

Rapid City Planning Commission

Major Amendment to a Planned Development Overlay Project

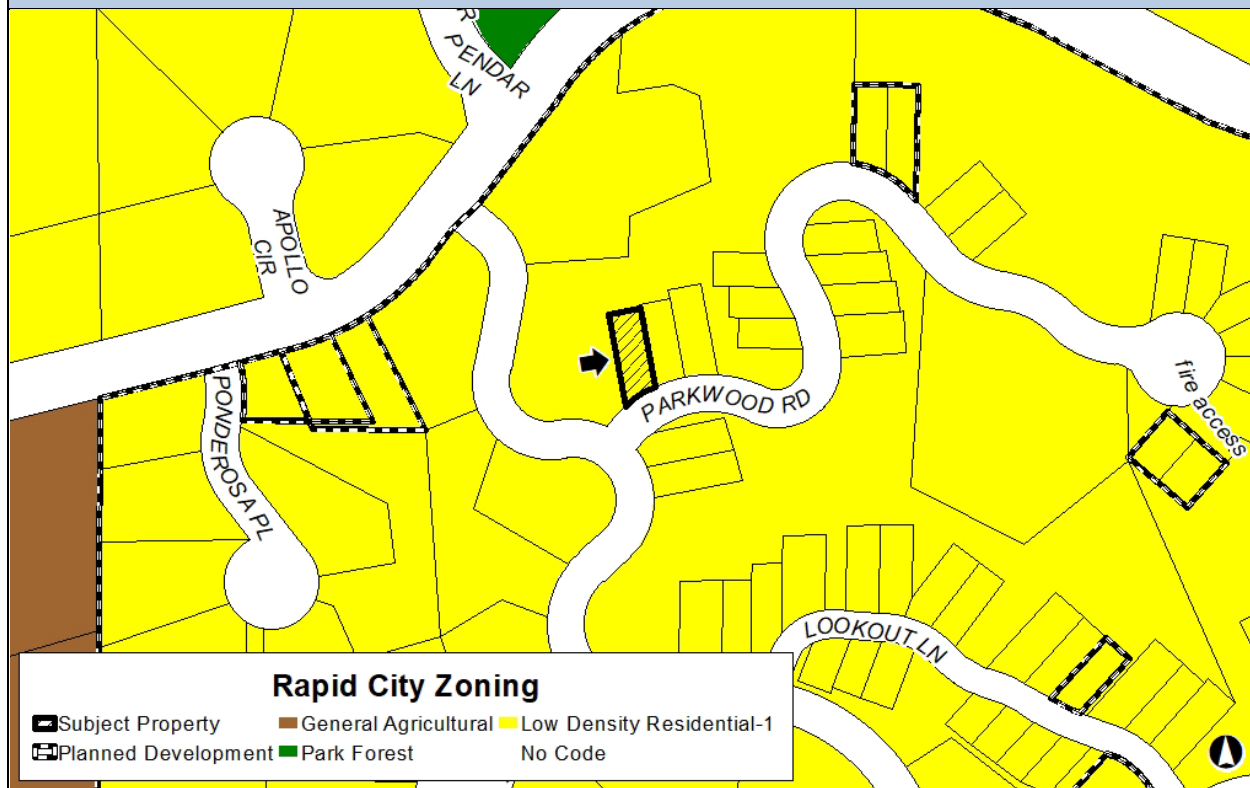
Report

October 21, 2021

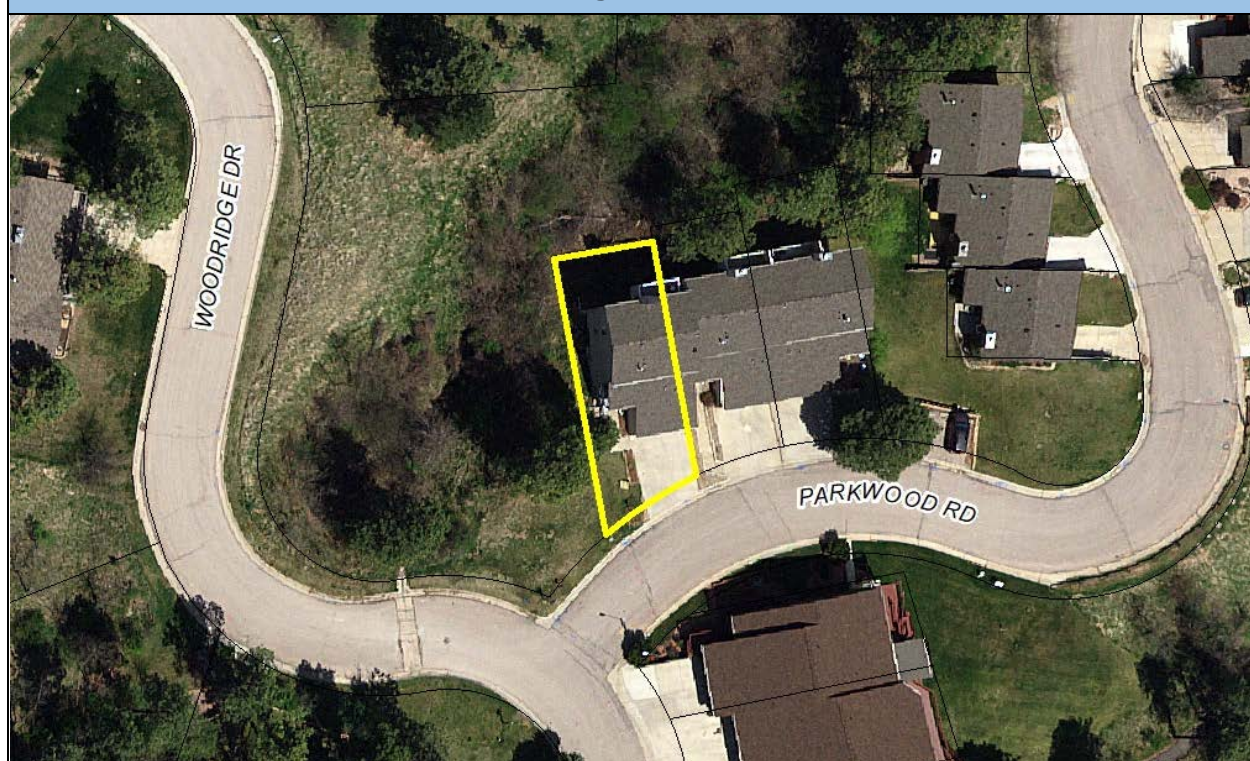
Item #7	
Applicant Request(s)	
Case #21PD034 – Major Amendment to a Planned Development to reduce the rear yard setback from 5 feet to 2 feet and to reduce the side yard setback from 8 feet to 2.5 feet and to allow a 7-foot high retaining wall within the setback.	
Companion Case(s)- N/A	
Development Review Team Recommendation(s)	
Staff recommends approval of the Major Amendment to a Planned Development to reduce the rear yard setback from 5 feet to 2 feet and to reduce the side yard setback from 8 feet to 2.5 feet and to allow a 7-foot high retaining wall within the setback with the stipulations as noted at the end of the report.	
Project Summary Brief	
The applicant has submitted a Major Amendment to a Planned Development Overlay application to reduce the rear yard setback from 5 feet to 2 feet and to reduce the side yard setback from 8 feet to 2.5 feet and to allow a 7-foot high retaining wall within the setback. The subject property is in a townhouse development that consists of small, narrow lots. The applicant is proposing to build an addition onto the existing townhouse under an existing elevated portion of the house, as well as a deck and retaining wall. The proposed retaining wall and a portion of the deck are located within the required side and rear yard setbacks, and the applicant is requesting exceptions due to the shape and size of the property. The requested setback reductions are along two lot lines that abut open space owned by the Woodridge Homeowners Association.	
Applicant Information	Development Review Team Contacts
Applicant: Gary Dow	Planner: Karl Bauer
Property Owner: Gary and Dana Dow	Engineer: Emily Fisher
Architect: N/A	Fire District: Tim Behlings
Engineer: Olsen Performance Team, LLC	School District: N/A
Surveyor: Fisk Land Surveying and Consulting Engineers, Inc.	Water/Sewer: Emily Fisher
Other: N/A	DOT: Stacy Bartlett
Subject Property Information	
Address/Location	1190 Parkwood Road
Neighborhood	Downtown/Skyline Neighborhood Area
Subdivision	Woodridge Subdivision
Land Area	0.07 acres/3,079 square feet
Existing Buildings	Townhouse
Topography	Slopes down approximately 18 feet from the south to the north
Access	Parkwood Road
Water / Sewer	Rapid City
Electric/Gas Provider	Black Hills Energy/MDU
Floodplain	N/A

