

STAFF REPORT  
June 10, 2004

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**No. 04PD031 - Major Amendment to a Planned Residential Development to reduce setbacks**      **ITEM 36**

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting Inc. for Bill and Beverly Whitney
REQUEST	<b>No. 04PD031 - Major Amendment to a Planned Residential Development to reduce setbacks</b>
EXISTING LEGAL DESCRIPTION	Lot 3, Block 8, Elks Country Estates, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.252 acres
LOCATION	Along Hazeltine Court
EXISTING ZONING	Low Density Residential II District w/Planned Residential Development
SURROUNDING ZONING	
North:	Low Density Residential II District w/Planned Residential Development
South:	Low Density Residential II District w/Planned Residential Development
East:	Low Density Residential II District w/Planned Residential Development
West:	Low Density Residential II District w/Planned Residential Development
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	05/14/2004
REVIEWED BY	Todd Tucker / Sig Zvejnieks

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to reduce setbacks be approved with the following stipulations:

1. A minimum front yard setback of 18 feet in front of any garage doors and a minimum 15 feet in front of the residence or the front yards with a minimum rear yard setback of 25 feet shall be provided;
2. All access to Lot 3, Block 8, Elks Country Estates shall come from Hazeltine Court;
3. That phasing of the balance of the proposed development be reviewed with the submission of each proposed preliminary plat;
4. That the specific development plans for the balance of the development be reviewed and approved in conjunction with the submission of each proposed preliminary plat;

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5. That all development meet the setback, height, area and density requirements specified on the approved plan or, if not specified, the standard requirements of the Zoning Ordinance unless an amendment is approved; and,
6. That any amendment to the approved plan be reviewed and approved under the appropriate minor or major amendment procedure for a Planned Residential Development.

GENERAL COMMENTS: The applicant is proposing to construct an approximate 1,770 square foot, single family residence on Lot 3 of Block 8 of Elks Country Estates. The lot is located at the northwest corner of Jolly Lane and Hazeltine Court. This property is part of the Elks Country Estates Planned Residential Development approved with stipulations in 1992 as a Planned Residential Development.

There were four stipulations of approval as part of this Planned Residential Development:

1. That phasing of the proposed development be reviewed with the submission of each proposed preliminary plat;
2. That the specific development plans be reviewed and approved in conjunction with the submission of each proposed preliminary plat;
3. That all development meet the setback, height, area and density requirements specified on the approved plan or, if not specified, the standard requirements of the Zoning Ordinance; and,
4. That any amendment to the approved plan be reviewed and approved under the appropriate minimal, minor, or major amendment procedure for a Planned Residential Development.

The property in question is zoned Low Density Residential II District. The minimum required setbacks in the Low Density Residential II District are 25 feet in the front yard and in a side yard adjacent to a street, eight or twelve feet on the interior side yard, and 25 feet in the rear yard. The proposed structure is larger than the building envelop will allow. The applicant is requesting a reduction in the required 25 foot rear yard setback to allow the structure to be constructed on the property and still provide the required front yard setback.

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

Irregular Lot: Section 17.04.460 of the Rapid City Municipal Code states in the case of a pointed or irregular lot, the rear lot line shall be an imaginary line parallel to and farthest from the front lot line, not less than ten feet long and wholly within the lot. Staff noted that the configuration of the subject property qualifies as an irregular lot. The rear lot line of the subject property is an imaginary line ten feet long between the north and southwest property lines that is parallel to the front lot line along Jolly Lane.

Setbacks: Staff noted that the intent of the Zoning Ordinance is to ensure adequate open space, and circulation of light and air throughout the City. This goal is met through specific requirements that require a minimum distance a structure must be located from the lot lines.

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As previously indicated the applicant is requesting a reduction in the required 25 foot rear yard setback to allow the proposed structure to be constructed on the property and still provide the required front yard setback. The purpose of rear yards is to insure adequate distances and separation between structures. The primary use of the rear yard is for family or group activities which generally require more room than front yards.

The rear yard setback is measured 25 feet from that imaginary line serving as the rear lot line. The side yard setbacks are measured from the north and southwest property lines at eight feet for a one story house or 12 feet for a two story house.

Staff noted the City has supported a reduction of front yard setbacks in other Planned Residential Developments with a minimum front yard setback of 18 feet in front of the garage door and a minimum 15 foot front yard setback for the balance of the dwelling unit. As such, staff recommends a minimum front yard setback of 18 feet in front of the garage and a minimum 15 feet in front of the residence with a minimum rear yard setback of 25 feet shall be provided. In this case, there are two front yards. Pursuant to Staff's recommendation, both front yards may be reduced.

Non-Access Easement: Staff noted that there is a non-access easement located along the subject property as it abuts Jolly Lane. All access to the subject property shall come from Hazeltine Court.

Site Plan: The applicant has indicated that the floorplans and elevation drawings submitted with the application are not the actual plans for construction. Staff noted that the applicant may wish to continue this item to determine if the staff recommendation will accommodate their plans for the property.

Notification Requirements: The required Major Amendment to a Planned Residential Development sign has not been posted on the property, nor have the receipts from certified mailings been returned as of the writing of this staff report. Staff will notify the Planning Commission at the June 10, 2004 Planning Commission meeting if these requirements have not been met.

Staff has reviewed this request with respect to the provisions of the City of Rapid City Municipal Code and Staff believes that the granting of the Major Amendment to a Planned Residential Development would be consistent with the purposes and intent of the Zoning Ordinance. As such Staff is recommending approval of this request with the above stated stipulations.