

## STAFF REPORT

February 6, 2003

---

**No. 03SR001 - 11-6-19 SDCL Review of a public structure in a public place** **ITEM 12**

---

### GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 03SR001 - 11-6-19 SDCL Review of a public structure in a public place</b>
EXISTING LEGAL DESCRIPTION	Tract 1 of Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 72.475 acres
LOCATION	Canyon Lake Park
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District w/Planned Development Designation and Low Density Residential District
East:	Flood Hazard District
West:	General Commercial District w/Planned Development Designation and Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	01/10/2003
REPORT BY	Jeff Marino

### RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL review of a public structure in a public place be approved with the following stipulations;

#### Engineering Division Recommendations:

1. The applicant shall not propose any work within the floodway which will create a rise in base flood elevation;
2. The applicant shall follow all flood area construction regulations at all times including obtaining any required floodplain development permits;

#### Fire Department Recommendations:

3. Prior to any occupancy the applicant shall post the address on the picnic shelter readily visible from the street or parking lot.

## STAFF REPORT

February 6, 2003

---

### **No. 03SR001 - 11-6-19 SDCL Review of a public structure in a public place      ITEM 12**

---

#### Urban Planning Division Recommendations:

4. Any future expansion to or change in the proposed development shall require 11-6-19 South Dakota Codified Law Review;
5. All structures shall be of earth tone color at all times;
6. The applicant shall submit a sign package for review and approval prior to issuance of a building permit;
7. The applicant shall submit a lighting plan for review and approval prior to issuance of a building permit;
8. No structure shall be used for human habitation at any time;
9. Service facilities, such as electrical and heating equipment shall be constructed at or above the regulatory flood protection elevation for the particular area, or flood proofed; and,
10. All codes and requirements of the City of Rapid City Municipal Code must be met at all times.

GENERAL COMMENTS: The applicant is proposing improvements to an existing park facility at Canyon Lake Park. The proposed improvements include: a picnic shelter, deck, pathways, retaining walls, landscaping, irrigation, and lighting at the chimney site.

On June 19, 1995 the Rapid City, City Council approved a Use on Review (U.O.R.) for structures in the Flood Hazard Zoning District for the Canyon Lake Restoration Project with the stipulation that a Floodplain Development Permit be secured prior to the construction of any new structures at Canyon Lake.

On December 7, 1998 a minimal amendment to the Use on Review was approved for a 570 square foot restroom facility, located north of the duck feeding area next to the parking lot.

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: Section 17.28.020 of the Rapid City Municipal Code allows picnic grounds with structures as a Conditional Use in the Flood Hazard Zoning District. Staff has reviewed the proposed development and has noted the following concerns:

Floodplain Development: Staff has reviewed the proposed development in regards to Section 17.28.040 (C) of the City of Rapid City Municipal Code which pertains to the development of

## STAFF REPORT

February 6, 2003

---

### **No. 03SR001 - 11-6-19 SDCL Review of a public structure in a public place      ITEM 12**

---

structures in the Flood Hazard Zoning District. All structures constructed in the floodway will need a Floodplain Development Permit. In addition, Section 17.28.040 (C) of the Rapid City Municipal Code states that structures shall not be for human habitation. The applicant has not proposed any structures for human habitation in the development. In addition, this section of the City of Rapid City Municipal Code requires the construction of all development in the Flood Hazard Zoning District to be constructed in a way so as to minimize the impacts on surrounding land uses in the case of flooding. Staff has reviewed the proposed development in regards to this section of the Municipal Code and found the development to be in compliance with the required codes and ordinances based on compliance with the recommended conditions of approval.

Lighting: The applicant shall submit a lighting plan for review prior to the issuance of a building permit for the proposed development. Any areas of the proposed development anticipated to be used during night time hours shall be adequately lighted for safety and security. In addition, all proposed lighting shall be constructed in a manner as to minimize the negative impacts on surrounding land uses.

Canyon Lake Management Plan Final Report: The proposed development was identified in the Canyon Lake Management Plan Final Report 6.6.1 North Shore Development “#14 Chimney Deck.” The Final Report designates this area at Canyon Lake as an area suitable for redesign to allow for fishing, pedestrian walkways, and to “conjure up memories of the lake’s past.” The proposed development is consistent with the intent of the Canyon Lake Management Plan.

Staff is recommending that the proposed request 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.