

## STAFF REPORT

April 9, 2015

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### No. 15UR007 - Conditional Use Permit to allow an oversized garage

ITEM 7

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#### GENERAL INFORMATION:

APPLICANT	Michael and Sallee Avveduto
PROPERTY OWNER	Michael A and Sallee Avveduto
REQUEST	<b>No. 15UR007 - Conditional Use Permit to allow an oversized garage</b>
EXISTING LEGAL DESCRIPTION	Lot 12 of Jaehn Subdivision, located in Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.68 acres
LOCATION	5003 South Canyon Road
EXISTING ZONING	Low Density Residential District II
FUTURE LAND USE DESIGNATION	Low Density Neighborhood
SURROUNDING ZONING	
North:	Low Density Residential District II
South:	Low Density Residential District II
East:	Low Density Residential District II
West:	Low Density Residential District II
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	March 6, 2015
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. An Exception is hereby granted to allow an oversized garage of 1,688 square feet in lieu of the maximum 1,500 square feet;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. All provisions of the Low Density Residential District shall be met;
4. All outdoor lighting shall 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.
5. All applicable provisions of the adopted International Fire Code shall continually be met; and,

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6. The Conditional Use Permit 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 Conditional Use Permit.

#### GENERAL COMMENTS:

The applicant has submitted a Conditional Use Permit to allow an oversized garage. Currently, a single-family dwelling with a 728 square foot attached two-stall garage is located on the property. The applicant is proposing to construct a 960 square foot detached garage for a total of 1,688 square feet of garage space in lieu of the permitted maximum 1,500 square 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 south side of South Canyon Road, approximately 90 feet west of the intersection of South Canyon Road and Plum Drive. As previously noted, a single-family dwelling with a 728 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 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 applicant has stated that the colors will match the existing structures on the property. 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 garage will have two garage stalls. 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 east side of the subject property behind the existing single-family residence. The doors on the proposed detached garage will face west into the interior of the property. There is an existing single-family dwelling located on the property to

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the west. However, the proposed location of the detached garage will be south of the adjacent residence. In addition, there is existing vegetation fencing on the adjacent property that should serve to mitigate any negative impacts. As such, the applicant is not proposing any additional screening as a part of this application.

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 south side of South Canyon Road, approximately 430 feet west of the intersection of South Canyon Road and San Marco Boulevard. Currently, a single-family dwelling with an attached garage is located on the property. The south side of the property is in the Federally designated 100 year floodplain. The proposed detached garage will be located outside of the floodplain.

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

The surrounding properties are zoned Low Density Residential District and consist of one and two story residential structures.

3. *Proposed fencing, screening and landscaping:*

The applicant is not proposing to provide any additional 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.

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

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

The south side of the property is located in the Federally designated 100 year floodplain. The location of the proposed garage is relatively flat and is not located in the floodplain.

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 South Canyon Road. The applicant is proposing to use the existing driveway approach to access the proposed garage.

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Property line sidewalk is located along South Canyon Road.

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 proposed elevation shows that lighting will be installed on the front of the garage. The applicant has indicated that the lighting will be designed to shine downward, only illuminating the front of the garage. 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 17.10.030 of the Rapid City Municipal Code identifies private garages that do not meet the definition of a private garage as a conditional use. Approval of the Conditional Use Permit will allow 1,688 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.

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

The exiting one-story single family dwelling is in compliance with the Zoning Ordinance. The proposed 960 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 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:*

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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.

Notification: The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the April 9, 2015 Planning Commission meeting if this requirement has not been met.