

STAFF REPORT

June 26, 2003

---

**No. 03PD028 - Major Amendment to a Planned Residential Development to allow a minimum 10 foot sideyard setback in lieu of the required minimum 12 foot sideyard setback for a two story home** **ITEM 37**

---

GENERAL INFORMATION:

PETITIONER	Paul Holt for Courtney and Deanna Clayborne
REQUEST	<b>No. 03PD028 - Major Amendment to a Planned Residential Development to allow a minimum 10 foot side yard setback in lieu of the required minimum 12 foot side yard setback for a two story home</b>
EXISTING LEGAL DESCRIPTION	Lot 32 of Block 3, Parkridge Village Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .3 acres
LOCATION	3709 Parkridge Drive
EXISTING ZONING	Low Density Residential District w/Planned Residential Development
SURROUNDING ZONING	
North:	Low Density Residential District w/Planned Residential Development
South:	Low Density Residential District w/Planned Residential Development
East:	Low Density Residential District w/Planned Residential Development
West:	Low Density Residential District w/Planned Residential Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	05/30/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to allow a minimum 10 foot side yard setback in lieu of the required minimum 12 foot side yard setback for a two story home be approved with the following stipulations:

## STAFF REPORT

June 26, 2003

---

**No. 03PD028 - Major Amendment to a Planned Residential Development to allow a minimum 10 foot sideyard setback in lieu of the required minimum 12 foot sideyard setback for a two story home** **ITEM 37**

---

Fire Department Recommendations:

1. The applicant shall meet all applicable requirements of the 1997 Uniform Building Codes and fire codes at all times;

Building Inspection Division Recommendations:

2. The applicant shall obtain a building permit prior to the construction of any applicable work at the site;

Urban Planning Division Recommendations:

3. Ten (10) feet is hereby granted as the minimum side yard setback for the structure in lieu of the required twelve (12) foot side yard setback, and
4. Any additional encroachment into the minimum side yard setback requirement for the Low Density Residential Zoning District shall require a Major Amendment to the Planned Commercial Development.

GENERAL COMMENTS: The applicant is proposing to construct two bedrooms in a previously unfinished portion of an attic of their dwelling unit. This change essentially changes the status of the applicant's home from a one story building to a two story structure requiring a twelve foot setback for the structure instead of an eight foot setback. However, since the structure was built in compliance with the one story requirements for minimum side yard setbacks in the Low Density Residential Zoning District, the house was built ten feet from the side yard. This complied at the time with the eight foot side yard setback requirement; however, if the proposed expansion of use occurs the applicant will be required to comply with the 12 foot side yard setback. There will be no exterior changes to the existing structure.

The City of Rapid City Municipal Code defines a story in Section 17.04.645 as "'Story' means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above." As the applicant develops the previously underused space into a finished floor, this space is being turned into a second floor creating the need to be in compliance with the 12 foot setback requirement instead of the eight foot setback requirement.

The Planned Residential Development was originally approved on March 5, 1979 for a residential development with a mixture of residential uses including single family homes, townhouses, and multi-family dwelling units.

STAFF REVIEW: Staff has reviewed the proposed Major Amendment to the Planned Residential Development and has noted the following issues:

Uniform Building Codes: The applicant shall obtain all applicable building permits for the proposed development prior to any construction at the site. City staff shall review the

## STAFF REPORT

June 26, 2003

---

**No. 03PD028 - Major Amendment to a Planned Residential Development to allow a minimum 10 foot sideyard setback in lieu of the required minimum 12 foot sideyard setback for a two story home** **ITEM 37**

---

proposed construction standards for health and safety codes, and verify that the proposed development shall be constructed to the City of Rapid City construction standards. In addition, the proposed development shall be reviewed for compliance with any applicable Uniform Fire Codes at the site. In addition, the Fire Department strongly recommends that residential fire sprinklers be installed at the site. Residential Fire Sprinklers are recommended at the site to increase the ability to extinguish residential fires in a timely and safe manner.

Minimum Side Yard Setbacks: The applicant shall verify that any future expansion at the site shall not further encroach into the minimum required 12 foot side yard setback. The 10 foot side yard setback shall be maintained at all times, and any additional construction at the site shall be within the 10 feet as approved by this major amendment to the Planned Residential Development.

Staff recommends that the Major Amendment to a Planned Residential Development to allow the proposed expansion of the residential structure and the 10 foot side yard setback in lieu of the required minimum 12 foot side yard setback be approved with the stated stipulations. As of this writing, the receipts from the certified mailing have not been returned; however, the Major Amendment to a Planned Residential Development sign has been posted on the property. Staff will notify the Planning Commission at the June 26, 2003 Planning Commission meeting if the notification requirements have not been met. Staff has received no calls and no written comments concerning the proposed Planned Development Designation.