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR1-PD	LDN	Townhouse
Adjacent North	LDR1-PD	LDN	Void of structural development – HOA property
Adjacent South	LDR1-PD	LDN	Townhouse
Adjacent East	LDR1-PD	LDN	Townhouse
Adjacent West	LDR1-PD	LDN	Void of structural development – HOA property

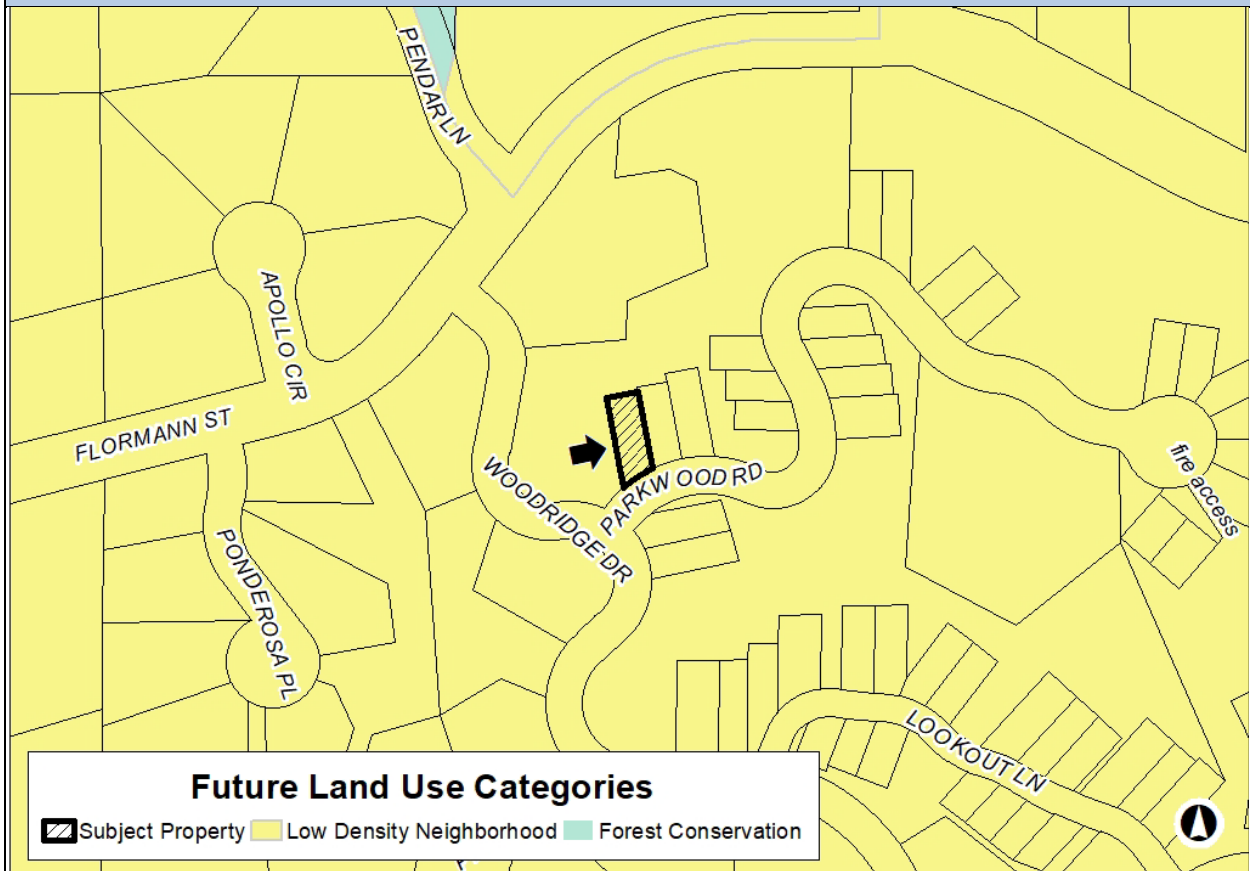
Zoning Map



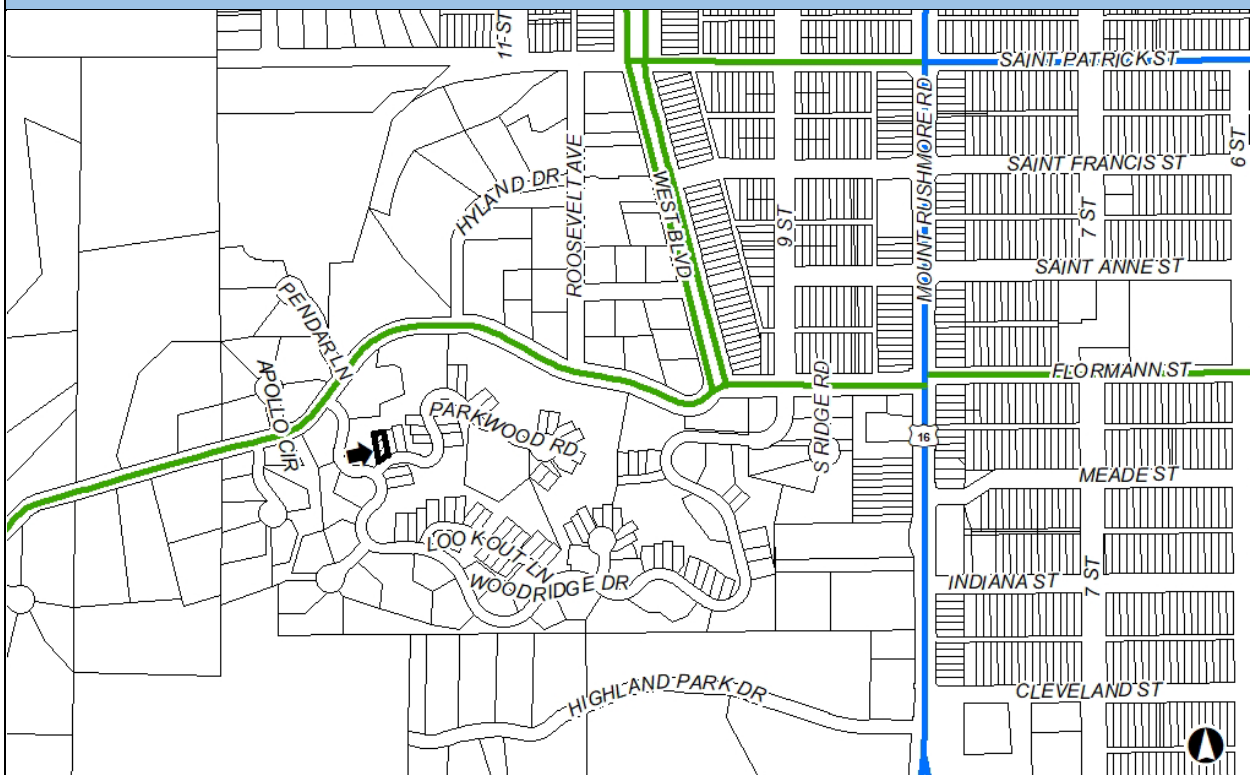
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan

Subject Property Collector Principal arterial

Relevant Case History			
Case/File#	Date	Request	Action
PD66	8-7-1972	Planned Residential Development for Woodridge Subdivision	CC approved with stipulations
Relevant Zoning District Regulations			
Low Density Residential District I	Required	Proposed	
Lot Area	4,000 square feet (17.50.030)	3,079 square feet (existing)	
Lot Width	16 feet (17.50.030)	34.03 feet	
Maximum Building Heights	2½ stories or 35 feet (17.50.030)	Two stories (existing)	
Maximum Density	45% (PD66)	Approx. 45% (existing)	
Minimum Building Setback:			
• Front	19 feet (PD66)	19 feet (existing)	
• Rear	17.5 feet (PD66) 5 feet for accessory structures (17.10.050)	17.5 feet (existing – house) 2 feet (wall)	
• Side	3.6 feet (PD66) 8 feet (17.10.050)	3.6 feet (existing – house) 2.5 feet (wall)	
• 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	3	
• # of ADA spaces	N/A	N/A	
Signage	As per RCMC 17.50.100	As per RCMC 17.50.100	
Fencing	As per RCMC 17.50.340	7-foot high retaining wall	

