



# Rapid City Planning Commission

## Final Planned Development Overlay Project Report

### September 24, 2015

Applicant Request(s)
Case # 15PD029 – Final Planned Development Overlay to allow an oversized garage in the Low Density Residential District
Companion Case(s) N/A

Development Review Team Recommendation(s)
<b>The Development Review Team recommends that the Final Planned Development Overlay be denied or that the request be continued to the October 8, 2015 Planning Commission meeting to allow the applicant to submit a revised proposal that does not conflict with the City’s objectives while still providing reasonable accommodation as per the Americans with Disabilities Act.</b>

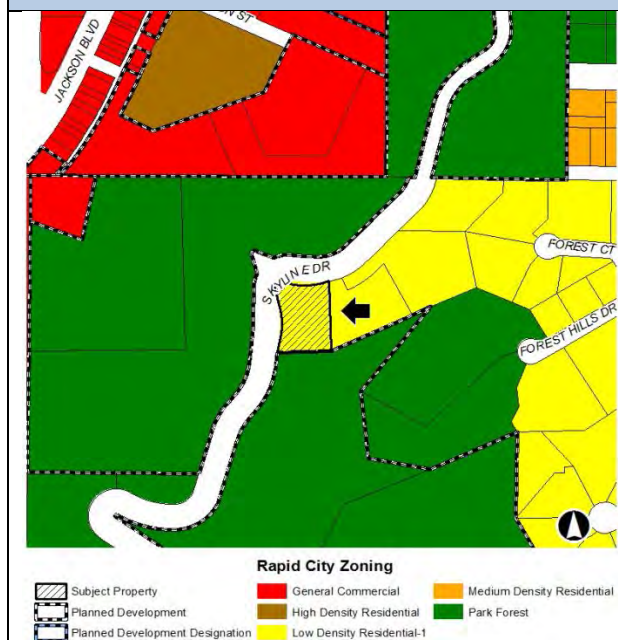
Project Summary Brief	
<p>(Update September 15, 2015. All revised and/or added text is shown in bold.) This item was continued by the Planning Commission at the September 10, 2015 meeting at the applicant’s request. Please note that the City Attorney’s office has drafted a memo regarding this item and the Americans with Disabilities Act. The memo has been attached for your review. The applicant has submitted a Final Planned Development Overlay to allow a 42 foot by 68 foot detached five-stall garage with Exceptions. In particular, the applicant is requesting to allow an over-sized garage as a conditional use in the Low Density Residential District, an Exception to reduce the minimum required front yard setback for the proposed garage from 25 feet to 2 feet, and an Exception to allow a height of 16 feet in lieu of 15 feet for the accessory garage. There is an existing single-family dwelling with an attached garage located on the property. In addition, there are two sheds currently located in the front yard setback for which the applicant has not obtained a Building Permit. On June 19, 2012, a Variance request for the two-foot front yard setback and the 16-foot height for an accessory structure was denied by the Zoning Board of Adjustment.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Kent Hagg	Planner: Fletcher Lacock
Property Owner: Steve and Lynn Hammond	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: Davis Engineering	Water/Sewer: Nicole Lecy
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	1124 Skyline Drive
Neighborhood	Downtown / Skyline Drive
Subdivision	Forest Hills Subdivision
Land Area	1.18 acres
Existing Buildings	1,812 square feet
Topography	Slopes from the southwest to the northeast and east with steeper slopes on the east and southeast sides of the property
Access	Access is from Skyline Drive on the north side of the property
Water Provider	Cistern
Sewer Provider	Septic
Electric/Gas Provider	Black Hills Power / MDU

### Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	LDR-I	LDN	Two-story single-family dwelling with an attached garage and two sheds
Adjacent North	PF-PD	PG	City park land
Adjacent South	PF-PD	PG	City park land
Adjacent East	LDR-I	LDN	Single-family dwelling
Adjacent West	PF-PD	PG	City park land

