

STAFF REPORT

June 9, 2005

No. 05SR006 - SDCL 11-6-19 Review to allow the construction of a utility hub structure **ITEM 18**

GENERAL INFORMATION:

PETITIONER	Renner & Associates, LLC for Black Hills Power
REQUEST	No. 05SR006 - SDCL 11-6-19 Review to allow the construction of a utility hub structure
EXISTING LEGAL DESCRIPTION	Utility Lot 1 of Par Subdivision located in the E1/2 of the SE1/4 Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .918 acres
LOCATION	770 Catron Boulevard
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/10/2005
REVIEWED BY	Todd Tucker / Bob Dominicak

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the construction of a utility hub structure 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 building;
2. A variance to the Zoning Regulations is hereby granted to reduce the east side yard setback from the required 35 feet to 12 feet;
3. Prior to Planning Commission approval, a revised site plan shall be submitted showing one van accessible handicapped stall with an eight foot wide access aisle located on the driver's right hand side as per Section 17.50.270 of the Rapid City Municipal Code;
4. An approach permit issued by the South Dakota Department of Transportation shall be obtained authorizing the approach onto Catron Boulevard which is a State Highway; and,
5. All applicable provisions of the International Fire Code shall be continually met.

GENERAL COMMENTS: **(May 31, 2005 Update) This item was continued at the May 26, 2005 Planning Commission meeting to allow the applicant time to make the necessary revisions to the site plan.**

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(May 17, 2005 Update) This item was continued at the April 21, 2005 Planning Commission meeting to allow the applicant time to make the necessary revisions to the site plan.

On May 13, 2005, the applicant indicated that revisions were being made to the site plan addressing the necessary revisions. The applicant also indicated that a variance to the setback regulations would be requested with the revised drawings. However, as of this writing, the applicant has not submitted a revised site plan addressing the stipulations of approval. As such, staff recommends that this item be continued to the June 9, 2005 Planning Commission meeting to allow time for the applicant to revise the site plan and for staff to review the revised drawings.

(April 8, 2005 Update) This item was continued at the April 7, 2005 Planning Commission meeting to allow the applicant time to make the necessary revisions to the site plan. As of this writing, the applicant has not submitted a revised site plan addressing the stipulations of approval. On April 8, 2005, the applicant indicated that a revised site plan would not be available for staff review until after April 13, 2005. As such, staff is recommending that this item be continued to the May 26, 2005 Planning Commission meeting to allow adequate time for the applicant to revise the site plan and for staff to review the revised drawings.

(March 29, 2005 Update) This item was continued at the March 24, 2005 Planning Commission meeting to time allow the applicant time to make the necessary revisions to the site plan. As of this writing, the applicant has not submitted a revised site plan addressing the stipulations of approval.

(This Staff Report was revised on March 15, 2005. All revised and/or added text is shown in bold text.) This item was continued at the March 10, 2005 Planning Commission meeting to allow time for the applicant to revise the site plan. As of this writing, the applicant has not submitted a revised site plan addressing the stipulations of approval.

The subject property is located on the north side of Catron Boulevard between Tartan Court and Dan Christy Lane. The subject property is zoned General Agriculture District and is currently void of any structural development. The applicant is requesting approval of an SDCL 11-6-19 Review to allow the construction of a utility hub structure on the subject property.

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.

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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.

Design Features: The proposed utility hub structure will be 2,280 square feet in size with a height of 15 feet. The proposed structure will be constructed of concrete block and have a colored metal roof. The proposed structure is in compliance with Section 17.34 of the Rapid City Municipal Code.

Setbacks: Section 17.34.040 of the Rapid City Municipal Code requires that a minimum 25 foot front yard setback be provided for all buildings in the General Agricultural Zoning District. The applicant's site plan shows the proposed structure to be located approximately 114 feet from the front property line. The General Agricultural Zoning District also requires that a minimum 35 feet side yard setback be provided for main buildings other than dwellings. The applicant's site plan shows the proposed structure to be located 18 feet from the north property line. As such, the site plan must be revised to show the proposed structure located a minimum of 35 feet from the north property line. The south lot line is a Section Line requiring that a minimum 58 foot setback be provided from the south lot line. The submitted site plan shows the proposed structure to be located 41 feet from the Section Line. As such, a revised site plan must be submitted showing the proposed structure located a minimum of 58 feet from the south lot line. The proposed structure is located 120 feet from the rear lot line which meets the required 25 foot rear yard setback for the General Agricultural Zoning District.

On May 31, 2005, the applicant submitted a revised site plan showing the proposed structure 118 feet from the front property line and 83 feet from the rear property line. The revised site plan also shows the proposed building to be located 12 feet from the west side lot line and 81 feet from the east lot line. The applicant is requesting that a variance be granted, reducing the east side lot line setback from the required 35 feet for main buildings other than dwellings to 12 feet. Due to the topography of the subject property and the small building envelope created by the required setback from the section line highway that runs along the east lot line of the subject property, staff recommends approval of the requested reduced east side yard setback.

Parking: The Rapid City Municipal Code requires that four off-street parking stalls be provided for the proposed structure with one being a van accessible handicapped stall. The applicant's site plan shows a total of five off-street parking stalls with one being handicapped accessible. However, the handicapped stall, as currently designed, is not van accessible. Prior to Planning Commission approval, a revised site plan must be submitted showing a minimum of four parking stalls provided with one being a van accessible handicapped stall as per Section 17.50.270 of the Rapid City Municipal Code.

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The revised site plan shows that four off-street parking stalls will be provided with one of those being a handicapped stall. However, the handicapped stall provided is not van accessible with an eight foot wide access aisle located on the driver's right hand side. As such, a revised site plan must be submitted showing the handicapped stall provided to be a van accessible stall with an eight foot wide access aisle located on the driver's right hand side, prior to Planning Commission approval.

Access: The applicant's site plan shows the driveway access and parking lot to be gravel. Section 17.50.270 of the Rapid City Municipal Code states that unpaved access to parking facilities is not permitted except for single-family and duplex structures. As such, a revised site plan must be submitted showing the driveway access and all parking areas to be paved in accordance with the Rapid City Municipal Code. Staff noted that this portion of Catron Boulevard is a State controlled highway. As such, an approach permit must be obtained from the South Dakota Department of Transportation authorizing the approach onto the State Highway.

The revised site plan shows that the access approach, driveway and parking area will be paved to meet the minimum standards of commercial parking lots.

Fencing: The applicant's site plan shows an existing barbed wire fence located within the Section Line Highway. Prior to Planning Commission approval, a revised site plan must be submitted showing the existing barbed wire fence removed from the Section Line Highway.

The revised site plan shows that the existing barbed wire fence located within the Section Line Highway to be removed.

Fire Safety: Staff noted all required hydrants must be in place and operational and be able to provide the minimum required fire flow prior to or in conjunction with construction. Staff also noted that access to and around the proposed structure must be in compliance with Appendix D of the International Fire Code and that the structure must be posted with 12 inch high numbers that are plainly visible from the street.

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 calculations and plans for the water holding tank, paved access and parking must be submitted for review and approval.

The revised site plan shows grading, drainage arrows and site improvement plans as required.

As previously indicated, the applicant submitted a revised site plan addressing the necessary recommended revisions. As such, staff is recommending approval of the SDCL 11-6-19 Review with the previously stated stipulations.