

STAFF REPORT

June 5, 2008

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**No. 08UR006 - Conditional Use Permit to allow a Wind Energy ITEM 69 Conversion System in the Light Industrial Zoning District**

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GENERAL INFORMATION:

APPLICANT/AGENT	Richard Quinn
PROPERTY OWNER	Carson Richard Quinn and Dave Lipp
REQUEST	<b>No. 08UR006 - Conditional Use Permit to allow a Wind Energy Conversion System in the Light Industrial Zoning District</b>
EXISTING LEGAL DESCRIPTION	Lot 1R of Block 5 of Farrar Business Park, Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.15 acres
LOCATION	4825 Hickock Trail
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/8/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

If the Planning Commission finds it is appropriate to approve the wind energy conversion system in accordance with the variance to the required setbacks approved by the Zoning Board of Adjustment, the Planning Commission should approve the Conditional Use Permit with the following stipulations:

1. A building permit shall be obtained prior to any construction and final approval shall be obtained prior to operation;
2. The wind energy conversion system shall be setback a minimum of 19 feet from all property lines;
3. In no event shall the height of a wind energy conversion system exceed 90 feet as measured from the ground to the rotor hub. Further, there shall be no less than 30 feet between the lowest arc of the rotors of a wind energy conversion system and the

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- ground, any portion of a structure or any tree;
4. No wind energy conversion system shall produce more than 60 decibels of sound measured at the closest point on the closest property line from the base of the system;
  5. Appropriate safety measures to discourage unauthorized climbing of a wind energy conversion system tower shall include either the construction of a six foot tall chain link fence with locking gate around the tower, the tower shall be constructed so that the lowest climbing access shall be at least 12 feet above the ground or a locked anti-climb device shall be installed on the tower;
  6. No lighting shall be installed on the wind energy conversion system;
  7. No signage shall be installed on the wind energy conversion system;
  8. The parking shall continually meet the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code;
  9. The landscaping shall continually meet the minimum requirements of Section 17.50.300 of the Rapid City Municipal Code;
  10. The wind energy conversion system shall meet all applicable requirements of Section 17.50.215 of the Rapid City Municipal Code and the setback requirements as approved by the Zoning Board of Adjustment;
  11. The wind energy conversion system which has not been used for a period of 6 months or more shall be declared abandoned. Upon abandonment of the system, the city shall revoke the conditional use and the system shall be removed at the expense of the property owner; and,
  12. The Conditional Use Permit shall expire if the use is not undertaken 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 property is located in the Light Industrial District at 4825 Hickock Trail. The property is currently the location of an industrial structure used by a contractor. The surrounding properties east, west, north and south are also zoned Light Industrial District.

The applicant is requesting approval of a Conditional Use Permit to allow a wind energy conversion system as an accessory structure in the Light Industrial District.

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

**Building Permits:** Staff noted that a building permit must be obtained prior to any construction and final approval must be obtained prior to operation.

**Setbacks:** Staff noted that on May 6, 2008, the Zoning Board of Adjustment approved a Variance (Appeal No. 5457) reducing the setback requirements from 54 feet to 19 feet for the proposed wind energy conversion system. However, staff has serious concerns with safety and liability that arise with the proposed location of the wind energy conversion system in relationship to the adjacent right-of-way.

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Tower Height: The height of a wind energy conversion system may not exceed 90 feet as measured from the ground to the rotor hub. Further, there will be no less than 30 feet between the lowest arc of the rotors of a wind energy conversion system and the ground, any portion of a structure or any tree. The proposed tower is 36 feet in height with 6 feet long rotors meeting the requirements of Section 17.50.215 of the Rapid City Municipal Code.

Noise: No wind energy conversion system may produce more than 60 decibels of sound measured at the closest point on the closest property line from the base of the system. Based on the manufacture's specifications provided, the proposed tower meets the requirements of Section 17.50.215 of the Rapid City Municipal Code.

Access: Appropriate safety measures must be undertaken to discourage unauthorized climbing of a wind energy conversion system tower. Appropriate measures must include either the construction of a six foot tall chain link fence with locking gate around the tower, the tower shall be constructed so that the lowest climbing access will be at least 12 feet above the ground or a locked anti-climb device will be installed on the tower.

Lighting: Staff noted that Section 17.50.215 states that no lighting may be installed on a wind energy conversion system.

Signage: Staff noted that Section 17.50.215 states that no signage may be installed on the wind energy conversion system.

Parking: The existing industrial structure currently used by a contracting company requires that a minimum of fourteen off-street parking spaces be provided. In addition, one of the parking spaces must be "van" handicap accessible. The applicant's site plan was previously approved through the building permit process and the plan provides twenty parking stalls with one "van" handicap accessible space meeting the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code.

Landscaping: A minimum of 44,299 landscaping points must be provided for the developed area. The applicant's site plan identifies 46,000 landscaping points. The landscaping as shown and previously approved through the building permit process meets the minimum landscaping point requirements of Section 17.50.300 of the Rapid City Municipal Code.

Legal Notification: To date, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify Planning Commission at the June 5, 2008 meeting if the legal notification requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.