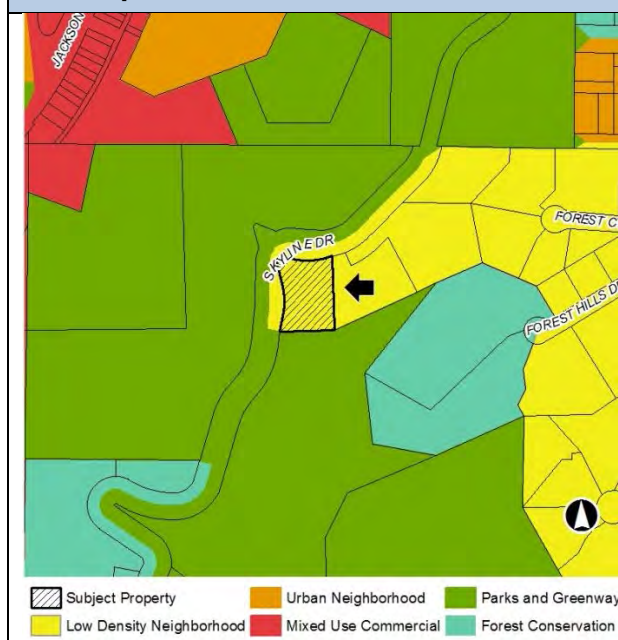
#### Zoning Map



#### Existing Land Uses



#### Comprehensive Plan Future Land Use



#### Parks or Transportation Plan



<b>Relevant Case History</b>			
<b>Case/File#</b>	<b>Date</b>	<b>Request</b>	<b>Action</b>
Variance Appeal No. 5576	6/19/2012	Request to reduce the front yard setback from 25 feet to 2 feet and to allow a height of 16 feet in lieu of 15 feet for an accessory structure	Denied
<b>Relevant Zoning District Regulations</b>			
<b>Low Density Residential District I</b>	<b>Required</b>	<b>Proposed</b>	
Lot Area	6,500 square feet	51,400 square feet	
Lot Width	50 feet	Approximately 195 feet	
Maximum Building Heights	15 feet for an accessory structure	Requesting an Exception to allow a height of 16 feet	
Maximum Density	30%	9%	
Minimum Building Setback:			
• Front	25 feet from north property line	42 feet	
• Rear	25 feet from south property line	73 feet	
• Side	12 feet from east property line	Existing, greater than 12 feet	
• Street Side	25 feet from west property line	Requesting an Exception to allow a 2 foot setback	
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	2	Existing three stall attached garage / proposing an additional five stall detached garage	
• # of ADA spaces	N/A	N/A	
Signage	N/A	N/A	
Fencing	N/A	N/A	

<b>Planning Commission Criteria and Findings for Approval or Denial</b>	
<b>Pursuant to Section 17.50.050(F)5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for an Final Planned Development Overlay:</b>	
<b>Criteria</b>	<b>Findings</b>
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 51,400 square feet in size and there is currently a single-family dwelling with an attached three car garage located on the property. There are steep slopes on the southeast and east side of the property, however; there are other areas on the property that could accommodate a smaller detached garage and meet the minimum required setbacks.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:	The property is zoned Low Density Residential District. The intent of the minimum required front yard setback is to provide adequate separation between structures and public rights-of-way and streets. Skyline Drive is identified as a Collector Street on the City's Major Street Plan which requires that a minimum 25 foot setback be provided. The

	<p>minimum required right-of-way is 68 feet, however; due to the terrain and to allow for future improvements to the roadway, the right-of-way is approximately 100 feet wide. The applicant is proposing to locate the detached garage along the inside corner of a particularly steep and twisting section of Skyline Drive. There is a scenic overview located northeast of the property where vehicles frequently stop. The property is located within the boundaries of the Skyline Drive Infrastructure and Development Plan as approved by the City Council on October 11, 1995 which recommended that a 25 foot front yard setback be maintained along Skyline Drive. Skyline Drive is also a South Dakota State Scenic Byway. Granting the Exceptions would encroach into the designated byway. As noted above, a Variance request was denied on June 19, 2012 by the Rapid City Zoning Board of Adjustment for the same proposed detached garage. For the above reasons, staff cannot support the Final Planned Development Overlay request.</p>
<p>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:</p>	<p>As noted above, the applicant is requesting an Exception to allow a front yard setback of 2 feet in lieu of the minimum required front yard setback of 25 feet. The applicant is also requesting an Exception to allow an accessory structure with a height of 16 feet in lieu of the maximum allowed 15 feet.</p> <p>The applicant is proposing to locate the detached garage along the inside corner of a particularly steep and twisting section of Skyline Drive which is identified as a Collector Street on the City's Major Street Plan. There is a scenic overview located to the northeast of the property where many vehicles stop to enjoy the expansive views. The property is located within the boundaries of the Skyline Drive Infrastructure and Development Plan as approved by the City Council on October 11, 1995 which recommended that a 25 foot front yard setback be maintained along Skyline Drive. Skyline Drive is also a South Dakota State Scenic Byway. Granting the Exceptions would encroach into the designated byway. As noted above, a Variance request was denied on June 19, 2012 by the Rapid City Zoning Board of Adjustment for the same proposed detached garage. For the above reasons, staff cannot support the Exception requests.</p>
<p>4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:</p>	<p>There is an existing two story single-family dwelling with an attached three-car garage located on the property. The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.</p>
<p>5. Any adverse impacts will be reasonably mitigated:</p>	<p>The applicant is proposing to locate the detached garage along the inside corner of a particularly steep and twisting section of Skyline Drive which is identified as a Collector Street on the City's Major Street Plan. The property is located within the boundaries of the Skyline Drive</p>

