

STAFF REPORT  
February 21, 2008

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**No. 08SR006 - SDCL 11-6-19 Review to allow a temporary use on public property**      **ITEM 47**

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GENERAL INFORMATION:

APPLICANT	Special Olympics of South Dakota
AGENT	Dave Stratton
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 08SR006 - SDCL 11-6-19 Review to allow a temporary use on public property</b>
EXISTING LEGAL DESCRIPTION	Tract 20 of Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 Acres
LOCATION	Memorial Park
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Civic Center District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	1/25/2008
REVIEWED BY	Jonathan Smith / Ted Johnson

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. Prior to Planning Commission approval, a Flood Plain Development Permit shall be obtained;
2. Prior to Planning Commission approval a tent permit shall be obtained; and,
3. A Temporary Use Permit shall be obtained prior to initiation of the event.

GENERAL COMMENTS:

The applicant has requested a SDCL 11-6-19 review to allow a temporary use on public property. The property is located north of Omaha Street and west of Mount Rushmore Road. The area is known as "Memorial Park" and is dedicated public land. Rapid Creek, Memorial

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Pond, and a number of memorials and statues are located in this community park. The property is currently void of any structural development. The property is currently zoned Flood Hazard District.

The applicant is proposing to hold a charitable event for Special Olympics of South Dakota on March 1, 2008 from 8:00 am to 3:00 pm. The event will consist of a "Polar Plunge" in Memorial Pond. In addition, the applicant plans to have a small "changing" tent located on-site.

South Dakota Codified Law 11-6-19 states: that whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, 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 as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The proposed temporary use of a structure is located on public property located within the municipal limits of the City of Rapid City and is subject to this review.

**STAFF REVIEW:**

Staff has reviewed the applicant's request and noted the following considerations:

**FLOODPLAIN:**

The applicant has submitted a site plan identifying the location of the tent. The site plan shows the tent to be located within the 100 year flood plain, but not located within the floodway. Prior to Planning Commission approval, the applicant is required to obtain a Flood Plain Development Permit from the Public Works Department.

**BUILDING PERMITS:**

Staff has noted a Temporary Use Permit shall be obtained prior to initiation of the event.

**TENT PERMIT:**

Staff has noted that the applicant is required to obtain a tent permit from the Rapid City Building Inspection Department prior to Planning Commission approval, and that the tent is to be made of a fire resistant material. Staff has noted that the applicant has obtained a reservation from the Rapid City Parks and Recreation Department.

Staff recommends that the 11-6-19 review to allow a temporary structure on public property be approved with the above stipulations.