

STAFF REPORT
June 4, 2009

No. 09SR042 - SDCL 11-6-19 Review to allow structures on public property **ITEM 26**

GENERAL INFORMATION:

APPLICANT/AGENT	South Dakota School of Mines and Technology
PROPERTY OWNER	State of South Dakota
REQUEST	No. 09SR042 - SDCL 11-6-19 Review to allow structures on public property
EXISTING LEGAL DESCRIPTION	The unplatted balance of the SE1/4 SW1/4 NW1/4, the unplatted balance of the SW1/4 SE1/4 NW1/4 less Lot H3, the unplatted balance of the N1/2 SW1/4 less SDSM&T Campus Subdivision, that portion of the vacated Clark Street in the NW1/4 SW1/4, Tract 3 and the unplatted balance of the E1/2 SE1/4 SW1/4, Lot J of Lot 1 of the SW1/4 SE1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 111 acres
LOCATION	At the northeast corner of the terminus of Hawthorne Avenue
EXISTING ZONING	General Commercial District - Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Commercial District
East:	General Commercial District - Park Forest District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/8/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow structures on public property be approved if the following additional information is submitted prior to Planning Commission approval:

1. Stamped plans by a Registered Professional Engineer and/or Architect per SDCL 36-18A shall be submitted for review and approval for the proposed structures.

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GENERAL COMMENTS: The applicant is requesting approval of a SDCL 11-6-19 Review to allow the construction of two wind turbines and an instrumentation structure. The property is located south of East Saint Joseph Street on the South Dakota School of Mines and Technology campus. The proposed structures will be accessory to the university and used for educational and research purposes. The property is currently zoned Park Forest District and General Commercial District.

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 applicant is requesting that structures 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:

Building Permits: Staff noted that a building permit must be obtained prior to any construction and a Certificate of Occupancy obtained prior to occupancy.

Structures: The applicant is proposing to construct a 6 foot by 12 foot instrumentation structure, a 33 foot high wind turbine and a 79 foot high wind turbine. However, construction plans for the proposed structures were not submitted as part of the application. As such, staff recommends that prior to Planning Commission approval, stamped plans by a Registered Professional Engineer and/or Architect per SDCL 36-18A shall be submitted for review and approval.

Fire Protection: Staff is recommending that all current adopted International Fire Codes be continually met.