

STAFF REPORT
May 24, 2007

No. 07SR021 - SDCL 11-6-19 Review to allow the installation of a shed on public property **ITEM 41**

GENERAL INFORMATION:

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| PETITIONER | Jim Bethel for Black Hills Area Council, Boy Scouts |
| REQUEST | No. 07SR021 - SDCL 11-6-19 Review to allow the installation of a shed on public property |
| EXISTING LEGAL DESCRIPTION | Lot RU 36 RU Lots, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 0.39 acres |
| LOCATION | 144 North Street |
| EXISTING ZONING | Public District |
| SURROUNDING ZONING | |
| North: | Medium Density Residential District |
| South: | Medium Density Residential District |
| East: | Medium Density Residential District |
| West: | Medium Density Residential District |
| PUBLIC UTILITIES | City water and sewer |
| DATE OF APPLICATION | 3/12/2007 |
| REVIEWED BY | Travis Tegethoff / Todd Peckosh |

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the installation of a shed on public property with a reduced side yard setback be approved with the following stipulations:

1. Prior to Planning Commission approval, a revised plan shall be submitted for review and approval relocating the shed from the property line, out of the floodplain, and out of the existing utility and minor drainage easement; and,
2. The reduction in the setback from 25 feet to 8 feet on the east side of the proposed structure is hereby approved.

GENERAL COMMENTS: **This staff report has been revised as of May 14, 2007. All revised and/or added text is shown in bold print.** The subject property is located east of Second Street at 144 North Street. The subject property is currently zoned Public and is owned by the City of Rapid City. The properties located north, south, east, and west of the subject property are zoned Medium Density Residential District. The applicant is requesting approval of a SDCL 11-6-19 Review to install a structure on public property.

The Boy Scouts of America wish to install a twelve foot by sixteen foot shed located north of

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the building at 144 North Street and reduce the side yard setback from twenty five feet to zero feet for the proposed structure. Currently the Boy Scouts' Headquarters and a parking lot are located on the subject 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 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 structure.

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 considerations:

Setbacks: Staff noted that the Public Zoning District requires a twenty-five foot setback from all property lines. The applicant is requesting to reduce the side yard setback from twenty-five feet to zero feet to allow the installation of storage shed. Staff noted that there is an existing drainage lot owned by the City of Rapid City that is approximately 125 feet wide to the east of the subject property. That drainage lot would serve as a buffer for the shed from the adjacent residential properties. However, staff also noted that the proposed location of the shed appears to be over the existing lot line and within an existing eight foot utility and minor drainage easement. Staff recommends that prior to Planning Commission approval, the shed shall be relocated out of the existing eight foot utility and minor drainage easement.

Building Permit: Staff noted that prior to construction, a Building Permit shall be obtained.

Floodplain Development Permit: Staff noted that the proposed shed appears to be located within the 100 year floodplain. Staff recommends that prior to Planning Commission approval, a Floodplain Development Permit Shall be obtained or the shed shall be relocated out of the floodplain.

This item was continued to the May 10, 2007 Planning Commission meeting to allow the applicant to submit the required information. **This item was continued to the May 24, 2007 Planning Commission meeting to allow the applicant to submit the required information. As of May 14, 2007 the required information has not been submitted. Staff recommends that the SDCL 11-6-19 Review be approved with the above stated stipulations.**