



Rapid City Planning Commission Planned Development Project Report

April 26, 2018

Item #9
Applicant Request(s)
Case #18PD006 – Major Amendment to a Planned Development to allow a 6 foot fence, 4 feet from the property line in a second front yard
Companion Case(s) N/A

Development Review Team Recommendation(s)
The Development Review Team recommends approval with stipulations as noted below.

Project Summary Brief

(Update April 17, 2018. All revised and/or added text is shown in bold.) This item was continued from the April 5, 2018 Planning Commission meeting to allow the applicant to submit revised plans. On April 12, 2018, the applicant submitted a revised site plan identifying that the fence on the south end of the property will be moved so that it will not encroach into any sight triangles. The applicant has indicated that a gate is located on this side of the fence for access to a storage area. The applicant is not proposing any other revisions to the location of the fence. (Update March 28, 2018. All revised and/or added text is shown in bold.) This item was continued from the March 22, 2018 Planning Commission meeting to allow the applicant to work with staff to revise the fence location for the Exception request. As of this writing, the applicant has met with staff; however, the applicant has not submitted any revised plans. To allow the applicant to submit revised plans and for staff to review the plans, staff recommends that the Major Amendment be continued to the April 26, 2018 Planning Commission meeting. The applicant has submitted a Major Amendment to a Planned Development to allow a 6 foot high fence, 4 feet from the property line in the second front yard. Chapter 17.50.340 of the Rapid City Municipal Code states that fences no more than 6 feet in height may be allowed in the second front yard setback a minimum of 10 feet from the property line. The subject property is unique in that the rear yard property line abuts a public street.

The property is comprised of approximately 0.32 acres of land zoned Low Density Residential District II. The property is developed with a single-family dwelling. The property abuts East Enchanted Pines Drive to the north and Topaz Lane to the south.

Applicant Information	Development Review Team Contacts
Applicant: Scott and Laura Schirber	Planner: Fletcher Lacock
Property Owner: Scott and Laura Schirber	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Nicole Lecy
Other: N/A	DOT: Stacy Bartlett

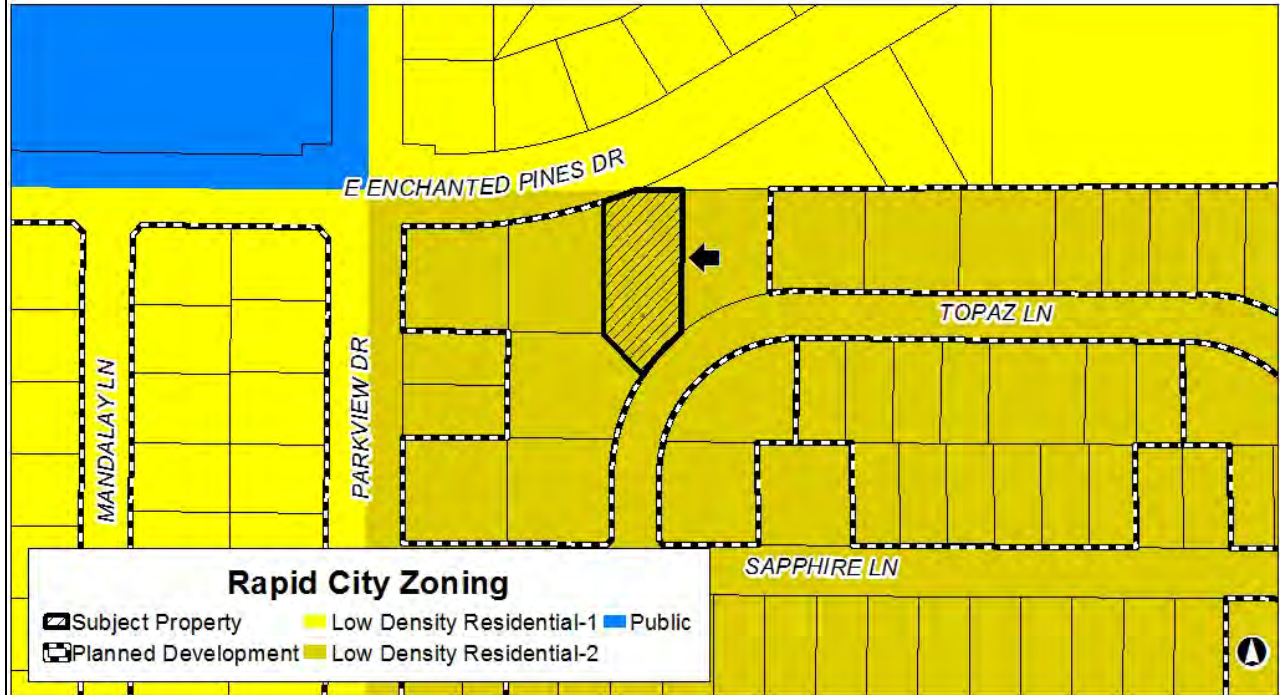
Subject Property Information	
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Address/Location	323 East Enchanted Pines Drive
Neighborhood	South Robbinsdale Neighborhood Area
Subdivision	Gemstone Subdivision
Land Area	0.32 acres
Existing Buildings	Single-family dwelling
Topography	Relatively flat
Access	Enchanted Pines Drive
Water / Sewer	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR II - PD	LDN	Single-family dwelling
Adjacent North	LDR	LDN	Single-family dwelling
Adjacent South	LDR II - PD	LDN	Void of structural development
Adjacent East	LDR II	LDN	Single-family dwelling
Adjacent West	LDR II - PD	LDN	Single-family dwelling

