

STAFF REPORT

February 5, 2004

No. 04PD001 - Major Amendment to a Planned Residential Development to reduce the rear yard setback from 25 feet to 13 feet **ITEM 20**

GENERAL INFORMATION:

PETITIONER	Lorraine Hellevang
REQUEST	No. 04PD001 - Major Amendment to a Planned Residential Development to reduce the rear yard setback from 25 feet to 13 feet
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 3, Fairway Hills PRD, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .110 acres
LOCATION	4023 Pinehurst Court
EXISTING ZONING	Medium Density Residential District w/Planned Residential Development
SURROUNDING ZONING	
North:	Medium Density Residential District w/Planned Residential Development
South:	Medium Density Residential District w/Planned Residential Development
East:	Medium Density Residential District w/Planned Residential Development
West:	Medium Density Residential District w/Planned Residential Development
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	01/09/2004
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to reduce the rear yard setback from 25 feet to 24 feet, six inches, be approved with the following stipulations:

1. Prior to initiation of construction, a Building Permit must be obtained;
2. Prior to issuance of a Building Permit, engineered stamped plans must be submitted for post and pier construction or plans submitted must show conventional foundation construction;

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3. Prior to issuance of a Building Permit, proposed construction must be shown on a legal survey; and,
4. All other stipulations of the approved Planned Residential Development must be continually met.

GENERAL COMMENTS: On November 15, 1976, the City Council approved the Fairway Hills Planned Residential Development. The applicant is requesting a Major Amendment to the Fairway Hills Planned Residential Development to reduce the rear yard setback from 25 feet to 13 feet, on Lot 1 of Block 3, to allow the construction of a covered, enclosed deck. Currently a townhouse with an attached rear deck is located on the property. The subject property is located at the southeast corner of Pinehurst Circle and Pinehurst Court.

The original Planned Residential Development approval did not authorize any deviation from the minimum required zoning setbacks in the Medium Density Residential Zoning District. Section 17.50.020 of the Rapid City Municipal Code requires a minimum six foot setback from individual townhouse lot lines in order to permit openings in exterior walls. Section 17.50.020 of the Rapid City Municipal Code requires a 25 foot setback from the townhouse development lot line.

The applicants site plan identifies that the proposed addition will encroach into the required 25 foot townhouse development lot rear yard setback by six inches.

STAFF REVIEW: Staff has reviewed the proposed Major Amendment to a Planned Residential Development as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Setbacks: Staff discovered, after a review of the site plan, that the proposed addition will encroach into the townhouse development lot setback six inches not 12 feet as requested. As such staff is recommending the Major Amendment to a Planned Residential Development be approved to reduce the rear yard setback from 25 feet to 24 feet, six inches.

Building Permit: Staff noted that a Building Permit must be obtained prior to initiation of construction on the proposed addition. Staff also noted that the plans submitted show unconventional construction for the proposed addition with regards to the posts and piers. Prior to issuance of a Building Permit engineered stamped plans must be submitted for post and pier construction or plans submitted must show conventional foundation construction. Staff also noted that any new construction requires plans shown on a legal survey to insure accurate location of structures and compliance with Building Codes. Prior to issuance of a Building Permit the proposed construction must be shown on a legal survey.

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Public Comment and Notification: The receipts from the certified mailings have been returned, and a sign has been posted on the property. Staff has received several calls and inquiries regarding the proposal; however, none have been in objection to the project.

Staff recommends the Major Amendment to a Planned Residential Development be approved with the above stated stipulations.