

STAFF REPORT
January 5, 2012

No. 11UR030 - Conditional Use Permit to allow an Oversized Garage **ITEM 15**

GENERAL INFORMATION:

APPLICANT	Randy Hildebrant
AGENT	James Taylor for Morton Buildings
PROPERTY OWNER	Randy Hildebrant
REQUEST	No. 11UR030 - Conditional Use Permit to allow an Oversized Garage
EXISTING LEGAL DESCRIPTION	The unplatted balance of the SE1/4 of the SE1/4 less right-of-way located in Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 22.23 acres
LOCATION	1580 Kingswood Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Residential Development)
South:	Low Density Residential-1 District
East:	Low Density Residential-1 District
West:	Low Density Residential-1 District
PUBLIC UTILITIES	Private Well and Septic System
DATE OF APPLICATION	12/9/2011
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

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

1. A Building Permit shall be obtained prior to any construction;
2. Prior to issuance of a Building Permit, a wildfire mitigations plan shall be submitted to the Rapid City Fire Department for review and approval;
3. Prior to issuance of a Building Permit, the applicant shall submit a Covenant Agreement to the Register of Deeds indicating that the garage shall only be used for residential purposes. A copy of the Covenant Agreement shall be submitted to Community Planning and Development Services for review and approval;
4. Prior to issuance of a Building Permit, the applicant shall submit final stamped and sealed construction drawings to Community Planning and Development Services for review and

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- approval, and;
5. The structure shall conform to the design and color palette submitted as a part of this Conditional Use Permit. Any changes to the design and color palette which the Director of Community Planning and Development determines are consistent with the original approved plans may be allowed as a Minimal Amendment to the Conditional Use Permit.

GENERAL COMMENTS: The applicant has submitted a request for a Conditional Use Permit to allow construction of an oversized garage on the property located at 1580 Kingswood Drive. The proposed garage is detached from the primary structure and approximately 1,440 square feet in size. An existing attached garage on the property is approximately 800 square feet in size. The maximum allowable square footage for garage and storage space on a residential property is 1,500 square feet. As such, a Conditional Use Permit is required to allow an oversized garage.

The property consists of 22.23 acres of unplatted property located approximately 600 feet west of the intersection of Strugis Road and Pine Hills Drive. Currently a single family residence and an attached garage are located on the property.

STAFF REVIEW: Staff has reviewed the request for a Conditional Use Permit and has noted the following considerations:

Criteria for Evaluation: Rapid City Municipal Code Section 17.10.030.N lists the criteria required for review when considering an over-sized garage. These criteria and staff comments are as follows:

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

The proposed structure is located on a large, isolated property, well buffered by heavy tree cover on all sides. The applicant has indicated that the structure will not have utility services, and the submitted information shows the structure to have similar colors and materials as other structures on the property.

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

The applicant has indicated that the proposed garage will be used to store a boat and other vehicles for the single-family residence currently located on the property.

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

Existing heavy tree cover buffers the site of the proposed garage from neighboring properties and from the public right-of-way on all sides. The structure is set back approximately 166 feet from the northern property line and 153 feet from the eastern property line. The building is 600 feet from the western property line and over 1,000 feet from the southern property line. Neighboring properties to the east, south, and west are

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all zoned Low Density Residential-1 District. Property to the north is zoned Medium Density Residential District, but is well-buffered by tree cover and natural terrain from the location of the proposed garage. Neither the residence nor the proposed garage is viewable from nearby right-of-ways or neighboring residences. From the applicant's submitted plans, it does not appear the structure will be illuminated in any way. It appears that additional landscaping or screening is not necessary to screen the proposed structure.

4. *That the applicant submits a site plan and elevation drawings in addition to information on what types of building materials will be used for the garage;*

The applicant has submitted plans showing the proposed structure to be constructed of 26 gauge steel, painted with a brown roof and wainscot, ivory sidewalls, and white doors, soffits, windows, and trim. Changes to the design or color palette which the Director of Community Planning and Development Services determines to be consistent with the approved elevations may be allowed as a Minimal Amendment to the Conditional Use Permit. Prior to issuance of a building permit, final stamped and sealed construction plans must be submitted to Community Planning and Development Services for review and approval.

5. *The applicant must file a notice with the register of deeds indicating that the garage only be used for residential purposes;*

Prior to issuance of a building permit, the applicant must file a notice with the register of deeds indicating that the garage only be used for residential purposes. A copy of the submitted agreement must be submitted to Community Planning and Development Services for review and approval.

Site Plan: The applicant's submitted plans show that the proposed garage is 30 feet wide by 48 feet long by 12 feet high. This equals approximately 1,440 square feet of floor area. An existing garage on the property is approximately 800 square feet. This is a total of 2,241 square feet of garage/storage space on the property. The maximum cumulative allowable garage/storage space allowed on a property is 1,500 square feet. The proposed structure meets the height requirement for accessory structures in a Low Density Residential-1 District.

The property is comprised of 22.23 acres of land and the existing structures are accessed by a private road and isolated from neighboring properties. The square footage of the single family residence is approximately 2,280 square feet on the ground floor. An accessory structure on a lot zoned Low Density Residential-1 District must be set back a minimum of 35 feet from the front and side yards, and a minimum of 5 feet from the rear property line. The structure is well within the required setbacks. Additionally, the property is adequately screened from neighboring properties.

Prior to issuance of a Building Permit, final stamped and sealed construction plans must be submitted to Community Planning and Development Services for review and approval.

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Drainage: Staff has noted the proposed storage garage is less than 15 percent of the area of the site. As such, the garage does not trigger the water quality ordinance (Rapid City Municipal Code Chapter 8.48.020).

Utilities: The applicant's submitted plans show that there will be no water, sewer, or electrical connections for the proposed structure.

Fire Requirements: The Rapid City Fire Department has noted that a fire sprinkler protection system is strongly encouraged for this structure, although it is not required. In addition, the Fire Department encourages the applicant to clearly post the address at the entrance of the property. The Rapid City Fire Department requires that the applicant coordinate with the Fire Department to develop a wildfire mitigation plan for the property. As such, prior to issuance of a Building Permit, the applicant must provide a wildfire mitigation plan to the Rapid City Fire Department for review and approval.

Notification Requirements: The required sign for a Conditional Use Permit has been posted on the property. As of this writing, the required green cards and white receipts have not been returned to Community Planning and Development Services. Staff will inform Planning Commission staff at the January 5, 2012 Planning Commission meeting if the requirement has not been met. At this time there have been no inquiries regarding this request.