

STAFF REPORT  
January 21, 2010

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**No. 09SR114 - SDCL 11-6-19 Review to allow a structure on public property**      **ITEM 28**

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GENERAL INFORMATION:

APPLICANT/AGENT	James Walz
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 09SR114 - SDCL 11-6-19 Review to allow a structure on public property</b>
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 will recommend that the SDCL 11-6-19 Review to allow a structure on public property be approved if the following additional information is submitted prior to Planning Commission approval:**

- 1) Written permission from the Parks and Recreation Advisory Board to allow a permanent structure in the City park and;**
- 2) A utility conflict plan identifying that the proposed structure will not interfere with any utility lines.**

GENERAL COMMENTS: (Updated January 12, 2010.) This item was continued at the

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**January 7, 2010 Planning Commission meeting to allow the applicant to appear before the Parks and Recreation Advisory Board to allow a permanent structure within the City park. The applicant is scheduled to appear before the Parks and Recreation Advisory Board at their scheduled meeting January 14, 2010.**

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 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: **(Updated January 12, 2010.) As previously indicated, the applicant is scheduled to appear before the Parks and Recreation Advisory Board at their scheduled meeting on January 14, 2010 to obtain permission for the permanent structure. As of this writing, no action has been taken on the request by the Advisory Board. The applicant must submit written verification that the Parks and Recreation Advisory Board concur with the location of the proposed structure prior to Planning Commission approval.**

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

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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.

**Utilities: (Updated January 12, 2010.) The applicant has not yet submitted a utility conflict plan to confirm that the structure will not impact existing utility lines. On January 12, 2010, the applicant met with staff to discuss the information to be shown on the utility conflict plan. The applicant is currently working on submitting the required information. The applicant must submit this plan for review prior to Planning Commission approval.**

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.**

**The location and extent of the proposed structure appears to be consistent with the adopted Comprehensive Plan and the related regulations. As such, staff will recommend that the SDCL 11-6-19 Review to allow a structure on public property be approved if the above noted issues are addressed prior to Planning Commission approval of this item.**