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## VIA EMAIL ONLY

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### **RE: NOTICE OF APPEAL of RC Planning Commission's Approval of Planned Development Project (Over-Sized Garage) – Case # 18PDO33**

Greetings:

I represent the interests of my parents, Don and Frankie Shultz, who reside at 2109 Skyline Ranch Road, and all other landowners similarly situated.

Don & Frankie Shultz are the original developers, along with Joe and Barbara Butler (deceased), of the Skyline Ranch Development. They have resided at 2109 Skyline Ranch Road in Rapid City since 1975.

This matter is scheduled for public hearing before the Rapid City Common Council on Monday, January 7, 2019.

The Skyline Ranch Development/Subdivision is zoned Park Forest District (PF). Chapter 17:08 of the Rapid City Municipal Code sets forth the permitted principal and accessory uses and structures in this district.

The Park Forest District “is intended to provide the city with an area to be preserved for its natural beauty and open character.” Section 17.08.010.

A “private garage” is defined in section 17.04.315 as:

An accessory building or part of a main building **used primarily for storage** and which shall not be used for commercial purposes. The **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. **In no event shall the size of the building footprint of the garage(s) or carport(s) exceed the footprint of the dwelling unit(s).** The garage(s) or carport(s) shall be used only by persons residing on the premises. Any garage not meeting these requirements shall be allowed only as a conditional use pursuant to §§ 17.08.030(J) . . . .

“Dwelling Unit” is defined as: “One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.” Section 17.04.240.

The Planning Commission or Common Council may grant a conditional use permit for private residential garages which do not meet the definition of “private garage” subject to the following:

1. **That the proposed garage is consistent with the residential character of the property on which it is located and with the surrounding neighborhood;**
2. That the proposed garage shall be used only for residential purposes incidental to the principal use of the property;
3. That landscaping or fencing may be required to screen the garage from neighboring properties; and
4. That the applicant submits a site plan and elevation drawings in addition to information on what types of building material will be used for the garage.

Section 17.08.030.

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Here, the applicant seeks to construct a detached garage, carport, and enclosed greenhouse comprising 3,068 square feet. This is in addition to the existing garage

attached to the principal residence, totaling 896 sq. ft. Hence, the existing garage plus proposed garage and accessory structures total 3,964 square feet, far in excess of the maximum cumulative allowable (1500 sq. ft.) for “all garages and carports.” The existing home (“dwelling unit”) has 1812 square feet of living space. Thus, the proposed detached garage and accessory structures are more than double (nearly 120 percent larger than) the total living area of the principal residence. Clearly, the proposed building project does not comply with the maximum size restrictions imposed by section 17.04.315.

Moreover, the footprint of the proposed garage and accessory structures (59 ft. X 52 ft.) far exceeds the footprint of the existing dwelling unit (28 ft. X 64 ft.). This again violates the requirements imposed by section 17.04.315 (“In no event shall the size of the building footprint of the garage(s) or carport(s) exceed the footprint of the dwelling unit”).

In terms of height restrictions, accessory buildings “shall not exceed 15 feet in height.” Section 17.08.050. Here, the height of the ridgeline of the roof over the proposed structure is 17 feet. The Planning Commission failed to address this issue in its Findings and Stipulations upon approval of the application for Final Planned Development Overlay.

Hence, the dimensions of the proposed garage, carport and greenhouse – whether measured by total square feet, total footprint, or height – do not comply with the Rapid City Municipal Code.

Although an application for conditional use permit and Planned Development Overlay may be combined in the same application, such as the case here, “the more restrictive requirements shall apply.” Section 17.50.050(C.4.) Hence, an application for Planned Development Overlay cannot otherwise expand the criteria for reviewing an application for conditional use permit.

In analyzing whether the proposed garage and accessory buildings satisfy the criteria for issuance of a conditional use permit, the sheer size of this structure is not “consistent with the residential character of the property on which it is located and with the surrounding neighborhood.” Section 17.08.030. To the contrary, the proposed over-size garage, carport and greenhouse will dominate and overtake the principal residence.

In addition, the proposed steel framed structure with metal siding and metal roof panels is in no manner or form “consistent with the residential character of the property on

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which it is located and with the surrounding neighborhood.” In its updated project report dated 11/21/2018, Planning Commission staff noted:

- “The applicant has not adequately demonstrated that the colors and materials will match the existing dwelling. In particular, the dwelling includes red rock accents and dark edging including dark colored garage doors. As such, staff recommends that upon submittal of a Building Permit, the applicant demonstrate that the materials and siding **on all sides** of the proposed structure include red rock accents and matching edging and doors to the dwelling.” (Page 7 – Planning Commission Criteria and Findings for Approval or Denial, Item # 4)
- “The applicant should be aware that upon submittal of a Building Permit, the materials and siding **on all sides** of the proposed garage must include red rock accents and matching colors for the trim and doors in keeping with the appearance of the dwelling.” (Page 9 – Comprehensive Plan Conformance – Growth and Reinvestment Chapter – Design Standards)
- “The applicant should be aware that the proposed colors and materials are not in keeping with the character of the dwelling and must be revised prior to obtaining a Building Permit.” (Page 9 – Comprehensive Plan Conformance – Neighborhood Area Policies Chapter – Findings)
- Planning Commission staff then concluded: “If the Planning Commission determines that the proposed elevations are appropriate, staff recommends that the application for Final Planned Development Overlay be approved with the following stipulations . . . .” Stipulation #5 provided: “Upon submittal of an application for Building Permit, the proposed garage elevations shall be revised to include **on all sides, colors and materials of the existing dwelling** to include red rock accents, dark colors for the doors and garage doors, and dark trim.” (Page 10 – Planning Commission Recommendation and Stipulations of Approval, Item #5)
- For reasons unknown, this express Stipulation for Approval was revised by Staff as follows: “Upon submittal of a Building Permit, the proposed garage elevations **on the west side** shall include: red rock accents on the exposed foundation, two columns 30 inches in width of

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red rock accents, dark trim and doors to match the dwelling, and horizontal lap siding constructed of a fire resistant material.” (Page 10 – Planning Commission Recommendation and Stipulations of Approval, Item #5)

Make no mistake, this mammoth structure will be visible to all who travel or walk upon Skyline Ranch Road. No amount of landscaping or fencing can possibly “screen the garage from neighboring properties.” Section 17.08.030(J).

Moreover, the proposed project does not satisfy the essential elements of a permitted accessory use. Notably, section 17.50.200 (General Provisions) regulating “Accessory Uses” commands:

Each permitted accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot;
- B. Be subordinate to and serve the principal use;
- C. **Be subordinate in area, extent and purpose to the principal use;** and
- D. Contribute to the comfort, convenience or necessity of users of such principal use.

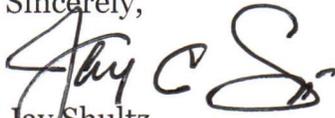
Here, the overall size of the proposed structure would dominate and overtake in total area, extent and purpose the total living space of the applicant’s existing dwelling. The project as proposed is essentially a metal pole barn. It would not resemble or blend in with the wooden construction materials, red rock features, edging and trim, and dark color doors of the principal residence.

For these reasons, we hereby appeal the action taken by the Rapid City Planning Commission at its regular meeting on December 6, 2018. We respectfully request that the Rapid City Common Council deny the application for planned development overlay, Case # 18PD033.

Thank you.

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Sincerely,

  
Jay Shultz

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