

STAFF REPORT

December 5, 2002

No. 02SR026 - 11-6-19 SDCL Review to allow an art center and business and professional offices in a public building **ITEM 16**

GENERAL INFORMATION:

PETITIONER	Thurston Design Group, LLP for the Rapid City Arts Council
REQUEST	No. 02SR026 - 11-6-19 SDCL Review to allow an art center and business and professional offices in a public building
EXISTING LEGAL DESCRIPTION	Lots 1 thru 5, Block 103, the N1/2 of vacated alley adjacent to said lots, Original Township of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .430 acres
LOCATION	713 7th Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/08/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review be approved with the following stipulations:

Fire Department Recommendations:

1. Upon issuance of a building permit, the Uniform Fire Code shall be met;

Building Inspection Division Recommendations:

2. A building permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;
3. Upon issuance of a building permit, the Uniform Building Code shall be met;

STAFF REPORT

December 5, 2002

No. 02SR026 - 11-6-19 SDCL Review to allow an art center and business and professional offices in a public building **ITEM 16**

Urban Planning Division Recommendations:

4. The use of the building shall be limited to an art center and business and professional offices; and,
5. Prior to issuance of a building permit, the parking plan shall be revised to provide two handicap parking spaces. One of the handicap spaces shall be "van" accessible.

GENERAL COMMENTS:

The applicant is proposing to use the building located on the subject property as an art center and for business and professional offices. The building is a two story structure with a basement. The building was previously the site of the Montana Dakota Utility Company offices. The building is currently owned by the City and leased to the Dahl Fine Arts Center. The Dahl Fine Arts Center is currently located in the building located directly south of the subject property. The Dahl Fine Arts Center is proposing to expand into the Montana Dakota Utility Company building and will eventually incorporate the two structures into one building. On April 1, 2002, the City Council approved a Vacation of Right-of-way request to vacate that portion of the alley located between the two structures in anticipation of the future expansion project.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". As previously indicated, the building is owned by the City requiring that the Planning Commission review and approve of the proposed use within the building.

STAFF REVIEW:

Staff has reviewed the request and has noted the following considerations:

Use(s): As previously indicated, the applicant is proposing to use the existing structure on the subject property as an art center and for business and professional offices. Business and professional offices are a permitted use and an art center is a conditional use in the Central Business District. (The 11-6-19 SDCL Review replaces the need to obtain a Conditional Use Permit for the proposed art center.) Staff is recommending that the permitted uses within the structure be limited to those use(s) proposed by the applicant. Any additional and/or revised use(s) will require the review and approval through the 11-6-19 SDCL Review process.

Building Permit/Certificate of Occupancy: The Building Inspection Division has indicated that a building permit must be obtained in order to use the building as an art center. As such all Uniform Building Codes and Uniform Fire Codes must be met. The Building Inspection Division has indicated that a Certificate of Occupancy must also be obtained prior to

STAFF REPORT

December 5, 2002

No. 02SR026 - 11-6-19 SDCL Review to allow an art center and business and professional offices in a public building **ITEM 16**

occupancy.

Parking: Off-street parking is not required in the Central Business District. However, the Parking Regulations states that parking *provided* in the Central Business District must comply with the "Parking for Persons with Disabilities" requirements. The site plan shows 43 off-street parking spaces requiring that two handicap spaces be provided. One of the handicap spaces must be "van" accessible. Staff is recommending that the parking plan be revised as identified prior to issuance of a building permit.

The Engineering Division has indicated that the applicant should be aware that the Seventh Street access point to the parking lot may need to be closed when the expansion project occurs incorporating the two buildings into one structure.

Staff recommends that the 11-6-19 SDCL Review be approved with the stipulations as outlined.