

STAFF REPORT

September 4, 2003

No. 03PD041 - Major Amendment to a Planned Residential Development ITEM 22

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for BE Development Company, LLC
REQUEST	No. 03PD041 - Major Amendment to a Planned Residential Development
EXISTING LEGAL DESCRIPTION	Lot 3 of Block 1; Lots 1 thru 4 of Block 2; Lot 6 of Block 2; Lots 9 thru 11 of Block 2; all located in Skyview North Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.101 Acrea
LOCATION	South and east of the intersection of Minnewasta Road and Aster Court
EXISTING ZONING	Low Density Residential District w/Planned Residential Development
SURROUNDING ZONING	
North:	Low Density Residential
South:	Low Density Residential District w/Planned Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	08/05/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Major Amendment to the Planned Residential be approved with following stipulations:

Urban Planning Division Recommendations:

1. Expansion of the building envelopes to allow eight foot side yard setbacks for a single story structure and 12 foot side yard setbacks for a two story structure as per the Low Density Residential District is hereby granted with the approval of this Major Amendment. In addition, a minimum 30 foot side yard setback shall be maintained along the west lot line of Lot 3, Block 1; a minimum ten foot side yard setback shall be maintained along the

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- south lot line of Lot 1 of Block 2; a minimum ten foot side yard setback shall be maintained along the north lot line of Lot 2 of Block 2; and, a minimum 20 foot side yard setback shall be maintained along the south lot line of Lot 3 of Block;
2. Any additional changes to the building envelopes shall require an additional Major Amendment to the Planned Residential Development; and,
 3. All previous conditions of approval of Planned Residential Development - Final Development Plan #00PD023 shall be continually met.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to the Skyview North-Minnewasta Subdivision Planned Residential Development to expand the building envelopes on nine of the lots within the development.

On August 21, 2003, the City Council approved a Final Planned Residential Development to allow 23 residential lots within the Skyview North-Minnewasta Subdivision. Eight of the nine lots are located along Harney Drive with one lot located along Minnewasta Drive. All of the nine lots are currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Major Amendment to the Planned Residential Development and has noted the following considerations:

Low Density Residential District: The property is zoned Low Density Residential District with a Planned Residential Development. The Low Density Residential District requires a minimum eight foot side yard setback for one story residences and a minimum 12 foot side yard setback for residences two or more. The previously approved site plan identified specific building envelopes on each lot. The site plan identifies side yard setbacks ranging from 15 feet to 30 feet on the nine lots proposed to be amended as per this request. The applicant is requesting to expand the building envelopes to allow side yard lot lines in compliance with the Low Density Residential District. However, the plat document identifies a 30 foot wide drainage easement along one side lot line and a 20 foot access easement along four of the side lot lines. Due to the topographic constraints relative to the subject property, staff is recommending approval of the expanding the building envelopes as per the Low Density Residential District except along those lot lines where a drainage and/or access easement exists.

Covenants: The covenants specific to the subject property identifies a minimum 15 foot side yard setback to be maintained on all lots within the development. However, the covenants are not a tool that can be used by the City to determine setbacks, building heights, lot area etc. The covenants are enforced by the Homeowners Association not the City as the City is not a party to the covenants. The property owner(s) are responsible for enforcing the covenants.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the September 4, 2003

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Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.