

STAFF REPORT
December 18, 2008

No. 08SR074 - SDCL 11-6-19 Review to allow structures in a public park **ITEM 29**

GENERAL INFORMATION:

APPLICANT/AGENT	Randy Lyons for City of Rapid City Parks and Recreation Department
PROPERTY OWNER	City of Rapid City
REQUEST	No. 08SR074 - SDCL 11-6-19 Review to allow a structure in a public park
EXISTING LEGAL DESCRIPTION	City Springs in the unplatted portion of the S1/2 of the NE1/4 and the NE1/4 of the SE1/4, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 32.0 acres
LOCATION	514 City Springs Road
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	8/26/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow structures in a public park be **denied without prejudice**.

GENERAL COMMENTS: (Updated December 5, 2009. All revised and/or added text is shown in bold print.) This item was continued at the December 4, 2008 Planning Commission meeting to allow the applicant to submit a complete site plan, a complete parking plan and to obtain a Flood Plain Development Permit. In the December 4, 2008 staff report, staff indicated that if the required information was not submitted by December 3, 2008 staff would recommend that the SDCL 11-6-19 Review to allow a structure in the public park be denied without prejudice. As of this writing, no additional information has been submitted. As such, staff recommends that the

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SDCL 11-6-19 Review to allow structures in a public park be denied without prejudice to allow the applicant to resubmit the request when the required information is available.

(Update, November 20, 2008. All revised and/or added text is shown in bold print.) This item was continued at the November 20, 2008 Planning Commission meeting to allow the applicant to submit additional required information. As of this writing, no additional information has been submitted. If the information is not submitted by December 3, 2008, staff will recommend that the application be denied without prejudice to allow the applicant to resubmit the request when the required information is available.

(Update, November 7, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet.

(Update: October 24, 2008. All revised and/or added text is shown in bold.) This item was continued at the October 23, 2008 Planning Commission meeting to allow the applicant to submit additional required information. As of this writing, no additional information has been submitted.

The property is located at 514 City Springs Road. The property is the current location of Wilderness Park. The property is currently zoned Low Density Residential. The adjacent properties to the north, east and west are all currently zoned Low Density Residential District. The adjacent property to the south is currently zoned Low Density Residential District with a Planned Residential Development. The applicant is proposing to renovate the existing playground located at the south end of the property. The applicant has submitted a Site Plan for the property. However, the plan does not show all of the structures on the property or the proposed parking for the property. In addition, the Site Plan does not identify the Flood Plain.

As such, staff recommends that the SDCL 11-6-19 Review to allow structures in a public park be continued to the November 20, 2008 Planning Commission meeting to allow the applicant to submit a complete Site Plan, a complete Parking Plan and to identify the Federally Designated Flood Plain.

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 proposed location for the playground is 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.

STAFF REVIEW: Staff has reviewed the SDCL 11-6-19 Review to allow structures in a public

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park and noted the following considerations:

Site Plan: A complete site plan was not submitted for this project. In order for staff to adequately review the project, the applicant must submit a complete site plan for the property. The site plan must include all existing and proposed structures located on the property and existing utilities. In addition, the applicant must identify the boundaries of the flood plain on the site plan. As such, staff recommends that the SDCL 11-6-19 Review be continued to the November 20, 2008 Planning Commission meeting to allow the applicant to submit a complete site plan drawn to scale.

(Updated December 5, 2008.) As of this writing, the applicant has not submitted a complete site plan as required.

Parking Plan: A complete parking plan was not submitted for this project. In order for staff to make a complete review of this project, the applicant must submit a complete parking plan for review and approval. As such, staff recommends that the SDCL 11-6-119 Review to allow structures in a public park be continued to the November 20, 2008 Planning Commission meeting to allow the applicant to submit a complete parking plan drawn to scale.

(Updated December 5, 2008.) As of this writing, the applicant has not submitted a complete parking plan as required.

Flood Plain Development Permit: The proposed location for the playground appears to be located in the 100 year Federally Designated Flood Plain and will require that the applicant obtain a Flood Plain Development Permit. As such, staff recommends that the SDCL 11-6-19 Review to allow structures in a public park be continued to the November 20, 2008 Planning Commission meeting to allow the applicant to obtain a Flood Plain Development Permit.

(Updated December 5, 2008.) As of this writing, the applicant has not obtained the required Flood Plain Development Permit.

Staff recommends that the SDCL 11-6-19 Review to allow a structure in a public park be continued to the November 20, 2008 Planning Commission meeting to allow the applicant to submit a complete site plan, a complete parking plan and to obtain a Flood Plain Development Permit.

(Updated November 20, 2008.) Staff recommends that the SDCL 11-6-19 Review to allow a structure in a public park be continued to the December 18, 2008 Planning Commission meeting to allow the applicant to submit a complete site plan, a complete parking plan and to obtain a Flood Plain Development Permit. If the information is not submitted by December 3, 2008, staff will recommend that the application be denied without prejudice to allow the applicant to resubmit the request when the required information is available.

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(Updated December 5, 2008.) In the December 4, 2008 staff report, staff indicated that if the required site plan and parking plan had not been submitted and the required Flood Plain Development Permit had not been obtained by December 3, 2008 staff would recommend that the SDCL 11-6-19 Review to allow structures in a public park be denied without prejudice. As of this writing, the required site plan and parking plan have not been submitted and the applicant has not obtained a Flood Plain Development Permit. As such, staff recommends that the SDCL 11-6-19 Review to allow structures in a public park be denied without prejudice to allow the applicant to resubmit the request when the required information is available.