

STAFF REPORT

February 19, 2004

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

ITEM 29

GENERAL INFORMATION:

PETITIONER	Davis Engineering for Gary & Shirley Wolff
REQUEST	No. 02UR008 - Review of a Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District
EXISTING LEGAL DESCRIPTION	SW1/4 SW1/4 and the N8/10ths of W1/2 W1/2 of SE1/4 SW1/4, Section 20, T2N, R8E, 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	Private
DATE OF APPLICATION	11/21/2003
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the Review of a 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 applicant shall sign a Waiver of Right to Protest the Future Assessment for the extension of City sewer and water to the subject property;

Fire Department Recommendations:

2. 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 Municipal Code;

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Williston Basin Gas Interstate Pipeline Company Recommendations:

3. Encroachments within the pipeline easement shall be limited to the four existing sheds currently located within the easement;
4. Modifications, changes, and/or enlargements to the four sheds shall not be allowed;
5. 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:

6. 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:

7. Any future excavation on the waterline easement shall be coordinated with Ellsworth Air Force Base prior to implementation;

Urban Planning Division Recommendations:

8. A maximum of 138 mobile homes and a manager's office shall be allowed within the mobile home park;
9. 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;
10. 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;
11. 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;
12. 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;
13. The Conditional Use Permit shall be reviewed three years from the date of approval to insure compliance with the stipulations of approval, and;
14. 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 property other than a mobile home park shall require a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS:

(Updates to the staff report are shown in bold.) This item was continued from the February 5, 2004 Planning Commission meeting to allow the applicant time to submit the required information.

The applicant is applying for a review of a Conditional Use Permit to allow a Mobile Home Park in the Medium Density Residential District. On November 21, 2002 the Planning Commission approved a Conditional Use Permit, with stipulations, to allow a Mobile Home Park in the Medium Density Residential District. The stipulations approved in 2002 are as follows:

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

STAFF REVIEW:

Staff has reviewed the request and previous stipulations associated with the Conditional Use Permit approved on November 21, 2002 and has noted the following issues:

Detention Pond:

The site plan submitted shows the large pond area north of the office as an existing pond. Previously the area was identified 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

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to show the area as a “detention pond” and not an “existing pond” prior to Planning Commission approval. The applicant has indicated that this information will be provided prior to the January 22, 2004 Planning Commission meeting. The applicant has indicated that the site plan has been revised and will be provided prior to the February 5, 2004 Planning Commission meeting. **On February 5, 2004 the applicant submitted a revised site plan showing the area north of the office as a detention pond.**

Lagoon System:

An on-site lagoon system is located in the northeast corner of the property and 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 stipulated in the November 21, 2002 staff report 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”.

The Engineering Division staff noted that no information has been provided regarding the stabilization and maintenance of the wastewater ponds. Also, no information has been provided regarding correct freeboard maintenance or if the proper records and reports have been filed or made. Prior to Planning Commission approval, the applicant shall provide a copy of the most recent South Dakota Department of Environment and Natural Resources operation and maintenance inspection of wastewater stabilization ponds demonstrating proper operation and maintenance is occurring. Also, prior to Planning Commission approval the applicant shall provide a copy of the most recent South Dakota Department of Environment and Natural Resources operation and maintenance inspection indicating correct freeboard maintenance and that proper records and reports are filed or made. The applicant has indicated that this information will be provided prior to the January 22, 2004 Planning Commission meeting. The applicant has indicated that a recent study has been conducted and no problems were discovered. The applicant indicated this information will be provided prior to the February 5, 2004 Planning Commission meeting. **On February 5, 2004 the applicant submitted a copy of an operation and maintenance inspection report by the South Dakota Department of Environment and Natural Resources indicating correct freeboard maintenance and that proper records and reports have been filed or made.**

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Utilities:

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. The applicant has indicated that this document will be signed prior to the January 22, 2004 Planning Commission meeting. The applicant has indicated that this document will be signed prior to the February 5, 2004 Planning Commission meeting. **The applicant has indicated that this document will be signed prior to the February 19, 2004 Planning Commission meeting.** 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.

Waterline Easement:

Cheryl Cordray with Ellsworth Air Force Base noted that the one year time frame has passed relating to the note on the plan stating "The owner reserves the right to rebuild, relocate or construct new sewer mains that would meet Ellsworth Air Force Base, South Dakota Department of Environment and Natural Resources and the City of Rapid City requirements". It was also noted that any future excavation on the waterline easement should be coordinated with Ellsworth Air Force Base prior to implementation.

Future Review:

The applicant has generally complied with all of the stipulations approved on November 21, 2002. Staff has noted that the Conditional Use Permit shall be reviewed again in three years from the date of approval to insure continuing compliance with the stipulations of approval.

The green cards from the required notification of surrounding property owners have been returned and a sign stating that a Conditional Use Permit has been requested is posted on the property. Staff has not received any comments regarding the proposed use.

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