

STAFF REPORT  
September 24, 2009

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**No. 09UR022 - Major Amendment to a Conditional Use Permit**

**ITEM 34**

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GENERAL INFORMATION:

APPLICANT	Humane Society of the Black Hills
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Humane Society of the Black Hills
REQUEST	<b>No. 09UR022 - Major Amendment to a Conditional Use Permit</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of 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:	Public District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/28/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit be approved with the following stipulations:

1. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing the eastern approach closed with vertical curb and gutter to match the existing curb and gutter located along East St. Patrick Street. In addition, the site plan shall show curb stops along any additional parking proposed within this area;
2. Prior to Planning Commission approval, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that discharge from the proposed improvements will not exceed pre-development flow rates or local detention facilities shall be provided. In addition, the drainage plan shall include a stormwater treatment plan and calculation for the run-off generated by the first 0.5 inch of rainfall;

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3. Prior to issuance of a building permit, a waste management plan shall be submitted for review and approval addressing the removal of animal waste and the procedure to clean and sanitize the concrete pad(s). In addition, an Industrial Pre-treatment Permit shall be obtained from the Public Works Department if needed. Waste shall be removed from the site daily in compliance with the approved waste management plan;
4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy. In addition, a building permit shall be obtained for the existing surgery trailer;
5. The concrete slab and kennels shall be constructed in compliance with the approved Floodplain Development Permit. In addition, no grading or fill shall occur within the Rapid Creek 100 year Floodway;
6. The proposed kennels shall conform architecturally to the plans and elevations and color palette submitted as part of this Major Amendment to a Conditional Use Permit;
7. The existing structures shall continue to conform architecturally to the plans and elevations previously approved. In particular, the south elevation of both structures shall continue to include a brick veneer to the bottom of the existing windows. The balance of the buildings shall have a dryvet stucco exterior finish and match in color;
8. A minimum of 28 parking spaces shall be provided. In addition, one of the parking spaces shall be "van" handicap accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;
9. All provisions of the Light Industrial District and the Flood Hazard District shall be met;
10. The property shall be used as an animal shelter consisting of the two existing shelter, office and storage buildings, outdoor kennels, a surgery trailer and a canine walk path. The building located closest to East St. Patrick Street shall be used exclusively for storage. Use of the outdoor kennels shall conform with the approved operational plan. In particular, animals shall be allowed outside in the kennels from 7:00 a.m. to 5:00 p.m. No overnight outdoor kenneling of animals shall be allowed. The animals shall not be left outside unattended. Any other use of the property shall require a Major Amendment to the Conditional Use Permit; and,
11. The Major Amendment to 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 applicant has submitted a Major Amendment to a Conditional Use Permit to 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 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, 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.

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.

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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.

On July 23, 2009, a SDCL 11-6-19 Review to allow a concrete slab with outdoor kenneling was denied without prejudice. It was noted during the review that the correct application to expand the site as proposed was a Major Amendment to the previously approved Conditional Use Permit. As such, the applicant has submitted this application for review and approval.

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. An animal shelter with offices and accessory storage located in two buildings and a surgery trailer is currently located on the property.

**STAFF REVIEW:**

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

**Floodplain:** The property is located within the 100 year Federally Designated Floodplain. In addition, the northern portion of the property is located within the hydraulic floodway. On September 1, 2009, a Floodplain Development Permit was approved for the concrete slabs and the placement of the kennels and the surgery trailer on the concrete slabs.

Staff recommends that the surgery trailer be placed and the concrete slab and kennels be constructed in compliance with the approved Floodplain Development Permit. In addition, no grading or fill may occur within the Rapid Creek 100 year Floodway.

**Drainage:** To date, a drainage plan has not been submitted for review and approval addressing the additional impervious area as a result of the proposed construction on the property. As such, staff recommends that prior to Planning Commission approval, a drainage plan be submitted for review and approval. In particular, the drainage plan must include calculations demonstrating that discharge from the proposed improvements will not exceed pre-development flow rates or local detention facilities must be provided. In addition, the drainage plan must include a stormwater treatment plan and calculation for the run-off generated by the first 0.5 inch of rainfall.

**Access:** The previously approved Use on Review for the property stipulated that the eastern approach onto E. Saint Patrick Street be closed. However, the approach is currently in place and being utilized to access the facility. The applicant has indicated concurrence with closing the approach at this time and adding more parking spaces within this area.

Staff recommends that prior to Planning Commission approval, a revised site plan be submitted for review and approval showing the eastern approach closed with vertical curb and gutter to match the existing curb and gutter located along East St. Patrick Street. In addition, the site plan must show curb stops along any additional parking proposed within this area.

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Use: The original Use on Review to allow the animal shelter to be located 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 house 32 dogs at a time during daily cleaning of the inside kennels. Use of the outdoor kennels must conform with the approved operational plan. In particular, animals shall be allowed outside in the kennels from 7:00 a.m. to 5:00 p.m. There will be no outdoor kenneling of animals overnight. The applicant has also indicated that the animals will not be left outside attended.

During the review of the Major Amendment to the Use on Review approved on August 3, 1998, to allow the 2,176 square foot building located in the southwest corner of the property to remain on the site, it was noted that the building must be used exclusively for storage accessory to the shelter since it does not meet any fire or building codes. The applicant should be aware that this restriction continues to apply to the structure until the building is improved to meet the currently adopted International Fire and Building Codes and until a Major Amendment to the Conditional Use Permit is submitted for review and approval identifying any other use of the structure.

Waste: To date, a waste management plan has not been submitted for review and approval addressing the removal of animal waste and the procedure to clean and sanitize the concrete pad(s). As such, staff recommends that prior to issuance of a building permit, a waste management plan be submitted for review and approval as identified. In addition, an Industrial Pre-treatment Permit must be obtained from the Public Works Department if needed.

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.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the September 24, 2009 Planning Commission meeting if these requirements have not been met.

Staff recommends approval of the Major Amendment to the Conditional Use Permit with the stipulations of approval as identified above.