

STAFF REPORT

April 24, 2003

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**No. 03SR023 - 11-6-19 SDCL Review of a public structure in a public place**      **ITEM 12**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 03SR023 - 11-6-19 SDCL Review of a public structure in a public place</b>
EXISTING LEGAL DESCRIPTION	Tract 8 (also in Sections 4 and 10, T1N, R7E), Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 30 acres
LOCATION	2900 Jackson Boulevard
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/28/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the 11-6-19 South Dakota Codified Law Review **be continued to the May 22, 2003 Planning Commission meeting.**

GENERAL COMMENTS:

**(Updates to the staff report are shown in bold.) This request was continued from the March 27, 2003 Planning Commission meeting. On April 15, 2003 this request was heard by the Parks and Recreation Committee. The request was continued to the May 6, 2003 Parks and Recreation Committee to allow changes in the site plan to be made.** The applicant is proposing to expand an existing disc golf facility located at Jackson Park. The facility is located at the corner of Jackson Boulevard and 32<sup>nd</sup> Street. The proposed development includes expanding an existing 20 car parking lot to a 60 car parking lot, expanding a 12 basket disc golf course to an 18 basket disc golf course, moving an existing restroom out of the floodway, and remove fencing at the site. Currently a 12 basket disc golf course is located at the site. Each basket requires the construction of a six foot by twelve foot concrete tee box and a five foot high pole with

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chains extending from the top of the pole to a basket measuring approximately 28 inches in diameter.

The original development was approved on February 21, 2000 with six stipulations. These stipulations were:

1. That a Special Exception to the Floodplain Development District Ordinance shall be obtained for structures proposed for location within the 100 year Floodway and that a Floodplain Development Permit shall be obtained prior to the construction of any structures within the 100 year floodplain;
2. That future construction of a restroom shall be located outside of the 100 year floodway;
3. That a building permit shall be obtained for each of the disc golf baskets and tees;
4. That a maximum of 12 holes shall be allowed in the disc golf course or that the applicant shall obtain a major amendment to the Use on Review;
5. That the disc golf course be located east of the existing parking lot within Jackson Park; and
6. That the Use on Review shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years.

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:

**Floodplain Development:** It appears that the submitted site plan shows new structures being constructed in the hydraulic floodway. In order to obtain a floodplain permit, the applicant must demonstrate to City staff that the proposed development is in compliance with all of the City of Rapid City Municipal Codes concerning floodplain development. If the applicant is unable to demonstrate compliance with these codes, then the applicant must submit a request for a special exception to develop within the hydraulic floodway. The applicant cannot start any construction in the hydraulic floodway prior to obtaining the proper approvals.

**Parks and Recreation Sub-Committee:** The proposed expansion to an existing park facility has not been reviewed by the Parks and Recreation Sub-Committee. Staff is recommending

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that the Parks and Recreation Sub-Committee makes additional recommendations on the proposed expansion prior to Planning Commission approval.

Staff is recommending that the proposed request be **continued to the May 22, 2003 Planning Commission meeting to allow the applicant to obtain a floodplain development permit, and further review by the Parks and Recreation Subcommittee, prior to Planning Commission approval.** 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.