

STAFF REPORT

March 27, 2003

No. 02PD059 - Planned Unit Development - Final Development Plan

ITEM 27

GENERAL INFORMATION:

PETITIONER	Dave Fisk for Black Hills Equestrian Center
REQUEST	No. 02PD059 - Planned Unit Development - Final Development Plan
EXISTING LEGAL DESCRIPTION	Lots A thru C of Cleary Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.338 Acres
LOCATION	Approximately one half mile east of the intersection of U.S. Highway 16 and U.S. Highway 16 B
EXISTING ZONING	Low Density Residential/Planned Unit Development
SURROUNDING ZONING	
North:	General Agriculture District
South:	Low Density Residential/Planned Unit Development
East:	Low Density Residential/Planned Unit Development
West:	Low Density Residential/Planned Unit Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	09/15/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Final Planned Unit Development be approved with the following stipulations:

Attorney Office Recommendations:

1. Any expansions and/or revisions to the existing structures or any additional development on the site shall require that all City Building and Fire Codes be met;
2. No commercial vehicles shall be parked and/or stored on the property. Existing commercial vehicles must be removed from the site prior to Planning Commission approval;

Fire Department Recommendation:

3. The all weather access road encircling the equestrian center shall be maintained and kept void of any structural and/or vehicular obstruction(s);

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Urban Planning Division Recommendations:

4. Upon the expiration of Drain Masters lease and/or February 1, 2003, the use of Lot A shall be limited to professional and business office(s). No office use shall be allowed that will result in construction vehicles and/or equipment being parked on the property;
5. The use of Lot B shall be limited to an Equestrian Center with a 50 foot round pen or a 100 foot by 300 foot riding arena. A maximum of 50 horses shall be stabled on the property at any one time;
6. The use of Lot C shall be limited to a caretaker's residence for the equestrian center and accessory structures to the residence;
7. All manure and used straw/wood shavings shall be kept within the equestrian center building or within an opaque fenced and/or screened area located northwest of the equestrian center and removed from the property bi-monthly. At no time shall the manure and used straw/wood shavings be stored anywhere else outside the equestrian center building;
8. One parking space per five customers plus one additional space for every two persons regularly employed on the premises, trailer parking and horse loading and unloading area(s) shall continually be provided. In addition, the graveled parking lot shall be maintained in a dust free manner;
9. Prior to Planning Commission approval, surety shall be posted for that portion of the landscaping that has not been planted. In particular, trees shall be planted as shown on the site plan and the property shall be seeded with grass. The landscaping shall be planted no later than May 15, 2003;
10. Prior to Planning Commission approval, the tractors parked along Catron Boulevard shall be removed;
11. Prior to Planning Commission approval, any debris, stored building materials, stored rocks and the orange snow fence shall be removed from the property or stored within the equestrian center;
12. Prior to Planning Commission approval, the white vinyl three rail fence shall be constructed along the perimeter of the equestrian center site as shown on the applicant's site plan or surety shall be posted for the construction. In addition, the fence shall be constructed no later than May 15, 2003; and,
13. The Planned Unit Development shall be reviewed in June, 2003 to insure that the stipulations of approval are being met.

GENERAL COMMENTS:

This item has been continued several times since the October 24, 2002 Planning Commission meeting to allow the applicant to submit additional information. Staff will notify the Planning Commission at the March 27, 2003 Planning Commission meeting if all of the stipulations of approval have not been met. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Final Planned Unit Development to allow an equestrian center, a caretaker's residence and an office building on the above legally described property.

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On June 2, 1998, the Pennington County Board of Commissioners approved a Conditional Use Permit to allow the equestrian center with accessory use(s) on the subject property. (A copy of the Staff Report and the minutes from the Board of Commissioners meeting are attached for your review.) The accessory uses were limited to a caretaker's residence, storage buildings and an office building to be used as a sales office for the equestrian facility. In addition, the applicant obtained County Building Permits for the indoor arena, two storage buildings and the single family residence. Construction was initiated under the County permits and the property was subsequently annexed into the City of Rapid City.

On July 20, 1998, the City Council approved an Initial Planned Unit Development to allow the equestrian center with accessory structures as outlined above. The Initial Planned Unit Development also included a residential development consisting of 72 single family homes and a 12 unit multi-family apartment building to be constructed on property located adjacent to the equestrian facility.

