

STAFF REPORT

May 22, 2003

No. 03SR024 - 11-6-19 SDCL Review of a public utility in a public place **ITEM 15**

GENERAL INFORMATION:

PETITIONER	South Dakota Department of Environment and Natural Resources for Black Hills Federal Credit Union
REQUEST	No. 03SR024 - 11-6-19 SDCL Review of a public utility in a public place
EXISTING LEGAL DESCRIPTION	Lot B of Lot 2 of Tract A, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .172 acres
LOCATION	118 Kinney Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Medium Density Residential District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/27/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review be approved with the following stipulations:

Fire Department Recommendations:

- 1. The applicant shall demonstrate that the proposed air monitoring unit will not impede access into or around any structures within its vicinity;**

Building Inspection Division Recommendations:

- 2. The applicant shall obtain a building permit prior to any construction at the site; and,**

Urban Planning Division Recommendations:

- 3. The applicant shall submit verification that the proposed air monitoring unit will have two parking spaces available for use prior to approval by the Planning Commission.**

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GENERAL COMMENTS: (Updates to the staff report are shown in bold.) **This request was continued from the May 8, 2003 Planning Commission meeting to allow the applicant time to submit revised information.** The applicant is proposing to set up and operate an air monitoring station at the proposed lot. The proposed air monitoring station will collect data on air pollution levels to determine if Rapid City is meeting the national ambient air standards. The air monitoring station will include a sampling shelter, scaffolding, a meteorological tower, and a security fence around the air monitoring equipment. Electrical power will be used to run the station, and a phone line will be added to the station to collect data from the equipment.

Currently, the site is unimproved. The proposed air monitoring unit will be 33 feet in height, and it will be surrounded by a six foot high chain link fence. In addition, there will be a shelter to the side to the tower with a scaffolding 16.5 feet high above the shelter.

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 location and extent thereof shall have been submitted to and approved by the Planning Commission." The proposed building is publicly owned. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission as a part of an 11-6-19 SDCL Review.

STAFF REVIEW: Staff has reviewed the proposed 11-6-19 SDCL Review and has noted the following issues:

Parking: The submitted site plan does not show any parking spaces at the site. To be in compliance with city ordinance, staff recommends that prior to the issuance of a building permit, a revised site plan showing two off-street parking spaces with one parking space being handicap van accessible be submitted. Staff is recommending that these parking spaces be constructed in order to ensure that the maintenance crews at the site will have a safe place to park without creating tracking dust problems or other air quality problems. **The applicant has stated that the Black Hills Federal Credit Union, which is leasing the land for the proposed development, will be able to supply the required parking for the proposed air monitoring unit. Prior to Planning Commission approval, the applicant must submit verification that two parking spaces are available.**

Building Codes: The applicant is requesting exemption from all Building Code requirements. These standards cannot be waived through the 11-6-19 SDCL Review process. The applicant should discuss these issues with the Building Inspection Division and the City Attorney's Office directly.

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Staff is recommending that the proposed request be **approved with the stated stipulations**. Staff notes that 11-6-19 South Dakota Codified Law Reviews do not require direct notification of neighboring property owners. In addition, South Dakota Codified Law does not require that 11-6-19 South Dakota Codified Law reviews be advertised in a local newspaper.