

STAFF REPORT  
May 25, 2006

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**No. 06SR042 - SDCL 11-6-19 Review to allow the construction of a building on public property** **ITEM 18**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 06SR042 - SDCL 11-6-19 Review to allow the construction of a building on public property</b>
EXISTING LEGAL DESCRIPTION	Tract 31 of Rapid City Greenway Tracts, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.5 acres
LOCATION	601 Steele Avenue
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Park Forest District
East:	Light Industrial District - Flood Hazard District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/28/2006
REVIEWED BY	Karen Bulman / Emily Fisher

RECOMMENDATION:

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

1. A building permit shall be obtained prior to any construction and a certificate of occupancy obtained prior to occupancy of the building;
2. Prior to obtaining a building permit, engineer stamped plans for the structure shall be submitted;
3. All parking and traffic areas adjacent to the construction of the building shall be paved;
4. The building materials will be tan metal to match the other existing buildings in the area;
5. All landscaping shall be maintained and planting material replaced as needed;
6. A minimum of 1750 gpm of water shall be available at the structure for fire flow;
7. The requirement to build a structure with the longitudinal axis parallel to the flood flow shall be waived with the approval of this SDCL 11-6-19 Review; and,
8. Any additional construction on the subject property will require additional review and approval through the SDCL 11-6-19 Review process.

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GENERAL COMMENTS: The subject property is located at the southwest corner of Steele Avenue and E. Main Street. Currently, the City of Rapid City's Public Works Department operates facilities on the subject property. On August 5, 1991, the City Council approved a Conditional Use Permit with stipulations to allow structures in the Floodway Zoning District on the subject property. The name of the zoning district was subsequently revised to Flood Hazard Zoning District. The stipulations approved in 1991 are as follows:

1. That the requirements of the Floodplain Development Ordinance be continually met;
2. That all areas used for traffic circulation or parking be paved;
3. That landscaping shall be installed in accordance with the approved landscaping plan.

On September 18, 1995, the City Council approved a Conditional Use Permit to allow a salt and sand storage building on the subject property with the stipulation that all circulation areas around the storage building be paved.

On June 24, 2005, Planning Commission approved, with stipulations, a SDCL 11-6-19 Review to allow construction of a sand/salt storage building and associated paving and lighting in a public place. The stipulations approved in 2005 are as follows:

1. Prior to initiation of construction, a building permit must be obtained, and a Certificate of Occupancy must be obtained prior to occupancy of the building;
2. The proposed on-site hydrant shall conform with all applicable provisions of the Uniform Fire Code, and be in place prior to initiation of construction;
3. Prior to issuance of a Building Permit, a Floodplain Development Permit shall be obtained;
4. If any water or sewer service will be provided to the proposed structure, a revised site plan shall be submitted showing the location of the service lines;
5. The existing southern most driveway approach on Steele Street shall be eliminated;
6. Prior to Planning Commission approval, scaled elevation drawings of the proposed structure shall be submitted for review and approval;
7. The maximum height of the structure shall be 48 feet;
8. The proposed structure shall have a minimum setback from East Main Street of 25 feet;
9. Prior to Planning Commission approval, a site plan showing compliance with all applicable landscape regulations shall be submitted including any proposed changes in location of the landscaping;
10. Prior to issuance of a Certificate of Occupancy, all required landscaping shall be installed. The landscaping shall be irrigated or a plan for providing water shall be submitted for review and approval prior to issuance of a Certificate of Occupancy. All landscaping shall be maintained in a live condition at all times;
11. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040; and,

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12. Any additional construction on the subject property will require additional review and approval through the SDCL 11-6-19 Review process.

The applicant is currently seeking a SDCL 11-6-19 Review approval to allow the construction of a utility maintenance storage building on public property. The building will house equipment that is currently being stored outside.

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". 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 and a certificate of occupancy obtained prior to occupancy of the building. Prior to obtaining a building permit, engineer stamped plans for the structure shall be submitted.

Paving: Portions of the subject property are currently paved. Paving of the parking and traffic areas adjacent to the storage building will be included in the construction of the building.

Building Materials: The building materials will be tan metal to match the other existing buildings in the area.

Landscaping: A landscaping plan was submitted with the 11-6-19 Review (04SR034) for the construction of a building on the subject property that was approved on June 24, 2004. Past reviews of this site have stipulated that landscaping be installed in accordance with the approved landscape plan. All landscaping materials have been planted; however, it appears that one tree needs to be replaced. The landscaping regulations require that all landscaping shall be maintained in a live vegetative condition.

Fire flows: The Fire Department staff has indicated that the fire hydrant and access appear to meet the requirements of the International Fire Code. A minimum of 1750 gpm is required at the structure for fire flows.

Floodplain: Staff noted that the property is located in the 500 year floodplain and in the Flood Hazard Zoning District. The Zoning District recommends that a structure be constructed with the longitudinal axis parallel to the flood flow. Other buildings in the area are located in various directions. Previously approved 11-6-19 Reviews have waived the requirement to have the buildings oriented parallel to the flood flow. As such, Staff recommends that this

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requirement also be waived through this 11-6-19 Review.

Future Construction: The applicant's site plan shows additional structures to be constructed in the future. Staff noted that this SDCL 11-6-19 Review is only for the construction of a utility storage building. Any additional construction on the subject property will require additional review and approval through the SDCL 11-6-19 Review process.

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