

STAFF REPORT
October 22, 2009

No. 09SR086 - SDCL 11-6-19 Review to allow structures on public property **ITEM 24**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR086 - SDCL 11-6-19 Review to allow structures on public property
EXISTING LEGAL DESCRIPTION	Tract 20 less Lot H1 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.96
LOCATION	301 North Fifth Street
EXISTING ZONING	Civic Center District - Flood Hazard District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	Low Density Residential District - Civic Center District - Flood Hazard District
West:	Civic Center District - Flood Hazard District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	9/17/2009
REVIEWED BY	Karen Bulman / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow structures on public property be approved.

GENERAL COMMENTS: The applicant has submitted a SDCL 11-6-19 Review to allow structures on public property. A 5 foot 10 inch wrought iron fence has been located on the south side of the Civic Center to provide a secure area for loading activities associated with the theatre and ice arena and for a performer's entrance. The actual height of the installed fence varies from 6 feet to 6 feet 10 inches as the fence is constructed a minimum of 2 inches to a maximum of 10 inches from the ground.

South Dakota Codified Law 11-6-19 states that "whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and

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thenceforth, 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 as defined in § 11-6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The project is located on public property and is identified within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW: Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Fence: A wrought iron fence is located along the south side of the Civic Center to enclose an area between the theatre and the ice arena and is located within a side yard setback. The western portion of the fence is approximately 38 feet in length. The southern portion of the fence is approximately 150 feet in length. The fence, as constructed, is 6 feet to 6 feet 10 inches in height. There is a 4 foot walking gate and a 20 foot sliding gate along the western portion of the fence. The fence was originally proposed to be located north of the current location, but due to the operation of the large sliding gate, the fence was required to be moved an additional 30 feet south of the proposed location. The fence is located in the Civic Center Zoning District and that zoning designation is considered commercial zoning. As such, a fence located along a side or rear yard can be up to 8 feet in height.

Flood Plain: The fence, as currently located, places the southeast portion of the fence within the 100 year Federally Designated Floodplain. A Flood Plain Development Permit has been submitted and approved allowing the fence to be constructed in the 100 year Federally Designated Floodplain.

Permits: Upon approval of the SDCL 11-6-19 Review application, a Building Permit must be obtained for the construction of the fence.

Staff recommends that the SDCL 11-6-19 Review be approved.