

STAFF REPORT  
December 9, 2010

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**No. 10UR038 - Conditional Use Permit to allow structures in the Flood Hazard Zoning District**      **ITEM 20**

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GENERAL INFORMATION:

APPLICANT	Jerry Cole City of Rapid City
AGENT	Brian Tideman, P.E. for CETEC Engineering Services, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 10UR038 - Conditional Use Permit to allow structures in the Flood Hazard Zoning District</b>
EXISTING LEGAL DESCRIPTION	A portion of Tract 17 less Lot H1 of Rapid City Greenway Tract located in Section 34 and Section 35, T2N, R7E, a portion of the E1/2 W1/2 NE1/4 SW1/4 and a portion of the E1/2 NE1/4 SW1/4 of Section 35, T2N, R7E, a portion of Lot 2 of Founders Park Subdivision and a portion of the Founders Park Drive right-of-way located in Section 35, T2N, R7E, a portion of Tract 18 of Rapid City Greenway Tract and vacated West Street adjacent to said Tract 18 and vacated West Philadelphia Street adjacent to said Tract 18, located in Section 35, T2N, R7E, all located in BHM, Rapid City, Pennington County, South Dakota; and, a portion of the East Main Street right-of-way, a portion of the East Saint Joseph Street right-of-way, a portion of the Steele Avenue right-of-way, a portion of the LaCrosse Street right-of-way, a portion of the San Francisco Street right-of-way, a portion of the Cherry Avenue right-of-way, a portion of Lot 1 of MDU Subdivision, a portion of Lot A and Lot B Revised of Tract 32 of Rapid City Greenway Tract, a portion of the SW1/4 NE1/4 and a portion of the West 10 acres of the SE1/4 NE1/4, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.25 Acres
LOCATION	Portions of the Rapid City Greenway, Founders Park, Founders Rock, Executive Golf Course, Pennington County Fairgrounds and along Steele Avenue
EXISTING ZONING	Flood Hazard District - Office Commercial District - Light Industrial District
SURROUNDING ZONING	

STAFF REPORT  
December 9, 2010

---

**No. 10UR038 - Conditional Use Permit to allow structures in the Flood Hazard Zoning District** **ITEM 20**

---

North: Flood Hazard District – Park Forest District – Office Commercial District (Planned Commercial Development)  
South: Flood Hazard District – Light Industrial District – General Commercial District – Park Forest District  
East: Flood Hazard District  
West: Flood Hazard District – Office Commercial (Planned Commercial Development)

PUBLIC UTILITIES City water and sewer

DATE OF APPLICATION 11/12/2010

REVIEWED BY Jim Flaaen / Karley Halsted

**RECOMMENDATION:**

Staff recommends that the Conditional Use Permit to allow structures in the Flood Hazard Zoning District be approved with the following stipulations:

1. Prior to Planning Commission approval, a Floodplain Development Permit shall be obtained;
2. Prior to Planning Commission approval, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;
3. Prior to Planning Commission approval, a revised site plan shall be submitted eliminating the parking lot located in the section line right-of-way, or the section line right-of-way shall be vacated;
4. Prior to Planning Commission approval a revised site plan shall be submitted identifying a vehicle turnaround from the north parking area to the south parking area at the midpoint of the median in the proposed Founders Park parking lot;
5. Prior to Planning Commission approval, a copy of the approved Department of Transportation Access Permit shall be submitted to the Growth Management office;
6. Prior to Planning Commission approval, construction plans shall be revised to show a sustainable surface in the area north of the Founders Park parking lot to be used for special events;
7. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;
8. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;
9. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorists;
10. All areas shall be made handicap accessible;
11. The proposed structures shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Conditional Use Permit;
12. All signage shall conform to the design, color and location as shown in the sign package

STAFF REPORT  
December 9, 2010

---

**No. 10UR038 - Conditional Use Permit to allow structures in the Flood Hazard Zoning District** **ITEM 20**

---

submitted as a part of the Conditional Use Permit. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. The addition of electronic signs shall require a Major Amendment to the Conditional Use Permit. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;

13. That the parking be installed and maintained as per the approved parking plan. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
14. That the landscaping be installed as per the approved landscape plan. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
15. All applicable provisions of the currently adopted International Fire Code shall be continually met; and,
16. The Conditional Use Permit shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

**GENERAL COMMENTS:** The applicant has submitted a Conditional Use Permit to allow structures in the Flood Hazard Zoning District. In particular, the applicant has proposed an expansion of the existing bike paths and trails as well as additional lighting along the trails located in the Founders Park area and in the area of the Rapid City Greenway Tracts near the Pennington County Fairgrounds east of Steele Avenue and along San Francisco Street. In addition, the applicant has indicated that a new restroom and shelter facility, a new plaza area, an expanded parking lot and a new pedestrian bridge crossing Rapid Creek will be constructed at the Founders Park site.