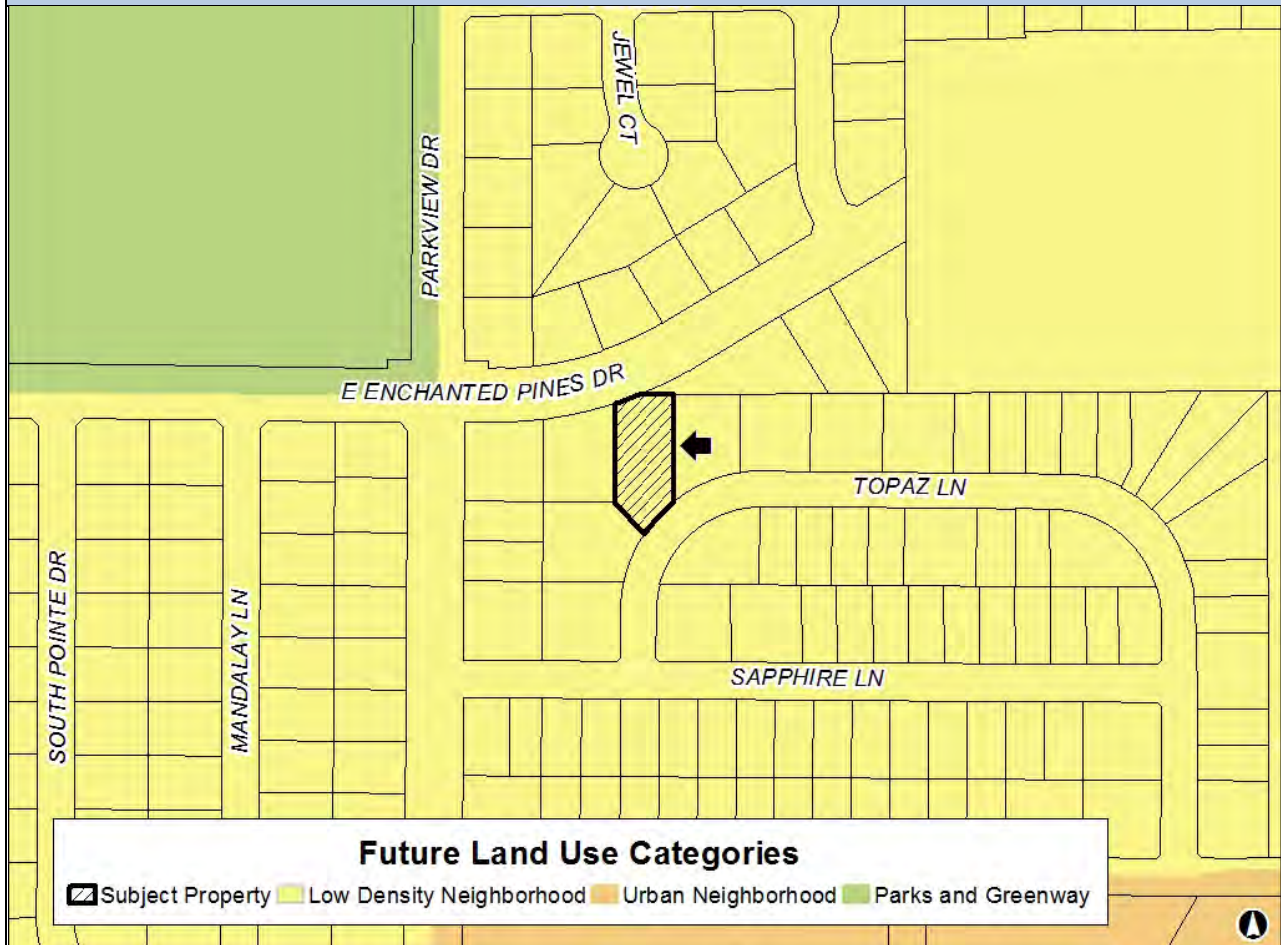
Zoning Map



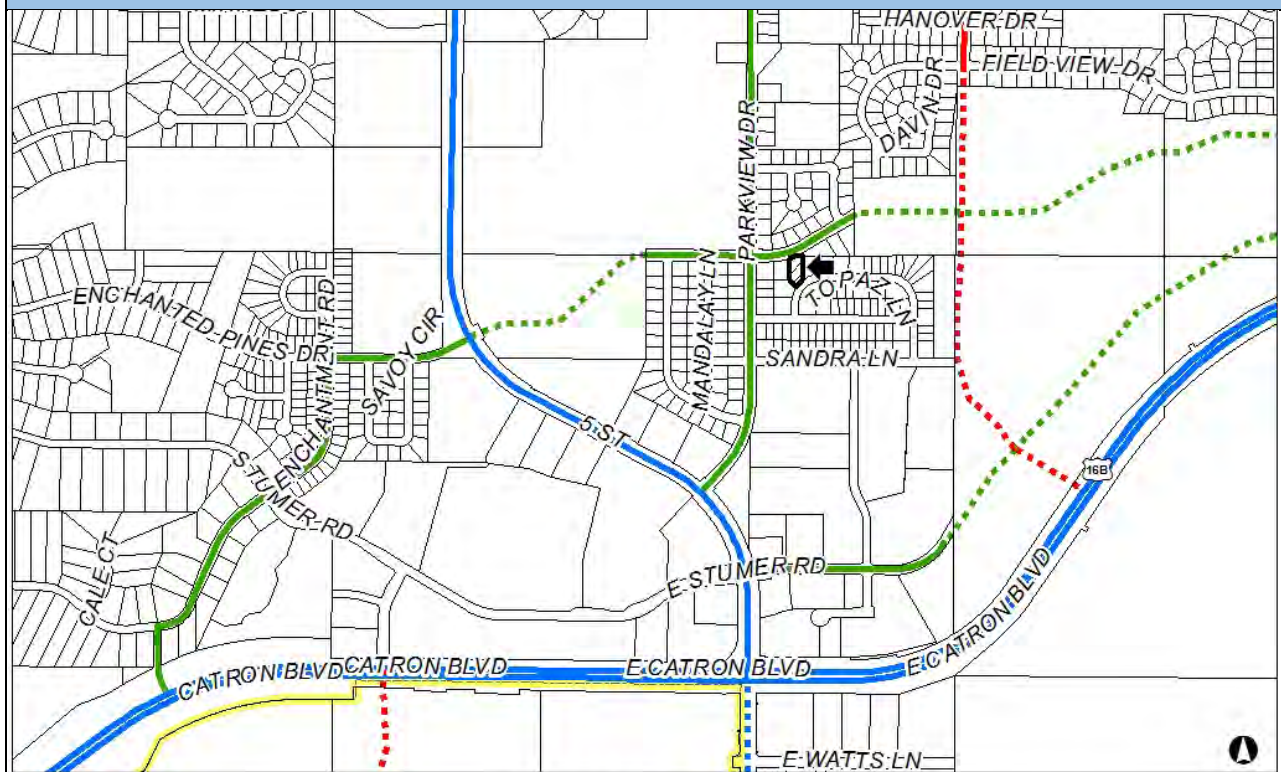
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan







