

STAFF REPORT
September 25, 2014

No. 14PD027 - Major Amendment to a Planned Development to allow a recreational vehicle to encroach into a front yard setback in the Low Density Residential District

ITEM 5

GENERAL INFORMATION:

APPLICANT	Thomas Stark
PROPERTY OWNER	Stark Family Trust
REQUEST	No. 14PD027 - Major Amendment to a Planned Development to allow a recreational vehicle to encroach into a front yard setback in the Low Density Residential District
EXISTING LEGAL DESCRIPTION	Lot 4A of Autumn Hills Plaza II, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11,325.6 square feet
LOCATION	5280 Autumn Place
EXISTING ZONING	Low Density Residential District (Planned Development)
FUTURE LAND USE DESIGNATION	Low Density Neighborhood.
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Development)
South:	General Commercial (Planned Development)
East:	Low Density Residential District (Planned Development)
West:	Low Density Residential District (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	August 27, 2014
REVIEWED BY	Robert Laroco / Bob Reiss

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to allow a recreational vehicle to encroach into a front yard setback in the Low Density Residential District be approved with the following stipulations:

1. The recreational vehicle may be stored within the front yard setback on the existing concrete pad as shown on submitted plans. Any change in the size or location of the proposed parking shall require a Major Amendment to the Planned Development;
2. The recreational vehicle shall not be utilized as living quarters while stored on the property;

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3. All requirements of the International Fire Code shall be continually maintained;
4. All requirements of the Low Density Residential District shall be continually maintained unless specifically authorized as a stipulation of the Final Planned Development, this Major Amendment to the Planned Development, or a subsequent Major Amendment to the Planned Development, and;
5. This Major Amendment to the Planned Development shall allow for a recreational vehicle to encroach into the front yard setback on lot 4A of the Autumn Hills Plaza II Subdivision. The previous stipulations of approval for this Planned Development shall be continually maintained.

GENERAL COMMENTS: The applicant has requested a Major Amendment to the Planned Development to allow a recreational vehicle to encroach into the front yard setback. On February 19, 2001, the City Council approved an Initial and Final Planned Development (File #00PD058) to allow a residential development consisting of townhomes. The Planned Development allowed for access to the properties to be taken from Autumn Place. In addition, the Planned Residential Development was approved allowing a 15 foot front yard setback to the residence and an 18 foot front yard setback to the garage.

Today, the applicant has parked a recreational vehicle on the south side of his property located on Autumn Place. A portion of the vehicle is encroaching into the front yard setback. Rapid City Municipal Code Chapter 17.50.280 states that all recreational vehicles must be parked or stored behind the front setback line when they are to remain stationary for a period greater than 72 hours. The applicant was recently informed by Rapid City Code Enforcement that the recreational vehicle is not permitted to be located within the front yard setback. As such, the applicant has submitted this request to allow the recreational vehicle to be located within the front yard setback on the property.

The property is located east of Sheridan Lake Road at the southern terminus of Autumn Place. The property is currently developed with a townhome.

STAFF REVIEW: Staff has reviewed the request for an Initial Planned Development pursuant to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code and has noted the following considerations:

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

The property is comprised of approximately 0.26 acres of land zoned Low Density Residential District with a Planned Development Overlay. Property to the north, east, and west is also zoned Low Density Residential District with a Planned Development Overlay. Property to the south is zoned General Commercial District with a Planned Development Overlay. The southern and eastern portions of the property are currently developed with a regional drainage channel and are located within a Major Drainage Easement. Topographic constraints due to grading for the drainage channel restrict the developable area of the property. Based on the easement and the grading of the property, it does not appear that there are other areas on the property that can accommodate the recreational vehicle. It

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appears that there are topography constraints on the property which create special conditions on this lot.

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

Due to the location of this property at the southern terminus of Autumn Place, the recreational vehicle will not create a conflict with passing traffic. Property to the south is developed with a commercial use and Autumn Place is not a through street. The drainage channel located on the southern portions of the property serves as a separation between the commercial development to the south and the townhome. However, the drainage channel also limits the developable area of the property.

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;

As noted previously, Code Enforcement did receive a complaint regarding the location of the recreational vehicle from a nearby resident located outside the boundaries of the Planned Development and subdivision. As a part of this Major Amendment the applicant has submitted a letter signed by all property owners located within the Planned Development and the Autumn Hills Plaza II Subdivision noting their support of the location of the recreational vehicle. Based on the unique characteristics of the property as well as the concurrence from the residents within the Autumn Hills Plaza II Subdivision, it appears that the requested Exception will not cause an undue hardship to the residents of the Planned Development and does not impair the intent of these regulations.

The Rapid City Fire Department has not noted any concerns with the proposed development. All requirements of the International Fire Code must be continually maintained.

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

The Low Density Residential District is intended for low density, single-family residences and associated accessory uses and structures. In addition, townhomes are a conditional use in the Low Density Residential District. Typically, recreational vehicle storage is a permitted use in the Low Density Residential District provided the recreational vehicle is stored behind the front yard setback. Unique circumstances currently exist on the property which limits the developable area on the site. As such, the recreational vehicle cannot be parked at another location on the property. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed.

Any adverse impacts will be reasonably mitigated;

Submitted plans show that the recreational vehicle measures 30 feet long by 7.5 feet wide by 10.5 feet tall. The existing concrete pad located on the south side of the property

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extends from the sidewalk to the deck on the south side of the townhome. When parked as proposed, the recreational vehicle extends a distance of 24 feet from the front building line of the townhome. No portions of the recreational vehicle will encroach into the sidewalk or onto Autumn Place. It should be noted that the recreational vehicle is located approximately 53 feet from the front property line. The property is located at the terminus of Autumn Place, where there will be no through traffic. As noted previously, residents within the subdivision have been informed of this request and have indicated their concurrence. The parking pad is paved and no additional paving, grading or development is being proposed as a part of the Major Amendment. It appears that any adverse impacts of the proposed request are being reasonably mitigated.

The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objectives of the existing standard sought to be modified;

The requested Exception to allow a recreational vehicle to encroach into a front yard setback will allow the property owners to utilize a unique property with limited developable area. The location of the property at the southern terminus of the road will ensure that the recreational vehicle will have minimal impact on area traffic and on neighboring properties. The existing drainage channel and topographic constraints limit the developable area of the property while simultaneously providing a buffer between the residential property and the commercial development to the south. Although a nearby resident located north of the property did issue a complaint to Code Enforcement regarding the location of recreational vehicles in the area, the residents located within the subdivision and the boundaries of the Planned Development Overlay have submitted a signed letter indicating their support for the requested Major Amendment. For these reasons, staff recommends that the request to allow a recreational vehicle to encroach into the front yard setback be approved with the stipulations noted above.

Notification Requirements: The letters of notification 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 inform the Planning Commission at the September 25, 2014 Planning Commission meeting if this requirement has not been met. As of this writing, there have been no inquiries into the proposed Major Amendment to the Planned Development.