

STAFF REPORT
January 7, 2009

No. 09SR110 - SDCL 11-6-19 Review to construct a public utility and to authorize the acquisition of a Utility Easement **ITEM 43**

GENERAL INFORMATION:

APPLICANT	Good Samaritan Society
AGENT	FMG, Inc.
PROPERTY OWNER	Good Samaritan Society
REQUEST	No. 09SR110 - SDCL 11-6-19 Review to construct a public utility and to authorize the acquisition of a Utility Easement
EXISTING LEGAL DESCRIPTION	In the SE1/4 SW1/4 and SW1/4 SW1/4 and the NE1/4 SW1/4 and the NW1/4 SE1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 311.16 acres
LOCATION	West of Sturgis Road, south of Hidden Valley Road and west of St. Martins Drive
EXISTING ZONING	Medium Density Residential District (Planned Development Designation) - General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	Medium Density Residential District (Planned Development Designation)
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/16/2009
REVIEWED BY	Ali DeMersseman / Mary Bosworth

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to construct a public utility and authorize the acquisition of a Utility Easement be **approved if the following additional information is submitted prior to Planning Commission approval:**

- 1. The applicant shall obtain a Fence Height Exception to allow a 7 foot tall fence in lieu of a 6 foot tall fence in the Medium Density Residential District and General Agricultural District; and**

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2. All redline comments shall be addressed and all approved plans shall be sealed and signed and returned to the Growth Management Department.

GENERAL COMMENTS:

(Update, December 29, 2009. All revised and/or added text is shown in bold print.)
This item was continued at the December 10, 2009 Planning Commission meeting to allow the applicant to obtain a Fence Height Exception for a 7 foot tall fence in lieu of a 6 foot tall fence in the Medium Density Residential District and General Agricultural District, to submit a revised site plan identifying a paved parking area, and to submit a revised landscape plan. Subsequently, the applicant has submitted a Fence Height Exception request, a revised site plan, and a revised landscape plan.

The applicant has submitted a SDCL 11-6-19 Review to construct a water reservoir and water line to serve a senior living campus. The reservoir will hold approximately 750,000 gallons of water and will be served by a 16 inch transmission pipeline. In addition, a 450 square foot valve house will be constructed adjacent to the reservoir.

The applicant has entered into an agreement with the City of Rapid City, committing up to \$1,000,000 from the City's .16 Fund to construct the facility. Upon completion, the facility will become part of the City's infrastructure.

On October 25, 2007, the Planning Commission approved an Initial Residential Development Plan (#07PD075) for all five phases to allow an assisted living center, a skilled care facility, a retreat center, a townhome development and an apartment complex to be constructed on the property.

On November 5, 2007, the City Council approved a Comprehensive Plan Amendment to the Major Street Plan (#07CA042) to eliminate collector streets extending through the property. In addition, the City Council approved a Rezoning request (#07RZ064) to change the zoning designation of a portion of the property from General Agriculture District to Medium Density Residential District.

In addition, the applicant submitted a Final Planned Residential Development Plan (#09PD053) on October 23, 2009 to allow construction of Phase One of the "Good Samaritan St. Martin Senior Living Campus." Phase One will include the construction 100 one story townhomes with attached garages and the utilities and roads to serve the townhomes.

The site is located west of Sturgis Road, south of Hidden Valley Road, and west of Saint Martins Drive. Currently, the property is void of any structural development.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park, or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the

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location and extent thereof shall have been submitted to and approved by the Planning Commission.” The proposed water reservoir, valve house, and water line will become part of a public utility system. The property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Fence: The applicant is proposing a 7 foot tall chain link and barbed wire fence surrounding the reservoir site. However, fences located in residential and agricultural zones are limited to 6 feet in height. Therefore, the applicant must submit a Fence Height Exception to allow a 7 foot tall fence in lieu of a maximum 6 foot tall fence in the Medium Density Residential and General Agricultural Districts. As such, staff is recommending that prior to Planning Commission approval, the applicant obtain a fence height exception to allow the proposed fence.

(Update: December 29, 2009) The applicant submitted a Fence Height Exception on December 2, 2009 (No. 09FV014), which was considered at the December 29, 2009 Public Works Committee meeting. The Public Works Committee forwarded a recommendation of approval with stipulations to the City Council. Subsequently, the Fence Height Exception was placed on the agenda for the January 4, 2010 City Council meeting. Staff recommends that prior to Planning Commission approval, the Fence Height Exception be obtained or the proposed fence must be revised to comply with the ordinance.

Zoning: The property is currently zoned Medium Density Residential District with a Planned Development Designation and General Agricultural District. The City’s Future Land Use Plan identifies the appropriate use of the property as Medium Density Residential with a Planned Residential Development. An “utility substation” is a conditional use in the Medium Density Residential District. The water reservoir will provide some of the necessary distribution system infrastructure improvements needed to support continued growth within this area of Rapid City.

