

STAFF REPORT
January 10, 2008

No. 07SR054 - SDCL 11-6-19 Review to allow the improvement of a ITEM 15 public park

GENERAL INFORMATION:

APPLICANT	Lon Van Deusen for City of Rapid City
AGENT	Randy Fisher for Designworks
PROPERTY OWNER	City of Rapid City
REQUEST	No. 07SR054 - SDCL 11-6-19 Review to allow the improvement of a public park
EXISTING LEGAL DESCRIPTION	Tract 27 of the Rapid City Greenway Tract, Section 6, T1N, R8E, and Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 31.0 acres
LOCATION	125 Waterloo Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Medium Density Residential District - Neighborhood Commercial District
South:	Flood Hazard District
East:	Medium Density Residential District - Medium Density Residential District (Planned Residential Development) - General Commercial District
West:	Flood Hazard District - General Commercial District - Medium Density Residential District - General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/25/2007
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the improvement of a public park be continued to the February 7, 2008 Planning Commission meeting to allow City Council to take action on the associated Special Exception.

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GENERAL COMMENTS:

(Update January 2, 2008. All revised text is shown in bold.) This item was continued to the January 10, 2008 Planning Commission meeting to allow the applicant to obtain a Flood Plain Development Permit. As of this writing, the applicant has not obtained a Flood Plain Development Permit. In addition, on December 14, 2007 the applicant submitted a Special Exception (#07SE001) requesting structures to be allowed in the floodway. As such, staff recommends that the SDCL 11-6-19 Review to allow the improvement of a public park be continued to the February 7, 2008 Planning Commission meeting to allow City Council to take action on the associated Special Exception.

This is a request by the City of Rapid City for approval to construct structures and other park improvements pursuant to the requirements of an 11-6-19 SDCL. The proposed development is located in the Flood Hazard Zoning District at Roosevelt Park. The applicant is proposing to construct a shade structure, picnic shelter, pedestrian bridge, sidewalks, lighting, parking and landscaping improvements. Currently a playground, pond, ice arena, and indoor swim center are located on the site.

Roosevelt Park was deeded to the City of Rapid City in 1966, and in 1992 a Use On Review was approved with stipulations to allow the construction of a concession stand near the existing outdoor swimming pool. In 1994 a Use On Review was approved with a stipulation to allow the construction of a public restroom at the site. The construction of a softball field and playground apparatus was approved with stipulations in 1996. In 1999, Strong Hold Community Action Patrol proposed a teepee as a coordination center for creek patrol, and the Use On Review was denied without prejudice. In 2001, City Council approved a Conditional Use Permit (#00UR042) to allow park improvements at Roosevelt Park with stipulations.

On September 5, 2002, Planning Commission approved an 11-6-19 SDCL Review (#02SR015) to allow the construction of structures and other park improvements with the following stipulations:

1. Prior to any construction the applicant shall obtain a building permit;
2. An erosion/sediment control permit shall be submitted for review and approval prior to the issuance of a building permit;
3. Prior to issuance of a building permit the applicant shall obtain coverage under State General Permit for storm water runoff from the construction site;
4. All applicable provisions of Section 17.28 of the Rapid City Municipal Code shall be continually met;
5. All Uniform Fire Codes shall be continually met;
6. The Indoor Recreation Complex and the Ice Arena shall be sprinkled throughout;
7. The applicant must maintain sidewalks accessible to emergency vehicles at all times; and
8. An Air Quality permit shall be obtained prior to any surface disturbance.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has

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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 11-6-19 SDCL Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Building Permits: Staff noted that a building permit shall be obtained prior to any construction.

Air Quality Permit: Staff noted that an Air Quality Permit is required if the disturbed area exceeds one acre.

Design Features: Staff noted that the drawings and photos submitted with the application for the 11-6-19 SDCL Review show a shade structure constructed with a flame retardant, polyethylene fabric roof supported by steel posts and a picnic shelter constructed with a steel roof and supported by steel columns. The structures appear to be green and tan in color. The applicant is also proposing additional lighting for the park. The proposed lights will match the existing arm-mounted luminaries installed during previous phases of construction at Roosevelt Park.

Parking: On September 5, 2002 the City of Rapid City Planning Commission approved an 11-6-19 SDCL Review (#02SR015) to allow park improvements including a swim center on the above legally described property. As part of that review, Staff identified that a minimum of 387 off-street parking spaces were required. The approved site plan for the subject property showed 463 parking stalls with eight handicap spaces being provided. This proposed project is adding 18 parking stalls with two additional handicap spaces for a total of 481 parking stalls. With 481 off-street parking stalls provided, the property is in compliance with the off-street parking provisions of Section 17.50.270 of the Rapid City Municipal Code.

Landscaping: On September 5, 2002 the City of Rapid City Planning Commission approved an 11-6-19 SDCL Review (#02SR015) to allow park improvements including a swim center on the above legally described property. As part of that review, Staff identified that a minimum of 575,337 landscaping points were required. 646,280 landscaping points were provided with that project. This proposed project is adding 29,500 landscaping points for a total of 275,780 landscaping points. The property is in compliance with the landscape provisions of Section 17.50.300 of the Rapid City Municipal Code.

Fire Safety: Staff noted that access to and around the existing and proposed structures is in compliance with the International Fire Code. In addition, the proposed structures are in compliance with the International Fire Code.

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Flood Plain Development Permit: Staff noted that the property is zoned Flood Hazard District and part of the property is located in the 100 year federally designated flood plain. **It appears the proposed shade structure and picnic shelter are located within the 100 year federally designated flood plain but are located at an elevation that is greater than one foot above the base flood elevation. In addition, proposed lighting and electrical equipment for the pond aerators are also located within the floodway.** Staff noted that a flood plain development permit is required and that all construction shall comply with Chapter 15.32 of the Rapid City Municipal Code. In particular, the location of all electrical equipment, circuits and installed electrical appliances shall be in a manner which will assure that they are not subject to flooding and to provide protection from inundation by the regulatory flood. As such, staff recommends that prior to Planning Commission approval a Flood Plain Development Permit shall be obtained.

On December 14, 2007 the applicant submitted a Special Exception (#07SE001) requesting structures to be allowed in the floodway. In particular, the applicant is requesting to install additional light poles along an existing pedestrian path for added safety. As such, staff recommends that the SDCL 11-6-19 Review to allow the improvement of a public park be continued to the February 7, 2008 Planning Commission meeting to allow City Council to take action on the associated Special Exception.

Drainage and Grading: Staff noted that a grading and drainage plan was submitted for the proposed project and that temporary erosion control and sediment control shall be provided in accordance with the Rapid City Municipal Code.