

STAFF REPORT
May 22, 2014

No. 14PD011 - Major Amendment to the Planned Residential Development to change the use of Lot 13 from storage to residential **ITEM 5**

GENERAL INFORMATION:

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| APPLICANT | Pat Hall |
| AGENT | Janelle Finck - Fisk Land Surveying & Consulting Engineers |
| PROPERTY OWNER | Patrick R Hall |
| REQUEST | No. 14PD011 - Major Amendment to the Planned Residential Development to change the use of Lot 13 from storage to residential |
| EXISTING LEGAL DESCRIPTION | Lot 13 of Kepp Heights Subdivision No. 3 , located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 0.620 acres |
| LOCATION | 1647 Grand Vista Court North |
| EXISTING ZONING | Low Density Residential District (Planned Residential Development) |
| FUTURE LAND USE DESIGNATION | Residential |
| SURROUNDING ZONING | |
| North: | Low Density Residential District (Planned Residential Development) - Park Forest District |
| South: | Low Density Residential District (Planned Residential Development) - Park Forest District |
| East: | Low Density Residential District (Planned Residential Development) - Park Forest District |
| West: | Park Forest District |
| PUBLIC UTILITIES | Rapid City water and sewer |
| DATE OF APPLICATION | April 25, 2014 |
| REVIEWED BY | Robert Laroco / Nicole Lecy |

RECOMMENDATION:

Staff recommends that the Major Amendment to the Planned Residential Development to change the use of Lot 13 from storage to residential be approved with the following

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stipulations:

1. Prior to issuance of a building permit, all requirements of the Rapid City Fire Department shall be met. In particular, a site plan shall be submitted which shows that a fire apparatus turnaround is being provided. All requirements of the International Fire Code shall be continually maintained;
2. A building permit shall be obtained prior to commencement of construction. A Certificate of Occupancy shall be issued prior to occupancy;
3. Properties serviced by the private asphalt drive shall be addressed in compliance with the requirements of Pennington County Emergency Services and the Rapid City Municipal Code;
4. All requirements of the Low Density Residential District shall be continually maintained unless otherwise stipulated as a part of a subsequent Major Amendment to the Planned Development, and;
5. This Major Amendment to the Planned Development shall allow residential uses pursuant to the Low Density Residential District on Lot 13 of Kepp Heights Subdivision No. 3. All uses permitted in the Low Density Residential District shall be permitted contingent upon an approved building permit. All conditional uses shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has submitted a request for a Major Amendment to the Planned Development to change the permitted use of an existing 0.62 acre lot located within the boundary of the Planned Development from storage to residential. On January 20, 1992, the City Council approved a Planned Residential Development (File #PD1056) to allow the development of Lots 1-12 with single-family residences and with Lot 13 identified as a "storage lot". The property has not been utilized as a storage lot and the applicant is now proposing that the approved use for the property be altered in order to allow for the development of a single-family residence on the property. As such, the applicant has submitted this Major Amendment to the Planned Development request.

The property is located west of the northern terminus of North Grand Vista Court. Currently the property is void of structural development.

STAFF REVIEW: Staff has reviewed the requested Major Amendment to the Planned Development pursuant to the requirements of Rapid City Municipal Code Chapter 17.50.050.F(3) and has noted the following considerations:

In reviewing applications for an Initial Planned Development and/or Final Planned Development, the following findings shall be considered in a recommendation for approval or denial:

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

The property is located on 0.62 acres of property zoned Low Density Residential District and is located within a Planned Development. The surrounding properties are also zoned Low Density Residential District in a Planned Development. Due to the original intent of this lot

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to be used for a storage lot within the development, the property does not have direct access from a public street right-of-way. The applicant has submitted a copy of the recorded access easement to allow access to the property across Lot 6. Submitted plans do show that the topography rises approximately 40 feet from north to south across the property. It appears that the unique access to the property as well as the topographic constraints in the area create special conditions for this piece of property.

The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;

Rapid City Municipal Code Chapter 17.10.050.E states that all lots must have a minimum of 25 feet of lot frontage along a public street. The originally approved Planned Development for this lot did not require the street frontage. As such, today the lot is considered legally non-conforming. The submitted Major Amendment to the Planned Development does not require that the property be brought into compliance with the subdivision requirements. Access to the property was initially secured through a dedicated access easement. The applicant has since submitted a revised access and utility easement which continues to provide the necessary access though Lot 6, located to the east. Due to the location of the lot and the surrounding residential uses, it appears that the application of these regulations to this particular piece of property may result in a practical difficulty or undue hardship.

