

STAFF REPORT
June 23, 2005

No. 05SR026 - SDCL 11-6-19 Review to allow the construction of a structure on public property **ITEM 13**

GENERAL INFORMATION:

PETITIONER	Jena McNabb for Rapid City Softball Association
REQUEST	No. 05SR026 - SDCL 11-6-19 Review to allow the construction of a structure on public property
EXISTING LEGAL DESCRIPTION	Lot 4, Dairyland Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 58 acres
LOCATION	1625 Sedivy Lane
EXISTING ZONING	Public District - Flood Hazard District
SURROUNDING ZONING	
North:	General Agriculture District - Light Industrial District
South:	Flood Hazard District - General Commercial District (Planned Commercial Development)
East:	Light Industrial District
West:	General Agriculture District - Flood Hazard District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/23/2005
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION:

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

1. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structure;
2. Upon submittal of a Building Permit, the plans for the shelter shall be stamped by a professional engineer; and,
3. The proposed shelter must be handicapped accessible as per the International Building Code.

GENERAL COMMENTS: The subject property is located north of East Saint Patrick Street between Sedivy Lane and Creek Drive and is the location of the Star of the West ball field complex. The subject property is owned by the City of Rapid City. On May 5, 2005, the Planning Commission approved an SDCL 11-6-19 Review to allow the construction of a permanent shelter and seven chain link fence back stops at various locals on public

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property. The applicant is proposing to change the location for the proposed shelter on the subject property. The SDCL 11-6-19 Review process does not allow for amendments to be made to the approved plan. As such, the applicant is now requesting another SDCL 11-6-19 Review to allow the relocation of the proposed permanent shelter and to enlarge the size from the originally proposed 18 feet by 38 feet to 20 feet by 40 feet.

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 construction is located on public property requiring that the proposed construction be reviewed and approved by the Rapid City Planning Commission as a part of an SDCL 11-6-19 Review.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review and has noted the following issues:

Building Permit: Staff noted that a Building Permit must be obtained prior to initiation of any construction and that a Certificate of Occupancy must be obtained prior to occupying the building. Staff also noted that the plans for the proposed shelter must be stamped by a professional engineer.

Shelter: The proposed shelter is 20 feet wide by 40 feet in length or 800 square feet in total size. The submitted elevation drawing shows the proposed shelter will be open on all sides and have a height of approximately 12 feet. The proposed shelter meets all setback requirements and is in compliance with the zoning regulations.

Flood Plain: Staff noted that a portion of the subject property is located within the 100 year federally designated flood plain. However, it appears that the proposed construction is not located within the 100 year flood plain. As such, a Flood Plain Development Permit is not required.

Staff is recommending that the SDCL 11-6-19 Review be approved with the above stated stipulations.