

STAFF REPORT
October 21, 2010

No. 10UR033 - Conditional Use Permit to allow an oversized private residential garage in the Park Forest Zoning District **ITEM 15**

GENERAL INFORMATION:

APPLICANT	Shannon Schad
PROPERTY OWNER	Robert and Rebecca Durst
REQUEST	No. 10UR033 - Conditional Use Permit to allow an oversized garage in the Park Forest Zoning District
EXISTING LEGAL DESCRIPTION	Tract 1 of Kovarik Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.04 acres
LOCATION	5353 Berglund Road
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Park Forest District (Planned Residential Development) - Medium Density Residential District (Planned Development Designation)
East:	Business Park District
West:	Park Forest District
PUBLIC UTILITIES	Private well and septic
DATE OF APPLICATION	9/24/2010
REVIEWED BY	Jim Flaaen / Ted Johnson

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an oversized garage in the Park Forest Zoning District be approved with the following stipulations:

1. Prior to issuance of a Building Permit approval, a grading and drainage plan shall be submitted for review and approval;
2. 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 and a copy submitted to the Growth Management staff;
3. A Building Permit shall be obtained prior to construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. All applicable provisions of the currently adopted International Fire Code shall be continually met;

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5. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit; and,
6. The proposed structures shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Conditional Use Permit; and,
7. 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.

GENERAL COMMENTS: The applicant has submitted a Conditional Use Permit request to allow an oversized garage in the Park Forest Zoning District. In particular, the applicant is proposing to construct a 1,288 square foot garage on the property located at 5353 Berglund Road. The proposed garage would be 46 feet wide, 28 feet deep and approximately 15 feet tall. The existing residence located on the property has a building footprint of approximately 1,790 square feet. The property is located in the Park Forest Zoning District and garage(s) that do not meet the definition of a private residential garage is a Conditional Use.

The property is located at 5353 Berglund Road, on the west side of Berglund Road and west of Highway 16. A single family residence with an attached garage is located on the property.

STAFF REVIEW: Staff has reviewed this request for a Conditional Use Permit as it relates to the applicable provisions of Section 17.10.030 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 elevations for the proposed garage. In addition, the applicant has submitted photographs and descriptions of the building materials to be used in the construction of the garage. The garage will be constructed with light grey siding and grey shingles that will match the existing house. It appears that the color and materials proposed for the construction of the proposed garage will be consistent with the existing single family residence located on the property.

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

The applicant has indicated that the proposed garage will be used for vehicle and household storage. In addition, space within the garage will be used as a hobby woodworking and crafts area. These uses appear to be incidental to the principal residential uses of the property. The applicant should be aware that the garage may not be used for commercial purposes. Prior to the issuance of a building permit, a Covenant Agreement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Courthouse and a copy submitted to the Growth Management staff.

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

The property is located west of Berglund Road and west of a Business Park Zoning District located across Berglund Road. The proposed garage will be setback from the front property line approximately 176 feet and from the north side property line approximately 40 feet. In addition, a multitude of large trees are located on the property that will aide in screening the proposed garage from adjacent properties. As such, staff does not recommend requiring the installation of any additional landscaping or fencing 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 elevations for the proposed garage. The proposed garage will be sided with light grey siding and grey asphalt shingles to match the existing residence. In addition, the proposed garage will be a loft style to match the residence. The garage is proposed to be approximately 15 feet in overall height.

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 Section 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.

Grading and Drainage: The applicant did not provide any grading or drainage information. The Public Works staff has noted that the proposed garage will not significantly affect local drainage or runoff, however no information was provided to verify compliance with those findings. As such, staff recommends that prior to issuance of a Building Permit a grading plan must be submitted for review and approval.

Septic System: The property is served by a private septic system. No information has been provided detailing the capacity and compliance with current regulations. The Public Works staff has noted that the future use of the garage as an apartment or sleeping room may require the review of the existing septic system.

Driveway Access: The submitted site plan indicates that access to the proposed garage will be taken from Berglund Drive via a 13 foot wide concrete driveway. The area in front of the proposed garage will be added to the driveway and will also be constructed of concrete.

Covenant Agreement: Prior to the issuance of a building permit, the applicant shall file notice with Register of Deeds indicating that the garage will only be used for residential purposes.

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Building Permit and Certificate of Occupancy: Prior to construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy of the garage.

Fire Code: The Fire Department has indicated that currently no municipal water system is available to the area and therefore, no Fire Flow will be available. In addition, the Fire Department has indicated that if the future intent of the proposed garage is to provide guest accommodations, the structure must be fire sprinkler protected.

Notification Requirement: As of this writing, the required sign has not been posted on the property and the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 21, 2010 Planning Commission meeting if this requirement has not been met. Staff has not received any inquiries or objections to the proposed request at the time of this writing.

Staff recommends that the Conditional Use Permit to allow an oversized private residential garage in the Park Forest Zoning District be approved with the stipulations as identified above.