

STAFF REPORT
July 5, 2007

No. 07PD033 - Major Amendment to a Planned Residential Development **ITEM 42**

GENERAL INFORMATION:

PETITIONER	Brian M. Dodson
REQUEST	No. 07PD033 - Major Amendment to a Planned Residential Development
EXISTING LEGAL DESCRIPTION	Lot 21 of Block 3, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .25 acres
LOCATION	2928 Harvard Avenue
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Public Water and Sewer
DATE OF APPLICATION	5/11/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development be denied.

GENERAL COMMENTS:

(Update June 22, 2007). This item was continued at the June 21, 2007 Planning Commission meeting to allow the required certified mailings to be sent.

(Update June 8, 2007). This item was continued at the June 7, 2007 Planning Commission meeting to allow the applicant time to post the proper sign, and mail the required certified mailings.

The applicant has submitted a Major Amendment to a Planned Residential Development to allow the construction of a deck that will encroach into the required 25 foot rear yard setback. The subject property is located at 2928 Harvard Avenue, more specifically the subject property is located northeast of the intersection of Bendt Drive, and Harvard Avenue. Currently a single family residence is located on the subject property. The subject property is zoned Low Density Residential with a Planned Residential Development.

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STAFF REVIEW:

Staff has noted that stipulations of approval were required for the subject Planned Residential Development (#01PD005):

1. Prior to City Council approval of the Final Development Plan, drainage information shall be submitted for review and approval;
2. Prior to issuance of a Certificate of Occupancy, all fire codes shall be met;
3. Prior to issuance of a building permit, signs shall be posted along Princeton Court and Yale Court to preclude parking in the cul-de-sac bulbs;
4. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;
5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. Upon submittal of a building permit, Architect/Engineered stamped plans shall be submitted;
7. Prior to Planning Commission approval of the Final Development Plan, a landscaping plan shall be submitted for review and approval. In particular, a substantial landscaping buffer including berms, shrubs and trees shall be provided along the east side of Bendt Drive;
8. Prior to Planning Commission approval of the Final Development Plan, a sign and lighting package shall be submitted for review and approval. The sign package shall include the location, height and size, and setback dimensions of any and all proposed signs to be located within the development;
9. Prior to Planning Commission approval of the Final Development Plan, a revised site plan shall be submitted for review and approval to show a 49 foot wide right-of-way on Princeton Court and Yale Court; or the site plan shall be revised to show an off-street parking area for visitors;
10. A minimum 15 foot front yard setback for all principal structures and a minimum 18 foot setback for all garages(s) shall be provided on Princeton Court, Yale Court and Harvard Avenue. A minimum 25 foot front yard setback for all structures shall be maintained on Winterset Drive;
11. All provisions of the Low Density Residential Zoning District shall be met unless otherwise authorized; and,
12. The Planned Residential Development shall allow single family residential use.

Staff has not identified any conflict with any of the stated stipulations, excluding the request to obtain a 20 foot rear yard setback in lieu of the required 25 foot rear yard setback.

The applicant has submitted a Major Amendment to a Planned Residential Development to allow the construction of a deck that will encroach into the required 25 foot rear yard setback. Currently the single family residence that is located on the subject property meets all of the minimum setback requirements for a Low Density Residential Zoning District. The submitted application indicates that the applicant wishes to reduce the required rear yard setback from 25 feet to 20 feet.

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The applicant has submitted a site plan that identifies the single family residence to be 26 feet from the rear property line. Section 17.20.50 of the Rapid City Municipal Code allows the encroachment of decks or porches a maximum of 6 feet into the required rear yard setback.

Staff has noted that currently no other encroachments of decks into the required rear yard setback have been granted in the area of the subject property. Staff has also noted that the applicant can construct a deck that attaches to the dwelling up to seven feet in width. The applicant can legally construct a deck that encroaches six feet into the required setback without obtaining a Major Amendment to a Planned Residential Development, and the house is located 26 feet off of the rear property line in lieu of the required 25 feet rear yard setback requirement. The subject property lot is rectangular in shape, and therefore is not considered irregular. Staff has also noted that no unusual topographical issues exist that justifies reducing the rear yard setback.

NOTIFICATION:

(Update June 22, 2007) Staff has noted that the proper sign has been posted on the subject property, however the required mailings have not been sent. Staff will notify the Rapid City Planning Commission at its meeting on July 5, 2007 if the receipts have not been returned prior to the meeting.

Staff has noted that the required mailings have not been sent, and the proper sign has not been placed on the subject property. The applicant has requested that this item be continued to the June 21, 2007 Planning Commission meeting to allow the applicant time to send the mailings, and post the sign.

Staff recommends that the Major Amendment to a Planned Commercial Development to reduce the rear yard setback from 25 to 20 feet be denied.