

STAFF REPORT

August 21, 2003

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

**ITEM 30**

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GENERAL INFORMATION:

PETITIONER	Dave Fisk for Black Hills Equestrian Center
REQUEST	<b>No. 02PD059 - Planned Unit Development - Final Development Plan</b>
EXISTING LEGAL DESCRIPTION	<b>Lots A and B</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 approved with the following stipulations:

Engineering Division Recommendation:

1. Prior to Planning Commission approval, a curb stop shall be constructed along that portion of the parking lot abutting Wellington Drive or surety shall be posted for the improvement;

Urban Planning Division Recommendations:

2. 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. In addition, no outdoor storage of building materials shall be allowed;
3. Prior to Planning Commission approval, the additional proposed landscaping shall be planted or surety shall be posted for the improvement;

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4. A minimum of 20 parking spaces shall be provided. In addition, one of the parking spaces shall be "van" handicap accessible;
5. The signage shall conform architecturally to the proposed sign package. Any additional signage in compliance with the Sign Code Regulations shall be allowed as a minimal amendment to the Planned Unit Development;
6. The use of Lot B shall be limited to a single family residence and accessory structures to the residential use. Any other use of the property shall require a Major Amendment to the Planned Unit Development; and,
7. Any future alternate use of the "common area" shall require the review and approval of a Major Amendment to the Planned Unit Development.

### 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 item was continued at the July 24, 2003 Planning Commission meeting to allow the applicant to provide a curb stop along a portion of the parking lot and to plant landscaping as proposed on the site or to post surety for the two improvements. On August 6, 2003, a staff site inspection verified that the landscaping and parking lot improvements were complete. Staff also noticed that tall weeds existed around electrical equipment located on the property and notified the applicant to remove the weeds. An area property owner attended the August 7, 2003 Planning Commission and indicated to staff that they were concerned with the outdoor storage of wood pallets and saw horses on the backside of the building. As such, the Planning Commission continued the Final Development Plan to the August 21, 2003 Planning Commission meeting to allow the applicant to address these two issues. Staff will notify the Planning Commission at the August 21, 2003 Planning Commission meeting if these requirements have not been met. 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. 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 Final Planned Unit Development request for Lot C. (See File #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 requested that this item (#02PD059) 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. Staff has since met with the property owner of Lot A; and, subsequently, the applicant has submitted a revised site plan identifying additional landscaping and a revised parking plan.

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

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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, a single family 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:

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

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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.

Landscaping: As previously indicated, the applicant has submitted a revised site plan identifying 24 large trees to be located along the perimeter of the property and within the parking lot. To date, not all of the trees have been planted. As such, staff is recommending that prior to Planning Commission approval, the additional proposed landscaping be planted or surety be posted for the improvement.

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.) A minimum of 20 parking spaces must be provided for the existing and any future office use of the structure based on the square footage of the building. In addition, one of the parking spaces must be "van" handicap accessible space. The revised site plan identifies 31 parking spaces with one of the spaces being "van" handicap accessible. This meets the minimum parking requirements as per the Parking Regulations.

The Engineering Division has indicated that a curb stop has not been constructed along that portion of the parking lot abutting Wellington Drive. The curb stop is needed to prevent vehicles from directly entering Wellington Drive from each individual parking space in lieu of utilizing the approved approach location to the parking lot. As such, staff is recommending that the curb stop be constructed as identified prior to Planning Commission approval or surety posted for the improvement.

Signage: Currently, a 14 foot high with a 6 foot X 6 foot illuminated sign is located in the northwest corner of the subject property. The sign is an on-premise sign for the Cleary business. Staff is recommending that the signage continue to be maintained in compliance with the proposed sign package. In addition, any future signage in compliance with the Sign Code Regulations may be allowed as a minimal amendment to the Planned Unit Development.

Lot B: Currently a single family residence is located on Lot B. The residence was originally allowed as a caretaker's residence to the equestrian center. As previously indicated, the equestrian center is being removed from the property and, as such, the caretaker's residence is not longer needed. Staff is recommending that the use of Lot B be limited to a single family residence and accessory structures to the residential use. Any other use of the property will require a Major Amendment to the Planned Unit Development.

The sign has been posted on the property and the white slips and green cards from the

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certified mailing requirement have been submitted to the Planning Department. Staff has received two telephone calls regarding parking of construction vehicles and equipment at the site as well as the storage of construction materials. The applicant has indicated that the outdoor storage of materials as well as the outdoor parking of commercial vehicles has been eliminated from the property. Staff will notify the Planning Commission if additional complaints are received regarding this issue at the July 24, 2003 Planning Commission meeting.