



# Rapid City Planning Commission

## Major Amendment to a Planned Development Project

### Report

July 23, 2020

<b>Item #4</b>
<b>Applicant Request(s)</b>
Case #20PD025 – Major Amendment to a Planned Development to reduce the side yard setback for a dwelling
Companion Case(s) N/A

<b>Development Review Team Recommendation(s)</b>
The Development Review Team recommends approval of the Major Amendment to a Planned Development with the stipulations noted below.

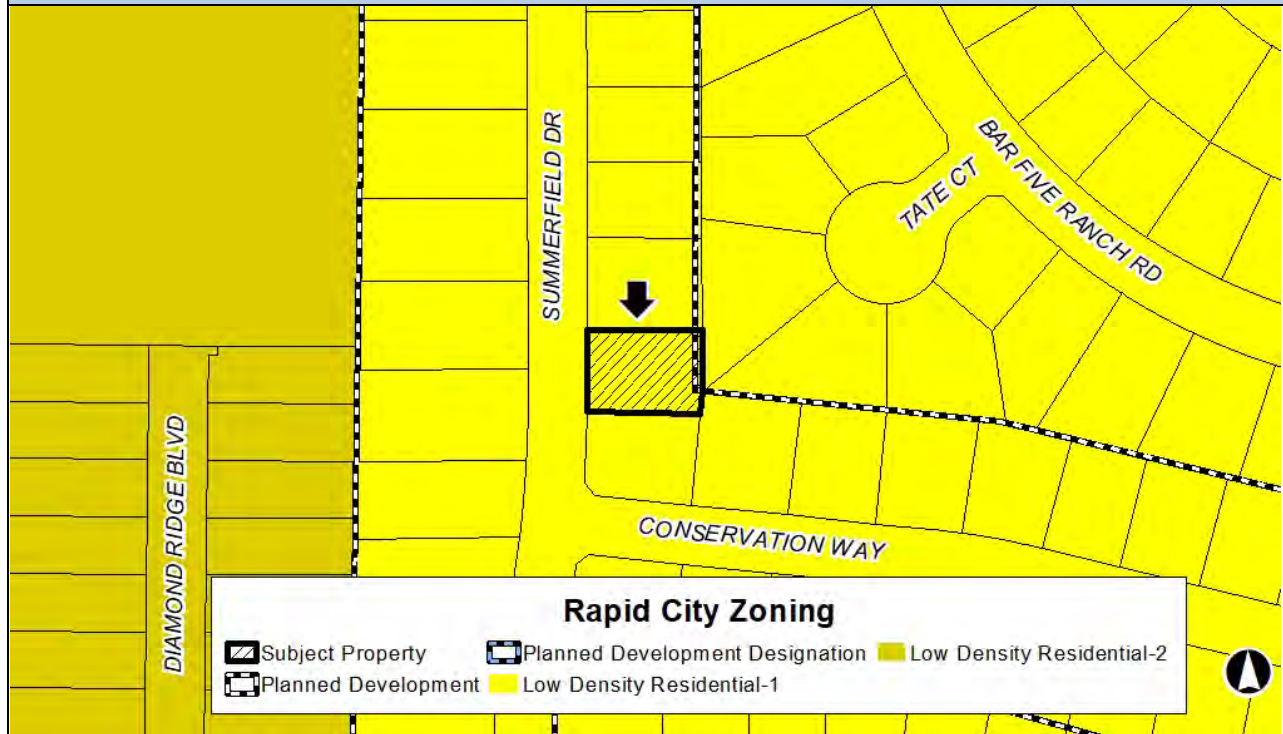
<b>Project Summary Brief</b>	
<p>The applicant has submitted a Major Amendment to a Planned Development to reduce the minimum required side yard setback for a single-family dwelling from 8 feet to 5.3 feet. In particular, the dwelling was recently constructed and the foundation was measured from the wrong stakes. On July 7, 2020, a Vacation of Utility and Minor Drainage Easement (File #20VE002) was approved for that portion of the structure located within the 8-foot wide easement.</p>	
<b>Applicant Information</b>	<b>Development Review Team Contacts</b>
Applicant: Luke Astin	Planner: Fletcher Lacock
Property Owner: Luke Astin	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

