

STAFF REPORT
May 5, 2005

No. 05SR013 - SDCL 11-6-19 Review to allow the construction of a building for public utility use **ITEM 21**

GENERAL INFORMATION:

PETITIONER	Williston Basin Interstate Pipeline Company
REQUEST	No. 05SR013 - SDCL 11-6-19 Review to allow the construction of a building for public utility use
EXISTING LEGAL DESCRIPTION	Lot S SW1/4 NE1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County. South Dakota
PARCEL ACREAGE	Approximately .38 Acres
LOCATION	East of Cement Plant Road and North of Krebs Drive
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District - Heavy Industrial District - Low Density Residential District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/21/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the construction of a building for public utility use be **approved with the following stipulations:**

- 1. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the new structure;**
- 2. The structure that is constructed must match the submitted elevation photograph submitted with the application;**
- 3. Prior to issuance of a Building Permit, the applicant must submit the manufacturer's specifications and the drawings must be stamped by a professional engineer if the proposed structure is prefabricated;**
- 4. The east property line building setback is hereby reduced from 25 feet to six feet;**
- 5. The applicant must ensure erosion control is addressed during construction; and,**
- 6. The proposed structure shall be posted with 12 inch high numbers that are plainly visible from the street or the vehicular access point.**

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GENERAL COMMENTS: (This Staff Report was revised on April 26, 2005. All revised and/or added text is shown in bold text.) This item was continued at the April 21, 2005 Planning Commission meeting as additional information was needed.

The subject property is located north of Krebs Drive and east of Deadwood Avenue. The subject property is the current location of a Williston Basin pipeline border station. There is an existing building on-site that houses a portion of the pipeline. The applicant is requesting approval of an SDCL 11-6-19 Review to allow the removal of the existing building and the construction of a new building.

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 utility hub structure will serve a public utility and is located on private property requiring that the proposed construction be reviewed and approved by the Rapid City Planning Commission as a part of an SDCL 11-6-19 Review.

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

Building Permit: Staff noted that a Building Permit must be obtained prior to initiation of construction and that a Certificate of Occupancy must be obtained prior to occupying the building.

On April 25, 2005, the applicant indicated that they may place a prefabricated structure on the subject property in lieu of constructing the proposed building on-site. The structure that is constructed must match the submitted elevation photograph submitted with the application. Staff also noted that if the proposed structure is a prefabricated structure, the applicant must submit the manufacturer's specifications and the drawings must be stamped by a professional engineer prior to issuance of a Building Permit.

Design Features: The proposed structure will be 360 square feet in size with a height of approximately 8 feet. The proposed structure will be constructed of metal and have a metal roof. The proposed structure is in compliance with all heights and size requirements of Section 17.22 of the Rapid City Municipal Code.

Setbacks: Section 17.22.040 of the Rapid City Municipal Code requires that all structures be setback a minimum of 25 feet from all property lines. The site plan submitted does not show the entire property boundary. To adequately determine if the proposed structure meets the minimum setback requirements of the Light Industrial Zoning District, a revised site plan must be submitted showing all property lines and the location of the proposed structure. As such, staff recommends that this item be continued to the May 5, 2005 Planning

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Commission meeting to allow time for the applicant to submit a complete site plan and to allow time for staff to review that plan.

The submitted site plan shows the proposed structure to be located approximately six feet from the east property line of the subject property. As previously indicated, the minimum structural setback in the Light Industrial Zoning District is 25 feet. On April 25, 2005, the applicant requested that the building setback be reduced from the required 25 feet to six feet.

If the proposed development were not associated with a public utility, the applicant would seek a Zoning Variance from the Zoning Board of Adjustment. However, because the site is for a public utility, the request to reduce the building setback is reviewed through the SDCL 11-6-19 process. Staff has reviewed the request to reduce the building setback based on the same criteria established for a variance to the Zoning Ordinance. Staff noted that the eastern most wall of the proposed structure will be in the same location as the eastern most wall of the existing structure to be removed and does not encroach any further to the east property line. As such, staff recommends that the building setback from the east property line be reduced from the required 25 feet to six feet.

Parking and Access: Staff noted that the proposed construction is to replace an existing structure of the same size. Staff noted that the existing site has no paved parking or paved access to the site. Because no additional traffic will be generated to the site by this construction, staff is recommending that the existing parking and access may remain; however, any future expansion of the site may require compliance with the off-street parking requirements found in Section 17.50.270 of the Rapid City Municipal Code. Staff also noted that the access to the site is not through the identified legal access provided from Deadwood Avenue but from Krebs Drive through private property to the south. Staff has requested that the applicant provide documentation that they have permission to use the property to the south as access to their property. As of this writing, staff has not received any documentation of an access easement. As such, staff recommends that the item be continued to allow the applicant to provide documentation that they have legal access from Krebs Drive to their property.

On April 15, 2005, the applicant submitted a copy of the recorded warranty deed dedicating a perpetual right-of-way from the northern terminus of Krebs Drive to the subject property.

Street Alignment: The approved Major Street Plan shows the future extension of Krebs Drive to the north to come in close proximity to the existing property. The proposed Major Street Plan shows another public right-of-way extending to the north in close proximity to the existing property. However, staff has reviewed the two proposals and noted that the proposed street extensions should not have a significant impact on the existing property or the proposed structure.

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Drainage and Grading: Staff noted that no grading or drainage plans were submitted with the application. Prior to issuance of a Building Permit, grading, drainage and site improvement plans including erosion control must be submitted for review and approval.

On April 25, 2005, the applicant indicated that no grading or dirt work would be performed on the subject property. As such, staff noted that the applicant must ensure erosion control is addressed during construction.

Fire Safety: Staff noted that the structure must be posted with 12 inch high numbers that are plainly visible from the street or the vehicular access point.

Staff is recommending that this item be continued to the May 6, 2005 Planning Commission meeting to allow time for the applicant to submit a complete site plan for review and approval and to allow time for the applicant to provide documentation that they have legal access from Krebs Drive to their property.

Staff is recommending that the SDCL 11-6-19 Review be approved with the above stated stipulations.