

STAFF REPORT
May 4, 2006

No. 06SR029 - SDCL 11-6-19 Review to construct public improvement on public property ITEM 13

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06SR029 - SDCL 11-6-19 Review to construct public improvements on public property
EXISTING LEGAL DESCRIPTION	Lot 2 of Block 11, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4 acres
LOCATION	4415 Parkview Drive
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Public District
South:	Low Density Residential District
East:	Medium Density Residential District
West:	Public District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/5/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

1. A building permit shall be obtained prior to any construction;
2. All plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A;
3. All signage shall comply with Section 15.28 of the Rapid City Municipal Code; and,
4. Prior to issuance of a building permit, the applicant shall obtain a Fence Height Exception for the protective netting.

GENERAL COMMENTS: The applicant is seeking a SDCL 11-6-19 Review approval to construct protective roofing over dugout areas and install protective netting over common areas on public property. The subject property is located west of Parkview Drive and south of East Minnesota Street, within Parkview Park.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has

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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". As previously indicated, the subject property is publicly owned land requiring that the Planning Commission review and approve the proposed construction.

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

Building Permit: Staff noted that a building permit must be obtained prior to any construction. Staff also noted that all plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A.

Signage: Staff noted that all signage shall comply with Section 15.28 of the Rapid City Municipal Code.

Fence Height: Staff noted that Section 15.40 of the Rapid City Municipal Code defines a fence as a barrier constructed of material other than living shrubbery erected for purposes of protection, confinement, enclosure, or privacy. Staff noted the netting will provide an overhead canopy to protect spectators from out of bounds balls. The height of the fence will exceed the maximum height of six feet as per Section 15.40.020 of the Rapid City Municipal Code. As such, staff is recommending that prior to issuance of a building permit, the applicant shall obtain a Fence Height Exception for the protective netting.

Staff is recommending approval of the SDCL 11-6-19 Review with the above stated stipulations.