

STAFF REPORT
March 27, 2008

No. 08SR012 - SDCL 11-6-19 Review to construct structures in right-of-way and to improve right-of-way **ITEM 66**

GENERAL INFORMATION:

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| APPLICANT | YMCA |
| AGENT | Tim Cheever for Upper Deck Architects |
| PROPERTY OWNER | City of Rapid City |
| REQUEST | No. 08SR012 - SDCL 11-6-19 Review to construct structures in right-of-way and to improve right-of-way |
| EXISTING LEGAL DESCRIPTION | Kansas City Right-of-way, Ninth Street Right-of-way and the alley located adjacent to the south 20 feet of Lot 1 and the south 20 feet of Lot 2, the north 120 feet of lot 1 and the north 120 feet of east 20 feet of lot 2, west five feet of lot 2 and all of Lots 3 thru 11, of Block 101, Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 0.883 acres |
| LOCATION | Southwest corner of the intersection of Ninth Street and Kansas City Street |
| EXISTING ZONING | Central Business District |
| SURROUNDING ZONING | |
| North: | Central Business District |
| South: | High Density Residential District - Central Business District |
| East: | Central Business District |
| West: | Medium Density Residential District |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 2/19/2008 |
| REVIEWED BY | Vicki L. Fisher / Mary Bosworth |

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to construct structures in right-of-way and to improve right-of-way be approved with the following stipulations:

1. Prior to Planning Commission approval, the construction plans shall be sealed and

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- signed by a Professional Engineer;
2. Prior to Planning Commission approval, the pile caps shall be designed to comply with the International Building Code or an Exception shall be obtained from the Building Code Board of Appeals;
 3. Prior to Planning Commission approval, the canopies shall be designed to comply with the International Building Code or an Exception shall be obtained from the Building Code Board of Appeals;
 4. Prior to Planning Commission approval, the construction plans shall be revised to identify that the skywalk will be sprinklered as per the International Building Code and the International Fire Code;
 5. Prior to Planning Commission approval, the applicant shall analyze the construction of the skywalk without the column supports located in the right-of-way which limits any future street expansion(s) within 9th Street. At a minimum, the construction plans shall be revised to show the columns relocated adjacent to the building; and,
 6. Prior to Planning Commission approval, the applicant shall submit documentation identifying that the skywalk will be open to the public during regular business hours.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review application to allow the construction of a skywalk across 9th Street, extending from the existing YMCA structure to a proposed parking facility to be constructed on property located directly west of 9th Street. The application also includes placing pile caps for the parking facility within the Kansas City Street and 9th Street rights-of-way and constructing canopies along the north and east side of the parking facility within the Kansas City Street and 9th Street rights-of-way. In addition, the application includes constructing support columns for the skywalk within the 9th Street right-of-way, removing and replacing the sidewalks along 9th Street and Kansas City Street and replacing a portion of the pavement in the alley located south of the proposed parking facility.

The improvements will be located within that portion of Kansas City Street right-of-way, 9th Street right-of-way and the alley located adjacent to the Black Hills Corporation parking lot located southwest of the intersection of Kansas City Street and 9th Street.

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 improvements are located in public right-of-way requiring that the Rapid City Planning Commission review the proposal.

STAFF REVIEW:

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

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Pile Caps: The International Building Code allows a pile cap to extend a maximum of 12 inches into right-of-way when constructed at a minimum depth of eight feet, or 96 inches. The construction plans show the proposed pile caps located 3 feet 4 inches into the right-of-way at a depth of 54 inches to 84 inches. As such, staff is recommending that prior to Planning Commission approval, the pile caps be designed to comply with the International Building Code or an Exception must be obtained from the Building Code Board of Appeals.

Canopies: The International Building Code allows a canopy to extend into right-of-way across two-thirds of the width of the adjacent sidewalk. The construction plans show the canopies located in the Kansas City Street right-of-way and the 9th Street right-of-way extending over the entire adjacent sidewalks and one foot into the adjacent boulevards located between the sidewalks and the curb, or six feet from the face of the building. As such, staff is recommending that prior to Planning Commission approval, the canopies be designed to comply with the International Building Code or an Exception must be obtained from the Building Code Board of Appeals.

Columns: The construction plans show support columns for the skywalk being constructed behind the curb on each side of 9th Street with the sidewalk located between the column and the adjacent building. Placing the columns as proposed limits any future expansion of 9th Street or extension of utilities which may be necessary in the future. As such, staff is recommending that prior to Planning Commission approval, the applicant analyze the construction of the skywalk without the column supports extending into the right-of-way. At a minimum, the construction plans must be revised to show the columns relocated adjacent to the building.

Skywalk: The skywalk provides a minimum 27 foot vertical clearance over 9th Street at the lowest point, which meets the International Fire Code's minimum requirement of 13 feet 6 inches. However, the International Fire Code and the International Building Code require that the skywalk be sprinklered. As such, staff is recommending that prior to Planning Commission approval, the construction plans be revised to note that the skywalk will be sprinklered as per the International Building Code and the International Fire Code.

Public Use: The applicant has indicated that a written request will be submitted requesting that the City Council authorize the skywalk as a public improvement and to allow the structure in public right-of-way. As noted above, SDCL 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 such, this SDCL 11-6-19 Review application for the location and extent of the project must be approved prior to authorization of use by the City Council.

It is also the opinion of the City Attorney's Office that the skywalk may be allowed in public right-of-way as long as the structure in the right-of-way serves a public purpose and is open to the public. It is also the opinion of the City Attorney's Office that the skywalk will provide a

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means of passage for the general public and provide a means of ingress and egress from properties abutting the right-of-way similar to a public sidewalk. In order to ensure that the skywalk is open to the public, the applicant must submit documentation prior to Planning Commission approval identifying that the skywalk will be open to the public during regular business hours.

Public Comment: The West Boulevard Neighborhood Association have submitted a letter citing concerns with the impact of traffic patterns and traffic volumes associated with the proposed parking facility project and have requested that a traffic study be conducted. However, a parking structure is a permitted use in the Central Business District. As such, a traffic impact study is not required in order for the applicant to obtain a building permit.

Historic Preservation District: A portion of the project is located within the environs of the Historic Preservation District. As such, the local Historic Preservation Commission reviewed the project and determined that it created an adverse effect. However, the State Office of History reviewed their decision and determined that it did not create an adverse effect.

Permits: The applicant should be aware that prior to construction, a Building Permit and a Permit to Work in the Right-of-way must be obtained.

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