

STAFF REPORT

July 5, 2012

No. 12UR015 - Major Amendment to a Conditional Use Permit to allow the renovation of an existing utility substation in the Low Density Residential Zoning District

ITEM 10

GENERAL INFORMATION:

APPLICANT	Steven Dunn - Black Hills Power
PROPERTY OWNER	Black Hills Power and Light Co
REQUEST	No. 12UR015 - Major Amendment to a Conditional Use Permit to allow the renovation of an existing utility substation in the Low Density Residential Zoning District
EXISTING LEGAL DESCRIPTION	Lots 23-26 and the west 10 feet of adjacent vacated alley in Block 32 of South Boulevard Addition, located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.31 acres
LOCATION	2510 Fifth Street
EXISTING ZONING	Low Density Residential District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	June 8, 2012
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to allow the renovation of an existing utility substation in the Low Density Residential Zoning District be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction;
2. Prior to issuance of a building permit, an erosion and sediment control plan shall be submitted for review and approval and an erosion and sediment control permit shall be obtained as warranted;

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3. A minimum of 12,600 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
4. All applicable provisions of the adopted International Fire Code shall continually be met;
5. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to a Conditional Use Permit. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to a Conditional Use Permit. 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 a Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
6. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
7. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment; and,
8. The Major Amendment to a Planned Development shall allow a utility substation. Any change in use that is a permitted use in the Low Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Low Density Residential District shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Conditional Use Permit to renovate an existing utility substation. In particular, the applicant is proposing to replace two steel structures, two power transformers and two relay/communication enclosures with one steel structure, one power transformer and one relay/communication enclosure. The proposed improvements will reduce the total amount of equipment on the property. The applicant has stated that the existing equipment is 20-30 years old and that the new equipment will have the same capacity, will include a reduced noise transformer and will reduce the height by approximately 5 feet.

On May 16, 1988, the City Council approved a Conditional Use Permit to allow an addition to an existing utility substation (File #UR802) with one stipulation.

On May 3, 1999, a Major Amendment to a Conditional Use Permit to allow a utility substation in the Low Density Residential District (File #99UR011) was approved with stipulations.

On August 17, 2009, the City Council approved a Fence Height Exception (File #09FV003) to allow an eight foot high fence with barbed wire in the Low Density Residential District.

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On October 22, 2009, a South Dakota Codified Law 11-6-19 Review to expand a utility substation (File #09SR026) was denied by Planning Commission. In particular, the applicant requested that the minimum front yard setback along 5th Street and Cleveland Street be reduced from 35 feet to 30 feet and 31 feet 11 inches respectively and that the minimum rear yard setback along the east property line be reduced from 25 feet to 21 feet 11 inches.

The property is located on the East side of 5th Street between Cleveland Street to the north and Oakland Street to the south.

STAFF REVIEW:

Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

1. *The location, character and natural features of the property:*

The property is located on the east side of 5th Street between Cleveland Street to the north and Oakland Street to the south. A utility substation is currently located on the property.

2. *The location, character and design of adjacent buildings:*

The properties to the north, south, east and west are zoned Low Density Residential District and consist of one story residential structures.

3. *Proposed fencing, screening and landscaping:*

The applicant is not proposing any additional fencing or screening. There is an existing 8 foot high barbed wire fence located on the property. On August 17, 2009, the City Council approved a Fence Height Exception (File #09FV003) to allow an eight foot high fence with barbed wire in the Low Density Residential District.

A total of 12,600 landscaping points are required for the existing facility. A landscape plan showing 12,750 landscaping points was submitted with the application. The existing landscape plan is in compliance with Zoning Ordinance.

Staff recommends that a minimum of 12,600 landscaping points be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code must be continually met. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

4. *Proposed vegetation, topography and natural drainage:*

It appears that the site will require minimal grading. As such, prior to issuance of a building permit, an erosion and sediment control plan must be submitted for review and

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approval and an erosion and sediment control permit must be obtained as warranted.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

Vehicular access is taken from the alley to the east of the property. Property line sidewalk is located along 5th Street on the west side of the property. There are no parking spaces located on the property. The existing parking area as shown in the application materials is legal non-conforming. Chapter 17.50.270(B)2.a. of the Rapid City Municipal Code states that parking must come into compliance when an existing building or structure is enlarged by 20% or more with respect to square feet of gross floor area. The applicant is not proposing to expand the utility substation. As such, the legal non-conforming status of the parking remains.

6. *Existing traffic and traffic to be generated by the proposed use:*

It is not expected that the site will generate traffic other than regular maintenance.

7. *Proposed signs and lighting:*

The applicant is not proposing any new or additional signage. All signage must continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to a Conditional Use Permit. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, will be allowed as a Minimal Amendment to a Conditional Use Permit. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs will require the review and approval of a Major Amendment to a Conditional Use Permit. Lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

The applicant is proposing 2 lights on the relay/communication enclosure located above the doors. The lights will be rated for 150 watts and include a high pressure sodium bulb and a built-in photocell. All outdoor lighting must be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind.

8. *The availability of public utilities and services:*

The property is located in the Rapid City water and sewer service area.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

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The Zoning Ordinance is the tool that implements the Comprehensive Plan. A Conditional Use Permit was approved to allow the existing utility substation on the above legally described property. The Major Amendment to a Conditional Use Permit will allow the property to be used as a utility substation. Any change in use that is a permitted use in the Low Density Residential District will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Low Density Residential District will require the review and approval of a Major Amendment to the Conditional Use Permit. All provisions of the Low Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Conditional Use Permit or a subsequent Major Amendment. The applicant should be aware that any future expansion of the structures located on the property or any new structures will require that the property be brought into compliance with the Zoning Ordinance.

10. The overall density, yard, height and other requirements of the zone in which it is located:

The setbacks of the structures on the property are currently legal non-conforming. The applicant is proposing to replace existing equipment located on the property. The replacement equipment does not further encroach into the setback and does not constitute a new structure on the property. As such, the setbacks remain legal non-conforming.

11. The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation:

The applicant is proposing to replace the existing equipment with modern equipment which will include a noise reducing transformer. The proposed renovation will decrease the effects of noise on the surrounding neighbors. It appears that the site will require minimal grading. As such, prior to issuance of a building permit, an erosion and sediment control plan must be submitted for review and approval and an erosion and sediment control permit must be obtained as warranted. In addition, the proposed new equipment will reduce the height by approximately 5 feet.

12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:

The stipulations of approval will ensure that the proposed renovation will be in compliance with the Zoning Ordinance, International Fire Code and Building Code.

Notification: As of this writing, the white certified mail receipts and green cards have not been returned. The required sign has not been posted on the property. Staff will notify the Planning Commission at the July 5, 2012 Planning Commission meeting if these requirements have not been met.