	Infrastructure and Development Plan as approved by the City Council on October 11, 1995 which recommended that a 25 foot front yard setback be maintained along Skyline Drive. Skyline Drive is also a South Dakota State Scenic Byway. Granting the Exceptions would encroach into the designated byway.
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:	The requested Exceptions contradict the City's adopted Skyline Drive Infrastructure and Development Plan which identifies a 25 foot setback to be maintained along Skyline Drive. Skyline Drive is also a Collector Street on the City's Major Street Plan and a South Dakota State Scenic Byway. The proposed detached garage is located on the inside corner of a steep and twisting section of Skyline Drive and opposite a scenic overview pull-off. As noted above, the requested Exceptions do not comply with the spirit of the Zoning Ordinance or the City's adopted Comprehensive Plan.

<b>Planning Commission Criteria and Findings for Approval or Denial</b>
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<b>Pursuant to Section 17.54.030(E) of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to an over-sized garage in the Low Density Residential District</b>
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1. The location, character and natural features of the property:	The property is approximately 51,400 square feet in size and there is currently a single-family dwelling with an attached three car garage located on the property. There are steep slopes on the southeast and east side of the property.
2. The location, character and design of adjacent buildings:	The adjacent properties to the north, south, and west are a part of the City's Skyline Wilderness Park. The property to the east is developed with a single-family dwelling.
3. Proposed fencing, screening and landscaping:	The applicant is not proposing any fencing, screening, or landscaping.
4. Proposed vegetation, topography and natural drainage:	There are no drainage or utility easements on the interior lot lines.
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 is from Skyline Drive on the north side of the property. There are no sidewalks.
6. Existing traffic and traffic to be generated by the proposed use:	The proposed over-sized garage would not generate additional traffic.
7. Proposed signs and lighting:	The applicant is not proposing any signage or lighting. The applicant has indicated that any proposed lighting would be designed to City requirements.
8. The availability of public utilities and services:	There is a septic tank and drainfield on the north side of the property. Water is delivered to and stored on the property.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:	The adopted Comprehensive Plan identifies the property as suitable for Low Density Neighborhood which identifies reducing the visual prominence of garages as a design principle. The proposed detached garage would be more prominent with a reduced front yard setback and an additional foot of height. In addition, the property is located in the Downtown / Skyline Drive neighborhood area which







	encourages the conservation of natural areas such as the Skyline Wilderness Area.
10. The overall density, yard, height and other requirements of the zone in which it is located:	The applicant is requesting Exceptions to reduce the front yard setback from 25 feet to 2 feet and to increase the height of an accessory structure from 15 feet to 16 feet.
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 use will have a negative effect on noise, odor, smoke, dust, air, and water pollution.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:	The adjacent properties to the north, south, and west are located in the City's Skyline Wilderness Park. There is a scenic overview pull-off located northwest of the property. The applicant is proposing to construct the detached garage along the inside corner of a particularly steep and twisting section of Skyline Drive which is identified as a Collector Street on the City's Major Street Plan. The streets classification, the City's adopted Skyline Drive Infrastructure and Development Plan and the City's adopted Comprehensive Plan indicate that a 25 foot front yard setback must be maintained. The applicant has submitted a letter of support from the property owner to the east.

**Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial**

**In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:**

<b>Comprehensive Plan Conformance – Core Values Chapters</b>	
	<b>A Balanced Pattern of Growth</b>
	N/A
	<b>A Vibrant, Livable Community</b>
LC-1.1B	<b>Durable Materials:</b> The property is located in a wild land urban interface fire hazard area with no municipal water. The Rapid City Fire Department does not support the request. The proposed detached garage would need to be fire sprinkler protected and constructed of fire resistant materials.
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
SHIS-2.1B	<b>Wildfire Awareness and Preparedness:</b> As noted above, the property is located in a wild land urban interface fire hazard area with no municipal water. The Rapid City Fire Department does not support the request. The proposed detached garage would need to be fire sprinkler protected and constructed of fire resistant materials.

 <b>Efficient Transportation and Infrastructure Systems</b>	
TI-2.1A	<b>Major Street Plan Integration:</b> Skyline Drive is identified as a Collector Street on the City's Major Street Plan. The required setback for property that abuts a Collector Street in the Low Density Residential District is 25 feet. In addition, the City's adopted Skyline Drive Infrastructure and Development Plan recommends that a 25 foot setback be maintained along Skyline Drive. Skyline Drive is a South Dakota State Scenic Byway and the location of Dinosaur Park and the City's Skyline Wilderness Park. In conjunction with the byway designation and Dinosaur Park, the development of the Skyline Wilderness Park will increase the amount of traffic on Skyline Drive.
 <b>Economic Stability and Growth</b>	
	N/A
 <b>Outstanding Recreational and Cultural Opportunities</b>	
	N/A
 <b>Responsive, Accessible, and Effective Governance</b>	
GOV-2.1A	<b>Public Input Opportunities:</b> The proposed Final Planned Development Overlay requires that public notice be advertized in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Final Planned Development Overlay is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter	
<b>Future Land Use Plan Designation(s):</b>	<b>Low Density Neighborhood</b>
<b>Design Standards:</b>	
SDP-N4	The adopted Comprehensive Plan identifies the property as suitable for Low Density Neighborhood which identifies reducing the visual prominence of garages as a design principle. The proposed detached garage would be more prominent with a reduced front yard setback and an additional foot of height.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
<b>Neighborhood:</b>	<b>Downtown / Skyline Drive</b>
<b>Neighborhood Goal/Policy:</b>	
DSD-NA1.1G	<b>Natural Features:</b> The property is located in the City's adopted Skyline Drive Infrastructure and Development Plan which recommends that 25 foot front yard setbacks be maintained. In addition, Skyline Drive is identified as a South Dakota State Scenic Byway. The adopted Comprehensive Plan supports and encourages the conservation of the Skyline Wilderness Area.

Findings	
Staff has reviewed the Final Planned Development Overlay to allow an over-sized garage in the Low Density Residential District pursuant to Chapter 17.50.050(F)5, Chapter 17.54.030(E), and Chapter 17.10 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The proposed over-sized garage and associated Exception	

requests conflict with the intent of the Zoning Ordinance, the City's adopted Skyline Drive Infrastructure and Development Plan, and the design principles and goals of the City's adopted Comprehensive Plan. **Staff has reviewed the proposed over-sized detached garage in regards to the City Attorney's memo regarding reasonable accommodations as per the Americans with Disabilities Act.** There is an existing attached three-stall garage located on the property where the applicant can work and store smaller vehicles. The applicant is proposing to have a total of eight garage stalls on the property and is requesting to reduce the front yard setback from 25 feet to 2 feet and to allow a height of 16 feet in lieu of 15 feet. The applicant has indicated that the requested five-stall garage is needed as a reasonable accommodation as per the Americans with Disabilities Act for the workshop space and storage of the recreational vehicle. The remaining considerations provided from the applicant do not claim reasonable accommodation. As such, the applicant would need one-stall large enough for a recreational vehicle and some workshop space in close proximity to the existing dwelling. A smaller garage could be moved 23 feet to the east of the proposed location and meet all of the setback requirements while still providing proximity to the dwelling that is reasonable and necessary to the use and enjoyment of the dwelling. It does not appear that a five-stall garage is required as a reasonable accommodation when a smaller garage area could be utilized. Staff cannot support the requested setback reduction or height Exception for a five-stall garage as proposed.

#### **Planning Commission Recommendation and Stipulations of Approval**

Staff recommends that the Final Planned Development Overlay be denied or that the request be continued to the October 8, 2015 Planning Commission meeting to allow the applicant to submit a revised proposal that does not conflict with the City's objectives while still providing reasonable accommodation as per the Americans with Disabilities Act.