

STAFF REPORT
February 4, 2010

No. 09SR125 - SDCL 11-6-19 Review to construct public improvements on public land ITEM 29

GENERAL INFORMATION:

APPLICANT	South Dakota Game Fish and Parks
AGENT	David Muck for Ferber Engineering Co.
PROPERTY OWNER	South Dakota Game Fish and Parks
REQUEST	No. 09SR125 - SDCL 11-6-19 Review to construct public improvements on public land
EXISTING LEGAL DESCRIPTION	Lot 2 of NWE Subdivision, Block 2 of Tract G, Lots 3 - 4 of Block 1 of Tract G and the north 30 feet of the west 100 feet of Lot 7 and the east 124 feet of Lots 7 - 8 of Meadowwood, Lot 3 of GFP Subdivision, and Lots 1 - 2 of Block 1 of Tract G of Meadowwood, Section 3, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 31.34 acres
LOCATION	4130 Dean Lane west of Sturgis Road and north of North 40th Street
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	General Commercial District - Mining and Earth Resources Extraction District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/23/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to construct public improvements on public property be approved if the following issues are addressed prior to Planning Commission approval:

1. **An Exception is hereby granted to waive the requirement to install sidewalk along**

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2. **Knutson Lane as a part of this phase of the project; and, Revised construction plans providing a sidewalk along the west side of Sturgis Road shall be submitted for review and approval.**

GENERAL COMMENTS:

(Update, January 27, 2010. All revised and/or added text is shown in bold print.) This item was continued at the January 21, 2010 Planning Commission meeting to allow the applicant to submit additional information. The applicant has subsequently submitted revised construction plans, a revised site plan, a revised parking plan and a revised landscaping plan.

The applicant has submitted a SDCL 11-6-19 Review to construct a South Dakota Game Fish and Parks regional complex with offices, a museum and classrooms, a shop, storage units and an outdoor campus. The outdoor campus includes walking trails, bridges, picnic shelters, a fire pit, an observation tower, outdoor classroom(s), a council ring and water features, including a water fall. In addition, the applicant has submitted a Vacation of Right-of-way request (File #09VR010) to vacate the northern 340 feet of N. 40th Street.

The applicant also has submitted a Vacation of Right-of-way request (File #09VR009) to vacate a portion of the 60 foot wide right-of-way known as Dean Lane located adjacent to Lot 2, NWE Subdivision. In addition, the applicant has submitted a Vacation of a Sanitary Sewer Easement (File #09VE018) and a SDCL 11-6-19 Review application (File #09SR117) to allow the construction of Dean Lane and to extend public utilities through the South Dakota Game Fish and Parks property.

The property is located west of Sturgis Road, south of Knutson Lane, and north of N. 40th Street. Currently, a pump house is located in the western portion of the property.

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 development of the public land is a public improvement. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed use be reviewed and approved by the Rapid City Planning Commission as a part of the SDCL 11-6-19 Review.

STAFF REVIEW:

Staff has reviewed the proposed SDCL 11-6-19 Review request and has noted the following considerations:

Design Features: The applicant has submitted elevations for the following proposed structures:

- A two story main building with 10,000 square foot of office area and 17,000 square foot

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- of classroom and exhibit area. The building will be constructed with wood fiber vertical siding, 4 inch wood fiber trim, timber and stone accents and a metal peaked roof;
- A one story 15,000 square foot shop, lab and storage building. The building will be constructed with wood framing, metal siding and a peaked roof with asphalt shingles;
 - A one story 8,000 square foot vehicular and equipment storage building. The building will be constructed with wood framing, metal siding and a peaked roof with asphalt shingles;
 - An unenclosed two story observation deck constructed with wood beams and a galvanized aluminum deck and handrail;
 - Unenclosed picnic shelters constructed with wood beams and metal roofs;
 - An unenclosed amphitheater constructed with wood beams and covered with a shade tensile material;
 - A one story hunting center constructed with wood beams, a wood and rock façade and a peaked metal roof; and,
 - Unenclosed outdoor classrooms constructed with wood beams and covered with a shade tensile material.

The applicant has indicated that all of the structures will be shades of brown in color with green trim. Staff recommends that the proposed structure(s) conform architecturally to the plans and elevations and color palette submitted with this application.

