

STAFF REPORT
January 7, 2010

No. 09SR114 - SDCL 11-6-19 Review to allow a structure on public property **ITEM 31**

GENERAL INFORMATION:

APPLICANT/AGENT	James Walz
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR114 - SDCL 11-6-19 Review to allow a structure on public property
EXISTING LEGAL DESCRIPTION	Lot 2 of Block 11, less Lot H1, H2, H3 and right-of-way, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 71.29 acres
LOCATION	4415 Parkview Drive
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District - Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District - General Agriculture District
West:	Public District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/11/2009
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow a structure on public property be continued to the January 21, 2010 Planning Commission meeting.

GENERAL COMMENTS: The applicant has submitted a SDCL 11-6-19 Review to allow a structure on public property. The proposed structure, a shelter tent, will be 26 feet wide by 26 feet long and 14 feet 11 inches in height. The proposed materials for the tent are a steel tube frame to be embedded into the concrete with a mesh fabric removable canopy top. The shelter tent will be located at 4415 Parkview Drive between the western softball fields.

South Dakota Codified Law 11-6-19 states that "whenever and such municipal council shall

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have adopted the comprehensive plan of the municipality or any part thereof, then and 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 § 11-6-19, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission.” The request to allow a shelter on public property requires Planning Commission review pursuant to the provisions of SDCL 11-6-19. In addition, the property 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:

Site Plan: A complete site plan was submitted with the application. The site plan that was submitted for review and approval is in compliance with the City requirements.

Parking Plan: A parking plan was not submitted with the application. However, the proposed structure would not create any additional usage of the property and would not require additional parking. On December 10, 2009, a parking plan was approved to allow for a required 302 parking spaces at Parkview Park for existing and proposed uses. Currently, 353 spaces exist at the park.

Parks and Recreation: Parks and Recreation Department staff indicated that if the structure is permanent, permission must be obtained from the Parks and Recreation Advisory Board. The submitted application indicates that the frame of the structure would be steel tubing embedded into the concrete thereby making the structure permanent. As of this writing, applicant has not obtained permission from the Parks and Recreation Advisory Board to allow the permanent structure. As such, staff recommends that this item be continued to the January 21, 2010 Planning Commission meeting.

Utilities: The submitted application did not include a utility conflict plan. Prior to Planning Commission approval, applicant must submit a utility conflict plan to verify that the proposed structure will not conflict with existing utilities.

Fire Code: Fire Department staff has reviewed the proposed structure and has determined that the fabric top meets the flame spread requirement.

Permits: A building permit must be obtained prior to the start of any construction. A Certification of Occupancy must be obtained prior to occupancy.

Staff recommends that the SDCL 11-6-19 Review to allow structures in a public park be continued to the January 21, 2010 Planning Commission meeting to allow the applicant to submit a utility conflict plan and to obtain permission from the Parks and Recreation Advisory Board for the permanent structure.