

STAFF REPORT

June 26, 2003

No. 03SR019 - An 11-6-19 SDCL Review of public improvements in a public place **ITEM 50**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 03SR019 - An 11-6-19 SDCL Review of public improvements in a public place
EXISTING LEGAL DESCRIPTION	Tracts 1 thru 3 and Lots A-B of Tract 3 (also in Section 8, T1N, R7E), Rapid City Greenway Tract, Section 9, T1N, R7E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 72.475 acres
LOCATION	2902 Park Drive
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	General Commercial District/Medium Density Residential District
South:	Low Density Residential District
East:	Park Forest District
West:	General Commercial District w/Planned Commercial Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	01/30/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the review of public improvements in a public place be **approved with the following stipulations:**

Building Inspection Division Recommendations:

1. **Prior to any construction at the site, a building permit shall be obtained**

Urban Planning Division Recommendations:

2. **The applicant shall submit any future development or expansion of use at the site;**
3. **The stipulations of the corresponding Special Exception to the Floodplain Development regulations shall be met at all times to the Planning Commission for review through the 11-6-19 SDCL Review process; and,**

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4. **All lighting at the site shall be constructed in such a manner so as to minimize the impacts on the surrounding land uses.**

GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This request was continued from the June 5, 2003 Planning Commission meeting to allow the applicant time to obtain a Special Exception to a Floodplain Development Permit. The City of Rapid City City Council approved the Special Exception to the Floodplain Development Regulations with two stipulations. These stipulations were:

1. **No fill material shall be placed for construction of the new light poles; and,**
2. **The new poles are installed with electrical components that automatically disconnect power to the fixture in case of catastrophic loss of the fixture (i.e. impact to pole from flood debris etc.)**

The applicant is proposing to repair the existing bike paths and existing parking lots in Canyon Lake Park. In addition, there will be some new bike paths constructed at the north west corner of the site. The submitted site plan also shows new street lights replacing the existing street lights on the site.

There is an existing park on the site with bike paths, pavilions, open space, and other park amenities.

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: The submitted site plan shows the location of five street lights within the floodway. Section 15.32.250 of the City of Rapid City Municipal Code states, "B. No structural alteration, addition, or repair to any nonconforming structure over the life of the structure shall exceed fifty percent of its value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use." The applicant must demonstrate that the proposed street lights are less than 50 percent of the value at the time of the street lights becoming a nonconforming use or obtain an exception to the Floodplain Regulations. In addition, the applicant must obtain a floodplain permit prior to any

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construction at the site. 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 for a special exception to develop within the floodway. The applicant cannot start any construction in the floodway prior to obtaining the approvals. **The applicant has obtained a Special Exception to the Floodplain Development Regulations for the City of Rapid City City Council to allow construction in the hydraulic floodway.**

Lighting: The proposed lighting at the site needs to be constructed in such a way as to reduce any impacts on the surrounding land uses.

Staff is recommending that the proposed request be **approved with the previously 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.