

STAFF REPORT  
April 21, 2011

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**No. 11UR009 - Conditional Use Permit to allow an oversized garage**

**ITEM 13**

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GENERAL INFORMATION:

APPLICANT	Vern & Patricia K. Hook
PROPERTY OWNER	Vern & Patricia K. Hook
REQUEST	<b>No. 11UR009 - Conditional Use Permit to allow an oversized garage</b>
EXISTING LEGAL DESCRIPTION	Lot 18 of Block 3 of Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .39 acres
LOCATION	823 Crimson Court
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/28/2011
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an oversized garage be approved with the following stipulations:

1. Prior to Planning Commission approval, a geotechnical analysis and grading and drainage plan shall be submitted for review and approval addressing soil stability, foundation design, storm water run-off and erosion and sediment control;
2. Prior to Planning Commission approval, a revised site plan shall be submitted showing one driveway to the property or an Exception shall be obtained to allow two driveways and to reduce the minimum required separation between driveways;
3. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy;
4. 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 and a copy shall be submitted to the Growth Management office;
5. All applicable provisions of the currently adopted International Fire Code shall be

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- continually met;
6. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;
  7. 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,
  8. 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 to be constructed on the property. In particular, the applicant is proposing to construct a second garage on the property, south of the existing residence and attached garage. The property is located in the Low Density Residential Zoning District and garage(s) that do not meet the definition of a private residential garage require a Conditional Use Permit.

The property is located approximately 100 feet west of the intersection of Crimson Court and Coal Bank Drive on the south side of Crimson Court. As previously noted, a single family residence with an attached garage is currently 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 oversized garage and photographs of the existing residence and garage. The proposed garage will be constructed with wood and simulated wood siding and with brick accents along the front of the structure similar to the existing residence. In addition, the garage will have a peaked shingled roof and is shown to be the same green and brown color scheme as the existing residence. The proposed garage is consistent with the residential character of the property and with the surrounding neighborhood.

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. 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 Department.

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

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*properties.*

The proposed garage will be located on a .39 acre lot. In addition, the garage will meet and/or exceed all of the minimum setback requirements in the Low Density Residential District. As noted above, the garage will be constructed with the same building materials, design and color scheme as the existing residence. As such, no additional landscaping or fencing is necessary to screen the garage from the neighboring properties.

*3. 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 constructed with wood and simulated wood siding and with brick accents along the front of the structure similar to the existing residence. In addition, the garage will have a peaked shingled roof and is shown to be the same green and brown color scheme as the existing residence.

*4. 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.

Chapter 17.04.315:

The accumulative square foot of the existing garage and the proposed garage is 1,235 square feet which exceeds the 1001 square foot building footprint of the existing residence. Chapter 17.04.315 of the Rapid City Municipal Code states that in no event shall the size of the building footprint of the garage(s) exceed the footprint of the dwelling unit. As such, the applicant has submitted this Conditional Use Permit application to allow the oversized garage in the Low Density Residential District. Staff has reviewed the Conditional Use Permit application and has noted the following considerations:

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

Driveway(s): The applicant's site plan identifies two approach locations to the residence. In particular, the site plan shows one approach to the existing garage and a second approach to the proposed garage. However, the Street Design Criteria Manual states that only one approach is allowed to a residential lot. In addition, the two approach locations do not provide minimum separation as per the Street Design Criteria Manual. As such, prior to Planning Commission approval, a revised site plan must be submitted showing one driveway to the property or an Exception must be obtained to allow two driveways and to reduce the minimum required separation between the driveways.

Soils: The proposed improvements are located in an area of unstable soils with the potential for

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movement of soil, structures and foundations and a high potential for erosion, sediment transport and blowing dust. As such, staff recommends that prior to Planning Commission approval, a geotechnical analysis and grading and drainage plan be submitted for review and approval addressing soil stability, foundation design, storm water run-off and erosion and sediment control.

Garage Height: Chapter 17.10.060 states that accessory structures shall not exceed 15 feet in height. The applicant should be aware that the proposed garage may not exceed 15 feet in height.

Fire Code: All applicable provisions of the currently adopted International Fire Code shall be continually met. In addition, prior to issuance of a Building Permit for the proposed garage, the applicant must coordinate with the Fire Department to establish a Wildland Fire Mitigation review and plan.

Notification Requirement: As of this writing, the required sign has not been posted on the property and the green receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 21, 2011 Planning Commission meeting if these requirements have 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 the construction of a garage that exceeds the allowable square footage for a private garage as per Section 17.04.315 of the Rapid City Municipal Code be approved with the stipulations as identified above.