

STAFF REPORT  
January 22, 2015

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**No. 14PD039 - Major Amendment to a Planned Development to reduce setbacks**      **ITEM 4**

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GENERAL INFORMATION:

APPLICANT	Tony Marshall
PROPERTY OWNER	Table Rock LLC
REQUEST	<b>No. 14PD039 - Major Amendment to a Planned Development to reduce setbacks</b>
EXISTING LEGAL DESCRIPTION	Lot 7A and 7B of Block 1 of Tower Ridge 2 Subdivision, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.19 acres
LOCATION	1515 and 1505 Tablerock Road
EXISTING ZONING	Office Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Mixed Use Commercial
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development)
South:	General Commercial District (Planned Development)
East:	Office Commercial District (Planned Development)
West:	Office Commercial District (Planned Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	October 24, 2014
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to reduce the front yard setback from 20 feet to 8 feet be denied.

GENERAL COMMENTS:

**(Update, January 15, 2015. All revised and/or added text is shown in bold print.) This item was continued at the January 8, 2015 Planning Commission meeting to allow the applicant to meet the notification requirement. The mailings and sign have been picked up and the mailings have been posted. Staff has confirmed that the sign has been posted on the property.** (Update, December 30, 2014. All revised and/or added text is shown in bold print.) This item was continued at the December 4, 2014 Planning Commission meeting to allow the applicant to meet the notification requirement. The mailings and sign have been picked up. However, as of this writing, the mailings have not

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been returned to Community Planning and Development Services for posting. In addition, staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the January 8, 2015 Planning Commission meeting if these requirements have not been met. (Update, November 26, 2014. All revised and/or added text is shown in bold print.) This item was continued at the November 20, 2014 Planning Commission meeting to allow the applicant to meet the notification requirement. As of this writing, the letters have not been mailed nor has the sign been posted. The applicant has submitted a Major Amendment to a Planned Development to reduce the minimum required front yard setback for two townhome lots from 20 feet to 8 feet.

On September 4, 2014, the Planning Commission approved a Final Planned Development Overlay (File #14PD026) to allow a residential development to include a mix of six single family homes and 14 townhome units on 20 lots, which included this property.

On August 18, 2014, the City Council approved a Rezoning request (File #14RZ007) to change the zoning designation of 13.67 acres property from General Commercial District to Office Commercial District, which included this property.

On August 18, 2014, the City Council approved a Preliminary Subdivision Plan (File #14PL041) to replat 7 lots into 20 lots. On September 30, 2014, Development Engineering Plans (File #14PL053) were approved and on October 9, 2014, a Final Plat (File #14PL063) was approved to create the 20 lots which included this property.

The properties are located on the east side of U.S. Highway 16 approximately 530 feet southeast of the intersection of U.S. Highway 16 and Tablerock Road. Currently, the properties are void of structural development.

**STAFF REVIEW:**

Staff has reviewed the Major Amendment to the 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:*

A Final Plat was approved on October 9, 2014 which included this property. As a part of the platting of the property, the applicant demonstrated that minimum setbacks could be met. There are steep slopes located on the rear of the property.

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

The applicant is requesting an Exception to reduce the minimum required front yard setback from 20 feet to 8 feet. In the past, setbacks of 18 feet were granted. However, the 18 foot setback resulted in shorter driveways with vehicles blocking sidewalks. The Zoning Ordinance allows a front yard setback of 20 feet which provides adequate space for vehicles to park on driveways and to not encroach into rights-of-way or block sidewalks. The applicant is requesting an 8 foot front yard setback which would not

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provide a driveway long enough to provide off-street parking.

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:*

The applicant is requesting an Exception to reduce the minimum required front yard setback from 20 feet to 8 feet. The applicant has stated that the requested setback is due to topographical issues and is a result of the need for additional right-of-way for the cul-de-sac. In addition, the applicant has indicated that the proposed 8 foot setback would still provide 20 feet between the structures and the existing sidewalk.

In the past, the Planning Commission has granted a reduction in front yard setback to 18 feet. However, it became apparent that an 18 foot front yard setback does not provide sufficient driveway length for vehicles to park without encroaching onto sidewalks. The proposed front yard setback of 8 feet does not provide adequate driveway length for vehicle parking without encroaching into public right-of-way. The additional right-of-way required through platting for the cul-de-sac is to allow for the enlargement of the cul-de-sac in the future and to meet the minimum design standards pursuant to the Infrastructure Design Criteria Manual. Currently, there are no plans in place to expand the cul-de-sac width. However, if the cul-de-sac is widened in the future, the distance between the structures and sidewalk would be 8 feet and there would not be sufficient driveway length for any parking.

The applicant has submitted a site plan that shows garages protruding along the front of the structure. A different layout, with the garages set behind the living area, may provide for sufficient driveway area. In addition, based on the provided site plan, it is unclear whether the structure will be a one or two story structure requiring a 12 foot side yard setback. For the above stated reasons, staff recommends that the Major Amendment to the Planned Development be denied.

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:*

Adverse impacts will not be reasonably mitigated. The applicant has indicated that adjacent properties will have adequate off-street parking. However, the proposed 8 foot front yard setback will not provide adequate off-street parking for the proposed townhomes. With the current cul-de-sac width, vehicles parked on the driveways will encroach into public right-of-way. Should the cul-de-sac be widened in the future, vehicles parked on the driveway will encroach onto the sidewalk. The applicant could design a townhome with the garages set further back from the street.

6. *The requested exception to the underlying zoning district standards is an alternative or*

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*innovative practice that reasonably achieves the objective of the existing standard sought to be modified:*

The proposed 8 foot front yard setback is not an innovative design and it does not provide sufficient driveway width for vehicles to park without encroaching into public right-of-way. In addition, should the cul-de-sac need widening in the future, the proposed front yard setback will only provide an 8 foot long driveway which would not be adequate for parking.

**Notification:** As previously noted, the mailings and sign have been picked up. The mailings have been returned to Community Planning and have been posted. Staff has confirmed that the sign has been posted on the property.