

STAFF REPORT

September 25, 2003

No. 03PD043 - Major Amendment to a Planned Residential Development ITEM 18

GENERAL INFORMATION:

PETITIONER	John Skulborstad for Dakota Land Development, LLC
REQUEST	No. 03PD043 - Major Amendment to a Planned Residential Development
EXISTING LEGAL DESCRIPTION	Lot F1 less Cleghorn Canyon #2 and Lot 1 of Lot F1, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 22.78 acres
LOCATION	4600 Jackson Boulevard
EXISTING ZONING	Park Forest District w/Planned Residential Development
SURROUNDING ZONING	
North:	Limited Agriculture District
South:	Flood Hazard District
East:	Medium Density Residential District
West:	Limited Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	08/29/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a building permit for any of the three proposed lots, surety shall be posted for the extension of water and sewer to proposed Lot 1 and for sidewalks along proposed Lot 1 as it abuts Jackson Boulevard;
2. Prior to issuance of a building permit for proposed Lots 2 and 3, the Final Plat shall be approved by the City Council;
3. All residential structures shall be constructed within the serviceable water zone boundary as shown on the site plan;
4. An Industrial Pre-treatment Permit shall be obtained prior to issuance of a building permit;

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5. A Manual of Uniform Traffic Control Devices (MUTCD)/Complaint Traffic Control Plan shall be submitted to the South Dakota Department of Transportation for review and approval one month in advance of construction for all stages of work that may impact the safety of the public within the Jackson Boulevard right-of-way;
6. The proposed interior road shall be posted with "no-parking" signs;

Fire Department Recommendations:

7. All Uniform Fire Codes must be continually met;
8. Any lot with a residence located more than 150 feet from a fire hydrant shall provide an emergency vehicle turnaround on the lot;
9. Prior to the start of any building construction, all weather access roads shall be constructed;
10. Prior to the start of any building construction, fire hydrants shall be in place and operational;
11. Prior to the start of any building construction, a wildland fire mitigation plan shall be completed as required by the Fire Department;

Building Inspection Division Recommendation:

12. A building permit shall be obtained prior to any construction;
13. A maximum one square foot sign shall be allowed for the Major Home Occupation or a variance shall be obtained from the Sign Code Board of Appeals to allow a larger sign. If a variance is granted from the Sign Code Board of Appeals allowing a larger sign, then a Major Amendment to the Planned Residential Development shall be obtained prior to issuance of a Sign Permit;

Air Quality Division Recommendation:

14. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;

Urban Planning Division Recommendations:

15. The Planned Residential Development shall allow for a single family residential use and accessory structure(s) to the principle residential use on each lot. In addition a photography studio shall be allowed within the residence to be constructed on proposed Lot 1. Any other use other than residential with accessory structures on proposed Lots 1 thru 3 and a photography studio on proposed Lot 1 shall require a Major Amendment to the Planned Residential Development;
16. The photography studio hours of operation shall be from 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 2:00 p.m. Saturday;
17. The photography studio shall not exceed 30% of the total floor area of the residence or a maximum of 1,200 square feet;
18. Landscaping shall be planted in compliance with the Landscaping Plan. In particular, a minimum of twelve trees shall be planted along the north lot line of proposed Lot 1;
19. All provisions of the Park Forest District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;

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20. The minimum lot size requirement of the Park Forest District for proposed Lots 1 and 2 shall be reduced from three acres to 1.84 and 1.43 acres, respectively. In addition, proposed Lot 3 shall have a minimum lot size of 19.5 acres;
21. One off-street paved parking space shall be provided on each lot for visitor parking on Lots 2 and 3. The two off-street parking spaces required for the residential use shall not count towards this requirement;
22. Two off-street parking spaces shall be provided on Lot 1 for the residential use and a maximum of three off-street parking spaces shall be provided for the Major Home Occupation. One of the three spaces shall be van handicap accessible; and,
23. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Planned Residential Development to allow a single family residence to be constructed on each of three lots to be known as Lots 1 thru 3 of Vista Lake Subdivision #2. In addition, the Major Amendment to the Planned Residential Development request proposes the development of a photography studio as a Major Home Occupation on proposed Lot 1. Currently, a structure is located on proposed Lot 1. At one time the building was the site of the Johnson Siding Volunteer Fire Department. The applicant has indicated that the building will be renovated and expanded for his residential use and for the photography studio.

On June 17, 2002, the City Council approved Preliminary and Final Plat #01PL110 to subdivide the subject property into seven lots. In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer and water and to allow a sidewalk along one side of the interior street. On February 21, 2002, the Planning Commission approved an Initial and Final Planned Residential Development to allow for the development of seven residential lots on the subject property. On February 13, 2003, the Register of Deed's Office vacated the plat and, as such, the property reverted to its previous legal description of "Lot 1 and Lot F-1 of the Fish Hatchery Subdivision less Lot 13 Revised of the Cleghorn Canyon No. 2 Subdivision".

On May 5, 2003, the City Council approved a Layout Plat to subdivide the subject property into three lots as identified on this site plan. On June 17, 2003, the City Council approved a Variance to the Subdivision Regulations for improvements along Feather Ridge Court and that portion of Jackson Boulevard located adjacent to proposed Lots 2 and 3 with the stipulations that the first fifty feet of Feather Ridge Court be paved and that a waiver of right to protest a future assessment project for the construction of curb, gutter, sidewalk, street light conduit, sewer and water along the north side of Jackson Boulevard be signed by the applicant. (See file #03PL036 and file #03SV014.)

