

STAFF REPORT
April 21, 2005

No. 05UR005 - Conditional Use Permit to allow a garage in excess of 1,500 square feet and greater than the footprint of the dwelling unit

ITEM 36

GENERAL INFORMATION:

PETITIONER	Ray and Delila Myers
REQUEST	No. 05UR005 - Conditional Use Permit to allow a garage in excess of 1,500 square feet and greater than the footprint of the dwelling unit
EXISTING LEGAL DESCRIPTION	Lot 2 Less Lots H1 & H2, Shade Tree Subdivision, located in the NW1/4 SE1/4 Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .78 acres
LOCATION	102 Krebs Drive
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Light Industrial District
East:	General Commercial District
West:	General Commercial District - Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/17/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a garage in excess of 1,500 square feet and greater than the footprint of the dwelling unit be approved with the following stipulations:

1. Prior to initiation of construction, a Building Permit shall be obtained;
2. Prior to Planning Commission approval, a photo of the existing house and attached garage shall be submitted for review to ensure that the proposed detached garage is consistent with the residential character of the existing residential structure;
3. Prior to Planning Commission approval, the site plan shall be revised to show the driveway paved with a hard surface with a minimum length of 50 feet or a Zoning Variance must be obtained;
4. If water or sewer service within the proposed detached garage is anticipated, a utility plan shall be submitted for review and approval;

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5. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval, showing a landscape buffer on the east and south sides of the proposed structure. In addition, the landscaping provided shall include large evergreen trees to ensure that a year round buffer is provided;
6. Prior to issuance of a Building Permit, plans stamped by a registered professional engineer shall be submitted, as per Section 2304 of the International Building Code;
7. Prior to Planning Commission approval, a copy of the statement declaring that the garage cannot be used for commercial purposes, signed by the applicant and filed at the Pennington County Courthouse with the Register of Deeds shall be provided; and,
8. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS: The subject property is located on the east side of Krebs Drive north of Deadwood Avenue. The subject property is currently zoned General Commercial. The existing single-family residence located on the subject property is classified as a legal non-conforming use. Section 17.52.020 of the Rapid City Municipal Code states that nothing in this section shall prohibit the expansion of the legal nonconforming use if the property is for a single-family dwelling and expanded use complies with yard, height, lot coverage and use requirements for Low Density Residential zoning. The subject property is in compliance with the above stated requirements and may be expanded.

The applicant is requesting a Conditional Use Permit to allow an oversized garage on his property. The existing single family residence is 2,077 square feet with a 764 square foot attached garage. The applicant is now proposing to construct a 12,000 square foot detached garage. The square footage of the proposed detached garage plus the square footage of the existing attached garage will total 1,964 square feet which is greater than the footprint of the dwelling unit and larger than the allowed 1,500 square feet for accessory structures.

The applicant is now requesting approval of a Conditional Use Permit to allow the construction of a garage in excess of 1,500 square feet and larger than the footprint of the dwelling unit.

STAFF REVIEW: Staff has reviewed this request for a Conditional Use Permit as it relates to the applicable provisions of Section 17.54.030 of the Rapid City Municipal Code and has noted the following issues:

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

The applicant has submitted a building elevation for the proposed detached garage. The submitted photo shows the exterior of the proposed structure to be metal with a metal roof. The proposed structure appears to be tan in color with brown trim and brown doors. No photos of the existing house have been submitted to compare with the proposed garage to determine if the proposed garage will be consistent with the residential character of the

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property. As such, a photo of the existing house and attached garage must be submitted to ensure that the proposed garage is consistent with the residential character of the property on which it is located.

Staff also noted that Section 17.50.270 (l) requires that the hard surface improvements on driveways must begin at the street or curb line and either extend to the garage or parking slab or a minimum of 50 feet. The existing driveway on the subject property is approximately 40 feet in length. Prior to Planning Commission approval, the site plan must be revised to show the driveway paved with a hard surface with a minimum length of 50 feet or Zoning Variance must be obtained.

Staff noted that the existing single-family residence located on the subject property is connected to City water and sewer service. The applicant's submitted plan does not indicate that water or sewer service will be provided within the proposed detached garage. However, if water or sewer service within the proposed detached garage is anticipated, a utility plan must be submitted for review and approval.

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

The applicant has indicated that the garage will be used for parking a personal recreational vehicle and for storage purposes. These uses appear to be incidental to the principle use of the property which is a single-family residence. As discussed in item number five below, a statement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Register of Deeds prior to Planning Commission approval.

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

The proposed garage addition will be located approximately 150 feet from the front property line adjacent to Krebs Drive. The proposed garage addition will also meet all other building setback requirements being setback from the rear and south side property lines eight feet. The proposed addition is not located in close proximity to any other structures. However, it will be in direct view from the adjacent properties to the east and south. To insure that the proposed garage will not have a negative visual impact on the adjacent properties to the east and south, a revised site plan must be submitted for review and approval showing a landscape buffer on the east and south sides of the proposed structure. The landscaping provided shall include large evergreen trees to ensure that a year round buffer is provided.

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.

As previously noted, the applicant has submitted a building elevation for the proposed detached garage. The applicant also submitted information stating that the proposed

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garage will have a wood post frame with metal siding, a metal roof and a concrete floor. As previously indicated, no photos of the existing house were submitted with the application. As such, a photo of the existing house and attached garage must be submitted to ensure that the proposed garage is consistent with the color scheme of the existing single-family residence located on the subject property. Staff also noted that the proposed structure and foundation will require that the plans submitted for a Building Permit must be stamped by a registered professional engineer as per Section 2304 of the International Building Code.

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.

As per Ordinance 17.10.030 of the Rapid City Municipal Code, the garage may not be used for commercial purposes. The applicant indicated that he had prepared a written statement stating that the proposed garage will be used only for residential purposes. However, a copy of the recorded document by the Pennington County Register of Deeds has not been submitted to City staff. As such, staff is recommending that a copy of the statement declaring that the garage cannot be used for commercial purposes, signed by the applicant and filed at the Pennington County Courthouse with the Register of Deeds shall be provided prior to Planning Commission approval.

The green cards from the required notification of surrounding property owners have not been returned nor has a sign stating that a Conditional Use Permit has been requested been posted on the property. Staff will notify the Planning Commission at the April 21, 2005 Planning Commission meeting if these requirements have not be completed.

Staff recommends approval of the Conditional Use Permit with the above stated stipulations.