

STAFF REPORT  
January 9, 2014

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**No. 13PD050 - Final Planned Development Overlay to allow an oversized garage**      **ITEM 5**

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GENERAL INFORMATION:

APPLICANT	Rob and Jami Poeppel
PROPERTY OWNER	Robert J. and Jami Poeppel
REQUEST	<b>No. 13PD050 - Final Planned Development Overlay to allow an oversized garage</b>
EXISTING LEGAL DESCRIPTION	Lot 6, less Highway right-of-way, of Una Del Acres, located in Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.42 acres
LOCATION	5965 Sheridan Lake Road
EXISTING ZONING	Low Density Residential District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	General Commercial District (Planned Development Designation)
West:	Low Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	November 22, 2013
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to allow an oversized garage be approved with the following stipulations:

1. An Exception is hereby granted to allow an oversized garage of 2,328 square feet in lieu of the maximum of 1,500 square feet;
2. An Exception is hereby granted to allow a detached garage as an accessory structure to be 16 feet in height in lieu of the maximum allowed 15 feet;
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. Prior to issuance of a building permit, a Wild Lands Fuel Mitigation Plan shall be approved. Prior to issuance of a certificate of occupancy, the Wild Lands Fuel Mitigation

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- Plan shall be implemented. All applicable provisions of the adopted International Fire Code shall continually be met;
5. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
  6. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
  7. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment; and,
  8. The Final Planned Development Overlay shall allow for an oversized garage for the property. The garage shall not be used for commercial purposes or as a second residence. In addition, the garage shall not be used as a rental unit. Any change in use that is a permitted use in the Low Density Residential District shall require a building permit. Any change in use that is a Conditional Use in the Low Density Residential District shall require the review and approval of a Major Amendment to the Planned Development.

**GENERAL COMMENTS:**

The applicant has submitted a Final Planned Development to allow an oversized garage. Currently, a two story single-family dwelling with an 828 square foot attached garage is located on the property. The applicant is proposing to construct a 1,500 square foot detached garage for a total of 2,328 square feet of garage space in lieu of the permitted maximum 1,500 square feet. In addition, the applicant is requesting an Exception to allow a detached garage that is 16 feet in height in lieu of the permitted 15 feet. The applicant has stated that the garage will not be used for commercial purposes or as a second residence.

The property is located on the west side of Sheridan Lake Road, approximately 230 feet north of the intersection of Sheridan Lake Road and Wildwood Drive. As previously noted, a two story single-family dwelling with an 828 square foot attached garage is currently located on the property.

**STAFF REVIEW:**

Staff has reviewed the Final Planned Development Overlay with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

1. *There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:*

The property is approximately 2.42 acres in size and is located on the west side of Sheridan Lake Road approximately 1,400 feet south of the intersection of Sheridan Lake Road and Catron Boulevard. A single-family dwelling with an attached 828 square foot garage is currently located on the property. The property is heavily wooded providing a buffer from Sheridan Lake Road and surrounding properties.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

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The property is zoned Low Density Residential District. An over-sized garage is a Conditional Use in the district. The applicant is proposing to construct a 1,500 square foot detached garage with a height of 16 feet. The applicant is requesting an Exception to allow a detached garage that is 16 feet in height in lieu of the maximum permitted 15 feet. The property is approximately 2.42 acres in size and is heavily wooded. The topography of the site, the existing vegetation and the orientation of the detached garage away from adjacent properties should mitigate any negative impacts.

All provisions of the Low Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment.

3. *Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:*

The applicant is requesting an Exception to allow a detached garage with a height of 16 feet in lieu of the maximum allowed height of 15 feet. The property is approximately 2.42 acres in size. The property is also heavily wooded providing a buffer to adjacent properties. In addition, the proposed detached garage will face east towards Sheridan Lake Road and is setback approximately 46 feet from the south property line. It does not appear the Exception to allow an accessory structure with a height of 16 feet will have a negative impact on the neighborhood. As such, staff recommends that the Exception to allow an accessory structure with a height of 16 feet in lieu of the maximum allowed 15 feet be granted.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

The property is approximately 2.42 acres in size. The property is also heavily wooded providing a buffer to adjacent properties. In addition, the proposed detached garage will face east towards Sheridan Lake Road.

The applicant should be aware that 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, plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. In addition, temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy.

6. *The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:*

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The applicant is requesting an Exception to allow a detached garage with a height of 16 feet in lieu of the maximum allowed height of 15 feet. The location of the proposed garage, the existing vegetation, the topography of the site and the orientation facing Sheridan Lake Road combine to provide significant buffering and should mitigate any negative impacts on the neighborhood.

Staff has also reviewed this request for a Final Planned Development as it relates to the applicable provisions of 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 a sample elevation of the proposed garage. The proposed detached garage will be 16 feet in height. 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 and attached garage. The elevations submitted with the application identify that the proposed detached garage will have a hardboard siding and asphalt shingles in the same colors as the residence. The design of the proposed garage appears to be consistent with the residential character of the property.

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 detached garage will have room for two stalls with a vaulted ceiling. The applicant should be aware that the garage may not be used for commercial purposes or as a second residence. In addition, the garage may not be used as a rental unit. Chapter 17.10.030(J) of the Rapid City Municipal Code identifies private garages that do not meet the definition of a private garage as a conditional use. Commercial uses are not permitted in the Low Density Residential District.

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

The proposed detached garage is located on the south side of the property, approximately 65 feet south of the existing single-family dwelling and attached garage. The applicant is not proposing any fencing or landscaping to serve as an additional buffer. The proposed detached garage will face to the east towards Sheridan Lake Road. The site is heavily wooded providing a buffer to adjacent properties. As such, landscaping or fencing is not required to screen the garage from 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 applicant is proposing to construct a detached garage with a height of 16 feet

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in lieu of the maximum allowed height of 15 feet. The site plan submitted with the application identifies that the proposed detached garage will have hardboard siding and asphalt shingles in the same colors as the residence.

Zoning: The Final Planned Development Overlay will allow for an oversized garage for the property. The garage must not be used for commercial purposes or as a second residence. In addition, the garage must not be used as a rental unit. Any change in use that is a permitted use in the Low Density Residential District will require a building permit. Any change in use that is a Conditional Use in the Low Density Residential District will require the review and approval of a Major Amendment to the Planned Development.

Private Garage: According to Chapter 17.04.315 of the Rapid City Municipal Code “[t]he maximum cumulative allowable size of all garages or carports shall be 1,500 square feet or 30% of the size of the gross floor area of the dwelling unit(s), whichever is greater.” The applicant is proposing a 1,500 square foot detached garage that would bring the total square footage of private garage space to 2,328 square feet. Based on the size of the property, the existing vegetation and the location of the proposed detached garage, it appears that there will be a minimal impact on adjacent properties. As such, staff recommends that the Exception be granted to allow an oversized garage of 2,328 square feet in lieu of the maximum of 1,500 square feet.

Fire Department: The Rapid City Fire Department has indicated that the property is located within a wild land fire hazard area. As such, prior to issuance of a building permit, a Wild Lands Fuel Mitigation Plan must be approved and prior to issuance of a certificate of occupancy, the Wild Lands Fuel Mitigation Plan must be implemented. All applicable provisions of the adopted International Fire Code must continually be met.

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 January 9, 2014 Planning Commission meeting if this requirement has not been met.