On June 26, 2003, the Planning Commission approved a Major Amendment to the Planned Residential Development to allow the three residential sites as shown on this site plan. On

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July 21, 2003, City Council approved a Preliminary Plat to subdivide the subject property into three lots as shown on this site plan. The Final Plat has been continued to the October 6, 2003 City Council meeting to allow the applicant to meet the stipulations of approval.

STAFF REVIEW:

Staff has reviewed the Major Amendment to the Planned Residential Development and has noted the following considerations:

Zoning: The property is zoned Park Forest District requiring a minimum three acre lot size. The proposed plat identifies Lots 1, 2 and 3 with a lot size of 1.84 acres, 1.43 acres and 19.5 acres, respectively. Due to the constraints imposed by the existing topography of the subject property, staff recommends that the clustering of dwelling units be allowed. As such, staff is recommending that the minimum lot size be reduced for Lots 1 and 2 as identified. (The overall density of the project does not exceed the allowed overall density of one dwelling unit per three acres in the Park Forest District.)

Major Home Occupation: The applicant has indicated that the existing structure on Lot 1 will be renovated and expanded to be used as a residence and as a photography studio. The applicant has indicated that 30% of the total floor area of the residence, or 1,200 square feet, will be used for the photography studio. In addition, the hours of operation for the studio will be from 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 2:00 p.m. Saturday. Staff is recommending that the photography studio be limited in area and hours of operation as proposed by the applicant.

The Engineering Division has indicated that an Industrial Pre-treatment Permit must be obtained for the disposal of chemicals typically associated with the processing of film in a photography studio. As such, staff is recommending that the permit be obtained prior to issuance of a building permit.

Signage: The applicant is proposing to construct an eight foot high pole sign, measuring two foot by four foot in the southeast corner of the subject property. The Building Inspection Division has indicated that a maximum one square foot sign is allowed in the Park Forest District. As such, a variance must be obtained from the Sign Board of Appeals to allow the proposed sign. If a variance is granted from the Sign Board of Appeals allowing a larger sign, then a Major Amendment to the Planned Residential Development must be obtained prior to issuance of a Sign Permit. The applicant should be aware that the proposed sign does not appear to be appropriate in the Park Forest Zoning District. Potentially a slightly larger wall mounted sign may be supported but the two foot by four foot pole mounted sign would not be supported.

Landscaping: The applicant has submitted a landscaping plan for proposed Lot 1 identifying twelve trees along the north lot line and additional shrubbery along the front of the proposed residence. Staff is recommending that the landscaping be planted in compliance with the landscaping plan.

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Parking: As previously indicated, a Variance to the Subdivision Regulations has been granted to allow the interior road to be constructed as a 24 foot wide graveled street with no curb, gutter, sidewalk, water and/or sewer. As such, no parking signs must be posted along the interior road. The Street Design Criteria Manual requires that common use visitor parking for single family, duplexes and townhouse residential uses be provided at the rate of one paved parking stall per dwelling located within three hundred feet of the residence. Staff is recommending that one off-street paved parking space be provided on each lot for visitor parking on proposed Lots 2 and 3. The two off-street parking spaces required for the residential use will not count towards this requirement. Staff is also recommending that two off-street parking spaces be provided on Lot 1 for the residential use and a maximum of three off-street parking spaces be provided for the Major Home Occupation. In addition, one of the three spaces must be van handicap accessible.

Fire Department: The Fire Department has indicated that the property is located in a moderate to high fire hazard area. Prior to the start of any building construction, a wildland fire mitigation plan must be completed as required by the Fire Department. In addition, all weather access roads must be constructed and fire hydrants must be in place and operational prior to the start of any building construction. The Fire Department has also indicated that an emergency vehicle turnaround must be provided on each lot where the residence is located more than 150 feet from a fire hydrant.

Feather Ridge Court: The Engineering Division has indicated that a Manual of Uniform Traffic Control Devices (MUTCD)/Compliant Traffic Control Plan must be submitted to the South Dakota Department of Transportation for review and approval one month in advance of construction for all stages of work that may impact the safety of the public within the Jackson Boulevard right-of-way.

Final Plat: As previously indicated, a Final Plat has not been approved for the three lots. As such, staff is recommending that surety for the extension of water and sewer to proposed Lot 1 and for the construction of a sidewalk along proposed Lot 1 as it abuts Jackson Boulevard be posted prior to issuance of a building permit. In addition, the Final Plat for all three lots must be approved and, subsequently, surety posted for the balance of the improvements prior to issuance of a building permit on proposed Lots 2 and 3.

Summary: Staff recommends approval of the Major Amendment to the Planned Residential Development to allow the proposed use(s) with the stipulations of approval as outlined above. If the applicant finds the stipulations of approval for the Major Home Occupation limiting, then it may be appropriate to submit an application to rezone proposed Lot 1 from Park Forest with a Planned Residential Development to Office Commercial with a Planned Commercial Development. In January of 2001, the applicant submitted the appropriate applications to rezone proposed Lot 1 to Office Commercial with a Planned Commercial Development but later requested that both items be denied without prejudice.

Notification Requirement: The receipts from the certified mailings have been returned and the sign has been posted on the property. Staff has received three calls regarding this proposal.

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All of the callers indicated that they did not have a concern with the proposed Planned Residential Development request.