

STAFF REPORT

October 10, 2002

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**No. 02PD051 - Major Amendment to a Planned Residential Development to reduce the side yard set back**      **ITEM 35**

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GENERAL INFORMATION:

PETITIONER	Renner and Sperlich Engineering for John and Sally Samuelson
REQUEST	<b>No. 02PD051 - Major Amendment to a Planned Commercial Development to reduce the side yard set back</b>
EXISTING LEGAL DESCRIPTION	Lots 18 and 19 of Block 2 of Mountain Shadows Subdivision located in the SW1/4 of the SE1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .505
LOCATION	At 2421 Danbury Circle
EXISTING ZONING	Low Density Residential with a Planned Residential Development
SURROUNDING ZONING	
North:	Low Density Residential with a Planned Residential Development
South:	Low Density Residential with a Planned Residential Development
East:	Low Density Residential with a Planned Residential Development
West:	Low Density Residential with a Planned Residential Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	09/13/2002
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Commercial Development be approved with the following stipulations:

Engineering Division Recommendations:

1. The applicant shall submit a retaining wall plan stamped by a licensed engineer prior to

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---

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- building permit approval;
2. The applicant shall submit a grading plan stamped by a licensed engineer prior to building permit approval;
3. The applicant shall submit a drainage plan stamped by a licensed engineer prior to building permit approval;

#### Urban Planning Division Recommendations:

4. All stipulations of the original Planned Residential Development approval shall be met at all times; and
5. All codes of the Rapid City Municipal Code be continually met.

GENERAL COMMENTS: This property is part of the Mountain Shadows Planned Residential Development approved in 1984 as a Planned Residential Development. This lot was platted as a single-family residential lot in the Mountain Shadows Planned Residential Development (PRD) in 1986. The current request is for a major amendment to the Planned Residential Development to reduce the required side yard setback for a two story structure from twelve feet to nine feet. Because this property is located within a Planned Residential Development, a reduction in setbacks is addressed through the amendment procedures of the Planned Development Ordinance rather than through the application for variance considered by the Zoning Board of Adjustment. There were no reductions in setbacks approved for the detached single family lots in the original Planned Residential Development.

STAFF REVIEW: The petitioner is requesting relief from the provisions of Section 17.10.050 (B) of the Rapid City Municipal Code "1. For a single-story dwelling, located on interior lots, side yards shall not be less than eight feet in width. For dwellings of two stories or more there shall be side yard requirement of not less than twelve feet. When a structure is determined to be one story for a minimum distance of twelve feet from the side wall an eight-foot-wide side yard shall be allowed."

The applicant is required to comply with the twelve foot setback because the minimum distance of twelve feet from the side wall can not be provided. The distance from the side wall at one story is only seven feet instead of the minimum required twelve feet. The applicant's proposal is in compliance with the requirement for one story; however, the two story requirement will not be met.

In 1993, a similar request was granted by the Planning Commission as an amendment to a Planned Residential Development to reduce the required side yard setbacks on Lot 25, Block 2 of Mountain Shadows Subdivision from twelve feet for a two story structure to eight feet. The staff report for this case states, "The steep topography of the property limits the amount of buildable area available on this lot." The topography and structure location on Lot 18, Block 2 also limits the applicant from building the proposed addition at another location on the lot.

STAFF REPORT

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---

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In addition, to the topography on the site, the location of the structure on Lot 18 in relation to the structure on Lot 19 allows room for the applicant to build an addition, while maintaining room for the residents of Lot 19 to develop their lot further in the future. The angle the structure was originally built on the lot is unique and unusual which supports reducing the setback requirement for the proposed addition.

Also, the applicant is proposing a one story addition. The addition will break up the massing of the structure. The structure is a one and a half story structure, but by the definition of the ordinance it is a two story structure. This one story addition will not significantly increase the intensity of the use which appears to maintain the intent of the Zoning Ordinance.

Staff has reviewed this request with respect to the provisions of Section 17.10.050 of the Municipal Code. Staff believes that the granting of the Major Amendment to a Planned Residential Development would be consistent with the purposes and intent of the Zoning Ordinance.

The required Planned Residential Development sign has been posted on the property and the receipts from certified mailing have not been returned as of the writing of this staff report.