

STAFF REPORT
August 25, 2011

No. 11UR019 - Conditional Use Permit to allow a Fertilizer Plant

ITEM 29

GENERAL INFORMATION:

APPLICANT	Kugler Company
AGENT	Ron Davis for Davis Engineering, Inc.
PROPERTY OWNER	Kugler Company
REQUEST	No. 11UR019 - Conditional Use Permit to allow a Fertilizer Plant
EXISTING LEGAL DESCRIPTION	Lot 1 of D.B. Western Subdivision located in NW1/4 of the SW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.48 acres
LOCATION	1650 Culvert Street
EXISTING ZONING	Heavy Industrial District
SURROUNDING ZONING	
North:	Heavy Industrial District
South:	Heavy Industrial District
East:	Heavy Industrial District
West:	Heavy Industrial District
PUBLIC UTILITIES	City/City
DATE OF APPLICATION	7/22/2011
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a fertilizer plant be approved with the following stipulations:

1. Prior to issuance of a Building Permit, signed and stamped site plans including a landscaping plan showing a minimum of 96,760 points of landscaping, as well as an erosion control plan, shall be submitted for review and approval;
2. A Building Permit shall be obtained prior to any construction;
3. A Certificate of Occupancy shall be obtained prior to the site being used as proposed;
4. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Conditional Use Permit to allow a fertilizer manufacturer in a Heavy Industrial District. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent

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5. properties and/or street(s). A sign permit shall also be obtained for each individual sign. This Conditional Use Permit shall allow the construction and use of a fertilizer plant in a Heavy Industrial District. Any other permitted uses in a Heavy Industrial District shall be allowed. Conditional uses in a Heavy Industrial District shall review and approval a Major Amendment to the Conditional Use Permit;
6. This Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by City Council or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS: On July 22, 2011, the applicant submitted a Conditional Use Permit to allow a change in use from adhesives manufacturing to fertilizer manufacturing at the plant located at 1650 Culvert Street. The plant is located in a Heavy Industrial District. Fertilizer manufacturing is currently a conditional use in a Heavy Industrial District.

On August 9, 2011, a Vacation of Easement (File #11VE018) was approved for the property to vacate a 15 by 400 foot portion of a Utility Easement on the western portion of the property to allow the construction of the proposed expansion.

The property is located at 1650 Culvert Street, in the southeast portion of the city, east of Campbell Street and north of Elk Vale Road. Currently, the main structure is used as a resin plant. Storage tanks and a storage shed are also located on the property. The structures on site will be used for the proposed use.

STAFF REVIEW: Staff has reviewed the request for a Conditional Use Permit to allow a fertilizer manufacturer and has noted the following considerations:

Use: Fertilizer manufacturing is a conditional use in a Heavy Industrial District as stated in the Rapid City Municipal Code (17.24.030.8). As such, a Conditional Use Permit must be obtained prior to the issuance of a Building Permit.

Site location: The location of 1650 Culvert Street makes it desirable for Heavy Industrial uses. It is located away from residential and commercial districts, and adjacent to other Heavy Industrial development. The intersection of Campbell Street and Elk Vale Road is located less than a mile to the southwest. The location of the site on the outskirts of town, near a major transportation corridor, and proximal to other Heavy Industrial uses, make it a desirable location for the proposed fertilizer manufacturing plant.

Parking: On July 7, 1998 a Variance was granted for a reduction in the required amount of off-street parking spaces from 15 to 5 with one of those spots being ADA van accessible (Appeal #5028). The proposed construction does not increase capacity or occupancy and is less than a 20 percent expansion of existing structures. The previous variance is still valid. Plans show that the required 5 parking spaces, including ADA van accessible parking, are being provided.

Landscaping: Landscaping calculations require a minimum of 96,760 landscaping points. Plans show that 96,720 landscaping points are being provided. Prior to issuance of a Building Permit, the applicant must submit revised site plans showing 40 additional landscape points as required.

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Signage: The applicant has submitted a sign package including all signs currently located on the property. The applicant has not indicated that additional signage will be requested. Additional signage, with the exception of electronic signage, will be allowed per the requirements set forth in the Rapid City Municipal Code Chapter 15.28.

Erosion and Sediment Control: Submitted plans include mention of a silt fence for erosion control, but do not indicate the location of the fence. In accordance with the 2009 Stormwater Quality Control Plan, an Erosion and Sediment Control Plan is required for all new construction. As such, prior to issuance of a Building Permit, the applicant must submit an Erosion and Sediment Control Plan that includes the location of the silt fence and any other sediment control measures.

Notification Requirements: As of this writing, the required sign has been posted on site. The required receipts from the certified mailing have not been submitted. Staff will notify the Planning Commission at the August 25, 2011 Planning Commission meeting if these requirements have not yet been met. There have been no inquiries regarding this request.

Staff recommends that that application be approved with the stipulations outlined above.