<b>Subject Property Information</b>	
Address/Location	950 Summerfield Drive
Neighborhood	Elk Vale Road Neighborhood Area
Subdivision	Copperfield Vistas Subdivision
Land Area	0.166 acres (7,230 square feet)
Existing Buildings	Single-family dwelling
Topography	Property declines in elevation from the north to south
Access	Summerfield Drive
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	West River Electric Association
Floodplain	N/A
Other	N/A

**Subject Property and Adjacent Property Designations**

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR-PD	UN	Single-family dwelling
Adjacent North	LDR-PD	UN	Single-family dwelling
Adjacent South	LDR-PD	UN	Single-family dwelling
Adjacent East	LDR-PD	UN	Single-family dwelling
Adjacent West	LDR-PD	UN	Single-family dwelling

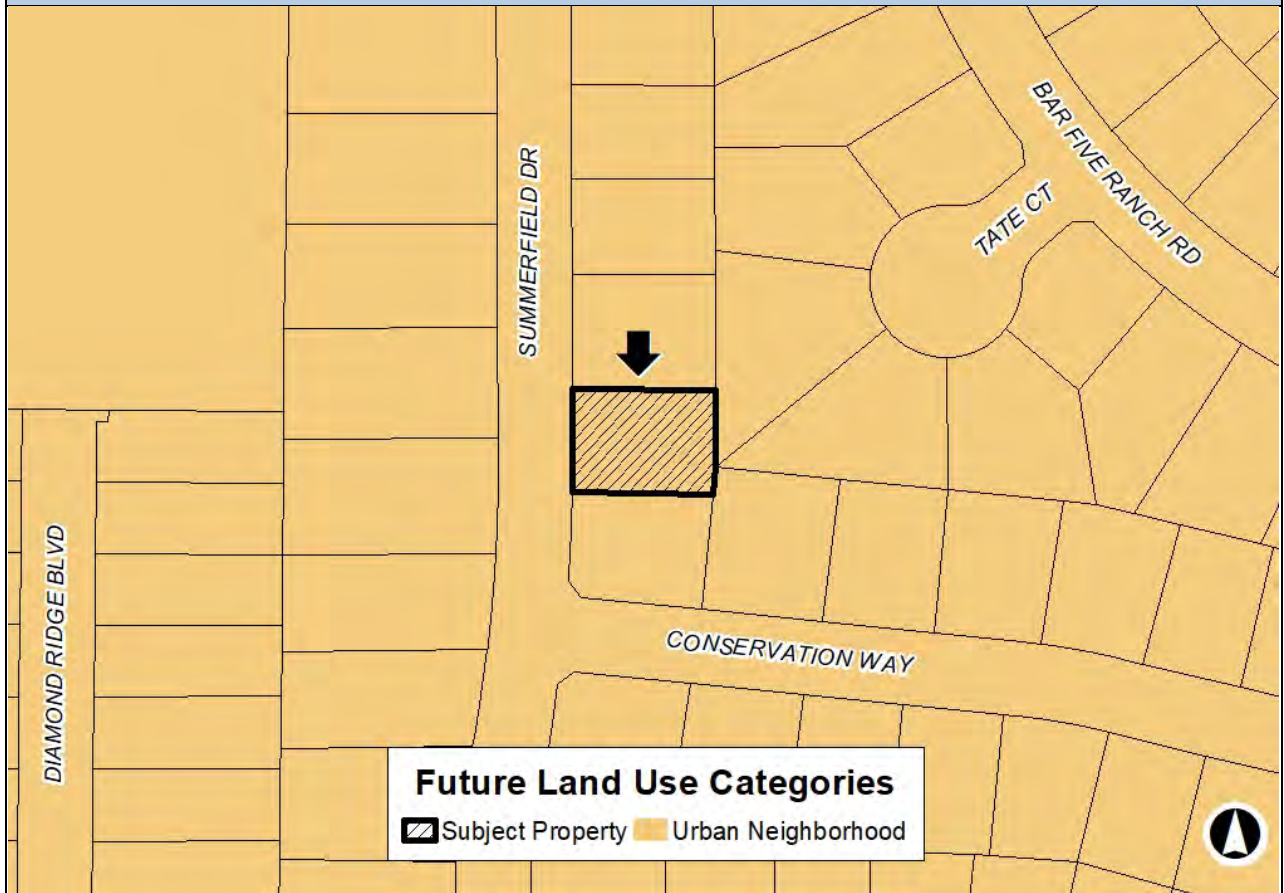
**Zoning Map**



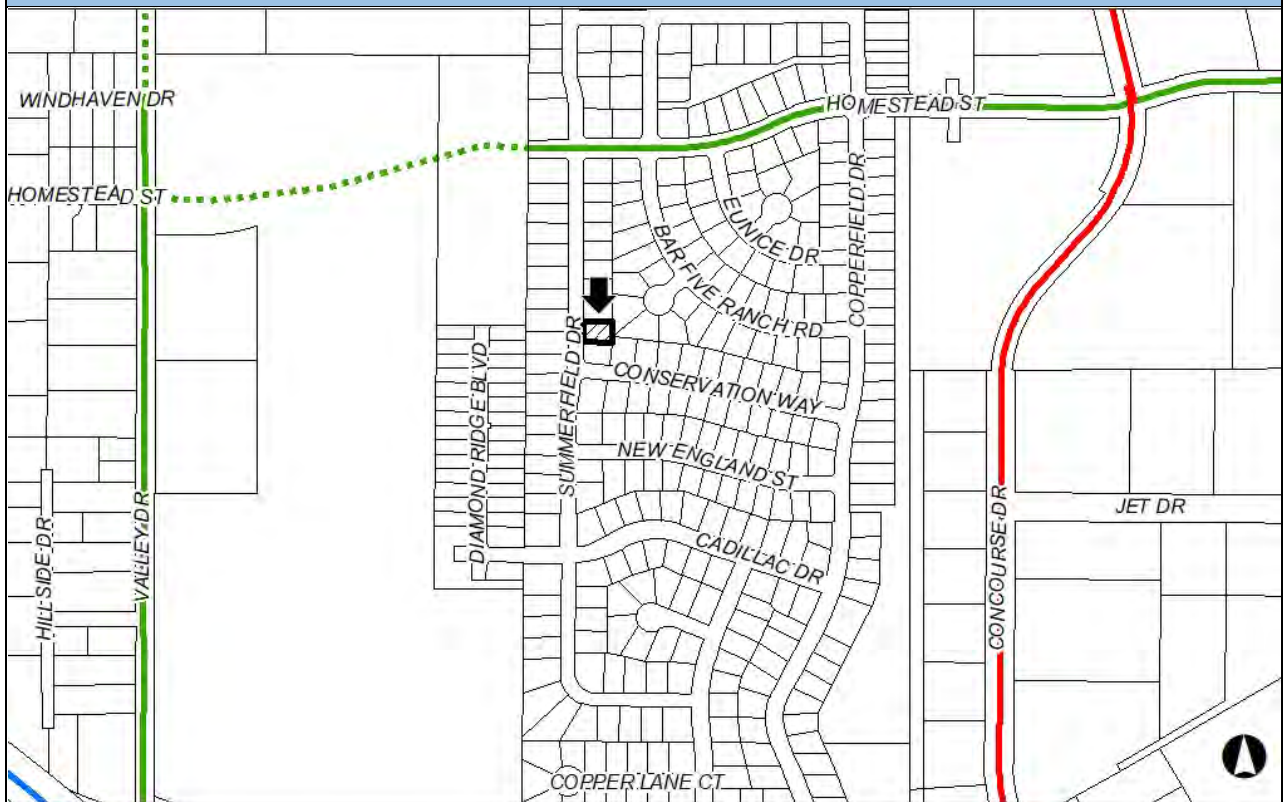
**Existing Land Uses**



### Comprehensive Plan Future Land Use



### Parks or Transportation Plan



### Major Street Plan








Subject Property Collector Minor arterial Principal arterial Proposed collector

<b>Relevant Case History</b>			
<b>Case/File#</b>	<b>Date</b>	<b>Request</b>	<b>Action</b>
20VE002	07/07/2020	Vacation of Utility and Minor Drainage Easement	Approved
14PD029B	12/09/2019	Minimal Amendment to allow 31% lot coverage	Approved
<b>Relevant Zoning District Regulations</b>			
Low Density Residential District		<b>Required</b>	<b>Proposed</b>
Lot Area		6,500 square feet	7,230 square feet
Lot Frontage / Width		25 feet	70 feet
Maximum Building Heights		2.5 stories or 35 feet	One story
Maximum Density		30%	Exception granted to allow 31%
Minimum Building Setback:			
• Front		20 feet	21.6 feet
• Rear		25 feet	25 feet
• Side		8 feet	Requesting an Exception to allow 5.3 feet on north side / 12 feet on south
• Street Side		N/A	N/A
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		One square foot	None proposed
Fencing		None Required	None proposed

