

## STAFF REPORT

January 9, 2003

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**No. 02SR032 - 11-6-19 SDCL Review to allow for a public building**

**ITEM 13**

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### GENERAL INFORMATION:

PETITIONER	Thurston Design Group, LLP for the Rapid City Arts Council
REQUEST	<b>11-6-19 SDCL Review to allow for a public building</b>
EXISTING LEGAL DESCRIPTION	The eastern half of Lot 26, all of Lots 27 thru 32 and the southern half of the vacated alley adjacent to Lots 28 thru 32; and Lots 1 thru 5 and the northern half of the vacated alley adjacent to said lots; all located in Block 103, Original Township of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .43 acres
LOCATION	713 7 <sup>th</sup> 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	12/13/02
REPORT BY	Jeff Marino

### RECOMMENDATION:

Staff recommends that the 11-6-19 South Dakota Codified Law Review to allow for a public building be approved with the following stipulations;

#### Engineering Division Recommendations:

1. The applicant shall submit a revised site plan showing construction of all approaches on the site prior to issuance of a building permit;
2. The applicant shall submit a traffic control plan prior to issuance of a building permit;

#### Fire Department Recommendations:

3. The entire complex shall be sprinklered at all times;
4. Emergency vehicle access shall be maintained at the site at all times;

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#### Urban Planning Division Recommendations:

5. One handicap parking space must be maintained in compliance with the City of Rapid City Municipal Code;
6. A developmental lot agreement shall be obtained by the applicant prior to issuance of a building permit;
7. A signage plan shall be submitted prior to issuance of a building permit;
8. Any lighting shall be constructed and maintained in accordance with the City of Rapid City Municipal Code;
9. Any expansion to the development will require a new 11-6-19 SDCL review; and
10. All requirements and regulations of the Rapid City Municipal Code shall be met at all times.

GENERAL COMMENTS: The applicant is proposing to join two existing buildings to use as an art center and for business and professional offices. The applicant is proposing to use the expansion as a theater which is an accessory use to an arts center. The proposed theater will have 486 seats including the balcony. On December 5, 2002 the Planning Commission approved with stipulations the building on Lots 1 through 5 as an arts center and professional and business offices. The stipulations were:

1. Upon issuance of a building permit, the Uniform Fire Code shall be met;
2. A building permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building for any uses other than professional and/or business offices;
3. Upon issuance of a building permit, the Uniform Building Code shall be met;
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.

On April 1, 2002, the City Council approved a request to vacate that portion of the alley located between the two structures in anticipation of the future expansion of the project. At the March 21, 2002 Planning Commission meeting there was a tie in the motion to deny the Vacation of Right of Way, which resulted in the application being to the City Council without a recommendation.

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". The proposed site is publicly owned property. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission as a part of an 11-6-19 SDCL Review.

STAFF REVIEW: Staff has reviewed the proposed 11-6-19 SDCL Review and has noted the following major issues:

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Alley Relocation: The applicant has submitted a site plan identifying the relocation of the east 125 feet of the alley to extend north to Kansas City Street, between the Faith Temple Church of God in Christ building and the proposed expanded Dahl Fine Arts Center building. The site plan also identifies six parking spaces located along the east side of the church and four spaces located along the west side of the expanded Dahl Fine Arts Center building.

Parking: Off-street parking is not required in the Central Business District. However, the parking regulations state that parking provided in the Central Business District must comply with the "Parking for Persons with Disabilities" requirements. Upon submittal of a building permit application, the site plan must be revised to provide one van accessible handicap parking space.

Access Points: The submitted site plan shows an access point located on Kansas City Street. The terrain is relatively steep at this location. Prior to building permit approval a site plan needs to be submitted in order for City Staff to verify that the approach is constructed in compliance with the City of Rapid City Municipal Code.

Traffic Control: Prior to issuance of a building permit a Traffic Control plan shall be submitted. City staff needs to verify that automobile and emergency vehicle service equipment circulation through and around the proposed addition will support the anticipated traffic flows and emergency access.

Developmental Lot Agreement: Prior to issuance of a building permit, the applicant will need to submit a written request for a developmental lot agreement that the two parcels are located on. City Code prohibits one building from being located on two separate parcels. A developmental lot agreement will join the two parcels together so the lots will act as one parcel.

Staff is recommending that the proposed 11-6-19 South Dakota Codified Law review be approved with the stated stipulations.

Staff notes that 11-6-19 South Dakota Codified Law Reviews do not require direct notification of neighboring property owners. In addition, South Dakota Codified Law does not require that 11-6-19 South Dakota Codified Law reviews be advertised in a local newspaper.