

STAFF REPORT

June 5, 2003

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

ITEM 47

GENERAL INFORMATION:

PETITIONER	Dave Fisk for Black Hills Equestrian Center
REQUEST	No. 02PD059 - Planned Unit Development - Final Development Plan
EXISTING LEGAL DESCRIPTION	Lots A and B 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 **continued to the July 10, 2003 Planning Commission meeting as requested by the applicant.**

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. This Staff Report has been revised as of May 26, 2003. All added or revised text is shown in bold print.

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. **Lot C of Cleary Subdivision is the location of the equestrian center and has recently been sold. On May 9, 2003, the new property owner submitted an Initial and**

STAFF REPORT

June 5, 2003

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

ITEM 47

Final Planned Unit Development request for Lot C. (See companion item #03PD024). The Initial and Final Planned Unit Development identifies the redevelopment of the equestrian center site into a townhome development. As such, the new property owner has requested that Lot C be eliminated from this Final Development Plan review. The property owner of Lot A has requested that this item be continued to the July 10, 2003 Planning Commission meeting to allow him time to meet with staff and discuss any outstanding issues relative to the balance of the property.

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.

STAFF REVIEW:

Staff has reviewed the Final Unit Development Plan and noted the following considerations:

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

STAFF REPORT

June 5, 2003

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

ITEM 47

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. **Drain Masters is no longer a tenant in the Cleary building. In addition, all of the outdoor storage of Drain Masters equipment has been removed from the property.**

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.

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. **Lot B has recently been sold and the residence no longer serves as a caretaker's residence to the equestrian center. As mentioned above, the equestrian center located on Lot C is to be removed from the property. The terms of the purchase agreement require that the structure be removed no later than July 15, 2003.**

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

STAFF REPORT

June 5, 2003

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

ITEM 47

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.

Parking: 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.)

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 **three telephone calls regarding the outdoor storage of materials at the Cleary building site. In addition, the callers have voiced concern with the lack of landscaping on the property. As previously indicated, the property owner will be meeting with staff to discuss these as well as all other outstanding issues relative to the site. As such, the applicant has requested that the Final Planned Unit Development be continued to the July 10, 2003 Planning Commission meeting.**