

STAFF REPORT
July 7, 2011

No. 11UR016 - Conditional Use Permit to allow a neighborhood building for storage **ITEM 7**

GENERAL INFORMATION:

APPLICANT	Springbrook Acres Water Users Association
AGENT	Wayne L. Ripple
PROPERTY OWNER	Springbrook Acres Water Users Association
REQUEST	No. 11UR016 - Conditional Use Permit to allow a neighborhood building for storage
EXISTING LEGAL DESCRIPTION	Lot 12 of Block 5 of Spring Brook Acres located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.860 acres
LOCATION	North of the intersection of Horse Creek Road and Buffalo Berry Road
EXISTING ZONING	Mobile Home Residential District
SURROUNDING ZONING	
North:	Mobile Home Residential District
South:	Mobile Home Residential District
East:	Mobile Home Residential District
West:	Mobile Home Residential District
PUBLIC UTILITIES	City water and private wastewater
DATE OF APPLICATION	6/9/2011
REVIEWED BY	Vicki L. Fisher / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a neighborhood building for storage be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a building permit, the applicant shall demonstrate compliance with the International Fire Code;
3. The proposed structure shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Conditional Use Permit. Revisions to the design of the structure that the Growth Management Director determines to be

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- consistent with the original approved elevations, shall be allowed as a Minimal Amendment to the Conditional Use Permit;
4. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 5. The Conditional Use Permit shall allow for a neighborhood building to be constructed for the storage of equipment and vehicles for street and common grounds maintenance within the Spring Brook Acres development. Any other use of the building shall require a Major Amendment to the Conditional Use Permit;
 6. All provisions of the Mobile Home Residential District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment to the Conditional Use Permit; and,
 7. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS:

The applicant has submitted a Conditional Use Permit to allow for the construction of a 26 foot by 28 foot neighborhood building on the property as per Chapter 17.38.030.E of the Rapid City Municipal Code. The neighborhood building will be used to store vehicles and equipment for street and common grounds maintenance within the Spring Brook Acres development.

The property is located in the southeast corner of Hidden Timber Road and Horse Creek Road. Currently, a 16 foot by 24 foot garage is located on the property. In addition, a portion of the property is used for parking and/or storage of recreational vehicles.

STAFF REVIEW:

Staff has reviewed the Conditional Use Permit and has noted the following considerations:

Use: Chapter 17.38.030.E of the Rapid City Municipal Code allows a neighborhood building as a conditional use in the Mobile Home Residential District. The property is owned by the Spring Brook Acres Water Users Association. The existing garage and the proposed neighborhood building are to be used to store vehicles and equipment for street and common grounds maintenance within the Spring Brook Acres development. Staff recommends that the neighborhood building be allowed to house the equipment and vehicles for the development as proposed. Any other use of the building(s) will require a Major Amendment to the Conditional Use Permit.

Structural Design: The applicant has indicated that the structure will be a one story building with a peaked roof. The structure will be constructed of concrete masonite units and asphalt shingles. In addition, the color of the structure will be shades of brown and tan.

Staff recommends that the proposed structure conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Conditional Use Permit. Revisions to the design of the structure that the Growth Management Director determines to

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be consistent with the original approved elevations may be allowed as a Minimal Amendment to the Conditional Use Permit.

Annexation: The property was annexed into the City limits of Rapid City in 1978. At that time, recreational vehicles were being parked and/or stored on the property as a legal non-conforming use. As such, upon annexation, the use may continue as a legal non-conforming use on the property as per Chapter 17.52 of the Rapid City Municipal Code. The applicant should be aware that if the legal non-conforming use is discontinued for a period of one year, or changed, any future use of the property must be in conformity with the provisions of the Mobile Home Residential District.

Fire Requirements: The Fire Department has indicated that a fire hydrant must be installed near the access road to the proposed neighborhood building to insure that all portions of the building are located within 400 feet of a fire hydrant as measured via an approved route pursuant to the International Fire Code. The applicant has indicated that they will coordinate with the Fire Department to meet the Fire Code requirements.

Staff recommends that prior to issuance of a building permit, the applicant demonstrate compliance with the International Fire Code.

Notification Requirement: As of this writing, the white slips and green receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the July 7, 2011 Planning Commission meeting if these requirements have not been met. Staff has not received any inquiries or objections to the proposed request at the time of this writing.