

STAFF REPORT
July 25, 2013

No. 13UR013 - Major Amendment to a Conditional Use Permit to allow an oversized garage **ITEM 4**

GENERAL INFORMATION:

APPLICANT	Daniel F. Hunt
AGENT	Kent Kennedy
PROPERTY OWNER	Daniel F. Hunt
REQUEST	No. 13UR013 - Major Amendment to a Conditional Use Permit to allow an oversized garage
EXISTING LEGAL DESCRIPTION	Lots 1 thru 5 and Lots 18 thru 22 and adjacent vacated alley of Block 24 of South Park Subdivision, located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.71 acres
LOCATION	242 East Indiana Street
EXISTING ZONING	Medium Density Residential District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	June 27, 2013
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

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

1. An Exception is hereby granted to allow a total of 3,264 square feet of private garage space in lieu of the maximum allowed private garage space of 1,500 square feet for the property;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed

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- Architect or Professional Engineer as per SDCL 36-18A;
4. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Conditional Use Permit or a subsequent Major Amendment;
 5. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 6. The Major Amendment to the Conditional Use Permit shall allow for an oversized garage to be constructed on the property in conjunction with the previously approved Major Home Occupation. The garage shall not be used for commercial purposes or a second residence. The orientation of the garage doors shall face south as shown on the applicants site plan. Any change in use that is a permitted use in the Medium Density Residential District shall require a building permit. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Conditional Use Permit to allow an oversized garage. In particular, the applicant is requesting a total of 3,264 square feet of garage in lieu of the maximum allowed 1,500 square feet. The applicant is proposing to construct a 2,400 square foot detached garage. There is an existing detached garage 864 square feet in size currently located on the property. The applicant has stated that the proposed garage will match the style and color of the existing structures.

On February 7, 1994, the City Council approved a Conditional Use Permit (File #UR1261) to allow a major home occupation. The applicant operates "Rushmore Vending" from the property and stores and delivers vending items. The approved Conditional Use Permit allows a maximum of five outside employees.

The property is located on the northwest corner of the intersection of East Indiana Street and Elm Avenue. Currently, a one story, single-family dwelling and a detached three car garage are located on the property.

STAFF REVIEW:

Staff has reviewed this request for a Major Amendment to a Conditional Use Permit as it relates to the applicable provisions of 17.12.030 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 a sample elevation of the proposed garage. The applicant has stated that the design of the garage will be in keeping with the architecture and colors of the existing single-family residence. The elevation submitted with the application identifies that the proposed detached garage will have gray hardboard siding with white trim. The design of the proposed garage appears to be consistent with the residential character of the property.

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

The site plan indicates that the proposed garage will have three garage stalls and a work shop. The applicant should be aware that the garage may not be used for commercial purposes or as a second residence. Chapter 17.12.030 of the Rapid City Municipal Code identifies private garages that do not meet the definition of a private garage as a conditional use.

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

The proposed garage is located on the north side of the subject property. The doors on the proposed detached garage will face south into the interior of the property. The orientation of the garage openings should minimize negative impacts on adjacent properties. For these reasons, the applicant is not proposing any fencing or landscaping to serve as an additional buffer. As such, the orientation of the garage doors must face south into the interior of the site as shown on the applicants site plan.

- 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 applicant should be aware that a building permit and certificate of occupancy must be obtained for the proposed detached garage.

Staff has also reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

- 1. The location, character and natural features of the property:*

The property is located on the northwest corner of the intersection of East Indiana Street and Elm Avenue. Currently, a one story, single-family dwelling and a detached three car garage are located on the property.

- 2. The location, character and design of adjacent buildings:*

Properties to the north and west are zoned Medium Density Residential District. Properties to the south and east are zoned Low Density Residential District. The neighborhood primarily consists of one story, single-family dwellings.

- 3. Proposed fencing, screening and landscaping:*

The applicant is not proposing to provide any screening or fencing. The applicant has stated that the design of the proposed detached garage will match the existing structures located on the property. In addition, the garage doors will face the interior of the property which should minimize potential negative impacts.

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The property is zoned Medium Density Residential District and does not require that landscaping be provided for single-family dwellings.

4. *Proposed vegetation, topography and natural drainage:*

The location of the proposed garage is relatively flat. Vegetation on the property consists of grass and a few mature trees.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

Vehicular access to the property is from East Indiana Street on the south, Elm Avenue on the east and Tallent Street from the north. There is property line sidewalk along East Indiana Street, Elm Avenue and Tallent Street.

6. *Existing traffic and traffic to be generated by the proposed use:*

The proposed garage is for the personal use of the property owner and should not cause a significant increase in traffic.

7. *Proposed signs and lighting:*

The applicant is not proposing any signage and has not indicated that any outdoor lighting will be installed. All outdoor lighting must continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind.

8. *The availability of public utilities and services:*

The property is currently served by public utilities including Rapid City sewer and water.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

The Zoning Ordinance is the tool that implements the Comprehensive Plan. Chapter 17.12.030 of the Rapid City Municipal Code identifies private garages that do not meet the definition of a private garage as a conditional use. Approval of the Major Amendment to the Conditional Use Permit will allow 3,264 square feet of garage in lieu of the allowed 1,500 square feet in conjunction with the previously approved Major Home Occupation. Any change in use that is a permitted use in the Medium Density Residential District will require a building permit. Any change in use that is a Conditional Use in the Medium Density Residential District will require the review and approval of a Major Amendment to the Conditional Use Permit.

A building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. Upon submittal of a building permit,

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plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A.

10. *The overall density, yard, height and other requirements of the zone in which it is located:*

The existing and proposed development on the property are in compliance with the density, yard and height requirements of the Medium Density Residential District. All provisions of the Medium Density Residential District must continually be met.

11. *The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation:*

It does not appear that the proposed oversized garage will have a significant effect on the surrounding area by causing noise, odor, smoke, dust, air or water pollution.

12. *The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:*

The stipulations of approval of the Major Amendment to the Conditional Use Permit will serve as a tool to insure that the proposed garage is in keeping with existing residential neighborhood and will not be used for commercial purposes.

Notification: The first class mailings have been returned to Community Planning and Development Services for mailing. The sign has been picked up; however, as of this writing, staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the July 25, 2013 Planning Commission meeting if this requirement has not been met.