The use of the property as a water reservoir site is in compliance with the existing zoning and the City’s adopted future land use plan.

Design: The 750,000 gallon reservoir is 30 feet tall and 75 feet in diameter. The applicant has indicated that the reservoir will be constructed of concrete and painted tan. The associated valve house will be located east of the reservoir and will be 16 feet 6 inches tall. The valve house will be constructed of both 8-inch Concrete Masonry Unit blocks and concrete. The valve house is designed with a shed style standing seam metal roof and will be painted tan with green trim. The applicant should be aware that the proposed structures must conform architecturally to the plans and elevations and the color palette reviewed and approved as part of this SDCL 11-6-19 Review.

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Access: The applicant is proposing to extend a 12 foot wide and approximately 2,000 foot long graveled road southwest from Saint Martins Drive. In addition, the applicant has indicated that the proposed 12 foot wide graveled access road will be extended within the fenced reservoir area. A graveled area is also proposed at the end of the access road to provide parking and to allow turnaround.

The Fire Department has indicated that extending a 12 foot wide graveled access road to the reservoir site, with a graveled turnaround at the end of the access road, will provide adequate fire apparatus access. The Fire Department has also noted that the anticipated need for emergency access for this type of facility is historically very low. Due to the anticipated limited use of the road, and because it will serve a water facility, the Fire Department has approved an exception to the International Fire Code to allow a 12 foot wide access road in lieu of the required 20 foot wide access road.

Section 17.50.270.G.1 of the Rapid City Municipal Code requires that entrances and exits to off-street parking shall in no case be less than 10 feet in width. As such, the 12 foot wide access road as approved meets this requirement.

Staff recommends that the Planning Commission waive the requirement to pave the access road and reduce the required width of the road from 20 feet to 12 feet. The applicant should be aware that any future expansion and/or change of use on the site may require that the access road be widened and paved.

Easements: Pursuant to SDCL 11-6-19 the Planning Commission must authorize the acquisition of a Utility Easement prior to City Council accepting the easement. Therefore, the applicant has requested that the Planning Commission authorize the acquisition of a Utility Easement for the reservoir location, as well as access to the reservoir. As such, staff recommends that the Planning Commission authorize the acquisition of a Utility Easement for the reservoir location and access to the reservoir.

Setbacks: In the General Agricultural and the Medium Density Residential Districts utility structures, including reservoirs, are required to be set back from all exterior and interior side lot lines a distance of not less than 35 feet. Because the proposed reservoir is located on a parcel lot line, the applicant has requested an exception to reduce the required side yard setback from 35 feet to zero feet. Since there are no existing utility or drainage easements located along the common lot line, staff recommends that the Planning Commission reduce the required side yard setback from 35 feet to zero feet.

Parking: The applicant has indicated that two parking spaces, including one "van" handicap accessible space, will be provided within a 21 foot by 36 foot graveled parking area east of the valve house. However, the applicant has indicated that the spaces will not be marked or signed. As such, staff recommends that prior to Planning Commission approval, a parking plan be submitted identifying a paved parking area so as to eliminate dust and mud, and to provide access to people with disabilities. In addition, the parking spaces must be marked with striping paint and the dimensions called out on the parking plan. Furthermore, the required van-accessible space must be designated as reserved by a sign showing the

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symbol of accessibility.

(Update: December 29, 2009) The applicant has submitted a revised site plan showing a 26 foot by 30 foot concrete parking area east of the proposed valve house. The proposed parking area is in compliance with the City's Parking Regulations and can accommodate two parking spaces, including one "van" handicap accessible space. In addition, the van-accessible space will be designated as reserved with a sign showing the symbol of accessibility. The revised site plan also shows an 8 foot wide paved path leading from the parking area to provide pedestrian access to the valve house.

Landscaping: The applicant has submitted a Landscape Plan; however, the Landscape Plan does not provide information regarding the location and species of the proposed plantings. As such, staff is recommending that prior to Planning Commission approval, a revised landscaping plan be submitted for review and approval that clearly illustrates the development area and identifies the specific locations and species of the plantings that are being proposed to fulfill landscaping requirements.

Prior to issuance of a Certificate of Occupancy, the landscaping must be planted as required. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary.

(Update: December 29, 2009) The applicant has submitted a revised landscape plan. Approximately 46 large pine trees will be located on the site and 2,000 square yards of native grasses will cover the property. As such, the proposed landscape plan fulfills the landscaping requirements as per the City's adopted Landscape Regulations.

Permits: A Building Permit must be obtained prior to the installation of the water reservoir, water line, and valve house. In addition, an Air Quality Permit must be obtained from the City prior to any surface disturbance of one or more acres. An Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual must also be obtained prior to the start construction.

Staff will recommend that the SDCL 11-6-19 Review to construct a public utility and authorize the acquisition of a Utility Easement be approved if the additional required information as noted above is submitted prior to Planning Commission approval.