

STAFF REPORT

November 6, 2003

No. 03PD054 - Major Amendment to a Planned Residential Development to allow a seven foot side yard setback **ITEM 22**

GENERAL INFORMATION:

PETITIONER	Chris Connelly
REQUEST	No. 03PD054 - Major Amendment to a Planned Residential Development to allow a seven foot side yard setback
EXISTING LEGAL DESCRIPTION	Lots 35 thru 38 of Lot 3 in the NE1/4 NW1/4, Block 2, Schamber Section 9 NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .83 acres
LOCATION	1920 and 1930 Monte Vista Drive
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	General Commercial District/Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/09/2003
REPORT BY	Karen Bulman

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to allow four balconies to encroach a maximum of five feet into the twelve foot minimum required setback be approved with the following stipulations:

Engineering Division Recommendations:

1. The applicant shall submit drainage plans drafted by a licensed engineer prior to issuance of a building permit;
2. The applicant shall submit utility plans drafted by a licensed engineer prior to issuance of a building permit;

Building Inspection Division Recommendations:

3. That the building permit be revised to show the construction of the eight balconies;

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Urban Planning Division Recommendations:

4. The landscaping shall be constructed as identified on the site plan as submitted and shall be maintained in a live vegetative state;
5. The architectural style of the building will be constructed as shown on the elevations submitted;
6. The lighting will be constructed in a way as to minimize the impacts on surrounding land uses and direct lighting away from adjacent properties;
7. All parking shall be constructed as shown on the site plan as submitted; and,
8. That the stipulations of the Initial and Final Development Plan – Planned Residential Development (03PD014) be continually met.

GENERAL COMMENTS: This property is located at the southeast corner of Canyon Lake Drive and Monte Vista Drive and is zoned Medium Density Residential District. Two apartment buildings with eight unit multi-family dwelling units in each building are being constructed on the site. The applicant is utilizing four lots as a single developmental lot and therefore required a Planned Residential Development designation in order to allow more than one structure on the developmental lot. An Initial and Final Development Plan – Planned Residential Development (03PD014) was approved for this location on April 24, 2003, with the following conditions: the applicant shall submit drainage plans drafted by a licensed engineer prior to issuance of a building permit; the applicant shall submit utility plans drafted by a licensed engineer prior to issuance of a building permit; the landscaping shall be constructed as identified on the site plan as submitted and shall be maintained in a live vegetative state; the architectural style of the building will be constructed as shown on the elevations submitted; the lighting will be constructed in a way as to minimize the impacts on surrounding land uses and direct lighting away from adjacent properties; and all parking shall be constructed as shown on the site plan as submitted. The applicant proposes to add a balcony to the units on the second floor of each building for a total of eight balconies. The five foot by ten foot wood balconies with aluminum railings will encroach five feet into the twelve foot minimum required side yard setback. This Major Amendment to a Planned Residential Development is to allow a seven foot side yard setback.

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

Setback for deck: The Rapid City Municipal Code, Section 17.50.25 A11, allows a balcony to encroach into a setback by no more than six (6) feet. The side yard setback for a two story structure is twelve (12) feet. Each proposed balcony will be five (5) feet in depth and ten (10) feet in width. Therefore, the balconies located on the east side of the subject property will encroach five feet into the setback in compliance with the minimum requirements of the Zoning Ordinance. The Initial and Final Development Plan – Planned Residential Development specified a minimum side yard setback of 12 feet. Therefore, an Amendment to the Planned Residential Development is required to allow a seven foot side yard setback.

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Building Permit: The Building Inspection Division has requested that the building permit plans be revised to show the eight proposed balconies to be constructed.

Fire Department: The Fire Department recommends that the balconies be sprinklered along with the building, or that the use of outdoor barbeque grills be prohibited. Although there is no ordinance prohibiting the use of grills on balconies, the Fire Department strongly encourages no use of grills on outdoor balconies due to the heavy potential for fires.

Neighboring property: Staff received an inquiry from an adjoining neighbor to the east, prior to the submittal of the Amendment to the Planned Residential Development. The neighboring property owner voiced his objections to allowing balconies that would encroach into the set back and be closer to his property. A privacy fence and bushes are located between the adjacent property and the subject property.

Staff has reviewed the issues concerning the Amendment to the Planned Residential Development. Since a balcony is allowed to encroach six feet into the set backs under normal development requirements and the proposed balconies will encroach only five feet into the set back, Staff feels it is appropriate to allow the encroachment of the balconies into the side yard setback. Staff recommends approval of the Amendment to the Planned Residential Development to allow the encroachment of four balconies a maximum of five feet into the required 12 foot setback.

As of this writing, the sign has not been posted on the property, and the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the November 6, 2003 Planning Commission meeting if these requirements have not been met. Staff has received one prior objection regarding this request.