Relevant Case History			
Case/File#	Date	Request	Action
11PD024	06/09/2011	Initial and Final Planned Development to allow a mix of single-family and townhomes	Approved
Relevant Zoning District Regulations			
Low Density Residential District II		Required	Proposed
Lot Area		6,500 square feet	Approximately 13,940 square feet
Lot Width		50 feet	80 feet
Maximum Building Heights		2.5 stories or 35 feet / 15 feet for an accessory structure	One-story
Maximum Density		30%	18%
Minimum Building Setback:			
• Front		20 feet	25 feet
• Rear		25 feet	50 feet from Topaz Lane
• Side		8 feet or 12 feet	10.5 feet
• Street Side		20 feet	50 feet from Topaz Lane
Minimum Landscape Requirements:			
• # of landscape points		N/A	N/A
• # of landscape islands		N/A	N/A
Minimum Parking Requirements:			
• # of parking spaces		2	2
• # of ADA spaces		N/A	N/A
Signage		1 square foot	No signage proposed
Fencing		N/A	Requesting an Exception to allow a 6 foot high fence located 4 feet from the property line in the second front yard




Pursuant to Section 17.50.050(F)5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a Major Amendment to a Planned Development:

Criteria	Findings
1. There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:	The property is comprised of approximately 0.32 acres of land zoned Low Density Residential District II. The property is developed with a single-family dwelling. The property abuts East Enchanted Pines Drive to the north and Topaz Lane to the south.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:	Chapter 17.50.340 of the Rapid City Municipal Code states that fences no more than 6 feet in height may be allowed in the second front yard setback a minimum of 10 feet from the property line. The applicant constructed a 6 foot high fence within 4 feet on the property line which abuts Topaz Lane.
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 allow a 6 foot high fence, 4 feet from the property line in the second front yard. Public Works staff has indicated that the existing fence does not create a site triangle issue for the property to the east which takes access from Topaz Lane. Currently, the property to the south is void of structural development. Depending on the location of the future driveway approach to that property, the existing fence may encroach into the site triangle, reducing the visibility for vehicles to see pedestrians on the sidewalk or on-coming vehicles. To ensure that the fence does not create a site

