

STAFF REPORT

June 26, 2003

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**No. 03PD031 - Major Amendment to a Planned Residential Development to allow a garage in excess of the maximum square footage permitted and in excess of the maximum floor area of the dwelling unit** **ITEM 39**

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GENERAL INFORMATION:

PETITIONER	Kenneth Berglund for Patricia Berglund Estate
REQUEST	<b>No. 03PD031 - Major Amendment to a Planned Residential Development to allow a garage in excess of the maximum square footage permitted and in excess of the maximum floor area of the dwelling unit</b>
EXISTING LEGAL DESCRIPTION	Lot 2 of Squirrely Acres Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.57 acres
LOCATION	5501 Berglund Road
EXISTING ZONING	Park Forest District/Planned Residential Development
SURROUNDING ZONING	
North:	Park Forest District/Planned Residential Development
South:	Park Forest District/Planned Residential Development
East:	Medium Density Residential District/Planned Residential Development
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	05/19/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

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

Fire Department Recommendations:

1. The applicant shall verify that Fire Department apparatus access to all structures on the property shall be maintained at all times;

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Building Inspection Division Recommendations:

2. The applicant shall obtain a building permit prior to the initiation of construction of any development associated with the Conditional Use Permit;

Urban Planning Division Recommendations:

3. The applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage will only be used for residential purposes prior to the issuance of a building permit;
4. The construction of all additional structures shall be constructed to match architectural standards of the submitted elevations including style, color, and materials;
5. Any additional garage or storage space to be constructed on the lot shall require a major amendment to the Planned Residential Development, and
6. All stipulations of the previously approved Planned Residential Development – Final Development Plan approval shall be met at all times.

GENERAL COMMENTS: The applicant is proposing to construct a structure which will exceed the maximum cumulative square footage for the allowable size of all garages or carports on one lot as defined by Section 17.04.315 of the City of Rapid City Municipal Code for private residential garages. The applicant is proposing to construct a garage which is 18 feet by 22 feet which results in a total of 396 square feet. The submitted site plan shows an existing 1500 square foot garage at the site, and the additional proposed 396 square foot structure will bring the total square footage of accessory buildings or main buildings primarily used for storage at the site to 1896 square feet. The City of Rapid City Municipal code states, "The maximum cumulative allowable size for all garages or carports shall be 1500 square feet or thirty percent of the size of the gross floor area of the dwelling unit(s), whichever is greater." The architectural style of the garage appears to be of a barn style, and the site plan shows the oversized garage will be attached to the house.

The gross floor area of the dwelling unit appears to be 4866 square feet which exceeds the gross square footage of the garages by 2970 square feet. However, the gross square footage of the garage structures appears to be 38.9 percent of the square footage of the house. Furthermore the footprint of the dwelling unit appears to be 2168 square feet, while the footprint of the garage appears to be 1896 square feet.

The Planned Residential Development – Final Development Plan was approved on July 16, 2001 with 12 stipulations. These stipulations were:

1. Arrowhead Drainage Basin fees shall be paid prior to issuance of a building permit;
2. Prior to City Council approval, topographic information shall be submitted for review and approval;

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3. Prior to City Council approval, a grading plan and a drainage plan shall be submitted to insure that all requirements of the Arrowhead Drainage Basin Plan are being met;
4. Prior to City Council approval, the applicant shall sign a maintenance agreement to provide maintenance of the private access easement as required by Section 16.20 of the Subdivision Regulations;
5. Prior to City Council approval, the access road shall be improved to a 20 foot wide graveled roadway or surety shall be posted for the improvement;
6. Prior to City Council approval, the Final Plat shall be approved;
7. Prior to City Council approval, design plans for a turnaround at the end of the cul-de-sac shall be submitted for review and approval. In particular, the cul-de-sac design shall accommodate access for emergency vehicles;
8. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;
9. Prior to City Council approval, the property shall be rezoned from General Agriculture District to Park Forest District;
10. All provisions of the Park Forest District shall be continually met unless otherwise authorized;
11. The Planned Residential Development shall allow a duplex or a single family residence to be located on Lot 3 and one single family residence on each of Lots 1 and 2; and,
12. The proposed development shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development.

STAFF REVIEW: Staff has reviewed this request with regards to the criteria pertaining to private residential garages and as per Section 17.54.030.

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

The proposed garage will be of similar characteristics as the existing structure. The applicant has stated garage roof shingles, siding, and doors will be built to match the existing architectural features on the house. The architectural style of the garage appears to be of a barn in nature, which is relatively consistent with a residential character of the neighborhood compared to an industrial or commercial architectural style. In addition, the garage will be in compliance with other features of the residential area such as setbacks, use, and lot coverage.

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

The applicant does not appear to be extending any sewer or water utilities to the proposed garage. The applicant has already constructed the first floor of the proposed development, which is in compliance with the City of Rapid City Municipal Code as long as a building permit has been obtained for construction; however, the addition of the second floor requires

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a Major Amendment to the Planned Residential Development to allow a garage in excess of 1500 square feet on the property. The applicant has indicated the structure would be used for purposes incidental to a residential use.

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

The proposed garage is adequately screened from the side neighbors through existing mature trees and shrubs at the site.

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

The elevations show the proposed garage will be two stories, and the construction materials will match the materials used to construct the dwelling unit. The elevations show the architectural style of the garage will be of a barn in nature.

*5. The applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage will only be used for residential purposes before a building permit is used if this request were to be approved.*

The garage may not be used for commercial purposes. The applicant shall file the notice with the Register of Deeds to verify that the proposed garage shall be used for residential purposes in the future as well as in the present times. Staff is recommending that the notice be recorded prior to the issuance of the building permit.

In addition to the notice being filed with the Register of Deeds, the Fire Department staff has noted that a Wildland Fire Mitigation Plan is going to need to be verified with the applicant in the future. The Fire Department will be reviewing this area to determine the appropriate steps are being taken to ensure any of the impacts of a Wildland Fire can be mitigated and prevented efficiently as possible.

Staff is recommending approval with the stated stipulations based on compliance with the five stated criteria. The green cards from the required notification of surrounding property owners have not been returned at the time of writing this report. A sign stating that a Major Amendment to a Conditional Use Permit has been requested is posted on the property. Staff shall notify the Planning Commission at the June 26, 2003 Planning Commission meeting, if these conditions have not been met. Staff has not received any comments regarding the proposed use at the time of writing this report.

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