

STAFF REPORT

November 21, 2002

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**No. 02UR008 - Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District**      **ITEM 51**

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GENERAL INFORMATION:

PETITIONER	Davis Engineering for Gary & Shirley Wolff
REQUEST	<b>No. 02UR008 - Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District</b>
EXISTING LEGAL DESCRIPTION	SW1/4 SW1/4 and the N8/10ths of W1/2 W1/2 of SE1/4 SW1/4, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 48 acres
LOCATION	1550 Seger Drive
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	Light Industrial District/Heavy Industrial District
East:	Suburban Residential District (County)
West:	General Commercial District/Planned Development Designation
PUBLIC UTILITIES	On-site water and wastewater
DATE OF APPLICATION	03/28/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a mobile home park in the Medium Density Residential District be **approved with the following stipulations:**

Engineering Division Recommendations:

1. **Prior to Planning Commission approval, the site plan shall be revised eliminating one of the approaches off Seger Drive to the manager's office;**
2. **Prior to Planning Commission approval, the site plan shall be revised to show the "drainage easement" as a detention pond;**

Fire Department Recommendation:

3. **Addresses shall continue to be posted at the entrance to each row of mobile homes and on each mobile home space as required by Chapter 15.48.180 of the**

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**Municipal Code;**

**Williston Basin Gas Interstate Pipeline Company Recommendations:**

4. Encroachments within the pipeline easement shall be limited to the four existing sheds currently located within the easement;
5. Modifications, changes, and/or enlargements to the four sheds shall not be allowed;
6. If any of the shed(s) are removed, replacement within the easement shall not be allowed;

**South Dakota Department of Environment and Natural Resources Recommendation:**

7. The on-site lagoons shall continually be properly operated and maintained. In addition, a minimum three feet of freeboard shall be maintained and any discharge from the ponds to surface waters of the State or nearby property(s) shall be prevented;

**Ellsworth Air Force Base Recommendations:**

8. Prior to Planning Commission approval, the site plan shall be revised to show the plan labeling revisions as red lined by Ellsworth Air Force Base;
9. The sewer lines currently encroaching into the Ellsworth Air Force Base Water Main Easement shall be encased, as required by the State of South Dakota Recommended Design Criteria, within one year of City Council approval of the Conditional Use Permit;

**Urban Planning Division Recommendations:**

10. A maximum of 138 mobile homes and a manager's office shall be allowed within the mobile home park;
11. Upon replacement of a mobile home or expansion(s) and/or addition(s) onto an existing mobile home, a minimum 20 feet separation between mobile homes shall be provided;
12. Upon replacement of a mobile home or expansion(s) and/or addition(s) onto an existing mobile home, a paved patio of at least two hundred square feet and a storage locker of at least one hundred cubic feet shall be provided for that lot;
13. One of the mobile homes currently located on Lot 2 shall be removed upon replacement of either mobile home;
14. Prior to any expansion of the mobile home park resulting in any additional units being accessed from the interior roadway, a second access road shall be provided;
15. Prior to any expansion of the mobile home park, the northern portion of the eastern interior access road and the interior driveway to the manager's office shall be paved;
16. The Conditional Use Permit shall be reviewed in one year from the date of approval to insure compliance with the stipulations of approval; and,
17. The Conditional Use Permit shall expire if the use for which it was granted has ceased for a period of two years or more. In addition, any other use of the

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**property other than a mobile home park shall require a Major Amendment to the Conditional Use Permit.**

#### GENERAL COMMENTS:

**This item has been continued several times since the April 25, 2002 Planning Commission meeting to allow the applicant to submit additional information and to remove debris and structures from the property. This Staff Report has been revised as of November 12, 2002. All revised or added text is shown in bold print.**

The applicant is requesting approval of a Conditional Use Permit to allow a mobile home park to be located on the above legally described property. The applicant's site plan identifies 138 mobile home spaces and a manager's office located on the property. In addition, the site plan identifies the construction of approximately 49 additional mobile home spaces along the east side of the mobile home park.

On July 21, 1999, the City Council approved a resolution annexing the subject property into the corporate limits of the City of Rapid City. The annexation was the result of a failing lagoon system located within the mobile home park. A temporary sewer pipe was extended from the lagoon system to a City sewer line located on Elk Vale Road. The temporary sewer pipe was used to discharge overflow material(s) from the lagoon system. The pipe has since been removed and the lagoon is again being used as the on-site wastewater system for the mobile home park.