	triangle issue for future development, staff recommends that the fence be altered to ensure that it does not create any conflict with site triangles. The applicant must coordinate with the Public Works Department to either move a portion of the fence or reduce the height of a portion of the fence where it abuts the property to the south.
4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:	A single-family dwelling is a permitted use in the Low Density Residential District II.
5. Any adverse impacts will be reasonably mitigated:	As noted above, the property to the south in currently void of any structural development. However, when future development occurs, the fence may encroach into the site triangle of a future driveway approach. To prevent future conflict with the potential future driveway, staff recommends that the fence either be removed from the potential site triangle or reduced in height to ensure that vehicles backing into the right-of-way avoid conflict with pedestrians and on-coming traffic.
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:	The property is unique in that the rear yard abuts a street, Topaz Lane. The property does not take access from Topaz Lane; however, the adjacent properties to the east and south do take access from Topaz Lane. Public Works staff has indicated that the fence does not create a site triangle issue for the property to the east. Future development of the property to the south may cause the fence to encroach into a site triangle. To ensure that future conflict is avoided, staff recommends that the fence height Exception be granted to allow a 6 foot high fence 4 feet from the second front yard property line provided that the southern portion is either removed from any potential site triangle or reduce in height accordingly. The applicant must coordinate with the Public Works Department to alter the fence.

Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial
In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters	
	A Balanced Pattern of Growth
	N/A
	A Vibrant, Livable Community
	N/A
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration: East Enchanted Pines Drive is identified as a

	Collector Street on the City's Major Street Plan. Topaz Lane is identified as a local street. Access to the property is from East Enchanted Pines Drive. The fence is located adjacent to Topaz Lane.
TI-2.1E	Access Management Planning: The existing fence may encroach into the site triangle for a future approach location when the property to the south develops. Staff recommends that the applicant coordinate with the Public Works Department to alter the fence to ensure that it does not create any conflict with potential site triangles.
	Economic Stability and Growth
	N/A
	Outstanding Recreational and Cultural Opportunities
	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	Public Input Opportunities: The proposed Major Amendment to a Planned Development requires that public notice be advertised in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Major Amendment to a Planned Development is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):	Low Density Neighborhood
Design Standards:	
N/A	The property is zoned Low Density Residential District – II with a Planned Development. The property is developed with a single-family dwelling.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	South Robbinsdale Neighborhood Area
Neighborhood Goal/Policy:	
N/A	The property is located in a developing residential area of the City supporting the future land use goal of promoting the expansion of residential growth in the South Robbinsdale Neighborhood Area.

Findings

Staff has reviewed the Major Amendment to a Planned Development to allow a 6 foot fence, 4 feet from the property line in the second front yard pursuant to Chapter 17.50.050(F)5 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The property is developed with a single-family dwelling. The applicant is requesting an Exception to allow a 6 foot high fence, 4 feet from the rear yard property line that abuts a street. Public Works staff has indicated that the fence does not cause any site triangle issues for the property located east of the subject property. However, the fence may encroach into potential site triangles for future development to the south. Staff recommends that the applicant coordinate with the Public Works Department to alter the fence along the south property line to ensure that it does not create any conflict with potential site triangles. **The revised site plan as proposed eliminates any potential sight triangle issues with future development on the property to the south of this lot.**

Planning Commission Recommendation and Stipulations of Approval

Staff recommends that the Major Amendment to a Planned Development to allow a 6 foot fence, 4 feet from property line in second front yard be approved with the following

stipulations:	
1.	An Exception is hereby granted to allow a 6 foot fence, 4 feet from the rear property line that abuts a street, in lieu of the required 10 foot set back for a portion of the fence. The applicant shall move the fence in order to close the code violation case on the property; and,
2.	The Major Amendment to a Planned Development shall allow a single-family dwelling. Any change in use that is a permitted use in the Low Density Residential District II shall require a Building Permit. Any change in use that is a Conditional Use in the Low Density Residential District II shall require the review and approval of a Major Amendment to the Planned Development.



Rapid City Community Planning & Development Services

Development Review Advisories

*Disclosure: The Development Review Team has created this list of Advisories as a courtesy for your specific application. **This is not a complete list.** All City, District, State, and Federal requirements must be continually met.*

Applicant Request(s)	
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Companion Case(s) #	N/A
ADVISORIES: Please read carefully!	
1.	All requirements of the Infrastructure Design Criteria Manual and the Rapid City Standard Specifications shall be met;
2.	All provisions of the underlying zoning districts shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment;