

STAFF REPORT

June 23, 2005

No. 05UR009 - Conditional Use Permit to allow a wholesale and distribution facility in excess of 5000 square feet in the General Commercial District

ITEM 34

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Mike Paulson on behalf of Dairy Farmers of America
REQUEST	No. 05UR009 - Conditional Use Permit to allow a wholesale and distribution facility in excess of 5000 square feet in the General Commercial District
EXISTING LEGAL DESCRIPTION	Lots 22 and 23, Block 5, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 21,613 square feet
LOCATION	1130 East Saint James Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/13/2005
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

Staff will bring forward a recommendation at the June 23, 2005 Planning Commission meeting pending action at the June 21, 2005 Zoning Board of Adjustment.

GENERAL COMMENTS:

(This Staff Report has been updated on June 14, 2005. All revised and/or added text is shown in bold print.) This item was continued at the June 9, 2005 Planning Commission meeting to allow the Zoning Board of Adjustment to consider a Variance request to reduce the parking requirement from 15 parking spaces to zero parking spaces and to allow 100% in lieu of 25% of the landscaping to be located in the adjacent right-of-way. The Zoning Board of Adjustment will consider the Variance request(s) at their June 21, 2005 meeting. As such, staff will bring forward a recommendation at the June 23, 2005 Planning Commission meeting pending action

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of the Zoning Board of Adjustment. If the Planning Commission determines that this is not sufficient time to review the information, then the Planning Commission may choose to continue this item to a later Planning Commission meeting.

The applicant has submitted a Conditional Use Permit to allow a 20,000 square foot area within an existing structure to be used as a warehouse, wholesale and distribution facility. The Rapid City Municipal Code allows wholesale and distribution centers in excess of 5,000 square feet in the General Commercial District as a conditional use. The applicant has also indicated that a 2,000 square foot area within the existing structure will be used as office(s).

Previously, a dairy facility known as "The Dairy Farmers of America" was located on the property. The applicant has indicated that **an office and distribution facility** will be located in the existing structure pending approval of the Conditional Use Permit and the associated Variance request.

The property is located in the northwest corner of the Cherry Avenue/E. St. James Street intersection. Currently, an approximate 22,000 square foot commercial building is located on the property.

STAFF REVIEW:

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

Use: As previously indicated, the applicant is proposing to locate **an office and distribution facility in the existing structure. Any proposed use that includes the storage and/or distribution of chemicals will require that the applicant complete an Industrial Pre-treatment Application identifying the specific chemicals and materials.** Staff is recommending that an Industrial Pre-treatment Application be completed and submitted for review and approval upon submittal of a Building Permit application, **if necessary.**

Water: The Fire Department staff has indicated that upon submittal of a building permit application, water utility plans must be submitted for review and approval showing the extension of a water main to the subject property. In particular, water utility plans must demonstrate that adequate fire flows are being provided. In addition, the building must be sprinklered.

Parking: The proposed office and distribution use(s) require that a minimum of 15 off-street parking spaces be provided. In addition, one of the parking spaces must be "van" handicap accessible. The applicant has indicated that parking currently exists within the structure but that it does not meet the minimum standards of the Parking Regulations. As previously indicated, the applicant has submitted a Variance request to reduce the parking requirement from 15 parking spaces to zero spaces. The Zoning Board of Adjustment will consider the request at their June 17, 2005 meeting. As such, staff is recommending that the Conditional Use Permit be continued to the June 23, 2005 Planning Commission meeting to determine the outcome of the Variance request.

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Staff is also recommending that prior to Planning Commission approval, the applicant identify the size of the proposed delivery trucks in order to determine if sufficient service bay areas exist to support the turning radii of the vehicles.

Landscaping: A minimum of 3,088 landscaping points must be provided. The applicant's site plan identifies 3,610 landscaping points; however, all of the landscaping is located within the E. St. James Street right-of-way. The Landscaping Regulations state that no more than 25% of the landscaping may be located in the adjacent right-of-way. As previously indicated, the applicant has submitted a Variance request to allow all of the landscaping to be located in the right-of-way as proposed. The Zoning Board of Adjustment will consider the request at their June 17, 2005 meeting. As such, staff is recommending that the Conditional Use Permit be continued to the June 23, 2005 Planning Commission meeting to determine the outcome of the Variance request.

Legal Notification Requirement: **The receipts from the certified mailings have been returned and the sign has been posted on the property. Staff has received two telephone inquiries regarding this proposal. Neither caller objected to the proposed Conditional Use Permit.**