On July 16, 2001 the City Council denied without prejudice Use on Review #01UR003 to allow the mobile home park on the subject property. This item was continued for several months to allow the applicant to complete improvements on the existing lagoon system and to remove structures from utility easements located on the site. The City Council instructed the applicant to resubmit a new application once the necessary information and/or improvements were complete.

Prior to the issuance of a building permit to replace and/or to construct an addition onto an existing mobile home, a Conditional Use Permit (formerly referred to as a Use on Review) must be approved to allow the mobile home park on the subject property.

#### STAFF REVIEW:

The existing mobile home park does not conform in part to the provisions of the Rapid City Municipal Code. Since the mobile home park existed prior to the annexation of the property into the corporate limits of Rapid City, the mobile home park is a legal nonconforming use. Staff has identified a number of concerns that must be addressed in order for the project to go forward.

#### Drainage:

A major drainage channel runs through the property in an east-west direction. The Engineering Division has indicated that a drainage plan must be submitted for review and approval prior to Planning Commission approval. The drainage plan must account for any

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future storm drainage through the site. In addition, a site inspection identified what appears to be portions of large concrete culverts and other miscellaneous debris located in the drainage channel. Prior to Planning Commission approval, all debris must be removed from the drainage channel. **On November 11, 2002, a staff site inspection identified that the debris and/or rubble has been removed from the property.**

#### Lagoon System:

As previously indicated, an on-site lagoon system located in the northeast corner of the property currently serves the mobile home park. In 1999, the lagoon system failed resulting in the annexation of the mobile home park. A temporary sewer pipe was extended from the lagoon system to a City sewer line located along Elk Vale Road in order to discharge overflow material(s) from the lagoon system. The pipe has since been removed and the lagoon is functioning as the on-site wastewater system for the mobile home park. On July 12, 2000, the property owners, Gary and Shirley Wolff, entered into an agreement with the South Dakota Department of Environment and Natural Resources to address the numerous unauthorized discharges from the lagoon system that resulted from the failing system. The South Dakota Department of Environment and Natural Resources has indicated that the lagoon system is currently operating within compliance of the standards established for the operation of a lagoon system. In addition, the South Dakota Department of Environment and Natural Resources has stipulated that "...the property owner) must properly operate and maintain the ponds, maintain at least three feet of freeboard, and prevent any discharge from the ponds to surface waters of the State or nearby property".

As previously indicated, the applicant's site plan identifies the future construction of approximately 49 new mobile home spaces. The South Dakota Department of Environment and Natural Resources has indicated that the property owners must demonstrate that the lagoon system will handle any additional loads generated by the proposed expansion. Staff is recommending that the applicant work with the South Department of Environment and Natural Resources to demonstrate that the existing lagoon will accommodate the proposed expansion and/or to complete the necessary improvements to the lagoon system prior to Planning Commission approval.

The Engineering Division anticipates that City sewer and water will be available to this area within the next two years. Title 74 of South Dakota Codified Law requires that the mobile home park be connected to the City sewer system when "...the sewer collection system of the public entity exists within 400 feet of the home, trailer court, commercial establishment, business, park or institution". In addition, the Engineering Division is requesting that the applicant sign a Waiver of Right to Protest the Future Assessment for the extension of City sewer and water to the subject property. Connection fees, proportionate to the area being served, must also be paid at such time as the mobile home park is connected to the City services.

The applicant's site plan does not show the existing lagoon system. Staff is recommending that this item be continued to allow the applicant to revise the site plan accordingly. **A**

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**revised site plan was submitted on September 29, 2002 showing the lagoon(s). In addition, the 49 future mobile home spaces have been removed from the site plan.**

