

STAFF REPORT
March 22, 2012

No. 12UR009 - Conditional Use Permit to allow an oversized garage

ITEM 27

GENERAL INFORMATION:

APPLICANT	Don & Donna Short
AGENT	Roger Doehling, AIA for LYNC Architecture, LLC
PROPERTY OWNER	Steven & Carla Jeschke
REQUEST	No. 12UR009 - Conditional Use Permit to allow an oversized garage
EXISTING LEGAL DESCRIPTION	Lot 3 of Block 18 of Red Rock Estates located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .779 acres
LOCATION	5407 Bethpage Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District - General Agriculture District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	2/24/2012
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

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

1. Prior to approval by Planning Commission, an Exception shall be obtained to allow two driveways, or revised plans shall be submitted to Community Planning and Development Services for review and approval showing only one driveway;
2. A Building Permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to use of the garage;
3. Prior to issuance of a Building Permit, a Covenant Agreement shall be submitted to the Register of Deeds acknowledging that the garage shall only be used for residential purposes. A copy of the Agreement shall be submitted to Community Planning and Development Services for review and approval;
4. The structure shall conform to the elevations and designs approved as a part of this

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- Conditional Use Permit. Changes to the design which the Director of Community Planning and Development Services determines are consistent with the original approved plans may be allowed as a Minimal Amendment to the Conditional Use Permit;
5. This Conditional Use Permit shall allow for the construction of an oversized garage with a cumulative floor area of 2,330 square feet in lieu of the maximum allowable 1,500 square feet to be used as RV storage for a single family residence. Expansion or modification of the single family residence shall not require an Amendment to the Conditional Use Permit. Expansion or modification of the proposed oversized garage shall require a Major Amendment to the Conditional Use Permit; and,
 6. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval of the Planning Commission, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS: The applicant has submitted a request for a Conditional Use Permit to allow an oversized garage to be constructed as part of a single family residence located in a Low Density Residential District. An oversized garage is a Conditional Use in a Low Density District.

The property is located on Bethpage Drive in the southwestern corner of the City. Currently the property is undeveloped.

STAFF REVIEW: Rapid City Municipal Code Chapter 17.10.030 covers the requirements for approval of an oversized garage. The requirements are as follows:

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

The proposed garage is designed as an attached part of the proposed single-family residence. The house is approximately 3,345 square feet, while garage area is approximately 2,330 square feet. Elevations provided with the application show that the entire structure is designed with the same architectural design theme. The building will have a maximum height of 22.2 feet. The maximum allowable height for structures in a Low Density Residential District is 35 feet. Submitted plans show a front setback of 35 feet, 2 $\frac{3}{4}$ inches. The minimum side setback is 22 feet $\frac{3}{4}$ inches. The rear yard setback is approximately 120 feet. The proposed structure meets all the requirements for building heights, setbacks and lot coverage and appears to be consistent with the residential character of the neighborhood. Submitted plans show that the recreational vehicle garage will be accessed by a second driveway. In a Low Density Residential District, only one driveway is permitted per property. As such, prior to approval by Planning Commission, an Exception must be granted to allow more than one driveway, or plans must be submitted for review and approval showing only one driveway to the property.

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

The applicant has indicated that the garage will be used for storage of a recreational vehicle. Storage is an accessory use to a residence in a Low Density Residential District. The applicant has indicated that the garage will only be used for residential purposes incidental

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to the principal use.

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

The proposed garage is a part of the proposed single family residence. As a result of this, the size of the garage is minimized as a portion of the primary structure on the property. Based on the submitted plans, it does not appear that additional landscaping or screening of the proposed structure is necessary.

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

The submitted plans include a site plan and elevations of the proposed residence and garage. The structure will be constructed of stone and wood, with earth-tone colors and asphalt shingles. This architectural design includes the proposed recreational vehicle garage. The proposed garage must conform to the designs submitted and approved as a part of this Conditional Use Permit. Changes to the design of the proposed garage which the Director of Community Planning and Development Services determines is consistent with the original approved designs may be approved as a Minimal Amendment to the Conditional Use Permit.

5. *The applicant must file notice with the Register of Deeds indicating that the garage will only be used for residential purposes.*

Rapid City Municipal Code Section 17.10.030.N.5 states that the applicant must submit a Covenant Agreement to the Register of Deeds indicating that the garage will only be used for residential purposes. A copy of the Covenant Agreement must be submitted to Community Planning and Development Services for review and approval prior to issuance of a Building Permit.

Notification Requirements: As of this writing, the required sign has not been posted on the property. The green cards and white receipts from the certified mailing have not been returned. Staff will inform the Planning Commission at the March 22, 2012 Planning Commission meeting if these requirements have not been met. As of this writing, there have been two inquiries regarding the proposed Conditional Use Permit application to allow an oversized garage. The inquires have not expressed an opinion about the requested Conditional Use Permit