The applicant's site plan identifies the proposed observation deck located within a north-south right-of-way that extends through the property. The applicant has indicated that a revised site plan will be submitted for review and approval relocating the structure outside of the right-of-way. As of this writing, the revised site plan has not been submitted for review and approval. As such, staff recommends that the SDCL 11-6-19 Review be continued to allow the applicant to submit a revised site plan.

(Update: January 27, 2010.) The applicant has submitted a revised site plan showing the observation deck removed from the right-of-way. Staff recommends that the proposed Game Fish and Parks Campus be constructed as per the approved site plan.

Parking: The main building and storage unit require that a minimum of 108 parking spaces be provided. However, additional information is needed in order to determine the parking for the lab and shop building. The applicant has submitted a parking plan identifying 129 parking spaces measuring 9 foot wide by 18 foot long and five recreational parking spaces. In addition, 28 parking spaces are provided within the vehicular storage unit. Until the additional information identifying the uses within the lab and shop building is submitted for review and approval, staff cannot determine if the proposed parking meets the minimum parking requirements. As such, staff recommends that the SDCL 11-6-19 Review be continued to allow the applicant to submit the additional information.

(Update: January 27, 2010.) The applicant has submitted additional parking information demonstrating that a minimum of 138 parking spaces are required. In addition, five of the parking spaces must be handicap accessible with one of the

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spaces being “van” handicap accessible. The applicant has also submitted a revised parking plan identifying 130 parking spaces with five handicap accessible spaces. In addition, one of the spaces is “van” accessible. The parking plan also identifies five recreational vehicle spaces. In addition, the applicant has identified 28 parking spaces being provided within the vehicular storage unit. The proposed parking plan is in compliance with the City’s adopted Parking Regulations.

Landscaping: The applicant has submitted a landscape plan identifying the location and species of plant material for portions of the site. However, the landscape plan must be revised to show landscaping for the entire site or the applicant must identify the “developed” area” of the property to determine if sufficient landscape points are being provided. Staff recommends that the SDCL 11-6-19 Review be continued to allow the applicant to submit a revised landscape plan as identified.

(Update: January 27, 2010.) Based on the developed area of the property, a minimum of 1,406,988 landscape points must be provided. The applicant has submitted a landscape plan identifying 1,596,701 landscape points. The proposed landscape plan is in compliance with the City’s adopted Landscape Ordinance.

Signage: To date, a sign package identifying the location and design of proposed signage has not been submitted for review and approval. If the applicant is proposing signage, then a complete sign package must be submitted for review and approval. The sign package must include dimensions, building material, color palette and illumination information proposed for each sign.

(Update: January 27, 2010.) The applicant has submitted a written statement indicating that no signage is being proposed at this time with the exception of regulatory signs within the parking lot. The applicant should be aware that any future signage on the property will require the review and approval of a SDCL 11-6-19 Review.

Utilities: The applicant has submitted a separate SDCL 11-6-19 Review (File #09SR117) to extend City water and sewer to serve the proposed development. As such, the SDCL 11-6-19 Review to extend the public utilities must be approved prior to or in conjunction with this item.

(Update: January 27, 2010.) On January 21, 2010, the Planning Commission approved SDCL 11-6-19 Review (File #09SR117) to extend City water and sewer to serve the proposed development.

Sidewalk: Staff met with the applicant on January 8, 2010 to discuss the location of sidewalks along the adjacent street rights-of-way. The applicant has indicated that a revised site plan will be submitted for review and approval identifying a sidewalk along the north side of Dean Lane and along the west side of Sturgis Road. In addition, the applicant has indicated that an Exception will be requested to waive the requirement to provide a sidewalk along Knutson Lane. Since it is a graveled road and since there are alternate pedestrian

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walkways being provided through the site, staff can support the request. In the past, the Exception would be granted with the stipulation that a waiver of right to protest any future assessment for the sidewalk be signed. However, the property is owned by the State of South Dakota so the City cannot access the costs of the project. As such, a waiver of right to protest any assessment project would not serve any purpose.

To date, the applicant has not submitted the revised site plan showing the sidewalk and/or the Exception request. As such, staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to submit the additional information.

(Update: January 27, 2010.) The applicant has indicated that construction plans showing a sidewalk along the south side of Sturgis Road will be submitted for review and approval. Staff recommends that the plans be submitted as identified prior to Planning Commission approval.

