

STAFF REPORT  
September 6, 2007

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**No. 07SR042 - SDCL 11-6-19 Review to allow the construction of a structure on public property**      **ITEM 9**

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GENERAL INFORMATION:

PETITIONER	Betty Bonawitz for the Rapid City Garden Club
REQUEST	<b>No. 07SR042 - SDCL 11-6-19 Review to allow the construction of a structure on public property</b>
EXISTING LEGAL DESCRIPTION	Tract 25, less Lots H1 and H2, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 19.85 acres
LOCATION	240 Omaha Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City
DATE OF APPLICATION	6/29/2007
REVIEWED BY	Loren Fuhrmann / Mary Bosworth/ <b>Jonathan Smith</b>

RECOMMENDATION:

**Staff is recommending that the SDCL 11-6-19 Review to allow the construction of a structure on public property be approved.**

GENERAL COMMENTS:

**(Update August 27, 2007. All revised text is shown in bold). The applicant has submitted a site plan, which identifies all proposed plantings, pathways, benches, signage, structures, landscaping features, and fencing. Staff has noted that no public utilities are affected by the proposed site improvements, and that none of the site improvements are located within the right-of-way. Staff recommends that prior to construction of the proposed structure and placement of the proposed sign that the applicant obtain a building permit and a sign permit. Staff recommends that the SDCL 11-6-19 request be approved.**

(Update August 2, 2007) As of this writing a site plan has not been submitted for review and approval. Staff recommends this item be continued to the August 23, 2007 meeting to allow the applicant time to submit additional information.

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The property is located at 240 Omaha Street, at the northwest corner of the intersection of Omaha Street and East Boulevard. The property contains approximately 20.58 acres. The property is located within the municipal boundaries of the City of Rapid City.

The applicant (Garden Club) is proposing to develop the south area of the property along Omaha Street into a garden which will include a large variety of plants, pathways, benches, gazebo, a pond and a picnic area, all to be open to the public. The applicant is planning to develop the property in phases.

The applicant is requesting to construct a four foot by eight foot sign, a bench approximately five foot long, install pavers in an area 16 feet by 16 feet and construct a spit rail fence approximately four feet high around the pavers.

Current zoning of the subject property is Flood Hazard District. A park is located on the property currently located on the subject property and is a permitted use in a Flood Hazard District.

South Dakota Codified Law 11-6-19 states: 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 property is a park and the property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.