#### Easements:

Currently, a 50 foot wide Williston Basin Gas Pipeline Easement and a 50 foot wide Ellsworth Air Force Base Water Main Easement are located on the subject property. The easements lie parallel to each other and run through the middle of the property in an east-west direction. The applicant's site plan identifies that two sheds and portions of four mobile homes are located within the Ellsworth Air Force Base Water Main Easement. In addition, four sheds are located within the Williston Basin Gas Pipeline Easement. A staff site inspection identified that two additional mobile homes, a camper trailer and three sheds were located in the Ellsworth Air Force Base Water Main Easement in addition to the structures shown on the applicant's site plan. The camper was skirted and appeared to be used as a residential structure. Cheryl Cordray, a Realty Officer for Ellsworth Air Force Base, has indicated that all structures must be removed from the water main easement. The applicant's site plan also identifies that water lines extending from an on-site well and sewer lines extending from individual mobile home units to the on-site lagoon are located within the water main easement. Ms. Cordray has indicated that the specific depth and design of the water and sewer lines must be submitted for review and approval to insure that they will not interfere with potential maintenance and/or replacement of the Ellsworth Air Force Base watermain. In addition, the applicant must sign a "Consent to Cross Agreement" with Ellsworth Air Force Base prior to Planning Commission approval. Ms. Cordray has also indicated that the drainage plan must be coordinated with Ellsworth Air Force Base to insure that any existing and/or proposed drainage will not negatively impact the water main.

Keith Seifert with the Williston Basin Gas Interstate Pipeline Company has indicated that the four sheds located within the pipeline easement may remain ... "under the following conditions: 1) Encroachments are limited to just those represented on the applicant's site plan; 2) Modifications, changes, enlargements, etc to any of the structures is not allowed; and, 3) Where possible, removal of encroachments is strongly encouraged. If removed for any reason, replacement within the easement is not allowed."

#### Legal Nonconforming Issues:

As previously indicated, the mobile home park is nonconforming since the mobile home park existed prior to the annexation of the property into the corporate limits of Rapid City. Chapter 17.50.110 of the Zoning Ordinance states that "...mobile homes shall be harbored on each space so that there shall be at least a twenty-foot clearance between mobile homes". Currently, the mobile homes located on Lots 35, 36, 37, 38, 39, 41, 43, 45, 47, 71 and 72 have approximately 10 to 19 feet of separation between units. Upon replacement, the mobile homes must meet the minimum 20 foot separation requirement. In addition, any expansions or additions onto existing mobile home(s) may not further encroach into the separation requirement.

The applicant's site plan also identifies two mobile homes located on Lot 2. Upon replacement of either mobile home, one of the mobile homes must be removed from the lot.

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Currently, the interior road accessed from 143<sup>rd</sup> Avenue serves as the exclusive access road to 79 mobile home lots. On August 16, 2000, the City Council approved an amendment to the Street Design Criteria Manual stating that "...a street shall not provide exclusive access to more than forty (40) dwelling units. A second street access shall be provided when more than forty (40) dwelling units are exclusively accessed from a street". Even though the interior road is a private driveway, staff is recommending that a second access road be provided prior to the expansion of the mobile home park that will result in any additional units being accessed from this interior roadway due to concerns with traffic congestion and fire protection concerns.

Staff's site inspection identified that a portion of the interior road, accessed from Seger Drive, as it abuts the lagoon system is currently graveled. The applicant's site plan does not currently show the graveled road. **(The revised site plan shows the graveled road as requested.)** Staff is recommending that the site plan be revised to show the road prior to Planning Commission approval. An interior driveway off Seger Drive to the manager's office and to two additional mobile homes adjacent to the manager's office is also currently graveled. Chapter 17.50.110 of the Zoning Ordinance states that "...access roads within a mobile home park shall be paved to a width of not less than 24 feet". Prior to any expansion of the mobile home park, these two roadways must be paved as identified. (Please note, the remaining roadways within the mobile home park are paved to a width of 35 feet to 40 feet.) The Engineering Division has indicated that there are currently two approaches located along Seger Drive creating a looped driveway to the manager's office. Prior to Planning Commission approval, one of the approaches must be closed. Staff is recommending that the applicant work with the Engineering Division to address this issue.

#### Site Plan Revisions:

Chapter 17.50.110 of the Zoning Ordinance states that "...each mobile home space shall be provided with a paved patio of at least two hundred square feet and have a storage locker of at least one hundred cubic feet. Storage lockers may be located in locker compounds". A site inspection identified that a storage unit is located on many of the lots. In addition, it appeared that paved and/or concrete patios were located along the front of most mobile homes. Staff is recommending that the applicant's site plan be revised to show the storage units and/or the patios prior to Planning Commission approval. (A Storage unit and a paved patio must be provided for each lot prior to the replacement of the mobile home on that particular lot.)

