

STAFF REPORT  
December 7, 2006

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**No. 06SR080 - SDCL 11-6-19 Review to allow a temporary use on public property**      **ITEM 22**

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GENERAL INFORMATION:

PETITIONER	Black Hills Mountain Bike Association for City of Rapid City
REQUEST	<b>No. 06SR080 - SDCL 11-6-19 Review to allow a temporary use on public property</b>
EXISTING LEGAL DESCRIPTION	Tract 17 less Lot H1 of Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 75 acres
LOCATION	Founders Park at 1520 West Omaha Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District - General Agriculture District - Office Commercial District (Planned Commercial Development)
South:	General Commercial District - Flood Hazard District - Light Industrial District
East:	Flood Hazard District - General Commercial District - General Commercial District (Planned Commercial Development)
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/9/2006
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

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

1. A Temporary Use Permit shall be obtained;
2. A Flood Plain Development Permit shall be obtained for structures within the 100 year Federally Designated Floodplain;
3. A Sign Permit shall be obtained prior to any signs being placed on the subject property; and,
4. The 2003 International Fire Code shall be maintained.

GENERAL COMMENTS: The subject property is located at Founders Park at 1520 West

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Omaha Street. The subject property is currently zoned Flood Hazard District. The property located north of the subject property is zoned Park Forest District, General Agriculture District, and Office Commercial District with a Planned Commercial Development. Property located south of the subject property is zoned General Commercial District, Flood Hazard District, and Light Industrial District. The property located east of the subject property is zoned Flood Hazard District, General Commercial District, and General Commercial District with a Planned Commercial Development. The property located west of the subject property is zoned Light Industrial District. The area north of Omaha Street is part of the Greenway Tract and is the location of volleyball courts, a parking lot, and the Farmers Market. The property south of Omaha Street is part of the Greenway Tracts with soccer fields located to the west and commercial businesses located to the east.

The Parks and Recreation Department is proposing to hold a Black Hills Fat Tire Festival on the subject property with tents and trailers for registration and vendors. The Festival will be held May 25, 2007 to May 28, 2007. The vendors will be located at this site during the weekend of May 26<sup>th</sup> and May 27<sup>th</sup> only. The tents will be located north of the intersection of Omaha Street and Canal Street and north of the existing parking lot. Tours and races will be held on Cowboy Hill, Skyline Drive and National Forest Service property. According to the Parks and Recreation staff, the event will not conflict with any other volleyball or soccer events. The applicant is requesting approval of a SDCL 11-6-19 Review to allow a temporary use 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 the Black Hills Fat Tire Festival be held on public property requiring that the Planning Commission review and approve the proposed event.

**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:

**Vendors:** The vendors will be located on the site on Saturday, May 26<sup>th</sup> and Sunday, May 27<sup>th</sup> from 7 am to 7 pm only. Approximately ten to fourteen vendors are proposed to be located at the site adjacent and north of the parking lot north of the intersection of Omaha Street and Canal Street. Six to ten vendors will utilize a ten foot by ten foot space. The remaining vendors will be located in forty foot by thirty foot spaces. A revised site plan indicates that all tents will be located within the footprint of the Farmers Market site plan. A tent inspection checklist must be submitted and approved by the Fire Department to meet the 2003 International Fire Code.

**Signs:** The applicant has indicated that some signage will be used during the event to

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designate the area for the festival. The signs will be located across a portion of the volleyball poles. All signage must comply with the Sign Code and a Sign Permit must be obtained prior to any signs being placed on the subject property.

Parking: The parking lot located on the subject property at the intersection of Omaha Street and Canal Street will be utilized for parking. Any overflow parking will be located at the Executive Golf Course and at the City parking lot west of the subject site and west of the Abourezk Law Office.

Floodplain: The subject area is located in the 100 year Federally Designated Floodplain and portions of the property located north of the vendor site are within the hydraulic floodway. The temporary use will not be located within the hydraulic floodway; however, a Floodplain Development permit shall be obtained for any structures within the 100 year Federally Designated Flood Plain. In addition, 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.

Temporary Use Permit: Prior to initiation of the event, a temporary use permit shall be obtained.

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