

STAFF REPORT
March 27, 2014

No. 14UR004 - Conditional Use Permit to allow an oversized garage

ITEM 6

GENERAL INFORMATION:

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| APPLICANT | Curtis D. Rising |
| AGENT | Peter Neumann - Gustafson Builders |
| PROPERTY OWNER | Curtis Rising and Shirley Walz-Rising |
| REQUEST | No. 14UR004 - Conditional Use Permit to allow an oversized garage |
| EXISTING LEGAL DESCRIPTION | Lot 6 of Block 3 of Wildwood Subdivision, located in Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 2.65 acres |
| LOCATION | 5568 Wildwood Drive |
| EXISTING ZONING | Low Density Residential District |
| FUTURE LAND USE DESIGNATION | Residential |
| SURROUNDING ZONING | |
| North: | Low Density Residential District |
| South: | Low Density Residential District |
| East: | Low Density Residential District |
| West: | Low Density Residential District |
| PUBLIC UTILITIES | Rapid City water and sewer |
| DATE OF APPLICATION | February 27, 2014 |
| REVIEWED BY | Fletcher Lacock / Nicole Lecy |

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 and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
3. Upon submittal of a building permit, water and sewer services to the proposed detached garage shall be identified;
4. All provisions of the Low Density Residential District shall be met;
5. All applicable provisions of the adopted International Fire Code shall continually be met;

STAFF REPORT
March 27, 2014

No. 14UR004 - Conditional Use Permit to allow an oversized garage

ITEM 6

- and,
6. The Conditional Use Permit shall allow for an oversized garage to be located on 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. The orientation of the garage doors shall face west as shown on the applicants site plan. 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 Conditional Use Permit.

GENERAL COMMENTS:

The applicant has submitted a Conditional Use Permit to allow an oversized garage. Currently, a one story single-family dwelling with a 992 square foot attached garage is located on the property. The applicant is proposing to construct a 1,120 square foot detached garage for a total of 2,112 square feet of garage space in lieu of the permitted maximum 1,500 square feet. The applicant has stated that the garage will be a hobby garage and will not be used for commercial purposes or as a second residence.

The property is located on the north side of Wildwood Drive, approximately 2,000 feet west of the intersection of Sheridan Lake Road, Catron Boulevard and Wildwood Drive. As previously noted, a one story single-family dwelling with a 992 square foot 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 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 elevations submitted with the application identify that the proposed detached garage will have lap siding, stone veneer and 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 an electric lift for working on cars. In addition, there will be lower level storage. 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 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.

STAFF REPORT
March 27, 2014

No. 14UR004 - Conditional Use Permit to allow an oversized garage

ITEM 6

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

The proposed detached garage is located east of the existing single-family dwelling and will utilize the existing driveway. The proposed detached garage will face to the west towards the existing dwelling. 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. Subsequently, the applicant is not proposing any fencing or landscaping to serve as an additional buffer.

- 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 site plan submitted with the application identifies that the proposed detached garage will have lap siding, stone veneer and shingles in the same colors as the residence.

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 approximately 71,940 square feet in size and is located on the north side of Wildwood Drive, approximately 2,000 feet west of the intersection of Sheridan Lake Road, Catron Boulevard and Wildwood Drive. Currently, a one story single-family dwelling with a 992 square foot attached garage is currently located on the property.

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

Properties to the north, south, east and west are zoned Low Density Residential District and are developed with one story single-family dwellings.

- 3. Proposed fencing, screening and landscaping:*

The applicant is not proposing any additional fencing or screening. The property is heavily wooded and will provide a buffer from the property to the east. In addition, due to the location of the proposed detached garage the opening will face into the existing single-family dwelling and the dwelling should provide the buffer from the property to the west.

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

The applicant has indicated that due to the topography of the site a retaining wall will be needed. The applicant has also indicated that engineered schematics for the proposed retaining will be provided upon submittal of a building permit.

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

STAFF REPORT
March 27, 2014

No. 14UR004 - Conditional Use Permit to allow an oversized garage

ITEM 6

Vehicular access is from Wildwood Drive. There is no sidewalk.

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

The proposed detached garage is for the personal use of the property owner and should have a minimal impact on traffic.

7. *Proposed signs and lighting:*

The applicant is not proposing any signage or additional outdoor lighting.

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 17.10.030 of the Rapid City Municipal Code identifies garages that do not meet the definition of a private garage as a conditional use. Approval of the Conditional Use Permit will allow 2,112 square feet of garage in lieu of the allowed 1,500 square feet. 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 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, 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 proposed 1,120 square foot garage is in compliance with the minimum required setbacks for an accessory structure. All provisions of the Low 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 over-sized garage will have a negative 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:*

STAFF REPORT
March 27, 2014

No. 14UR004 - Conditional Use Permit to allow an oversized garage

ITEM 6

The stipulations of approval of 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.

Fire Department: The Rapid City Fire Department has indicated that the property is located within a wild land fire hazard area. . A Wild Lands Fuel Mitigation Plan has been approved and the property owner has completed the fuels mitigation project. All applicable provisions of the adopted International Fire Code must continually be met.

Engineering: The floor plan identifies a bathroom located inside the proposed detached garage. The applicant should be aware that the services must be designed in compliance with Section Three of the Infrastructure Design Criteria Manual. Upon submittal of a building permit, water and sewer services to the proposed detached garage must be identified.

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 March 27, 2014 Planning Commission meeting if this requirement has not been met.