

STAFF REPORT

June 7, 2001

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**No. 01PL007 - Preliminary and Final Plat**

**ITEM 44**

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GENERAL INFORMATION:

PETITIONER	Fisk Engineering for John Skulborstad and Peter Torino
REQUEST	<b>No. 01PL007 - Preliminary and Final Plat</b>
LEGAL DESCRIPTION	Lot 1 of Lot F-1, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1 Acre
LOCATION	North of the Cleghorn Fish Hatchery on U.S. Highway 44 West
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Limited Agriculture District (County) / Medium Density Residential District
South:	Flood Hazard District
East:	Flood Hazard District / Medium Density Residential District
West:	Limited Agriculture District (County)
PUBLIC UTILITIES	To be extended
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Preliminary and Final Plat **be continued to the July 5, 2001 Planning Commission meeting to allow the applicant to submit a Planned Residential Development request.**

GENERAL COMMENTS: **This item has been continued several times since the February 22, 2001 Planning Commission meeting to allow the applicant to submit additional information. This Staff Report has been revised as of 5/30/01. All revised or added text is shown in bold print.** The applicant has submitted a Preliminary and Final Plat proposing to create a one acre lot leaving a 25.2 acre non-transferable balance. Currently, an unoccupied building is located on the property. At one time the building was the site of the Johnson Siding Volunteer Fire Department.

The applicant has also submitted a Subdivision Regulations Variance request to waive the requirement for sewer, water, sidewalk and street light conduit. (See companion item #01SV005). In addition, the applicant has submitted a rezoning request to change the zoning on the subject property from Park Forest to Office Commercial in order to locate a photography studio on the property. (See companion item #01RZ001.) The Office Commercial District allows a photography studio as a Use on Review. As such, the

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applicant has submitted a Planned Development Designation in conjunction with the rezoning request. (The Zoning Ordinance identifies that a Planned Commercial Development is allowed as a Use on Review in the Office Commercial District. See companion item # 01PD003.)

On November 16, 1998, a Layout Plat was approved to create a slightly larger lot than identified through this review. In addition, a Master Plan was submitted identifying that the remaining balance would eventually be subdivided into seven (7) lots ranging in size from .5 acres to 11.8 acres. In addition, one approach located along Jackson Boulevard would be extended to form an approximate 500 foot long cul-de-sac to serve all but a 3.7 acre lot located in the southwest corner of the property. It was identified that the 3.7 acre lot would be incorporated into an adjacent property legally described as Lot 13, Block 2 of Cleghorn Canyon #2 Subdivision.

**Staff Review: On May 31, 2001, the applicant indicated that he would like the associated Rezoning request and the Planned Commercial Development request denied without prejudice at this time in order for him to potentially bring these items forward again for consideration in the future. The applicant has indicated that a residence will be constructed on the property as permitted in the Park Forest District. In addition, the applicant is proposing to locate the photography studio on the property as a home occupation. Staff has advised the applicant that the proposed use qualifies as a major home occupation. In addition, the proposed one acre lot does not meet the minimum lot size requirement of the Park Forest District. The applicant has indicated that a Planned Residential Development request will be submitted to allow the one acre lot in the Park Forest District and to allow the photography studio on the property as a major home occupation. Careful review will be required when any Planned Residential Development request is submitted. Particular attention will be paid to what, if any justification may exist for reducing the minimum lot size from three acres to one acre, unless it is submitted in conjunction with a plan for the entire property that complies with the overall density of the underlying zoning district.**

**Staff is recommending that the Preliminary and Final Plat be continued to allow the applicant to submit a Planned Residential Development request.**