

STAFF REPORT

September 25, 2003

No. 03SR041 - An 11-6-19 SDCL Review of a structure on public land **ITEM 9**

GENERAL INFORMATION:

PETITIONER	Larry Dale for the Rushmore Plaza Civic Center
REQUEST	No. 03SR041 - An 11-6-19 SDCL Review of a temporary structure on public land
EXISTING LEGAL DESCRIPTION	Tract 20 less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.96 acres
LOCATION	444 Mt Rushmore Road North
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Public District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	08/22/2003
REPORT BY	Karen Bulman

RECOMMENDATION:

Staff recommends that the an 11-6-19 SDCL Review of a temporary structure on public land be approved with the following stipulations:

Fire Department Recommendations:

1. Fire lanes or fire hydrants must not be blocked at any time;
2. All tents shall comply with Article 32 of the Uniformed Fire Code and the Assembly Manual;

Building Inspection Division Recommendations:

3. Prior to the event, a Temporary Use Permit for a Tent must be obtained; and,

Urban Planning Division Recommendations:

4. The Temporary Use Permit will be for the October 4, 2003 event only.

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GENERAL COMMENTS: The Rushmore Plaza Civic Center staff is proposing to utilize the area southwest of the Civic Center structure in the Rose Garden for an outdoor wedding ceremony. The ceremony will be October 4, 2003 at 4 pm and will have an attendance of approximately 120-150 people. The ceremony will take place within the outdoor tent and the reception that follows will be located within the Civic Center building.

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 structure will be located on dedicated park land. As such, an 11-6-19 SDCL Review is required to authorize the location of the temporary structure.

STAFF REVIEW: Staff has reviewed the 11-6-19 SDCL Review for any adverse impacts of the proposed structure on existing adjacent uses. Properties surrounding the subject property on the east, south and west are all within the Flood Hazard Zoning District. The property located to the north is in the Public Zoning District. The proposed tent would be located out of the hydraulic floodway but within the 100 year floodplain. A Temporary Use Permit must be obtained for the temporary tent and the applicant must comply with all the Fire Department regulations.

Off-street parking is required for the proposed use. As the reception will be located in the adjacent building, the off-street parking provided for the Civic Center will be available for this use. Pursuant to the provisions of the shared parking regulations, no additional parking is required.

Staff is recommending that the proposed request for a structure on public land be approved. Staff notes that 11-6-19 South Dakota Codified Law Reviews do not require direct notification of neighboring property owners. In addition, South Dakota Codified Law does not require that 11-6-19 South Dakota Codified Law reviews be advertised in a local newspaper.