

STAFF REPORT

April 26, 2001

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**No. 01UR014 - Use On Review to allow a major home occupation in the Low Density Residential Zoning District**      **ITEM 14**

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GENERAL INFORMATION:

PETITIONER	Rich and Vicki Kennedy
REQUEST	<b>No. 01UR014 - Use On Review to allow a major home occupation in the Low Density Residential Zoning District</b>
LEGAL DESCRIPTION	Lots 1, 2 and 3, Block 3, C.D. Rounds Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .24 Acres
LOCATION	3704 West Main Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

RECOMMENDATION: Staff recommends that the Use On Review to allow a major home occupation in the Low Density Residential Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a Building Permit, the petitioner shall provide an engineering evaluation of the existing wastewater disposal lines to determine if expansion or replacement of the existing sanitary sewer lines will be required;

Fire Department Recommendations:

2. Prior to City Council approval of the Use on Review, the petitioner must comply with all Building and Fire Codes including the provision of smoke detectors and escape windows;

Urban Planning Division Recommendations:

3. Prior to City Council approval of the Use on Review, the petitioner shall submit a parking plan complying with all requirements of the Off-Street Parking Ordinance;

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4. That the facility be limited to a maximum of five clients, and that any future increase in number of clients or size of facility will require a Major Amendment to this Use on Review; and,
5. That the Use On Review approval shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS: This Use on Review is to allow the operation of a residential care facility as a Major Home Occupation from the home located on the subject property. The facility will provide a transitional home for elderly individuals who are unable to live alone but do not need the extensive care provided at a nursing home or assisted living facility.

The applicant has indicated that the facility will be operated on the ground floor of the residence and have no more than five client beds. The owner's will reside on the lower level. In return for compensation, clients are given room and board and assistance with daily living activities such as dressing, bathing, grooming and monitoring medications.

The applicant has indicated that the South Dakota State Health Department has inspected the home and classifies this facility as an Adult Foster Care Facility. The South Dakota State Health Department requires inspection and licensing of this type of facility.

According to Chapter 17.50.350 of the Zoning Ordinance, a home occupation can be operated without a Use on Review if certain criteria are met. If any of those criteria cannot be met then a Use on Review for a Major Home Occupation is required. In this case, the facility does not meet the following home occupation criteria, thereby necessitating the Use on Review for a Major Home Occupation: 1) "***The area set aside for a home occupation shall not exceed twenty percent (20%) of the total floor area of the residence...***" - The care facility occupies over 50% of the total floor area of the home. 2) "***The operation of the home occupation shall not cause or encourage excess vehicular traffic...***" - Staff has noted that the use of this home as a residential care facility has the potential of generating traffic beyond what would normally be expected in a single-family residential area. 3) "***Home occupations shall be restricted to the hours of 8:00 A.M. to 9:00 P.M.***" - The care facility operates twenty-four hours a day.

STAFF REVIEW: Staff has reviewed this request and has noted the following concerns:

**Fire Code:** The Fire Department has noted that the use of this structure is categorized as a congregate residence facility and must comply with all requirements of the R-4 Fire Code Classification. The facility is also required to have rescue/escape windows in each sleeping room and basement and smoke detectors must be installed as specified in the Uniform Building Code.

**Parking and Circulation:** The use of this structure as a commercial property requires compliance with the City's Off-Street Parking Ordinance. Currently there are two paved parking stalls on this property. Compliance with the Parking Ordinance will require the

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provision of four paved off-street parking stalls (two for the residence, and two for the group home) which meet all the requirements of the Off-Street Parking Ordinance. Staff is recommending that the petitioner submit the required parking plan for approval prior to approval of this Use on Review by the City Council.

Sewer System: Staff has noted that the use of this structure as a care facility places greater demands upon the sewer system than a single-family dwelling. Therefore the Engineering Division has noted that the existing sanitary sewer lines may require expansion or replacement if additional facilities are added to the property.

The required Use on Review sign has not been posted on the property. Staff will notify the Planning Commission if the Use on Review sign has not been posted on the property as required. As of this writing, the green cards from the certified mailing have not been returned. Staff will inform the Planning Commission in the event these green cards are not received prior to the April 26, 2001 Planning Commission meeting. Staff believes that upon compliance with the stipulations set forth in this Staff Report, the request generally complies with the criteria established for Uses on Review.