

STAFF REPORT

September 5, 2002

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**No. 02SR016 - 11-6-19 SDCL Review to allow the construction of a public building in a public place**      **ITEM 38**

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GENERAL INFORMATION:

PETITIONER	Michael Pelly for The Rapid City Area Character Counts Coalition
REQUEST	<b>No. 02SR016 - 11-6-19 SDCL Review to allow the construction of a public building in a public place.</b>
EXISTING LEGAL DESCRIPTION	Tract 19 of Rapid City Greenway Tract of Section 36, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.0 acres
LOCATION	Northeast of the intersection of Omaha Street and I-190 in West Memorial Park
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Public District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District/Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	08/09/2002
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the request to allow construction of a public building in a public place be approved with the following stipulations:

Engineering Division Recommendations:

1. The applicant must obtain a city building permit prior to any construction;
2. Building permit plans shall show all existing underground utilities;
3. All construction shall comply with all applicable provisions of Section 17.28 of the Rapid City Municipal Code;
4. No structures shall be constructed in any utility easements; and,

Urban Planning Division Recommendations:

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5. Prior to issuance of a building permit, a lighting plan shall be submitted for review and approval;

GENERAL COMMENTS: This is a request by the City of Rapid City for approval construction of a pavilion in a public park as provided for in 11-6-19 SDCL Review. The development is located in the Flood Hazard Zoning District. The subject property is located on the Northwestern corner of Omaha Street and I-190. The applicant is proposing to erect the Six Pillars of Character Pavilion for the Rapid City Character Counts Coalition. The six pillars will be approximately 12 feet in height and sit on a base that would be approximately 29 feet by 29 feet in dimension. The Rapid City Area Character Counts Coalition will complete this project when they have raised the necessary funds from private resources to fund this exhibit.

STAFF REVIEW: The applicant has previously submitted an 11-6-19 SDCL Review request to locate the Pavilion in Halley Park. That request was continued twice, and the applicant withdrew the request on July 25, 2002.

The Character Counts! Pavilion is not part of the originally approved West Memorial Park Master Plan which was approved by City Council on July 19, 1999. However, the West Memorial Park Master Plan designates part of the area as passive open space with a possible location for tennis courts or softball fields. This is the location of the proposed development. The Beautification Committee does not support the project at this location; however, the committee expressed support for the project. The Parks and Recreation sub-committee supports the West Memorial Park site.

The parking shown in the West Memorial Park Master Plan consists of 85 spaces. There are six existing tennis courts on the site. Section 17.50.270 of the Rapid City Municipal Code requires .4 spaces per 1000 square feet of area for Tennis Clubs. The square footage of the tennis courts is 36,000 square feet, which would require 15 parking spaces. If the Character Counts! Pavilion at 660 square feet were designated as a recreational pad, then it would require 14 spaces. The 29 spaces that the pavilion and tennis courts require is well under the 85 that are provided. In addition, the site plan shows two disabled parking spaces which fulfills the requirement for disabled parking spaces.

The West Memorial Park Master Plan was approved with adequate landscaping. The proposed development would not increase the number of points for landscaping required on the site. Section 17.50.300 E.2.a states, "The square footage of the developed portion of the lot not covered by a building shall equal the required number of points." By covering the developed portion of the lot with more square footage, the pavilion will actually reduce the amount of landscaping required.

A building permit must be obtained from the Building Inspection Department prior to any construction.

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Staff notes that Comprehensive Plan Amendments do not require direct notification of neighboring property owners; however, South Dakota Codified Law requires that plan amendments be advertised in a local newspaper. The legal ad for this Comprehensive Plan Amendment was published.