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.50.050(F)5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a Final Planned Development Overlay:	
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 a small townhouse lot with an area of 3,079 square feet. The rear of the lot has a considerable downward slope. The size and slope of the lot creates a limited building envelope on the property.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:	The property is located in the Low Density Residential District 1. Per Section 17.50.020(A) of the Rapid City Municipal Code, townhouses are a permitted use in this district provided they are located within a Planned Development. This property is within a Planned Development (File #PD66). The relatively small size and narrowness of the lot reduces the buildable area and constitutes a hardship.
3. Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the	The applicant is requesting exceptions to reduce the rear yard setback from 5 feet to 2 feet, to reduce the side yard setback from 8 feet to 2.5 feet, and to allow a 7-foot high retaining wall within the setback. City Engineering staff has

purposes and intent of these regulations:	not identified any conflicts with drainage or utilities as a result of this request.
4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:	Townhouses with decks and retaining walls are a permitted use in the Low Density Residential District I. Due to topographic constraints and the shape and size of the subject property, literal interpretation would result in the applicant being unable to construct the proposed addition, deck, and retaining wall. As such, the applicant is requesting exceptions.
5. Any adverse impacts will be reasonably mitigated:	Staff has not identified any adverse impacts as a result of the proposed addition, deck, and retaining wall. Furthermore, the applicant must obtain a Building Permit and follow all relevant regulations to further ensure any adverse impacts are mitigated. The applicant has submitted photos from neighboring properties showing similarly placed retaining walls and outdoor recreation areas. Subsequently, this proposed deck and retaining wall expansion fits the character of the neighborhood.
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:	Due to the shape and size of the lot, as well as topographic limitations, the buildable area of the property is reduced. This Major Amendment to a Planned Development creates an alternative to allow the applicant to construct a deck and retaining wall on the property.

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
BPG-1.1B	Targeted Infrastructure Investments – Property is located in an area with existing infrastructure, and is an established part of the community.
	A Vibrant, Livable Community
N/A	N/A
	A Safe, Healthy, Inclusive, and Skilled Community
N/A	N/A
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration – The subject property is accessed by Parkwood Road, which is a private street.
	Economic Stability and Growth
N/A	N/A
	Outstanding Recreational and Cultural Opportunities
N/A	N/A



Responsive, Accessible, and Effective Governance

GOV-2.1A	Public Input Opportunities: The proposed Major Amendment to the Planned Development Overlay 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 Overlay is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.
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Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):	Low Density Neighborhood
Design Standards:	
N/A	N/A

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	Downtown/Skyline Neighborhood Area
Neighborhood Goal/Policy:	
DSD-NA1.1A	Residential Neighborhoods: Encourage reinvestment and promote targeted infill development redevelopment to add vitality to the area's established neighborhoods. Support the compatible infill residential development that increases the variety of housing options.

Findings

Staff has reviewed the Major Amendment to a Planned Development to reduce the rear yard setback from 5 feet to 2 feet and to reduce the side yard setback from 8 feet to 2.5 feet and to allow a 7-foot high retaining wall within the setback pursuant to Section 17.50.050(F)5 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan due to the small size, narrow shape, and topography of the lot. The proposed development should not have a negative impact on the area.

Planning Commission Recommendation and Stipulations of Approval

Staff recommends approval of the Final Planned Development Overlay with the following stipulations:	
1.	An Exception is hereby granted to allow a rear yard setback of two feet for a retaining wall and a deck;
2.	An Exception is hereby granted to allow a side yard setback of 2.5 feet for a retaining wall and a deck; and,
3.	This Major Amendment to a Planned Development Overlay shall allow a deck and retaining wall only to be constructed within the required setback as per the submitted site plan. Any use that is permitted in the Low Density Residential District I shall be allowed with an approved Building permit contingent on all regulations being met.



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.*

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Companion Case(s)	N/A
ADVISORIES: Please read carefully!	
1.	A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to use;
2.	All construction plans shall be signed and sealed by a registered professional pursuant to SDCL 36-18A;
3.	All requirements of the currently adopted Building Code shall be met;
4.	All requirements of the International Fire Code shall be met;
5.	All requirements of the Rapid City Infrastructure Design Criteria Manual and Rapid City Standard Specifications shall be met;
6.	ADA accessibility shall be maintained as necessary; and,
7.	All lighting shall be designed to preclude shining on adjacent properties and rights-of-ways, so as not to create a nuisance to neighboring properties and traffic.