<b>Planning Commission Criteria and Findings for Approval or Denial</b>	
<b>Pursuant to Section 17.50.050(F)5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a Planned Development Overlay:</b>	
<b>Criteria</b>	<b>Findings</b>
1. There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:	The property is approximately 7,230 square feet in size. As noted above, the property owner measured the foundation from the wrong stake, resulting in the structure being built at an angle, encroaching into the side yard setback.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:	The property is zoned Low Density Residential District with a Planned Development Overlay. A single-family dwelling is a permitted use. The applicant is requesting an Exception to reduce the minimum required side yard setback from 8 feet to 5.3 feet. On July 7, 2020, a Vacation of Utility and Minor Drainage Easement was approved for the existing encroachment.
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 side yard setback from 8 feet to 5.3 feet. As noted above, the structure encroaches into the utility and minor drainage easement which has been vacated in part. The encroachment does not encroach into any sight triangles or impede drainage or utilities. For these reasons staff recommends approval of the Major Amendment to the Planned Development Overlay as requested.

4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:	The property is zoned Low Density Residential District with a Planned Development Overlay. A single-family dwelling is a permitted use.
5. Any adverse impacts will be reasonably mitigated:	As noted above, the utility and minor drainage easement has been vacated for the existing encroachment since the structure does not impede utilities or drainage. In addition, the location of the encroachment on the north lot line does not impede sight triangles.
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:	As noted above, the reduction in setback is for the northeast corner of the dwelling which was built in the wrong place. The structure does not conflict with utilities, drainage, or sight triangles.

**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:**

<b>Comprehensive Plan Conformance – Core Values Chapters</b>	
	<b>A Balanced Pattern of Growth</b>
	N/A
	<b>A Vibrant, Livable Community</b>
	N/A
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
	N/A
	<b>Efficient Transportation and Infrastructure Systems</b>
TI-2.1A	<b>Major Street Plan Integration:</b> Summerfield Drive is identified as a sub-collector street on the City’s Major Street Plan. The proposed Exception request does not interfere with sight triangles.
	<b>Economic Stability and Growth</b>
	N/A
	<b>Outstanding Recreational and Cultural Opportunities</b>
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<b>Public Input Opportunities:</b> 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 the Planned Development boundary and within 250 feet of the planned development boundary. The requested Major Amendment to a Planned Development application is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan Designation(s):</b>	Urban Neighborhood
<b>Design Standards:</b>	
N/A	The property is located within an existing single-family residential development.

<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	Elk Vale Road Neighborhood Area
<b>Neighborhood Goal/Policy:</b>	
N/A	The property is located within an existing residential neighborhood.

<b>Findings</b>	
<p>Staff has reviewed the Major Amendment to a Planned Development to reduce the minimum required side yard setback 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 requested setback reduction will not have a negative impact on adjacent properties. The associated Vacation of Utility and Minor Drainage Easement was approved to allow the encroachment into the setback.</p>	

<b>Planning Commission Recommendation and Stipulations of Approval</b>	
<p>Staff recommends that the Major Amendment to a Planned Development to reduce the minimum required side yard setback be approved with the following stipulations:</p>	
1.	An Exception is hereby granted to reduce the minimum required side yard setback from 8 feet to 5.3 feet for the existing structure; and,
2.	The Major Amendment to the Planned Development shall allow a single-family dwelling with a reduced side yard setback of 5.3 feet. Permitted uses within the Low Density Residential District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development.

# Rapid City Community Planning & Development Services

## Development Review Advisories

<i>Disclosure: The Development Review Team has created this list of Advisories as a courtesy for your specific application. <b>This is not a complete list.</b> All City, District, State, and Federal requirements must be continually met.</i>	
	<b>Applicant Request(s)</b>
<b>Case # 20PD025</b>	Major Amendment to a Planned Development to reduce the minimum required side yard setback
<b>Companion Case(s) #</b>	N/A
<b>ADVISORIES: Please read carefully!</b>	
1.	A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2.	All requirements of the Infrastructure Design Criteria Manual and the Rapid City Standard Specifications shall be met or an Exception shall be obtained;
3.	All provisions of the underlying zoning district shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment;
4.	All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
5.	All requirements of the currently adopted Building Code shall be met; and,
6.	All applicable provisions of the adopted International Fire Code shall continually be met.