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;

The applicant has not requested any Exceptions to the underlying zoning district.

A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;

The Zoning regulations for the Low Density Residential District identify single-family residences as permitted uses in the Zoning District. However, development of the property through the Planned Development process allows the City to review additional criteria to establish the appropriateness of the use within the Zoning District. The original intent of this property was to be utilized as storage for residents of the subdivision. However, the property has not been utilized with its intended use and the applicant is now proposing to develop the property with a single family residence. A literal interpretation of this chapter would not deprive the applicant of rights that others in the same district are allowed.

Any adverse impacts will be reasonably mitigated;

This Planned Development will serve as the tool to ensure that potential adverse impacts of the Planned Development are mitigated to the greatest extent possible. Submitted plans show that the proposed structures on the site meet all the setback, building height, and lot coverage requirements of the Low Density Residential District. A building permit must be obtained prior to construction. A Certificate of Occupancy must be obtained prior to occupancy of the residence. All requirements of the Low Density Residential District must

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be continually maintained unless specifically stipulated as a part of this Major Amendment to the Planned Development or a subsequent Major Amendment to the Planned Development.

Fire Department: The Rapid City Fire Department has noted that due to the proposed length of the access to the property, a turnaround is required in order to accommodate potential fire apparatus. The applicant is currently working with the Rapid City Fire Department on securing the location and design of the required turnaround. In addition, the Rapid City Fire Department has noted additional fire protection and/or mitigation measures may be required. Prior to issuance of a building permit, all requirements of the Rapid City Fire Department must be met. All requirements of the International Fire Code must be continually maintained.

Emergency Services: Pennington County Emergency Services has noted a number of issues related to the addressing of the properties accessed via the private access road. All properties serviced by the private asphalt drive must be addressed in compliance with the requirements of Emergency Services and the governing ordinance. The requirements are as follows:

- The house numbers for “1635”, “1641”, and the as-of-yet assigned address number for the subject property must be posted in accordance with the governing ordinance, on one sign, at the point where the existing asphalt driveway first intersects North Grand Vista Court, on the left side of the street as one faces north.
- The assigned house number “1641” must be posted in accordance with the governing ordinance on a sign on the left side of the shared asphalt access road as one faces north, where its private driveway intersects.
- The assigned house number “1641” must be posted on the front of the addressed structure, facing its private driveway in accordance with the governing ordinance.
- The to-be-assigned house number on the subject property must be posted in accordance with the governing ordinance, on the left side of the shared asphalt access road as one faces north, where its private driveway intersects.
- The to-be-assigned house number on the subject property must be posted in accordance with the governing ordinance, on the front of the addressed structure and facing the private driveway.
- The assigned house number “1635” must be posted on the front of the addressed structure in accordance with the governing ordinance, facing its private driveway.

Public Works: The applicant has indicated that a sewer service line will be extended to connect to the existing 2 inch force sewer main located within North Grand Vista Court. An Exception request was also been granted by the City to allow a water service line to be extended across the adjoining property within an easement in lieu of extending a water

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main.

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.

The Final Planned Development will ensure that any negative impacts of the proposed use are mitigated to the greatest extent possible. This Major Amendment will allow for development of Lot 13 with a single-family residence. Any uses permitted in the Low Density Residential District will be permitted, contingent upon obtaining a building permit. Any conditional uses in the Low Density Residential District will require the review and approval of a Major Amendment to the Planned Development. The proposed single-family residence meets all the requirements of the Rapid City Municipal Code. The applicant will work with the Rapid City Fire Department and the Rapid City Public Works Department to ensure all potential negative impacts are mitigated to the greatest extent possible. For these reasons, staff recommends that the Major Amendment to the Planned Development to change the permitted use on Lot 13 from storage to residential be approved with the stipulations outlined above.

Notification Requirements: As of this writing, the letters have not been returned to Community Planning and Development Services for mailing. The applicant has picked up the sign, however, staff has not confirmed that the sign has been posted on the property. Staff will inform the Planning Commission at the May 22, 2014 Planning Commission meeting if these requirements have not been met. As of this writing there have been no inquiries into the proposed Major Amendment.