

STAFF REPORT  
May 24, 2007

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**No. 07SR031 - SDCL 11-6-19 Review to allow the construction of a structure on public property**      **ITEM 13**

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GENERAL INFORMATION:

PETITIONER	W. A. McBride for Kiwanis Mary Hall Committee
REQUEST	<b>No. 07SR031 - SDCL 11-6-19 Review to allow the construction of a structure on public property</b>
EXISTING LEGAL DESCRIPTION	Tract A of Brookside Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.7 acres
LOCATION	3220 W South Street
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	4/25/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the construction of a structure on public property be continued to the June 7, 2007 Planning Commission meeting to allow the applicant to submit the required information.

GENERAL COMMENTS: The subject property is located north of the intersection of South Street and Soo San Drive in Mary Hall Park. The subject property is currently zoned Park Forest District. The property located north, south and east of the subject property is zoned Medium Density Residential District. Property located west of the subject property is zoned Low Density Residential District. The Kiwanis Club proposes to construct an enclosed carport on the subject property to house maintenance equipment for the park. The applicant is requesting approval of a SDCL 11-6-19 Review to allow the construction of a structure on public 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

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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 applicant is requesting that a structure be constructed on public property 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 considerations:

Structure: The applicant is proposing to construct an enclosed carport on the subject property for storage. Staff recommends that the applicant shall revise the plans to provide an actual storage shed to address security issues and to make entry into the shed more difficult.

Building Permit: Staff noted that prior to construction of the shed, a building permit must be obtained and a certificate of occupancy must be obtained prior to use.

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.

Location: Staff noted that the proposed shed is in the area of an existing right-of-way for the extension of South Street and a recently constructed water main. Staff recommends that prior to Planning Commission approval, the applicant shall demonstrate that the proposed shed is outside of the right-of-way and does not interfere with the existing water main.

Staff recommends that the SDCL 11-6-19 Review to allow the construction of a structure on public property be continued to the June 7, 2007 Planning Commission meeting to allow the applicant to submit the required information.