

STAFF REPORT
September 7, 2006

No. 06PD060 – Major Amendment to a Planned Residential Development **ITEM 22**

GENERAL INFORMATION:

PETITIONER	Greg Wierenga, P.E., for CETEC Engineering Services, Inc.
REQUEST	No. 06PD060 - Major Amendment to a Planned Residential Development to reduce the minimum required rear yard setback from 25 feet to 19.5 feet
EXISTING LEGAL DESCRIPTION	Lot 5B of Block 4, Eastridge Estates Subdivision, located in the W1/2 NE1/4, E1/2 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.15 acres
LOCATION	229 Enchantment Road
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District (Planned Residential Development)
East:	Medium Density Residential District (Planned Residential Development)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/11/2006
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to reduce the minimum required rear yard setback from 25 feet to 19.5 feet be approved with the following stipulations:

1. All provisions of the Low Density Residential Development shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Residential Development;
2. All stipulations of the Original Planned Residential Development – Final Development Plan shall be met at all times; and

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3. A minimum 19.5 foot rear yard setback shall be provided for the townhouse structure on Lot 5B.

GENERAL COMMENTS: The subject property is located east of 5th Street and north of Stumer Road at 229 Enchantment Road. A townhome unit is currently located on the subject property. The subject property is zoned Low Density Residential District with a Planned Residential Development. The properties located north, south and west of the subject property are zoned Low Density Residential District with a Planned Residential Development. The property located east of the subject property is zoned Medium Residential District with a Planned Residential Development.

A Planned Residential Development – Final Development Plan to allow the construction of 32 townhomes in the Low Density Residential Zoning District was approved on February 10, 2005 with the following stipulations:

1. The uses allowed within the Planned Residential Development shall be limited to a maximum of 32 dwelling units;
2. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the buildings;
3. If the area of disturbance exceeds one acre, an Air Quality Permit shall be obtained;
4. A minimum front yard setback of 18 feet in front of the garage and a minimum 15 feet in front of the residence shall be provided for all townhome lots within the Planned Residential Development;
5. A minimum side yard setback of eight feet shall be provided for all townhome lots within the Planned Residential Development;
6. A minimum rear yard setback of 25 feet shall be provided for all townhome lots within the Planned Residential Development;
7. All applicable provisions of the International Fire Code shall be continually met;
8. An exception to the Street Design Criteria Manual is hereby granted to reduce the driveway separation width from 85 feet to 65 feet on Lots 1A and 1B, to 53 feet on Lots 9A and 9B and to 50 feet on Lots 19A and 19B within the Planned Residential Development;
9. Prior to Issuance of a Building Permit, the existing curb cut on Lot 1A along Enchanted Pines Drive shall be removed;
10. The proposed structures shall conform architecturally to the plans and elevations submitted; and,
11. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

The setbacks of the Planned Residential Development included a 25 foot rear yard setback. The townhouse unit constructed on Lot 5B encroached 5.5 feet into the rear yard setback. This Major Amendment to a Planned Residential Development request is to allow a rear yard setback of 19.5 feet for the constructed townhome.

STAFF REVIEW: Staff has reviewed the Major Amendment to a Planned Residential

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Development and has noted the following issues:

Rear Yard Setback: The Planned Residential Development – Final Development Plan indicated that 25 feet was to be the rear yard setback for all lots. The townhouse units built on Lots 5A and 5B were constructed in violation of the minimum required 25 foot setback. The units were aligned with the adjacent townhouse units facing onto Enchantment Road, but did not take into account the curve in Enchantment Road. The result of the alignment of the townhome was that the southeast portion of the townhome building encroaches into the rear yard setback by 5.5 feet, resulting in a 19.5 foot setback. This Major Amendment to the Planned Residential Development is requested to allow the rear yard setback on Lot 5B of the Eastridge Estates Subdivision to be 19.5 feet in lieu of the 25 foot required setback.

This property is located on a curve with the rear yard abutting the rear yard of property located on Savoy Circle. The abutting property on Savoy Circle is a large lot with construction of the single family home located towards the front of the lot and adjacent to Savoy Circle. The large rear yard setback of the adjacent property appears to have sufficient length to provide good separation between the two structures. In addition, the subject property is located at a higher level than the abutting property. This elevation difference between the two abutting properties gives a defined separation between the buildings. It appears that there is an adequate buffer between the two abutting properties to allow the reduced setback.

Notification: As of this writing the required sign has been posted on the property but the receipts from the required notification of surrounding property owners have not been returned. Staff will notify the Planning Commission at the September 7, 2006 Planning Commission meeting if this requirement has not been met.

Recommendation: Staff is recommending approval of the Major Amendment to a Planned Residential Development with the previously stated stipulations.