

STAFF REPORT
July 22, 2004

No. 04SR038 - 11-6-19 SDCL Review to allow the construction of a parking lot on public property **ITEM 6**

GENERAL INFORMATION:

PETITIONER	Lund Associates, LTD., for EOS Properties, LLC
REQUEST	No. 04SR038 - 11-6-19 SDCL Review to allow the construction of a parking lot on public property
EXISTING LEGAL DESCRIPTION	Tract 11, Rapid City Greenway Tracts, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.408 acres
LOCATION	Along Dakota Drive
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Office Commercial District w/PCD
South:	Flood Hazard District
East:	Flood Hazard District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	06/25/2004
REVIEWED BY	Todd Tucker / Curt Huus

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow the construction of a parking lot on public property be approved with the following stipulations:

1. The parking plan shall continually comply with all requirements of the Parking Ordinance; and,
2. All provisions of the parking lot development agreement shall be continually met.

GENERAL COMMENTS: The subject property is located on the east side of Dakota Drive between West Main Street to the north and Canyon Lake Drive to the south. The subject property is owned by the City of Rapid City and is currently void of any structural development. The applicant is seeking an SDCL 11-6-19 Review approval to allow the construction of a public parking lot on public property.

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

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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 construction is for a public parking lot located on publicly owned land requiring that the Planning Commission review and approve of the proposed construction.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Parking Lot Design: The site plan submitted shows 27 parking stalls with two of the proposed stalls being handicapped accessible and one of those being van accessible. The proposed parking lot is in compliance with all provisions of Section 17.50.270 of the Rapid City Municipal Code. Staff noted that the parking plan must continually comply with all requirements of the Parking Ordinance.

Parking Lot Development Agreement: The applicant and the City of Rapid City have entered into a development agreement for the proposed parking lot. The developer of the adjacent property has agreed to build and maintain the parking lot located adjacent to the new dental clinic. The parking lot will serve the City's public park and in particular, provide access to the adjacent bike path via a connection sidewalk. The parking will be available for use by individuals visiting the clinic; however the developer has provided adequate off-street parking on the adjacent commercial site to meet all City ordinances. Thus, this additional parking area will likely be used by clients of the adjacent commercial development on an occasional basis. The primary function of the parking lot will be to serve the general public.

The Parking Lot Agreement has been approved by the City Council and signed by the applicant and the Mayor. Staff noted that all provisions of the parking lot development agreement must be continually met.

Staff recommends approval of the SDCL 11-6-19 Review with the previously stated stipulations.