

STAFF REPORT  
March 21, 2013

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**No. 13PD004 - Major Amendment to a Planned Development to allow an Oversized Garage**      **ITEM 5**

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GENERAL INFORMATION:

APPLICANT	Debra and Robert Biernbaum
AGENT	Ron Davis - Davis Engineering, Inc.
PROPERTY OWNER	Debra K and Robert Biernbaum
REQUEST	<b>No. 13PD004 - Major Amendment to a Planned Development to allow an Oversized Garage</b>
EXISTING LEGAL DESCRIPTION	Lot 3 of Tract SB Revised of Springbrook Acres Addition, located in Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.69 acres
LOCATION	North of the intersection of Foothills Drive and Estates Drive located both east and west of Estates Drive
EXISTING ZONING	Park Forest District (Final Planned Development)
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Park Forest District (Final Planned Development)
South:	Medium Density Residential District
East:	Park Forest District (Final Planned Development)
West:	Low Density Residential District (Final Planned Development)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	February 14, 2013
REVIEWED BY	Fletcher Lacock / Brandon Quiet

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Development to allow an oversized garage be approved with the following stipulations:

1. An Exception is hereby granted to allow a total of 1,988 square feet of private garage space in lieu of the maximum allowed private garage space of 1,500 square feet;
2. Prior to issuance of a building permit for the proposed detached garage, a building permit shall be issued for the single-family residence. In addition, a building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior

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- to occupancy;
3. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
  4. All provisions of the Park Forest District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development 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 Planned Development shall allow for an oversized garage. The garage shall not be used for commercial purposes or a second residence. Any change in use that is a permitted use in the Park Forest District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Park Forest District shall require the review and approval of a Major Amendment to the Planned Development.

**GENERAL COMMENTS:**

The applicant has submitted a Major Amendment to a Planned Development to allow an oversized garage. In particular, the applicant is requesting a total of 1,988 square feet of garage space in lieu of the permitted 1,500 square feet. The applicant is proposing to construct a single-family residence with an attached garage of 1,088 square feet and a detached garage of 900 square feet.

On February 6, 2003, the Planning Commission approved a Planned Development Designation (File #03PD003) including the above legally described property.

On April 21, 2005, the Planning Commission approved an Initial and Final Planned Development (File #05PD026) to allow a five lot single-family residential development including the above legally described property.

On October 28, 2005, a Final Plat was approved (File #05PL193) including the above legally described property.

On March 8, 2013, a Vacation of Utility Easement was approved (File #13VE005) for the utility easement located in the location of the proposed detached garage.

The property is located east of Sheridan Lake Road, approximately 415 feet north of the intersection of Foothill Drive and Estates Drive. The property is currently undeveloped.

**STAFF REVIEW:** Staff has reviewed this request for a Major Amendment to a Planned Development as it relates to the applicable provisions of 17.08.030 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

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soon to be constructed single-family residence. The site plan submitted with the application identifies that the proposed detached garage will have a stone veneer base, smart side siding and smart shingle siding in earth tone colors. The approved Initial and Final Planned Development allowed the construction of a single-family residence 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 be used as a shop. The applicant should be aware that the garage may not be used for commercial purposes or as a second residence. An Initial and Final Planned Development was approved to allow single-family residences on properties including the above legally described property. Chapter 17.08.030(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 Park Forest District.

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

The proposed garage is located on the west side of a private access easement road north of the terminus of Estates Drive. A single-family residence is located on an adjacent property approximately 150 feet to the west. The doors on the proposed detached garage will face south east. The orientation of the garage openings should mitigate any negative impacts on adjacent properties. In addition, the applicant has indicated that due to the topography of the property the proposed garage will be above the ground level of existing residences to the west and south. For these reasons, 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 applicant should be aware that a building permit must be obtained for the single-family residence prior to issuance of a building permit for the proposed detached garage.

Zoning: The Major Amendment to the Planned Development will allow for an oversized garage. The garage must not be used for commercial purposes or a second residence. Any change in use that is a permitted use in the Park Forest District will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Park Forest District will require the review and approval of a Major Amendment to the Planned Development. All provisions of the Park Forest District must be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment.

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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 900 square foot detached garage that would bring the total square footage of private garage space to 1,988 square feet. The proposed lot coverage would be 4.7%, well below the maximum 25%. In addition, based on the topography of the property, the proposed detached garage would have a minimal impact on adjacent properties. As such, staff recommends that the Exception be granted to allow an oversized garage of 1,988 square feet in lieu of the maximum of 1,500 square feet.

Building Permit: Prior to issuance of a building permit for the proposed detached garage, a building permit must be issued for the single-family residence. In addition, a building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. In addition, temporary or permanent site stabilization must be achieved prior to issuance of a Certificate of Occupancy.

Fire Department: The property resides within a wildland fire hazard area. As the site is developed the Rapid City Fire Department advises that the building materials, landscaping and natural vegetation management conform with the Survivable Space Initiative promoted by the Rapid City Fire Department. In addition, it is anticipated that the available fire flow in the area may be insufficient to support the size of structures developed in the area. However, the water source and fire hydrants were accepted when the area was subdivided. The Rapid City Fire Department suggests that the applicant consider the installation of an approved residential fire sprinkler system within the residence when it is constructed. It is suggested that the applicant contact the Fire Prevention Division of the Rapid City Fire Department with questions regarding these recommendations. All applicable provisions of the adopted International Fire Code must continually be met.

Easements: The applicant needed to vacate an existing utility easement in the location of the proposed detached garage. A Vacation of Utility Easement was approved on March 8, 2013. As such, this item has been placed on the Planning Commission agenda.

Notification: As of this writing, the white slips and green cards from the certified mailing have not been returned and the required sign has not been posted on the property. Staff will notify the Planning Commission at the March 21, 2013 Planning Commission meeting if these requirements have not been met.