The properties are located in the Rapid City Greenway Tracts located at 1520 West Omaha Street, north of West Omaha Street and west of 12<sup>th</sup> Street as well as east of Steele Avenue, west of La Crosse Street and south of San Francisco Street.

**STAFF REVIEW:** Staff has reviewed the Conditional Use Permit request and has noted the following considerations:

**Bike Paths and Trails:** The applicant has proposed an expansion of the existing trails within the Founders Park area. In particular, the applicant has proposed to construct a new 8 foot wide concrete bike path connecting to the existing concrete bike path located at the west side of the property, located north of the Mountain View Road and West Omaha Street intersection, north of Rapid Creek. The concrete path would extend north, and a proposed low water crossing would continue the path across the Deadwood Avenue Drainage Way. The proposed trail would then continue to the east; however the trail would then have a 6 foot wide natural gravel surface. The 6 foot wide natural gravel surface trail will continue eastward to the Founders Rock Trailhead located at the western terminus of the existing

STAFF REPORT  
December 9, 2010

---

**No. 10UR038 - Conditional Use Permit to allow structures in the Flood Hazard Zoning District** **ITEM 20**

---

path. The applicant has also proposed to connect to the existing path at its eastern terminus and parking lot and extending north across Founders Park Drive and continuing north along vacated West Street, on City property, before turning eastward to connect to the existing trail along the north side of Executive Golf Course.

In addition, the applicant has proposed an expansion of the bike trails within the Rapid City Greenway Tract west of Steele Avenue near the Pennington County Fairgrounds. In particular, the applicant has proposed street crossings across Main Street and Saint Joseph Street to connect to the South Dakota School of Mines and Technology Campus. The applicant has also proposed to install bike lanes in both the northbound and southbound lanes of Steele Avenue north of Main Street. The bike lanes will be installed in Steele Avenue up to the intersection of East Main Street and Brennen Avenue where the bike lanes will connect with the existing trail. In addition, the applicant has proposed to install 5 foot wide sidewalk on the east side of Steele Avenue from the intersection of Steele Avenue and Main Street to a point approximately at the intersection of Steele Avenue and East Main Street. The applicant has proposed to install additional bike path at the southern terminus of the existing bike path near the intersection of La Crosse Street and San Francisco Street. The proposed path will follow San Francisco Street within a 60 foot wide bicycle and pedestrian easement eastward up to the San Francisco Street and Cherry Avenue intersection.

Pedestrian Bridge: The applicant has proposed to install a new pedestrian bridge across Rapid Creek connecting the proposed Founders Rock Trailhead with the proposed Founders Plaza on the south side of Rapid Creek. The proposed pedestrian bridge will span approximately 100 feet across Rapid Creek and be constructed of prefabricated steel. Staff recommends that the proposed pedestrian bridge be constructed in compliance with the approved plans.

Lighting: The applicant has proposed to install additional lighting along the existing trail connecting the proposed Founders Rock Trailhead and pedestrian bridge and the existing parking lot on the eastern portion of the property. Staff recommends that the lighting be installed as per the approved plans and that all outdoor lighting be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorists.

Retaining Wall: The submitted site plan identifies that a Type C retaining wall will be installed between the proposed bike path and San Francisco Street near the intersection of San Francisco Street and La Crosse Street. The proposed retaining wall will include a railing and will be approximately three feet in height at its highest point above the bike path. Staff recommends that the retaining wall be constructed as per the approved plans. In addition, the applicant should be aware that retaining walls over four feet in height must be designed by a registered professional engineer and a building permit must be obtained prior to construction.

Founders Park Facilities: The applicant has indicated that a new plaza area, bike wash, restroom facility and shelter area will be constructed as a part of this project along with an expansion of sidewalks. The proposed restroom facility will be approximately 750 square

STAFF REPORT  
December 9, 2010

---

**No. 10UR038 - Conditional Use Permit to allow structures in the Flood Hazard Zoning District** **ITEM 20**

---

feet and will be constructed using a concrete block, calico and seashell in color. The building will also include wood siding and a metal roof. The restroom facility will be accented using stone pillars. The west side of the restroom facility will include a covered shelter area of approximately 750 square feet. The shelter will include stone columns to match the restroom facility and a metal roof with steel trellises. A bike wash station is proposed to be located on the east side of the plaza west of the sand volleyball courts. Staff recommends that the restroom facility, shelter, bike wash and sidewalks be constructed in accordance with the approved plans. In addition, handicap accessibility is required to all areas of the site.

