

STAFF REPORT
July 9, 2009

No. 09SR056 - SDCL 11-6-19 Review to install a structure on public property **ITEM 33**

GENERAL INFORMATION:

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| APPLICANT/AGENT | City of Rapid City |
| PROPERTY OWNER | City of Rapid City |
| REQUEST | No. 09SR056 - SDCL 11-6-19 Review to install a structure on public property |
| EXISTING LEGAL DESCRIPTION | Tract 17 less Lot H1 (Also in Section 34, T2N, R7E) of Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 59.01 acres |
| LOCATION | 1520 West Omaha Street |
| EXISTING ZONING | Flood Hazard District |
| SURROUNDING ZONING | |
| North: | Flood Hazard District |
| South: | Flood Hazard District |
| East: | Flood Hazard District |
| West: | Flood Hazard District |
| PUBLIC UTILITIES | City water and sewer |
| DATE OF APPLICATION | 6/12/2009 |
| REVIEWED BY | Travis Tegethoff / Ted Johnson |

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to install a structure on public property be approved if the following additional information is submitted prior to Planning Commission approval:

1. All redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department, and;
2. The applicant must obtain a Flood Plain Development Permit.

GENERAL COMMENTS:

The applicant has submitted SDCL 11-6-19 Review to install a structure on public property. The applicant is proposing to construct a concrete plaza with signage in Founder's Park to replicate the Original Town Site of Rapid City.

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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". The proposed project is 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 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 must be obtained prior to any construction and a sign permit must be obtained prior to installation of any signage.

Design Features: The applicant has submitted a site plan identifying a colored concrete plaza that is Quarry Red and Coconut in color. The concrete plaza will be flush with the ground so as not to create a barrier in the floodplain or a rise in the base flood elevation. The proposed sign is a wood structure that is approximately 11 feet tall by 8 feet wide.

Redline Comments: Staff is recommending that prior to Planning Commission approval, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department.

Flood Plain: The proposed site for the event is located within the 100 Year Federally Designated Flood Plain and will require a Flood Plain Development Permit. Prior to Planning Commission approval, the applicant must obtain a Flood Plain Development Permit.

Parking: Staff noted that a parking lot currently exists near the intersection of Canal Street and West Omaha Street that serves this area of the park system.

Staff finds that the location and extent of the proposed structures appear to be in compliance with the adopted Comprehensive Plan and adopted regulations. As such, staff recommends that the SDCL 11-6-19 Review to install structures on public property be approved if the above noted additional information is submitted.