

STAFF REPORT
January 5, 2006

No. 05SR068 - SDCL 11-6-19 Review to allow a horse stalling barn on public property **ITEM 58**

GENERAL INFORMATION:

PETITIONER	Rushmore Plaza Civic Center
REQUEST	No. 05SR068 - SDCL 11-6-19 Review to allow a horse stalling barn on public property
EXISTING LEGAL DESCRIPTION	Lot ER less Hotel Lot ER original Town of Rapid City, 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	30 North Fifth Street, Memorial Park
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Public District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/8/2005
REVIEWED BY	Marcia Elkins

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow a horse stalling barn on public property be approved with the following stipulations:

1. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;
2. All requirements of the Floodplain Development Ordinance shall be met at all times;
3. A Temporary Use Permit shall be obtained prior to initiation of the event;
4. All electrical wiring shall comply with the applicable International Building and Electrical Codes; and,
5. The stalling barn shall be constructed in the location as shown on the attached site plan and shall be allowed for no more than three weeks each year during the Black Hills Stock Show and Rodeo and shall be allowed in 2006, 2007 and 2008.

GENERAL COMMENTS: A SDCL 11-6-19 Review request has been submitted to allow a 50

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foot by 130 foot temporary horse stalling barn to be constructed on the west side of the Rushmore Plaza Civic Center. This request is similar to a request submitted and approved in early 2005. The applicant has indicated that the temporary structure will be used to stall livestock during the Black Hills Stock Show and Rodeo.

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 site is owned by the City of Rapid City. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed use be reviewed and approved by the Rapid City Planning Commission as a part of the SDCL 11-6-19 Review.

STAFF REVIEW:

Staff has reviewed the proposed SDCL 11-6-19 Review request and has noted the following considerations:

Building Code Requirements: The proposed stalling barn must comply with the International Building and Electrical Codes. As such, staff is recommending that the structure be constructed in compliance with the codes as identified.

Temporary Use Permit: Prior to the initiation of the event, a Temporary Use Permit must be obtained from the Development Service Center.

Flood Hazard District: The subject property is located within the Flood Hazard District. As such, all requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District must be continually met including the requirements for temporary structures set forth in Section 17.28.040. Staff is also recommending that all requirements of the Floodplain Development Ordinance be met at all times.

Location and Duration: As indicated, a similar facility was located in this area during the 2005 Stock Show. For this reason, staff is recommending that the use be authorized for the location as identified on the attached site plan for three additional years. At the end of three years, a new application will need to be submitted to allow a review of the request.

Staff is recommending that the SDCL 11-6-19 Review request be approved with the previously stated stipulations.