Department: All applicable provisions of the adopted International Fire Code must continually be met.

Notification: The first class mailings have been returned to Community Planning and Development Services for mailing. The sign has been picked up; however, as of this writing, staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the August 22, 2013 Planning Commission meeting if this requirement has not been met.