

STAFF REPORT  
November 22, 2006

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**No. 06PD089 - Major Amendment to a Planned Residential Development to reduce the side yard setback from six feet to four feet** **ITEM 47**

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Lifestyle Homes
REQUEST	<b>No. 06PD089 - Major Amendment to a Planned Residential Development to reduce the side yard setback from six feet to four feet</b>
EXISTING LEGAL DESCRIPTION	Lot 4 of Block 2, Kateland Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South
PARCEL ACREAGE	Approximately .11 acres
LOCATION	4303 Kateland Street
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Residential Development)
South:	Medium Density Residential District (Planned Residential Development)
East:	Medium Density Residential District (Planned Residential Development)
West:	Medium Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/23/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to reduce the minimum required side yard setback from 6 feet to 4 feet be approved with the following stipulations:

1. All provisions of the Medium Density Residential Zoning District 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;

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---

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3. A minimum 4 foot side yard setback shall be provided for the single family structure on Lot 4 of Block 2, Kateland Subdivision; and,
4. The Major Amendment to a Planned Residential Development is not effective until such time as the Vacation of Easement (06VE030) is approved by City Council and recorded at the Pennington County Register of Deeds office.

GENERAL COMMENTS: The subject property is located west of Kateland Street and north of Country Road at 4303 Kateland Street. A one-story single family residence is currently located on the subject property. The subject property is zoned Medium Density Residential District with a Planned Residential Development. The surrounding properties are all zoned Medium Density Residential District with a Planned Residential Development.

A Planned Residential Development – Final Development Plan to allow the construction of a combination of 42 single family residences and townhomes in the Medium Density Residential Zoning District was approved on January 6, 2005 with the following stipulations:

1. A Final Plat shall be approved prior to or in conjunction with a Final Planned Residential Development;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre;
4. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;
5. A minimum six (6) foot side yard setback shall be provided;
6. A minimum 15 foot rear yard setback shall be provided. In addition, the single family residences and/or townhomes located on Lots 1 thru 11, Block 5 shall be one story structures only or a 25 foot rear yard setback shall be provided;
7. A minimum lot size of 4,800 square feet shall be provided;
8. A maximum 35% lot coverage shall be allowed;
9. All Uniform Fire Codes shall be met;
10. Prior to issuance of a building permit, all drainage channels or facilities as identified in the drainage plan for the subdivision to be installed on or adjacent to the parcel, shall be constructed;
11. Prior to Planning Commission approval, covenants or some other mechanism shall be submitted for review and approval to insure that the development will provide affordable housing as proposed and that the housing will remain affordable. In addition, the covenants shall be recorded at the Register of Deed's Office in conjunction with a Final Plat;
12. The proposed structures shall conform architecturally to the proposed elevations and design plans submitted as part of this Final Planned Residential Development; and,
13. The Planned Residential Development shall allow for the construction of single family and/or townhomes on the property. However, 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 two

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years.

The setbacks of the Planned Residential Development included a six foot side yard setback. The single family unit constructed on Lot 4 of Block 2 encroached two feet into the side yard setback. This Major Amendment to a Planned Residential Development request is to allow a side yard setback of four feet for the constructed single family residence. The applicant has also submitted an application to vacate a portion of a minor drainage and utility easement where the residence was constructed (06VE030).

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

Side Yard Setback: The Planned Residential Development – Final Development Plan indicated a minimum side yard setback for all lots. The single family residence built on Lot 4 of Block 2 was constructed in violation of the minimum required six foot setback. The north side of the residence encroaches into the side yard setback by two feet, resulting in a four foot setback. This Major Amendment to the Planned Residential Development is requested to allow the side yard setback on Lot 4 of Block 2, Kateland Subdivision to be four feet in lieu of the six foot required setback.

Staff noted that there is approximately ten feet of separation between the single family home on the subject property and the single family home located on the abutting property to the north allowing access between the two structures. Staff also noted that there are no openings on the structures that abut the side yard lot line.

As previously note the applicant has submitted an application to vacate the portion of a minor drainage and utility easement (06VE030) that the structure encroaches into. As such, staff recommends that the Major Amendment to a Planned Residential Development not become effective until such time as the Vacation of Easement (06VE030) is approved by City Council and recorded at the Pennington County Register of Deeds office.

Notification: As of this writing the required sign has not been posted on the property and the receipts from the required notification of surrounding property owners have not been returned. Staff will notify the Planning Commission at the November 22, 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.