

STAFF REPORT
July 23, 2009

No. 09SR062 - SDCL 11-6-19 Review to expand a structure on public property **ITEM 24**

GENERAL INFORMATION:

APPLICANT	Humane Society of the Black Hills
AGENT	Katy Stuk
PROPERTY OWNER	Humane Society of the Black Hills
REQUEST	No. 09SR062 - SDCL 11-6-19 Review to expand a structure on public property
EXISTING LEGAL DESCRIPTION	Lot 1 located in the SE1/4 SW1/4 and the SW1/4 SE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.24 acres
LOCATION	1820 East St. Patrick Street
EXISTING ZONING	Light Industrial District - Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Light Industrial District - Flood Hazard District
East:	Flood Hazard District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/26/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to expand a structure on public property be denied without prejudice.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to construct a 6,960 square foot concrete slab along the north and east side of the existing Humane Society of the Black Hills building. The applicant has indicated that portable outdoor dog kennels will be placed on the concrete slab to contain 32 dogs at a time during daily cleaning of the inside kennels. In addition, portable cat kennels will be placed on the concrete slab to provide a cat play area during the day. The concrete slab will also replace wood planks that are currently used as a walkway to a surgery trailer located next to the building.

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On October 2, 1995, a Use on Review (File #1440) was approved to allow an animal shelter, an education center and an animal crematorium on the property.

On August 3, 1998, a Major Amendment to the Use on Review (File #98UR028) was approved to allow a 2,176 square foot building located in the southwest corner of the property to remain on the site and to revise the internal circulation on the property.

On August 22, 2008, a Minimal Amendment to the Use on Review was approved to allow an expanded area for the canine walk path to be constructed on the property.

The property is located approximately 250 feet east of the intersection of Creek Drive and E. Saint Patrick Street on the north side of E. Saint Patrick Street. The Humane Society of the Black Hills building with two accessory structures is located on the property.

The property was previously owned by the City of Rapid City. However, the property is currently owned by the Humane Society of the Black Hills. As previously indicated, a Conditional Use Permit was obtained in 1995 for the kennel since it is a conditional use in the Light Industrial District. As such, a Major Amendment to the Conditional Use Permit must be submitted for review and approval in lieu of a SDCL 11-6-19 Review which would be required if this was a structural expansion on public property. Staff is subsequently requesting that the SDCL 11-6-19 Review be denied without prejudice to allow the applicant to submit the correct application.

STAFF REVIEW:

Staff reviewed the SDCL 11-6-19 Review to construct a concrete slab with portable kennels and noted the following considerations which must also be addressed upon submittal of a Major Amendment to the Conditional Use Permit:

Site Plan/Floodplain: The property is located within the 100 year Federally Designated Floodplain. In addition, the northern portion of the property is located within the floodway. Any development on the property will require a Floodplain Development Permit. In addition, all development must be located outside of the floodway.

The current site plan does not show the location of the proposed dog and cat kennels to be located on the concrete slab or the location of the surgery trailer that is currently located next to the existing building. As such, a revised site plan must be submitted for review and approval showing the location of the kennels and the surgery trailer. In addition, the elevation(s) of the proposed concrete slab, the proposed kennels and the existing surgery trailer must be shown on the site plan. Structural information demonstrating the design, size and building material for the proposed kennels and the surgery trailer must also be submitted for review and approval.

The applicant's site plan is not a scaled drawing. As such, a revised site plan must be submitted for review and approval drawn to a scale such as 1"=10' or 1"=20'. One copy of the site plan at 8 ½ inch by 11 inch must also be furnished.

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Upon submittal of a Major Amendment to a Conditional Use Permit, a revised site plan must be submitted for review and approval as identified. In addition, a Floodplain Development Permit must be obtained as required.

Use: The original Use on Review to allow the humane society to locate on the property identified a future 5,000 square foot expansion of the building within this area. The applicant has indicated that the portable kennels on a concrete slab will serve the needs of the facility until a more permanent expansion can be proposed. As noted above, the applicant is proposing to place outdoor dog kennels on the concrete slab to contain 32 dogs at a time during daily cleaning of the inside kennels. In addition, portable cat kennels will be placed on the concrete slab to provide a cat play area during the day. The applicant has indicated that the dogs will be outside for one to two hours and that the cats will be rotated to allow each of them to be outside for an hour at a time throughout the day. The applicant has not indicated how many hours each day or the specific hours of use for the proposed kennels. Due to the noise and odor issues that may result from the outdoor kenneling of such a large number of animals, an operation plan should be submitted for review and approval to determine its impact on the adjacent properties. Upon submittal of a Major Amendment to a Conditional Use Permit, an operation plan must be submitted for review and approval as identified.

Parking: During the review of the original Use on Review for the Humane Society, it was determined that 28 parking spaces are required for the use. The proposed expansion to construct a concrete slab with portable kennels will not require that any additional parking be provided since the number of employees and/or customers will not increase due to the proposed structural expansion. The applicant's site plan identifies 30 parking spaces with two of the spaces being handicap accessible. In addition, one of the handicap parking spaces is "van" accessible. As such, the existing parking plan is in compliance with the City's Parking Regulations.

Permits: The applicant should be aware that a building permit for the concrete slab and kennels is required prior to the start of construction and/or placement of the structures on the property. In addition, a building permit must be obtained for the existing surgery trailer since one was not obtained prior to placing the structure on the property.

Staff recommends that the SDCL 11-6-19 Review be denied without prejudice to allow the applicant to submit a Major Amendment to the Conditional Use Permit for the proposed expansion to the kennel.