The applicant has indicated that a separate SDCL 11-6-19 Review will be submitted in the future for the construction of Knutson Lane as a future phase of the project. The applicant is requesting that an Exception be granted to waive the requirement to install the sidewalk at this time. In addition, the applicant has indicated in writing that, should the future construction of Knutson Lane become a reality, they are committed to a sidewalk plan that makes sense for Knutson Lane, as it relates to sidewalk construction on Sturgis Road and their campus site. As such, staff recommends that the Exception request to waive the requirement to construct the sidewalk at this time be granted. However, the need for sidewalks or other bicycle/pedestrian access shall be reviewed at the time a SDCL 11-6-19 application is submitted for the reconstruction of Knutson Lane.

Dean Lane: The applicant is proposing to construct a portion of Dean Lane as a part of a separate SDCL 11-6-19 Review (File #09SR117). Staff met with the applicant on January 8, 2010 to discuss the alignment of the approach to the property off the Dean Lane right-of-way. The applicant indicated that a revised site plan will be submitted for review and approval showing the approach square with Dean Lane in lieu of the proposed curved alignment. In addition, the applicant is proposing to secure a public access easement at the entrance of the property in order to provide a turnaround at the terminus of Dean Lane. To date, the revised site plan and a copy of the recorded access easement has not been submitted for review and approval. As such, staff recommends that this item be continued to allow the applicant to address the issue.

(Update: January 27, 2010.) On January 21, 2010, the Planning Commission approved SDCL 11-6-19 Review (File #09SR117) to allow for the construction of a portion of Dean Lane which serves as the primary access point to the property. The applicant has also submitted a revised site plan showing the approach located at a 90 degree angle with Dean Lane in lieu of the proposed curved alignment. In addition, the applicant has submitted a copy of a recorded public access easement securing an area within the parking lot as a public turnaround for Dean Lane.

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Knutson Lane: Knutson Lane is located along a portion of the north lot line of the property. Knutson Lane is classified as a minor arterial street on the City's Major Street Plan requiring that a minimum 100 foot wide right-of-way be provided. Knutson Lane is currently located within a 40 foot wide right-of-way. The applicant should be aware that any future platting of the property will require that 30 foot of right-of-way be dedicated from this property. The applicant's site plan currently identifies three parking spaces and a split rail fence located within this area. Future dedication of the right-of-way will require that these improvements be relocated outside of the right-of-way.

Fence: The applicant has submitted a site plan identifying a four foot high split rail fence and a six foot high wood opaque fence to be constructed around portions of the campus. The height and location of the fencing is in compliance with the Fence Regulations as per Title 15.40 of the Rapid City Municipal Code.

Staff recommends that the fence be constructed in conformance with the plans, elevations and color palette submitted with this application.

Floodplain: A portion of the property is located within the 100 year federally designated floodplain. The applicant has obtained Floodplain Development Permits for all of the proposed structures. The applicant indicated that they are in the process of submitting Floodplain Development Permits for the balance of the project. In addition, the applicant has indicated that a 404 Permit has been obtained from the Corp of Engineers.

Prior to Planning Commission approval, Floodplain Development Permits for the balance of the project must be obtained as required. In addition, a copy of the approved 404 Permit must be submitted to the Growth Management Office.

(Update: January 27, 2010.) The applicant has submitted copies of the approved Floodplain Development Permits and the approved 404 Permit.

Permits: An Air Quality Permit must be obtained from the City prior to any surface disturbance of one or more acres. A Building Permit must be obtained prior to the start of construction and a Certificate of Occupancy must be obtained prior to occupying the structure. In addition, prior to the start of construction, a Permit to Work in the Right-of-way must be obtained from the South Dakota Department of Transportation for any work to be done in Sturgis Road right-of-way and from the City for any work to be done in Dean Lane right-of-way, N. 40th Street right-of-way and Knutson Lane right-of-way. Prior to the start of construction, a copy of the Notice of Intent as submitted to the South Dakota Department of Environment and Natural Resources must be submitted to the Growth Management Office.

(Update: January 27, 2010.) Staff has submitted a copy of the Notice of Intent previously submitted to the South Dakota Department of Environment and Natural Resources. The balance of the permits as identified above must be obtained prior to the start of construction.

Based on the information submitted and the comments provided, the location and

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extent of constructing public improvements on public property 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 be approved if the noted issues are addressed prior to Planning Commission approval of this item.