The site inspection also identified that a large detention pond is located directly north of the office. The site plan must be revised to include the pond. In addition, the drainage plan must incorporate any concerns or impact created by the existing detention pond. **The revised site plan shows the drainage pond as a drainage easement; however, a drainage easement has never been granted as identified. As such, staff is recommending that the site plan be revised to show the area as a detention pond and not a drainage easement prior to Planning Commission approval.**

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In addition to the above referenced items, the site inspection also identified that several old and/or junk vehicles and at least one old mobile home are being stored in the southwest corner of the property. Prior to Planning Commission approval, the junk vehicles must be removed from the property. Also, the old mobile home may not be stored on the property. It must either be moved onto one of the vacant lots or removed from the property. Please note, if the mobile home is not habitable, it must be removed from the property. **A site visit conducted on September 29, 2002 identified that the junk vehicles and old mobile home have been removed from the property.**

#### Signage:

Chapter 17.50.110 states that "...each mobile home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of twenty square feet. All signs shall be set back twelve and one-half feet from the property line. The sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only". The site inspection identified that a sign is located at one of the entrance roads along Seger Drive with a larger sign located at the entrance road along 143<sup>rd</sup> Avenue. It appears that the sign located along 143<sup>rd</sup> Avenue is located within the 25 foot sight triangle. The applicant has also submitted an exhibit showing a 24 inch X 60 inch sign that reads "Prairie Acres Estates-1550 Seger Drive". The applicant has not identified the proposed location of the sign on the subject property. Staff is recommending that a complete sign package be submitted for review and approval prior to Planning Commission approval.

In addition, the Fire Department has indicated that the unit numbers must be posted at each entrance road to improve emergency response time to the individual lots within the mobile home park. Chapter 15.48.180 of the Municipal Code specifically states that "...the entrance to each row of mobile homes in a mobile home park shall have a directional sign with minimum four inch letters indicating the mobile home lot numbers in each row. Each mobile home shall have a lot number with minimum three inch letters, and such numbers shall be placed at the same location on all mobile homes or mobile home lots and shall be readily visible from the access streets". Staff is recommending that the signs be posted as identified prior to Planning Commission approval.

#### Summary:

On May 20, 2002, staff met with the applicant and representatives of the Ellsworth Air Force Base to discuss the outstanding issues relative to the subject property. On July 25, 2002, a representative from Ellsworth Air Force Base indicated that only one of the mobile homes and four of the sheds have been removed from the water main easement. On August 19, 2002, the applicant submitted a revised site plan with a note on the site plan stating that all structures and rubble had been removed from the Ellsworth Air Force Base Water Main Easement. A site visit conducted on September 29, 2002 identified that the structures have been removed from the Water Main Easement and that the rubble has been removed from the property. On September 26, 2002, the applicant submitted a site plan showing the accessory structures currently located on the property as previously requested. **On October 1, 2002, Cheryl Cordray, a Realty Officer for Ellsworth Air Force Base**

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notified staff that the public electric and gas lines have been terminated within the Ellsworth Air Force Base Water Main Easement. Ms. Cordray indicated that the utilities lines must also be retired (removed) from the easement to insure safety if and when maintenance on the water line is done. On October 30, 2002, Ms. Cordray submitted a copy of a letter sent to the applicant's legal council identifying numerous plan labeling revisions that must be completed. In addition, Ms. Cordray stated that the sewer lines currently encroaching into the Ellsworth Air Force Base Water Main Easement must be encased as required by the State of South Dakota Recommended Design Criteria since the sewer lines are not below the waterline in excess of 18 inches. On November 8, 2002, the applicant's Engineer submitted a copy of a letter sent to Ms. Cordray identifying that the sewer lines will be encased within one year. Ms. Cordray has indicated that this meets with the review and approval of Ellsworth Air Force Base. As such, staff is recommending that the Conditional Use Permit be reviewed in year to insure that the sewer lines have been encased as required.

Staff is recommending that the Conditional Use Permit to allow a mobile home park on the subject property be approved with the stipulations of approval as outlined above.