

STAFF REPORT  
May 4, 2006

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**No. 06SR035 - SDCL 11-6-19 Review to allow a temporary use on public property**      **ITEM 17**

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GENERAL INFORMATION:

PETITIONER	Mark Owen for Soccer Rapid City
REQUEST	<b>No. 06SR035 - SDCL 11-6-19 Review to allow a temporary use on public property</b>
EXISTING LEGAL DESCRIPTION	Lot 4, Dairyland Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	approximately 58.00 acres
LOCATION	1625 Sedivy Lane
EXISTING ZONING	Flood Hazard District - Public District
SURROUNDING ZONING	
North:	Light Industrial District - General Agriculture District
South:	Flood Hazard District - General Commercial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/7/2006
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

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

1. Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;
2. 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;
3. All requirements of the Floodplain Development Ordinance shall be met at all times;
4. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;
5. Signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage;
6. No banners shall be allowed within the public rights-of-way or on fences;
7. A Temporary Use Permit shall be obtained prior to initiation of the events each year;
8. The park grounds shall be cleaned daily and shall be continually kept clear of debris and

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- trash;
9. A weather radio shall be on-site and monitored continually; and,
  10. The temporary use on public property shall be authorized for the 2006 soccer season. A new 11-6-19 SDCL shall be submitted for review and approval prior to the use of this site in 2007.

**GENERAL COMMENTS:** This SDCL 11-6-19 Review request has been submitted to allow soccer tournaments to be held in Star of the West Sports Complex. The proposed tournaments will be located at the park on various dates during the soccer season which runs from approximately April 1<sup>st</sup> to October 30<sup>th</sup> each year.

During tournaments two temporary concession stands will be located near the parking lots and portable bleachers will be placed in various locations around the soccer fields.

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

**STAFF REVIEW:** Staff has reviewed the proposed SDCL 11-6-19 Review and has noted the following issues:

**Building Permits:** Staff noted a Temporary Use Permit shall be received prior to initiation of the events each year.

**Signage:** Staff noted that signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage. Staff also noted that no banners shall be allowed within the public right-of-way or on fences.

**Fire Code:** The Fire Department has stated that the petitioner must submit complete plans for all proposed tents at the time a Temporary Use Permit application is submitted. Additionally, a tent checklist form and a tent inspection must be completed prior to initiation of the event and adequate access for Fire Department apparatus must be continually maintained for the duration of the tournaments.

**Evacuation Plan:** The standards for review for a SDCL 11-6-19 Review located within the Flood Hazard Zoning District (Section 17.28.040 (D) of the Rapid City Municipal Code require that an evacuation plan be developed and posted when structures are proposed within the Flood Hazard Zoning District. Staff is recommending that prior to issuance of a Temporary Use

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Permit for the tournaments, a copy of this plan be submitted for review and approval.

Ongoing Security/Maintenance: The safety of the special event participants and the maintenance of the public park are a significant concern. Staff is recommending that a stipulation of approval requires that special event staff be responsible to ensure that the park grounds will be kept free of trash and debris. In addition, because of concerns associated with the close proximity of Rapid Creek, staff is recommending that a weather radio be located on-site and monitored continually during the event.

Hydraulic Floodway: The submitted site plan indicates that all proposed structures will be located outside of the hydraulic floodway. A Special Exception to the Floodplain Development Ordinance must be obtained to allow any structures located in the hydraulic floodway. Staff is recommending that all requirements of the Floodplain Development Ordinance be met at all times.

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