

STAFF REPORT
July 9, 2009

No. 09UR013 - Conditional Use Permit to allow an oversized garage in the Low Density Residential zoning district **ITEM 18**

GENERAL INFORMATION:

APPLICANT/AGENT	B. L. and Darlene Buchanan
PROPERTY OWNER	B. L. and Darlene Buchanan
REQUEST	No. 09UR013 - Conditional Use Permit to allow an oversized garage in the Low Density Residential zoning district
EXISTING LEGAL DESCRIPTION	Lot 11 of Block 3 of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.39 acres
LOCATION	235 E. Nebraska Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Medium Density Residential District (Planned Residential Development)
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/8/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an oversized garage in the Low Density Residential zoning district be approved with the following stipulations:

1. Prior to the issuance of a Building Permit the applicant shall file a Covenant Agreement with Register of Deeds indicating that the garage will only be used for residential purposes;
2. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy;
3. All applicable provisions of the currently adopted International Fire Code shall be continually met;
4. Any additional garage or storage space to be constructed on the lot shall require a

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- Major Amendment to the Conditional Use Permit;**
5. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years;**
 6. **All construction shall comply with the approved plan and elevations; and,**
 7. **The garage shall be constructed and maintained of the same general materials and the same colors as the existing residence.**

GENERAL COMMENTS: (Update: June 29, 2009. All revised and/or added text is shown in bold). This item was continued to the July 9, 2009 Planning Commission meeting to allow the applicant to submit the required information. On June 22, 2009 the applicant submitted the additional information as required. As such, staff recommends that this item be approved with the above stated stipulations.

(Update: June 16, 2009. All revised and/or added text is shown in bold). This item was continued to the June 25, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the July 9, 2009 Planning Commission meeting to allow the applicant to submit the required information.

The property is located at 235 East Nebraska Street north of East Minnesota Street. The property is currently zoned Low Density Residential District. The adjacent properties to the north, east and west are all zoned Low Density Residential District. The property to the south is zoned Medium Density Residential in a Planned Commercial Development. The applicant is proposing to construct a 1,200 square foot garage addition that is approximately 13 feet in height.

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 considerations:

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 building elevation plans for the proposed garage. The submitted elevations indicate that the garage will be constructed of textured hardboard lap siding and be consistent with the existing garage and single family residence on the property. The existing structure is tan in color. It appears that the color and materials proposed for the construction of the proposed addition will be consistent with the existing single family residence located on the property. In addition, the size and extent of the proposed garage appears to be consistent with the surrounding properties in the neighborhood.

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

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The applicant has indicated that the garage will be used for parking personal vehicles and storing personal items. These uses appear to be incidental to the principle uses of the property which are residential. The applicant should be aware that the garage may not be used for commercial purposes. A Covenant Agreement declaring that the garage cannot be used for commercial purposes must be signed by the applicant and filed at the Pennington County Courthouse prior to the issuance of a building permit.

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

The proposed garage will meet all of the building setback requirements for the property. The proposed garage will be setback approximately 8 feet from the south property line and approximately 25 feet from the east property line. It will be located approximately 100 feet from any existing structures. As such, no additional landscaping or fencing is necessary to screen the garage from the neighboring properties.

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 building elevation plans for the proposed garage. The elevations that were submitted indicate that the garage will be constructed of textured hardboard lap siding consistent with the existing garage and single family residence on the property. The existing residence is tan in color. Staff noted the color of building materials to be used for the garage will match the existing residence on the property.

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. A Covenant Agreement declaring that the garage cannot be used for commercial purposes must be signed by the applicant and filed at the Pennington County Register of Deeds Office prior to the issuance of a Building Permit.

Building Permit and Certificate of occupancy: Staff noted that prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy.

Site Plan: Staff noted that a carport appears to be located along the west property line but was not indicated on the submitted site plan. In addition, the site plan does not demonstrate access to the existing carport and proposed garage. However, Section 17.50.270 (I) of the Rapid City Municipal Code states that 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. All portions of the required paving for parking shall be outside of the public right-of-way. Staff recommends that prior to Planning Commission approval a revised site plan demonstrating the location of all existing and proposed structures and proposed access in compliance with Section 17.50.270 (I) of the Rapid City Municipal Code be submitted for

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review and approval.

On June 22, 2009, the applicant submitted a revised site plan showing all existing and proposed structures. In addition, the applicant submitted a revised site plan showing a minimum of 50 feet of paving for the driveway in compliance with Section 17.50.270 (I) of the Rapid City Municipal Code.

Setbacks: Staff noted that the proposed garage and existing single family residence appear to meet the minimum setback requirements of the Low Density Residential District. However, the existing carport along the west property line does not appear to meet the minimum 8 foot side yard setback requirement per Section 17.10 of the Rapid City Municipal Code. As such, staff recommends that prior to Planning Commission approval the existing carport shall be relocated outside of the 8 foot side yard setback or a Variance from the Zoning Board of Adjustment shall be obtained.

On June 22, 2009, staff confirmed that the existing carport along the west property line was relocated to meet the minimum 8 foot side yard setback requirement per Section 17.10 of the Rapid City Municipal Code.

Easements: Staff noted that the existing carport appears to be located in the 8 foot utility and drainage easement along the west property line. As such, staff recommends that prior to Planning Commission approval the existing carport shall be relocated outside of the 8 foot utility and drainage easement or a portion of the 8 foot utility and drainage easement shall be vacated.

On June 22, 2009, staff confirmed that the existing carport along the west property line was relocated to meet the minimum 8 foot side yard setback requirement per Section 17.10 of the Rapid City Municipal Code.

Fire Code: All applicable provisions of the currently adopted International Fire Code shall be continually met.

Notification Requirement: As of this writing, the green cards from the required notification of surrounding property owners have not been returned and the sign stating that a Conditional Use Permit has been requested has not been posted on the property. Staff will notify the Planning Commission at the June 4, 2009 Planning Commission meeting if the mailing notification requirement has not been completed.

Staff recommends that the Conditional Use Permit to allow an oversized garage be approved with the above stated stipulations.