

STAFF REPORT  
September 6, 2007

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**No. 07SR030 - SDCL 11-6-19 Review to allow the construction of a parking lot in public right-of-way**      **ITEM 53**

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GENERAL INFORMATION:

PETITIONER	enVision Design, Inc. for Youth and Family Services, Inc.
REQUEST	<b>No. 07SR030 - SDCL 11-6-19 Review to allow the construction of a parking lot in public right-of-way</b>
EXISTING LEGAL DESCRIPTION	The Monroe Street right-of-way adjacent to Lot A of Block 12 Wise's Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.99 acres
LOCATION	410 E. Monroe Street
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Public District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/26/2007
REVIEWED BY	Travis Tegethoff / Todd Peckosh

RECOMMENDATION:

**Staff recommends that the SDCL 11-6-19 Review to allow the construction of a parking lot in public right-of-way be denied.**

GENERAL COMMENTS: **This staff report has been revised as of August 27, 2007. All revised and/or added text is shown in bold print. This item was continued to the September 6, 2007 Planning Commission meeting to allow an additional alternative to be reviewed. Staff has reviewed the proposed alternative and the applicant has decided to proceed with the original submittal.**

The subject property is located north of Monroe Street between Waterloo Street and North Lacrosse Street at 401 East Monroe Street. The subject property is currently zoned Public and is owned by the City of Rapid City. The properties located north, south, and west of the subject property are zoned Medium Density Residential District. The properties located east of the subject property are zoned Public District. The applicant is requesting approval of a SDCL 11-6-19 Review to construct parking in the public right-of-way.

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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 considerations:

Parking: Staff noted that Section 17.50.270 of the Rapid City Municipal Code states that circulation within a parking area shall be such that a vehicle need not enter a public right-of-way backwards. Staff has concerns with the intensity of the existing use and the proposed parking area serving a childcare facility. There are safety issues with children in the area and vehicles backing into on coming traffic.

On June 5, 2007 the applicant submitted a letter addressing the number of parking stalls needed for the facility. The applicant indicated that there are 43 spaces needed for staff parking and agency vehicles and there are currently 43 parking stalls available on the subject property. The applicant also indicated that approximately 60 children are dropped off at the facility daily with half being dropped off in the morning and half being dropped off in the afternoon.

On June 5, 2007 staff visited the site to look parking alternatives. As such, staff would recommend that this item be continued to the July 5, 2007 Planning Commission meeting to allow additional alternatives to be reviewed with the applicant.

On July 18, 2007 staff met with the applicant to review parking alternatives. The applicant decided to proceed with the original application to construct parking in the public right-of-way. As previously stated, staff has concerns with the intensity of the existing use and the proposed parking area serving a childcare facility. There are safety issues with children in the area and vehicles backing into on coming traffic creating traffic conflicts. As such, Staff recommends that the SDCL 11-6-19 Review to allow the construction of a parking lot in public right-of-way be denied.

On August 16, 2007 staff met with the applicant about a parking alternative. As such, staff would recommend that this item be continued to the September 6, 2007 Planning Commission meeting to allow an additional parking alternative to be reviewed.

**Staff has reviewed the parking alternative and the applicant decided to proceed with the original application to construct parking in the public right-of-way.**

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City Council Approval: Staff noted that an agreement between Youth and Family Services and the City of Rapid City would need to be approved by City Council to allow parking in the public right-of-way and address construction and maintenance issues for the proposed lot.

This item was continued to the June 7, 2007 Planning Commission meeting with the applicant's concurrence. Staff met with the applicant's representative on May 29, 2007 and is continuing to work with the applicant on possible alternative solutions. This item was continued to the June 21, 2007 Planning Commission meeting with the applicant's concurrence. This item was continued to the July 5, 2007 Planning Commission meeting with the applicant's concurrence. This item was continued to the July 26, 2007 Planning Commission meeting with the applicant's concurrence. This item was continued to the August 23, 2007 Planning Commission meeting with the applicant's concurrence. **This item was continued to the September 6, 2007 Planning Commission meeting with the applicant's concurrence. Staff recommends that the SDCL 11-6-19 Review to allow the construction of a parking lot in public right-of-way be denied.**