

STAFF REPORT  
May 22, 2008

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**No. 08SR027 - SDCL 11-6-19 Review to allow the construction of a structure on public property**      **ITEM 55**

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GENERAL INFORMATION:

APPLICANT/AGENT	Thomas L. Allen
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 08SR027 - SDCL 11-6-19 Review to allow the construction of a structure on public property</b>
EXISTING LEGAL DESCRIPTION	Tract A of Brookside Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.7 acres
LOCATION	The Mary Hall Park at 3220 West South Street
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Medium Density Residential District - Low Density Residential District
South:	Medium Density Residential District - Public District
East:	Medium Density Residential District - Light Industrial District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/25/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

**Staff will recommend that the SDCL 11-6-19 Review to allow the construction of a structure on public property be approved if the following additional information is submitted:**

- 1. Prior to Planning Commission approval, a Floodplain Development Permit shall be obtained or the shed shall be relocated out of the 100 year federally designated floodplain.**

GENERAL COMMENTS: (Update: May 12, 2008. All revised and/or added text is shown in bold.) This item was continued to the May 22, 2008 Planning Commission meeting to allow the applicant to submit the required information. On May 12, 2008, the applicant submitted the required information. As such, staff recommends that this item be

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**approved with the above stated stipulation.**

The property is located north of the intersection of South Street and Soo San Drive in Mary Hall Park. The property is currently zoned Park Forest District. The Kiwanis Club proposes to construct a storage shed on the property to house maintenance equipment for the park. The applicant is requesting approval of a SDCL 11-6-19 Review to allow the construction of a structure on public 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". As previously indicated, the applicant is requesting that a structure be constructed on public property requiring that the Planning Commission review and approve the proposed construction.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review request as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following considerations:

Structure: The applicant is proposing to construct an 8 foot by 12 foot shed on the property for the storage of equipment used in maintaining the park.

Floodplain Development Permit: Staff noted that the proposed shed appears to be located within the 100 year floodplain. Staff recommends that prior to Planning Commission approval, a Floodplain Development Permit must be obtained or the shed must be relocated out of the floodplain.

**On May 12, 2008 the applicant submitted a Floodplain Development Permit for review and approval. Staff is currently in the process of evaluating that application. As such, staff recommends that prior to Planning Commission approval, a Floodplain Development Permit must be obtained or the shed must be relocated out of the 100 year federally designated floodplain.**

Setbacks: Staff noted that the applicant is proposing to locate the shed 37 feet from the west property line. Section 17.08.040 of the Rapid City Municipal Code states that for unattached buildings of accessory use there shall be a side yard of not less than 40 feet. As such, Staff recommends that prior to Planning Commission approval a revised site plan be submitted for review and approval demonstrating that the proposed shed meets the minimum required setbacks.

**On May 12, 2008, the applicant submitted a revised site plan meeting all of the minimum setback requirements of Section 17.08.040 of the Rapid City Municipal Code.**

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**Staff recommends that the SDCL 11-6-19 Review to allow the construction of a structure on public property be approved with the above stated stipulation.**