

## STAFF REPORT

June 7, 2007

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**No. 07SR032 - SDCL 11-6-19 Review to allow a temporary structure on public property**

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**ITEM 40**

### GENERAL INFORMATION:

PETITIONER	Amy Rohde
REQUEST	<b>No. 07SR032 - SDCL 11-6-19 Review to allow a temporary structure on public property</b>
EXISTING LEGAL DESCRIPTION	Tract 8 (also in Sections 4 and 10, T1N, R7E) of the Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.5 Acres
LOCATION	2900 Jackson Boulevard
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District - Park Forest District
South:	Flood Hazard District - Office Commercial District
East:	Flood Hazard District
West:	Flood Hazard District - Park Forest District
PUBLIC UTILITIES	City
DATE OF APPLICATION	5/9/2007
REVIEWED BY	Loren Fuhrmann / Emily Fisher

### RECOMMENDATION:

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

1. Prior to Planning Commission approval the applicant must submit a revised site plan locating the temporary structure out of the hydraulic floodway and that a Flood Plain Development Permit to be obtained.

### GENERAL COMMENTS:

The subject property is located at the southwest corner of Sheridan Lake Road and Canyon Lake Road and is the location of Old Story Book Island Park. The subject property is currently owned by the City of Rapid City. The applicant is requesting approval of an SDCL 11-6-19 Review to allow a jumping castle to be temporarily located at Old Story Book Island Park.

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

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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 jumping castle is located on public ground and the property is identified as being 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 recommends locating the temporary structure west of the shelter, out of the hydraulic floodway and a Flood Plain Development Permit to be obtained.

STAFF REVIEW:

The subject property is currently zoned Flood Hazard District. The proposed site for the location of the temporary structure is within the hydraulic floodway. As such a Flood Plain Development Permit cannot be issued.