

STAFF REPORT
June 21, 2007

No. 07SR038 - SDCL 11-6-19 Review to allow public improvements

ITEM 53

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 07SR038 - SDCL 11-6-19 Review to allow public improvements
EXISTING LEGAL DESCRIPTION	Tract 20 less Lot H1 of Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 14 acres
LOCATION	301 North Fifth Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Public District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City
DATE OF APPLICATION	5/17/2007
REVIEWED BY	Loren Fuhrmann / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow park improvements including bike path, irrigation, landscaping, storm water mitigation and bridge improvements on public property to be approved with the following stipulations:

1. Prior to Planning Commission approval the applicant shall obtain a Flood Plain Development Permit.

GENERAL COMMENTS:

The subject property is located at 301 North Fifth Street, at the northwest corner of the intersection of Fifth Street South and Omaha Street. Memorial Park is currently located on the subject property. The subject property is located within the municipal boundaries of the City of Rapid City.

The construction area is located between Mt. Rushmore Road and Fifth Street, North of Omaha Street and South of Rapid Creek.

The applicant is requesting to construct the following improvements on the property: remove and relocate the bike path, remove and install a new irrigation system, remove eight trees and

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plant 130 new trees, taking the storm inlet flows from the downtown area and creating a new storm water management pond, removing the wood railing and wood overhead on the Sixth Street Bridge located on the property, and, replace with steel railing and install a new concrete overlay over the bridge decking.

The proposed improvements are in accordance with the Omaha Street Corridor Enhancement Project Master Plan.

Current zoning of the subject property is Flood Hazard District. Memorial Park is currently located on the subject property and is a permitted use in a Flood Hazard District.

South Dakota Codified Law 11-6-19 states whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, 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 as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission.

The subject property is dedicated park land. The property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

Staff has reviewed the proposed SDCL 11-6-19 Review and has noted the following considerations:

Floodway and 100 Year Flood Plain:

The subject property is currently zoned Flood Hazard District. The property is located within the hydraulic floodway and the 100 Year Flood Plain. Prior to Planning Commission approval the applicant must obtain a Flood Plain Development Permit for all improvements on the subject property, located within the 100 Year Federally Designated Flood Plain.

Emergency Access:

All the bike paths and walking paths on the subject property shall be accessible and drive able by emergency equipment.

Permits:

The applicant must apply for and obtain a grading permit prior to grading on the subject property.

The applicant must apply for an Air Quality permit if one or more acres will be disturbed on the subject property.

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