Parking Lot: The submitted site plan identifies that the existing parking lot located at Founders Park will be expanded to include 146 parking spaces. The parking lot expansion will utilize the existing parking lot entrance off of West Omaha Street and traffic will be restricted to one-way travel around the north portion of the parking lot before being allowed to continue one-way travel on the south portion of the parking lot before exiting at the existing entrance off of West Omaha Street. In addition, a new parking lot entrance/exit is proposed at the west side of the parking lot. The entrance/exit will take access from West Omaha Street lining up with Cross Street on the south side of West Omaha Street.

Staff review has noted that there is no pedestrian crossing identified between the south portion of the parking area and the north portion, which are separated by a raised median, which may result in pedestrians walking in vehicle travel aisles potentially creating a safety hazard. The length between vehicle turnarounds within the proposed Founders Park parking lot will potentially create safety concerns with vehicles speeding through the north parking area to gain access to the south side at the west end of the parking lot. In addition, the majority of the amenities with the Founders Park site are located at the east end of the parking lot. A vehicle turnaround midway through the parking lot will allow vehicles to more effectively utilize the parking lot adjacent to the park amenities. As such, staff recommends that prior to Planning Commission approval, a revised site plan be submitted for review and approval identifying a vehicle turnaround from the north parking area to the south parking area at the midpoint of the median in the proposed Founders Park parking lot. The vehicle turnaround will also serve as an accessible pedestrian crossing between the south parking area and the north parking area.

The applicant has indicated that a lowered sidewalk section will be provided at the east and west end of the north parking area of the Founders Park parking lot. The lowered sidewalk sections will consist of thickened sidewalk section to function as approaches for vehicles using the area north of the parking lot for events. The area to the north of the parking lot is identified to be grass. The City has experienced significant damage to grassed areas used for special events by pedestrian and vehicle traffic, especially during times of rain. As such, staff recommends that prior to Planning Commission approval, construction plans be revised to show a sustainable surface in the area north of the Founders Park parking lot to be used for special events.

The submitted site plan identifies a parking lot adjacent to the Abourezk Law Offices located at 2020 West Omaha Street. The parking lot would allow for parking of 12 vehicles to allow

STAFF REPORT  
December 9, 2010

---

**No. 10UR038 - Conditional Use Permit to allow structures in the Flood Hazard Zoning District** **ITEM 20**

---

access to bike and pedestrian trails located on the west side of Founders Park. However, staff review has noted that the proposed parking lot is located within the 66 foot wide section line right-of-way. Improvements that block access are not allowed in section line right-of-way. Consequently, the applicant has indicated that this parking area will not be constructed with this project. As such, prior to Planning Commission approval, a revised site plan must be submitted eliminating the proposed parking lot. The applicant should be aware, however, that if plans for the parking lot are pursued in the future, the section line right-of-way must be vacated, or the parking lot must be relocated outside of the section line right-of-way.

Red line comments: Staff review has resulted in several red line comments on the construction plans addressing issues of pavement marking associated with the bike lanes crossing private driveways and signage along the bike lanes and roadways. Prior to Planning Commission approval of the Conditional Use Permit, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department.

Permits: A Building Permit must be obtained prior to the start of any construction and a Certificate of Occupancy must be obtained prior to occupancy of the restroom and shelter facility. In addition, all plans submitted as part of a Building Permit application must be prepared by a registered professional as required per South Dakota Codified Law 36-18A. A Sign Permit must be obtained prior to the installation of any signage on the property.

Floodplain: A Floodplain Development permit must be obtained prior to any structures being placed in the floodplain. Both sites associated with the proposed project are located within the Federally Designated 100-year Floodplain. The applicant has submitted a Floodplain Development Permit application, but as of this writing the Permit has not been approved. As such, prior to Planning Commission approval, a Floodplain Development Permit must be obtained.

Fire Code: All applicable provisions of the currently adopted International Fire Code must be continually met.

Department of Transportation: A Department of Transportation Access Permit is required for the proposed second access into the proposed parking lot at Founders Park on West Omaha Street across from the Cross Street intersection. As such, prior to Planning Commission approval, a copy of the Department of Transportation Access Permit must be submitted to the Growth Management office.

Master Plan: Staff strongly recommends that the Parks Department submit Master Plans for the various park facilities within the Flood Hazard Zoning District. A Master Plan would eliminate the need for continued Conditional Use Permit applications for many of the park improvements.

Notification Requirement: As of this writing, the receipts from the certified mailing have not been returned nor has the sign been posted on the property. Staff will notify the Planning

STAFF REPORT  
December 9, 2010

---

**No. 10UR038 - Conditional Use Permit to allow structures in the Flood Hazard Zoning District** **ITEM 20**

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Commission at the December 9, 2010 Planning Commission meeting if these requirements have not been met.

Staff recommends that the Conditional Use Permit be approved with the stipulations as identified above.