

STAFF REPORT  
April 8, 2010

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**No. 10SR011 - SDCL 11-6-19 Review to expand a public use**

**ITEM 42**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 10SR011 - SDCL 11-6-19 Review to expand a public use</b>
EXISTING LEGAL DESCRIPTION	Lots 10 thru 12, a portion of Lot 9 and Lot 13 of Block 13 of Scotts Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.5 Acres
LOCATION	West Boulevard North
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Development Designation)
South:	Medium Density Residential District
East:	Low Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/22/2010
REVIEWED BY	Ali DeMersseman / Karley Halsted

RECOMMENDATION:

**Staff will recommend that the SDCL 11-6-19 Review to expand a public use be approved if the following information is received prior to Planning Commission approval:**

- 1. An Exception to allow two 50 foot wide approaches on the property.**

GENERAL COMMENTS: (Update, March 30, 2010. All revised and/or added text is shown in bold print.) This item was continued to the April 8, 2010 Planning Commission meeting to allow the applicant to obtain an Exception to allow two 50 foot wide approaches at the property, to submit a revised drainage report and an Erosion Control Plan. Subsequently, the applicant submitted an Exception request to allow two 50 foot wide approaches at the property, a revised drainage report and an Erosion Control Plan.

The applicant has submitted a SDCL 11-6-19 Review request to expand a public use. In

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particular, the applicant is proposing a number of improvements at the yard waste and recycling drop-off site located at West Boulevard North, south of Anamosa Street. The proposed improvements include the widening of the two approaches at the site from 30 feet to 50 feet and the installation of curb, gutter and asphalt pavement at the site perimeter.

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 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 request is to expand a public use on public property. In addition, the property is 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 request to expand a public use and noted the following considerations:

Exception: An Exception is required to allow two 50 foot wide approaches at the property. In particular, the applicant has indicated that the 50 foot wide approaches are necessary to allow for circulation of container trucks on the site. However, as of this writing, staff has not received an Exception request. As such, staff recommends that the item be continued to allow the applicant to obtain an Exception to allow two 50 foot wide approaches at the property.

**(Update: March 30, 2010) The applicant has submitted an Exception request to allow two 50 foot wide approaches on the property. The Exception request is currently under review by staff. As such, staff recommends that prior to Planning Commission approval the applicant obtain an Exception request to allow two 50 foot wide approaches on the property.**

Drainage Report: The applicant has submitted a Drainage Report. However, staff has indicated that the Drainage Report must be revised to ensure that the proposed improvement will adequately detain and store anticipated flows on the site. As such, staff recommends that the item be continued to allow the applicant to submit a revised drainage report.

**(Update: March 30, 2010) The applicant has submitted a revised Drainage Report that demonstrates that the proposed improvements will adequately detain and store anticipated flows on the site.**

Erosion Control Plan: An Erosion Control Plan has not been submitted for review and approval. As such, staff recommends that the item be continued to allow the applicant to submit an Erosion Control Plan.

**(Update: March 30, 2010) The applicant has submitted an Erosion Control Plan, which has been reviewed and approved by staff.**

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Zoning: The property is zoned Medium Density Residential District. In addition, the property is designated as Public in the North Rapid Neighborhood Future Land Use Plan. Drop-off centers for household recyclables are a conditional use in both the Medium Density Residential District and the Public District. Therefore, the use of the property as a drop-off location for household recyclables is in compliance with the existing zoning and the City's adopted future land use plan.

Building Permit: A building permit must be obtained prior to the start of any construction on the property.

**The location and the extent of the proposed temporary structures are consistent with the adopted Comprehensive Plan and the current regulations. As such, staff will recommend that the SDCL 11-6-19 Review to expand a public use be approved if the above noted information is received prior to Planning Commission approval.**