

STAFF REPORT

September 4, 2003

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**No. 03PD040 - Major Amendment to a Planned Residential Development to alter an approved building envelope**      **ITEM 21**

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GENERAL INFORMATION:

PETITIONER	Scott Craig
REQUEST	<b>No. 03PD040 - Major Amendment to a Planned Residential Development to alter an approved building envelope</b>
EXISTING LEGAL DESCRIPTION	Lot 6, Block 1, Skyview North Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.16 acres
LOCATION	2237 Minnewasta Road
EXISTING ZONING	Low Density Residential (PRD)
SURROUNDING ZONING	
North:	Low Density Residential (PRD)
South:	Low Density Residential (PRD)
East:	Low Density Residential (PRD)
West:	Low Density Residential (PRD)
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	07/22/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to alter an approved building envelope be approved with the following stipulations:

Urban Planning Division Recommendations:

1. Expansion of the building envelope to allow eight foot side yard setbacks for a single story structure and 12 feet for a two story structure as defined in the zoning ordinance instead of the originally approved 15 foot side yard setbacks is hereby granted with the approval of this Major Amendment;
2. Any additional changes to the building envelope shall require a major amendment to the Planned Residential Development.
3. Prior to Planning Commission approval, the applicant shall submit a revised site plan showing all structures removed from any utility and minor drainage easements;
4. All applicable provisions of the Low Density Residential Zoning District shall be

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- applicable at all times; and
5. Three off-street parking spaces shall be provided at all times.

**GENERAL COMMENTS:** (Updates to the staff report are shown in bold.) This request was continued from the August 21, 2003 Planning Commission meeting at the applicant's request. The applicant stated that the additional time was being requested to mitigate any negative impacts on the surrounding land uses. The applicant indicated that he wanted to address any unresolved issues with the neighbors and the homeowners association.

The applicant is requesting to change the building envelope on the site from a 15 foot side yard envelope setback to an eight foot side yard envelope setback. The applicant is proposing to construct a single family residential house at the site, and due to topographic reasons, the submitted site plan shows the proposed structure outside the existing building envelopes. By reducing the building envelope to eight feet on the side yard, the applicant anticipates the ability to build the structure to the specifications of the homeowner.

The Low Density Residential Zoning District in which the Planned Residential Development is located requires a minimum side yard setback of eight feet for a one story house and a minimum 12 foot side yard setback for a two story house. The portion of the house that will be abutting the proposed reduction in the building envelope is one story for at least 20 feet off of the property line. The lot currently has no structures on it. In addition, the lots on both sides of the proposed development do not have structures.

The original Planned Residential Development – Final Development Plan was approved by the City of Rapid City Council on August 21, 2000 (00PD023). This request was created to allow an additional 11 lots in the Skyview North Subdivision. The City Council approved this request with six stipulations of approval. These stipulations were:

1. Specific geotechnical and slope stability information must be submitted for review and approval prior to issuance of any building permits;
2. Prior to issuance of a building permit for a particular lot, the property owner shall submit the proposed driveway grade for review and approval of the Engineering Division and Fire Department. If the proposed driveway grade exceeds 15% for any lot a sprinkler system shall be installed in the dwelling unit. Plans for the sprinkler system shall be submitted for review and approval by the Fire Department;
3. No building permit shall be issued for any lot unless the lot has been included as part of an approved Preliminary and Final Plat;
4. Only single-family residences and accessory structures as allowed by the Zoning Ordinance may be constructed within the Planned Commercial Development and only in accordance with the identified building envelopes;
5. All bulk, height and density requirements of the Low Density Residential Zoning District shall apply to this development except that buildings shall not be constructed outside the approved building envelopes; and,
6. Each single family residence shall provide a minimum of three (3) off-street parking

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spaces.

STAFF REVIEW: Staff has reviewed the request for a Major Amendment to the Planned Residential Development, and has noted the following issues:

Utility Easements: The submitted site plan shows structures located in an eight foot side yard utility and minor drainage easement. The submitted site plan shows steps leading to the front door located in the easement. Structures cannot be located within these easements as they are reserved for utility and drainage purposes. Staff is recommending that prior to Planning Commission approval, the applicant submits a revised site plan showing the steps being located outside of the utility easement.

Covenants: **A surrounding land owner submitted the Skyview North Covenants to the city for review. The covenants require 15 foot side yard setbacks; however, the covenants are not enforced by the City. The covenants are filed with the Register of Deeds, and they run with the property regardless of the current owner. However, the covenants are enforced by the Homeowners Association, and City staff does not review this information prior to making a recommendation.**

The green cards from the required notification of surrounding property owners have not been returned at the time of writing this report. A sign stating that a Major Amendment to a Planned Residential Development has been requested and is posted on the property. Staff shall notify the Planning Commission at the **September 4, 2003** Planning Commission meeting, if these conditions have not been met. Staff has received **one** comment regarding the proposed use at the time of writing this report. **This comment addressed the potential impact of the reduced open space between the homes.**