

STAFF REPORT

November 21, 2001

No. 01UR055 - Use On Review to allow a private residential garage in excess of 1000 square feet

ITEM 27

GENERAL INFORMATION:

PETITIONER	Remodel King for Daniel M. Tackett
REQUEST	No. 01UR055 - Use On Review to allow a private residential garage in excess of 1000 square feet
LEGAL DESCRIPTION	The unplatted part of the NW1/4 SW1/4 NW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.625 acres
LOCATION	3751 Skyline Drive
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Commercial District
East:	General Agriculture District
West:	Park Forest District
PUBLIC UTILITIES	Septic and private water system
REPORT BY	Lisa Seaman

RECOMMENDATION:

Staff recommends that the Use On Review to allow a private residential garage in excess of 1000 square feet be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, a revised site plan shall be submitted identifying the location of the on-site septic system;
2. Prior to City Council approval, a revised site plan shall be submitted identifying that the entry gate shall be removed or identifying the re-location of the entry gate outside of the Skyline Drive right of way;
3. Prior to issuance of a Certificate of Completion, the applicant shall either remove the entry gate or the gate shall be re-located outside of the right of way;

Fire Department Recommendations:

4. Prior to City Council approval, a wildland fire mitigation plan shall be submitted for review and approval;
5. Prior to issuance of a Certificate of Completion, the wildland fire mitigation plan shall be implemented;

STAFF REPORT

November 21, 2001

No. 01UR055 - Use On Review to allow a private residential garage in excess of 1000 square feet **ITEM 27**

6. The first fifty feet of the driveway shall be paved and the remainder of the driveway shall be continually maintained with a minimum 20 foot wide all weather surface;

Building Inspection Department Recommendations:

7. Prior to any construction, the applicant shall obtain a Building Permit and prior to occupancy, the applicant shall obtain a Certificate of Completion;

Urban Planning Division Recommendations:

8. No plumbing shall be allowed in the garage and prior to City Council approval, a revised site plan shall be submitted excluding the water and sewer service lines to the proposed garage;
9. That the garage shall be constructed of the same materials and maintained with the same colors as the existing residence;
10. Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes.

GENERAL COMMENTS: **This request was continued from the November 8, 2001 Planning Commission meeting because the Use On Review sign was not posted for the required seven days prior to the November 8, 2000 Planning Commission meeting. (Updates to the staff report are shown in bold.)** The applicant is requesting Use On Review approval to construct a 1,104 square foot detached garage on the subject property. A 4,334 square foot single family residence with a 942 square foot attached garage is currently located on the property. The applicant's proposal will result in 2,046 square feet of garage space, which is 47 percent of the gross floor area of the existing dwelling unit. A Use On Review is required when the cumulative square footage of all garages and/or carports exceeds 1,000 square feet or exceeds 30% of the size of the gross floor area of the dwelling unit, whichever is greater.

The site plan submitted with this request indicates that the proposed garage will be located approximately 30 feet southwest of the existing residence. The floor plan submitted shows that approximately 600 square feet of the new structure will be used as a two stall garage for the storage of vehicles. The remaining 504 square feet will be utilized by the applicant as an art studio. Based upon information submitted by the applicant, the building will have one overhead garage door, two walk through doors, and windows on three sides of the proposed garage. Siding and concrete roof tiles to match the existing residence are being proposed for the detached garage. The site plan also indicates that the applicant will be extending water and sewer service to the proposed detached garage.

The applicant currently has a paved driveway providing access to the existing residence. The site plan shows that the proposed garage will be accessed from a gravel driveway that intersects the paved driveway on the subject property.

STAFF REVIEW: Staff has reviewed this request with respect to the five criteria established in Section 17.12.030:

STAFF REPORT

November 21, 2001

No. 01UR055 - Use On Review to allow a private residential garage in excess of 1000 square feet **ITEM 27**

1. *That the proposed garage is consistent with the residential character of the property on which it is located and with the surrounding neighborhood.*

The provision of siding and concrete roof tiles to match the existing residence will help to maintain the residential character of the property as well as alleviate any adverse impacts on the neighborhood.

2. *That the proposed garage shall be used only for residential purposes incidental to the principal use of the property.*

As mentioned previously, the applicant has identified that a portion of the proposed detached garage will be utilized as an art studio and that water and sewer service will be extended to the proposed garage. Staff is aware that the applicant offers photographs for sale at local galleries. Section 17.50.350 of the Rapid City Municipal Code prohibits the use of garage space in the operation of a Home Occupation. In the past, the Planning Commission has consistently prohibited the provision of water and sewer facilities within the proposed garage to discourage the use of a garage in the operation of a home occupation or as a separate residence or guest home. Staff is requesting that prior to City Council approval the applicant submit a revised site plan eliminating the water and sewer connections from the proposed garage.

As discussed in #5 below, a statement declaring that the garage will not be used for commercial purposes will need to be signed by the petitioner and filed at the Pennington County Courthouse prior to the issuance of a building permit.

3. *That landscaping or fencing may be required to screen the garage from neighboring properties.*

The applicant's lot, as well as the adjacent properties, is covered with pine trees providing adequate screening between the proposed garage and neighboring structures. Staff does not believe that additional landscaping or fencing is needed to help buffer this structure.

4. *That the applicant submits a site plan and elevation drawings in addition to information on what types of building materials will be used for the garage.*

The applicant has submitted the required site plan and elevation drawings. As mentioned, the garage will have siding with a pitched concrete tile roof similar to the existing residence.

5. *That the applicant shall file a notice with the Register of Deeds indicating that the garage only be used for residential purposes.*

Staff will ensure that this notice is filed prior to the building permit being issued for the structure.

STAFF REPORT

November 21, 2001

No. 01UR055 - Use On Review to allow a private residential garage in excess of 1000 square feet **ITEM 27**

Staff has also reviewed this Use On Review request with respect to all other applicable requirements and has noted the following concerns:

Driveway: The Off-Street Parking Ordinance requires that the first fifty feet of the driveway be paved at the time the garage is constructed. The site plan submitted with this request indicates that the existing driveway is paved. The site plan also shows that a gravel driveway diverges from the existing paved driveway approximately 50 feet from the east property line. The Fire Department has noted that the gravel driveway must be a minimum of 20 feet wide and must be continually maintained with an all weather surface.

Entry gate: The Engineering Division noted during a site inspection that a gate is located at the entrance of the applicant's driveway and within the Skyline Drive right of way. Structures are prohibited within right of ways. Staff is recommending that prior to City Council approval that the applicant provide a revised site plan showing the re-location of the entry gate outside of the right of way or indicate that the gate will be removed. Prior to issuance of a certificate of occupancy the gate must be either removed or re-located outside of the right of way.

As of this writing, the receipts from the certified mailings have been returned. The Use On Review sign has been posted on the property. Staff has received one call regarding this request. The caller did not express any support of or opposition to the Use On Review request.