

STAFF REPORT
January 6, 2005

No. 04SR063 - 11-6-19 SDCL Review to expand a public building

ITEM 17

GENERAL INFORMATION:

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| PETITIONER | Thurston Design Group, LLC for Rapid City Arts Council |
| REQUEST | No. 04SR063 - 11-6-19 SDCL Review to expand a public building |
| EXISTING LEGAL DESCRIPTION | Lots 1 thru 5, N1/2 of adjacent vacated alley and E1/2 of Lot 26, all of lots 27 thru 32, S1/2 of adjacent vacated alley all located in NE1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | |
| PARCEL ACREAGE | Approximately .98 acres |
| LOCATION | 713 Seventh 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 | 12/10/2004 |
| REVIEWED BY | Vicki L. Fisher / Bob Dominicak |

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to expand a public building be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. A Historic Preservation 11-1 Permit shall be obtained prior to any construction on the building(s);
3. Prior to issuance of a building permit, the applicant shall coordinate with the private utilities and the City to relocate and/or or provide the necessary casings for the utilities currently located in the vacated alley;
4. Prior to issuance of a building permit, the applicant shall enter into a developmental lot agreement;
5. Prior to issuance of a building permit, a traffic control plan shall be submitted for review

STAFF REPORT
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ITEM 17

- and approval;
6. Prior to construction of the proposed canopies, the applicant shall obtain approval from the City Council to allow the canopies to encroach into the right-of-way or the right-of-way shall be vacated;
 7. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the SDCL 11-6-19 Review. In addition, a sign permit shall be obtained for any new construction or placement of signs on the property. Off-premise signs and/or temporary signs shall not be allowed;
 8. Any lighting shall be constructed and maintained in accordance with the City of Rapid City Municipal Code;
 9. The building(s) shall comply with the International Fire Code. In particular, the building shall be sprinklered. In addition, a separate building permit shall be obtained for the sprinkler system. Emergency vehicle access shall also be maintained at the site at all times; and,
 10. The proposed structure shall conform architecturally to the plans and elevations and color palette submitted as part of this SDCL 11-6-19 Review;
 11. The structure shall be used as an art center with accessory uses that may include classes, business and professional offices, a theater and a gallery. Any expansion and/or additional use(s) shall require a new SDCL 11-6-19 Review.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review application to allow the expansion of an art center on the above legally described property. The proposed expansion will increase the footprint of the building and result in an approximate 69,750 total square foot building upon completion of the project.

In 2002, the Planning Commission approved a SDCL 11-6-19 Review to allow the applicant to join the two existing buildings currently located on the properties and use the facility as an art center with business and professional offices, classes and a gallery as accessory uses to the art center. In addition, the City Council approved a Vacation of Right-of-way request to vacate that portion of the alley located between the two properties. In 2003, the Planning Commission approved a subsequent SDCL 11-6-19 Review to allow a theater to be located in the building.

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 SDCL 11-6-19 Review and has noted the following considerations:

STAFF REPORT
January 6, 2005

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ITEM 17

Design Features: The applicant has indicated that the finished building will be a two story structure with a basement and have a maximum height above finished floor of 54 feet. In addition, the building will be constructed with masonry, glass and colored and raw metals. The applicant has also indicated that the structure will be earth tone in colors, primarily tones of blues and reds. Staff is recommending that the proposed structure conform architecturally to the plans and elevations and color palette submitted as part of this SDCL 11-6-19 Review.

Canopies: The elevations of the proposed structure shows three canopies on the building that encroach into the adjacent rights-of-way. In particular, a canopy is proposed over the main door located 14 feet above the sidewalk and encroaching eight feet into the right-of-way. A second canopy, on the east side of the building, is proposed to be located seven feet above the sidewalk and encroaching five feet into the right-of-way. The third canopy, on the north side of the building, is proposed to be located nine feet above the sidewalk and encroaching five feet into the right-of-way. Staff is recommending that prior to construction of the proposed canopies, the applicant must obtain approval from the City Council to allow the canopies to encroach into the right-of-way or the right-of-way must be vacated. If the applicant does not succeed with either proposal, the canopies can not be constructed.

Fire and Building Code: Staff is recommending that the proposed structure comply with the International Fire Code and the International Building Code. In particular, the proposed structure must be sprinklered and emergency vehicle access must also be maintained at the site at all times. In addition, a building permit must be obtained prior to any construction and a Certificate of Occupancy must be obtained prior to occupancy. Please note that a separate building permit must be obtained for the sprinkler system.

Historic Preservation District: The property is located in the environs of an individually listed historic structure. As such, staff is recommending that a Historic Preservation 11-1 Permit be obtained prior to any construction on the building(s).

Developmental Lot Agreement: Prior to issuance of a building permit, the applicant must submit a written request for a developmental lot agreement for the two separate parcels. 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.

Utilities: Currently private utilities and City utilities are located in the vacated alley. Black Hills Power has indicated that a tentative plan has been established to re-route the power line located in the alley. Staff is recommending that prior to issuance of a building permit, the applicant coordinate with the private utilities and the City to relocate and/or or provide the necessary casings for the utilities currently located in the vacated alley.

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

STAFF REPORT
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