On February 26, 1999, the applicant submitted a Final Planned Unit Development request to allow the equestrian center with accessory structures. Staff originally recommended that the Final Planned Unit Development be approved with 14 stipulations. However, a substantial amount of information was required to be brought forth prior to City Council approval. The applicant failed to submit the necessary information and, as such, the City Council denied the request without prejudice on October 10, 1999.

Currently, the equestrian center, a caretaker's residence and an office building are located on the property. Drain Masters, a septic system installation and maintenance company, and Cleary Offices, a business office, are currently located within the office building. Neither use is accessory to the equestrian center as previously required. Staff has received several complaints regarding the type and number of vehicles that are being parked on the property as a part of Drain Masters business. In addition, staff has received complaints that manure from the equestrian center is not being disposed of in a timely manner as originally stipulated. As such, the City Attorney's Office has notified the property owner(s) that the property must be brought into compliance with the original stipulations of approval and that the Final Unit Development Plan must be approved by the City.

STAFF REVIEW:

Upon review of the recently submitted Final Unit Development Plan, staff noted that a significant amount of information must still be submitted in order to determine potential fire protection upgrades to the existing equestrian center as well as improvements to the existing parking lot. On October 11, 2002 staff met with the applicant and identified the information that must be submitted.

On October 25, 2002, the applicant submitted a letter identifying the various use(s) currently existing within the equestrian center. Staff has reviewed the recently submitted information and has noted the following considerations:

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Legal Non-conforming Structure(s): As previously indicated, the Pennington County Board of Commissioners approved a Conditional Use Permit to allow an equestrian center with accessory uses to be located on the property prior to annexation into the City limits. In addition, the Pennington County Planning Department issued building permits for the equestrian center, the "Cleary" office building and a caretaker's residence. Upon review of the legal non-conforming status of the three structures, the City Attorney's Office has issued the following statement: "It is the opinion of our office that the equestrian center (or office building/caretaker's residence) did not have to meet the City Building Code at the time it was constructed. The building permit was properly issued by the County prior to the land being annexed. Therefore, the landowner had a vested right to build according to the terms of the permit as issued. Annexation did not change that right." As such, the existing structures are legal non-conforming structures. The applicant should be aware that any expansions and/or revisions to the existing structures or any additional development will require that all City building and fire codes be met.

Land Use(s): The County had previously approved an office building, accessory to the equestrian center, on Lot A. As previously indicated, Drain Masters, a septic system installation and maintenance company, and Cleary Offices, a business office, are currently located within the office building. Neither use is accessory to the equestrian center as previously required. Staff has received several complaints regarding the type and number of vehicles that are being parked on the property as a part of Drain Masters business. The Drain Masters use violates the original approvals granted by Pennington County as only office uses accessory to the equestrian facility were authorized by the County. Thus the use is not a legal non-conforming use. The use has never been permitted by the City at this location and actually is not permitted in this Zoning District. The City Attorney's Office is currently working with the land owner to insure that the illegal use is removed. They anticipate that the illegal use will be completely removed from the site within sixty days. A site inspection on November 8, 2002 identified several commercial vehicles used in conjunction with the Drain Masters business parked and/or stored on the property. Prior to Planning Commission approval the vehicles must be removed from the property as stipulated above.

The Municipal Code states that no more than twenty percent of land area within a Planned Unit Development may be devoted to commercial uses if located within a residential zoning district. The property is currently zoned Low Density Residential District. Allowing Lot A to be used as professional and/or business office(s) will result in 17% of the overall land area to be used commercially. Staff believes that business and/or professional office use may be appropriate for Lot A. It should be noted that no construction vehicles and/or equipment may be parked on the property.

