

STAFF REPORT

August 7, 2003

No. 03UR011 - Major Amendment to a Conditional Use Permit to change a stipulation of approval

ITEM 22

GENERAL INFORMATION:

PETITIONER	Arthur & Teresa Kenney
REQUEST	No. 03UR011 - Major Amendment to a Conditional Use Permit to change a stipulation of approval
EXISTING LEGAL DESCRIPTION	Lot 3R, Block 5, Chapel Valley Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .40 Acres
LOCATION	3311 Powderhorn Drive
EXISTING ZONING	Low Density Residential (PRD)
SURROUNDING ZONING	
North:	Low Density Residential (PRD)
South:	Low Density Residential (PRD)
East:	Park Forest District (PRD)
West:	Park Forest District (PRD)
PUBLIC UTILITIES	Chapel Valley water system and City sewer
DATE OF APPLICATION	07/10/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to change a stipulation of approval be approved with the following stipulations:

Urban Planning Division Recommendations:

1. Prior to the issuance of a building permit to expand the plumbing in the detached structure, the applicant shall submit information regarding the installation of equipment to prevent petroleum products and other such hazardous wastes from being deposited into the municipal sewer system; and
2. The existing detached structure shall not be used as a second dwelling unit at any time; and
3. That drainage shall be maintained along lot lines at all times;

GENERAL COMMENTS: The applicant is proposing to change a stipulation of approval of a Conditional Use Permit to allow a private garage to exceed 1000 square feet in a residential

STAFF REPORT

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zoning district (99UR027). The applicant had previously obtained approval to construct a 1,072 square foot garage in addition to an existing 537 square foot garage. This resulted in a total of 1,609 square feet of garage space at the site.

The request for the oversized garage was approved on August 2, 1999 by the City Council with six stipulations. These stipulations were:

1. That prior to any construction, the applicant shall obtain a Building Permit, and prior to occupancy, the applicant shall obtain a Certificate of Occupancy;
2. That prior to issuance of a Building Permit, the applicant shall provide a wildland fire vegetation mitigation plan;
3. That prior to issuance of a Building Permit, the applicant shall provide topographic information and a grading plan;
4. That drainage shall be maintained along lot lines;
5. That prior to the issuance of a building permit 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; and,
6. That plumbing in the garage structure shall be limited to a utility sink on the first floor of the structure and an exterior faucet.

The applicant is requesting that stipulation #6 be removed to allow plumbing on both floors of the structure. On previous occasions plumbing had not been allowed in oversized garages. However, on February 3, 2003, the Rapid City Council passed a resolution (LF012903-09) stating, "...it shall be the policy of the City of Rapid City to allow plumbing in detached oversized garages so long as the owner installs equipment, approved by the Public Works director, to prevent petroleum products and other such hazardous wastes from being deposited into the municipal sewer system or into the ground water supply."

STAFF REVIEW: Staff has reviewed the proposed Major Amendment to a Conditional Use Permit and has noted the following issues:

Municipal Sewer System: In accordance with the resolution passed on February 3, 2003 by the City of Rapid City Council staff supports the proposed revision to the conditions of approval. Prior to the issuance of a building permit to expand any plumbing in the garage, the applicant shall submit plans to install equipment to prevent petroleum products and other such hazardous wastes from being deposited into the municipal sewer system. In addition, these plans shall be approved by the Public Works Director prior to the issuance of a building permit.

Staff is recommending approval of the Major Amendment to a Conditional Use Permit to allow plumbing to be expanded in the oversized garage. As of this writing, the receipts from the certified mailings have not been returned. The Conditional Use Permit sign has been posted on the property. Staff will notify the Planning Commission on the August 7, 2003 Planning Commission meeting if the mandated advertising and notification requirements have not been met. Staff has received no calls inquiring about this request at the time of

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this writing.