

STAFF REPORT

May 6, 2004

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**No. 03SR042 - 11-6-19 SDCL Review to allow a park improvement in a public place**      **ITEM 3**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 03SR042 - 11-6-19 SDCL Review to allow a park improvement in a public place</b>
EXISTING LEGAL DESCRIPTION	Tract 17 less Lot H1 (also in Section 34, T2N, R7E), Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 59.01 acres
LOCATION	1520 West Omaha Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District/Heavy Industrial District
South:	General Commercial District/Light Industrial District/Flood Hazard District
East:	General Commercial District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	09/11/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

**Staff recommends that the 11-6-19 SDCL Review to allow a park improvement in a public place be approved with the following stipulations:**

- 1. A building permit shall be obtained for the entrance gate prior to the start of construction;**
- 2. A sign permit shall be obtained prior to the placement of any signs. In addition, all signage shall conform to the design, color and location as shown in the sign package submitted as a part of the SDCL 11-6-19 Review;**
- 3. The landscaping shall be planted in compliance with the proposed landscaping plan;**
- 4. Prior to any development of the site or issuance of a Building Permit, a Floodplain Development Permit shall be obtained;**
- 5. Prior to issuance of a building permit, a signed agreement addressing ownership**

## STAFF REPORT

May 6, 2004

---

### No. 03SR042 - 11-6-19 SDCL Review to allow a park improvement in a public place ITEM 3

---

- and maintenance of the improvements shall be submitted for review and approval; and,**
6. **Any expansion of the project, including the construction of restrooms and a trellis, shall require the review and approval of a separate SDCL 11-6-19 Review.**

#### GENERAL COMMENTS:

**This item has been continued several times since the October 9, 2003 Planning Commission meeting to allow the applicant to submit additional information. This Staff Report has been revised as of April 28, 2004. All revised and/or added text is shown in bold print.** The applicant has submitted a SDCL 11-6-19 Review to allow for the construction of a 75 square foot concrete and brick slab within a portion of the City Park located east of the volleyball courts located along Omaha Street and south of Rapid Creek. The slab will represent a one square mile area of the original town bordered by East Boulevard, West Boulevard, North Street and Omaha Street. The improvement is to be known as "Founder's Park". The applicant has indicated that the objective of Founder's Park is to memorialize the founders of Rapid City by marking the spot where they camped in February of 1876 while they laid out the Original Town Site.

In addition, the applicant has indicated that a restroom will be constructed with several walkways between the concrete slab and the restroom facility. The applicant has also indicated that a trellis will be constructed over a portion of the walkway serving as an entranceway to the concrete slab.

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 Founder's Park is to be located within a public park and the property is identified as a part of the Rapid City Comprehensive Plan requiring that the proposed use 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:

Concrete Slab: The applicant's site plan identified that the proposed concrete slab will be located in the hydraulic floodway. The slab will be flush with the ground; however, a Floodplain Development Permit must be obtained to allow the improvement within the hydraulic floodway. Staff is recommending that prior to issuance of a Building Permit, a Floodplain Development Permit be obtained.

Trellis and Restroom: As previously indicated, the applicant's site plan identifies the construction of a trellis and restroom. The structures are shown to be located outside of the hydraulic floodway but within the floodplain boundaries. As such, a Floodplain Development

## STAFF REPORT

May 6, 2004

---

### No. 03SR042 - 11-6-19 SDCL Review to allow a park improvement in a public place ITEM 3

---

Permit must be obtained prior to issuance of a Building Permit for either structure.

To date, the applicant has not submitted elevations for the trellis and the restroom. In addition, a list of all materials to be used in the construction of the trellis and restroom has not been submitted to insure that the structures are constructed to minimize the potential for vandalism. The applicant must also submit information regarding the maintenance of the proposed improvements. As such, staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to submit the additional information as outlined above. **On April 6, 2004, the applicant submitted a revised site plan eliminating the restrooms and the trellis from this phase of the development. The applicant is aware that a separate SDCL 11-6-19 Review is needed prior to the construction of the restrooms and a trellis as any future phase of the project.**

Sign Package: The applicant has indicated that two signs will be constructed at the site. To date, the location of the signs has not been identified nor have elevations showing the dimensions and design, including building materials and possible lighting, been submitted for review and approval. As such, staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to submit a complete sign package. **On April 6, 2004, the applicant submitted a revised site plan showing the location of a welcome panel, an interpretive panel-diary display and four photo panels. Each panel will measure two foot X three foot with a maximum height of 44 inches. The panels will be constructed of durable porcelain on steel and display information and photographs from the year 1876 through 1906 when Hay Camp was setting down roots and emerging as Rapid City. Staff is recommending that all signage conform to the design, color and location as shown in the sign package submitted as a part of the SDCL 11-6-19 Review.**

Landscaping Plan: The applicant has indicated that additional landscaping will be provided. In particular, the applicant has indicated that historic and native Black Hills botanical specimens will be used. To date, the location and specific plant materials, including the color scheme, have not been identified. As such, staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to submit a complete landscaping plan. **On April 6, 2004, a landscaping plan was submitted identifying a mix of deciduous trees, coniferous and deciduous shrubs to be planted along the border of the concrete slab. The plant material is native to the Black Hills botanical specimens and includes junipers, serviceberry and pear trees as well as an assortment of abbotswood potentilla and rose shrubs. The color scheme includes evergreen, silver, purple and a rainbow of rose colors.**

Lighting Plan: The applicant's site plan identifies a "lighting upgrade" directly northwest of the proposed trellis. To date, elevations identifying the proposed upgrade has not been submitted for review and approval. In addition, a lighting plan must be submitted for review and approval identifying any additional lighting to be located at the site, including any lighting of the concrete slab and the restroom facility. Staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to submit a complete lighting plan. **As**

## STAFF REPORT

May 6, 2004

---

**No. 03SR042 - 11-6-19 SDCL Review to allow a park improvement in a public place** **ITEM 3**

---

previously noted, the applicant has submitted a revised site plan eliminating the trellis and restroom facility from this phase of the project. The site plan does not identify any improved lighting for the concrete slab. The applicant has also indicated that the proposed signs will not be illuminated.

Fire Department: The Fire Department has indicated that an address will be needed for each structure. To date, the location of the proposed addresses as well as the design of the lettering has not been submitted for review and approval. As such, staff is recommending that the SDCL 11-6-19 Review be continued to the October 23, 2003 Planning Commission meeting to allow the applicant to submit the additional information. **The Fire Department has indicated that since the proposed structures have been removed from the site plan, no addressing is needed at this time.**

Parking: Currently, 90 parking spaces exist to serve the parking needs of four volleyball courts and general park use(s). A minimum of 64 parking spaces is needed for the volleyball courts, leaving 26 parking spaces for general park use(s) and the proposed Founder's Park. It appears that the existing parking lot will serve the needs of the existing uses as well as visitors to Founder's Park. However, any future improvements and/or expansions at this site may require that additional parking be provided.

City Council: On September 30, 2003, the Public Works Committee recommended approval of the proposed use in the City park. **On October 6, 2003, the City Council directed staff to "proceed with the improvements to Founders Park; and prepare an agreement addressing ownership and maintenance of the improvements".** As such, City Engineering Staff has submitted the revised site plan as aforementioned. However, to date, a signed agreement addressing ownership and maintenance of the improvements has not been submitted for review and approval. Staff is recommending that prior to issuance of a building permit, a signed agreement as identified be submitted for review and approval.

**Staff is recommending that the SDCL 11-6-19 Review be approved with the above referenced stipulations.**