

STAFF REPORT  
August 27, 2009

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**No. 09SR072 - SDCL 11-6-19 Review to allow structures on public property**      **ITEM 18**

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GENERAL INFORMATION:

APPLICANT/AGENT	Bruce Backens
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 09SR072 - SDCL 11-6-19 Review to allow structures on public property</b>
EXISTING LEGAL DESCRIPTION	Tract 20 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	N/A
LOCATION	Memorial Park
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Civic Center District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	7/31/2009
REVIEWED BY	Monica Heller / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow structures on public property be continued to the September 24, 2009 Planning Commission Meeting to allow the Parks and Recreation Advisory Board to review and approve the plan prior to Planning Commission approval.

GENERAL COMMENTS: Bruce Bakens has submitted this SDCL 11-6-19 Review application to obtain permission to allow a statute in Memorial Park. The statue is to be located approximately 85 feet directly north of the pedestrian crossing of Omaha Street between 6<sup>th</sup> Street and 7<sup>th</sup> Street.

The property is located in the Flood Hazard Zoning District. The land to the east and west is zoned Flood Hazard District, the land to the south is zoned General Commercial Zoning District and the land to the north is zoned Civic Center Zoning District.

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The 4 ½ foot high and 2 foot wide statue is to be made of bronze and placed on a 28 inch high and 10 foot wide base made of retaining wall blocks. The statue will be placed in the existing grass circle and will not encroach on the existing sidewalk. There are existing lights surrounding the proposed location of the statue that will provide adequate lighting. The unveiling of the ADA Tribute Statute is tentatively scheduled for July 27, 2010, which is the 20<sup>th</sup> Anniversary of the American with Disabilities Act.

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 statue is located within a public park and is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the structure be reviewed and approved by the Rapid City Planning Commission.

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:

Site Plan: The applicant has submitted a site plan showing the location of the statue and the general location of utilities in the area.

Anchoring: The statue is made of bronze and will be anchored to the concrete cap with stainless steel anchor pins to the base which will be placed on concrete footings and piers with the pier depth to be 42 inches.

Permit: A Building Permit must be obtained from the City of Rapid City prior to installation.

Flood Plain: The statue is proposed to be located outside of the 100 year flood plain, but within the 500 year flood plain.

Memorandum of Agreement: The Western Resources for Disabled Independence purchase the statue and have it erected. The ownership of the statue will then be transferred to the City of Rapid City. The City Attorney's staff is preparing a Memorandum of Agreement for the City Council's approval. Prior to Planning Commission approval, a copy of the Agreement must be signed by Western Resources for Disabled Independence.

Adopted Comprehensive Plan: The adopted Comprehensive Plan identifies the property as appropriate for public uses. The installation of an ADA Tribute Statue will provide an additional artwork in Memorial Park and is consistent with the adopted Comprehensive Plan.

Staff recommends that this SDCL 11-6-19 Review be continued to the September 24, 2009 Planning Commission meeting to allow the Parks and Recreation Advisory Board to review and approve the plan prior to Planning Commission approval.