Pennington County had previously approved an equestrian center with an outdoor riding arena on Lot B. To date, the equestrian center and an approximate 50 foot diameter round pen has been constructed on the property. Due to the on-going complaints from area property owners regarding the smell of manure stored on the property, staff is recommending that the existing 50 foot round pen be approved in lieu of the previously

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approved 100 foot by 300 foot outdoor riding arena. The reduced outdoor riding area will potentially reduce the amount of manure to be of a nuisance to the area property owners. The applicant has requested that the 100 foot by 300 foot outdoor riding arena be allowed on the property as previously approved by the County. The applicant has indicated that the 50 foot round pen will be left in its current location until such time as the outdoor riding arena is constructed. Staff is recommending that the 50 foot round pen *or* the 100 foot by 300 foot riding arena be allowed as proposed. The applicant should be aware that if the manure continues to create a nuisance, upon review of this item in June staff will recommend that only the 50 foot round pen be allowed. In addition, all manure and used straw/wood shavings must be kept within the equestrian center building and removed from the property bi-monthly. At no time may the manure and used straw/wood shavings be stored outside the equestrian center building. On December 12, 2002, staff met with the applicant to discuss the location of the manure and used wood/straw shavings on the property. In addition to storing the manure within the equestrian center, staff is recommending that the manure be stored within an opaque fenced and/or screened area located northwest of the equestrian center. Please note, several of the area property owners concur with allowing the manure and wood/straw shavings to be located northwest of the equestrian center as identified; however, the applicant would prefer to leave it in its current location directly south of the equestrian center. Due to the close proximity of several residences located along the south of the equestrian center, this location is unacceptable. Even if the manure was fenced and/or screened, it would continue to create an odor nuisance. For that reason staff has recommended that the manure be stored either in the equestrian center or northwest of the building.

The County had previously approved a caretaker's residence for the equestrian center and accessory structures to the residence on Lot C. A caretaker's residence is currently located on the property. Staff is recommending that the residence located on the property continue to serve as a caretaker's residence to the equestrian center. In addition, accessory structures to the residence may be allowed.

Landscaping/Fencing: The applicant's site plan identifies 39 large trees encircling the equestrian center site and along the west side of the Cleary building site. In addition, a combination of nine maple and flowering crab trees are shown around the caretaker's residence and along the north side of the Cleary building site. A site inspection shows that the existing landscaping does not comply with the previously approved landscaping plan approved by the Pennington County Board of Commissioners. As such, staff is recommending that the landscaping be completed prior to Planning Commission approval or surety be posted for that portion of the landscaping that has not been planted. In addition, the landscaping must be planted no later than May 15, 2003.

The applicant's site plan also shows a white vinyl three rail fence to be constructed along the perimeter of the equestrian center. To date, approximately 25% of the fence has been constructed. As such, staff is recommending that prior to Planning Commission approval, the remaining portion(s) of the white vinyl three rail fence must be constructed or surety posted for the construction. In addition, the fence must be constructed no later than May 15,

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Parking: As a part of the County's approval of the equestrian center, a minimum of one parking space per five customers, computed on the basis of maximum servicing capacity at any one time, plus one additional space for every two persons regularly employed on the premises must be provided. In addition, an area to park horse trailers as well as a horse loading and unloading area must be provided. Under the County regulations, a "graveled" parking area was allowed if maintained in a dust free manner. Staff is recommending that the applicant continue to provide the minimum required parking as stipulated by the County and reminds the applicant that the graveled parking lot must be maintained in a dust free manner.

The applicant's site plan identifies 29 parking spaces on Lot A for the "Cleary" building. A site inspection identifies that the parking lot is paved and striped. The applicant should be aware that any future use of the structure for business and/or professional office(s) will require that all provisions of the City's Parking Regulations be met. (Please note that the County had allowed an office use, accessory to the equestrian center, within the structure. Allowing business and professional offices within the structure is a new use and, as such, is no longer a legal non-conforming use requiring that the City's Parking Regulations be met.)

Debris: A letter from an area property owner dated January 12, 2003 was submitted to the Planning Department on January 21, 2003. The letter cites concerns with debris, an orange snow fence, rock, building material(s), etc. being stored outside the equestrian center, primarily on the south side of the structure. The area property owner has indicated that the material is visible from the front yards of the surrounding residential development. A staff site inspection identified that these items do exist on the exterior of the equestrian center. Staff is recommending that prior to Planning Commission approval, any debris, stored building materials, stored rocks and the orange snow fence be removed from the property or stored within the equestrian center.

The sign has been posted on the property and the white slips and green cards from the certified mailing requirement have been submitted to the Planning Department. Staff has received numerous telephone calls from area property owners citing concern with the manure on the equestrian center site, lack of landscaping and the use of the "Cleary Building" by Drain Masters.