

STAFF REPORT  
April 24, 2008

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**No. 08SR024- SDCL 11-6-19 Review to allow temporary structures on public property**      **ITEM 62**

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GENERAL INFORMATION:

APPLICANT/Agent	Phil Olsen for Humane Society of the Black Hills
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 08SR024 - 11-6-19 SDCL Review to allow temporary structures on public property</b>
EXISTING LEGAL DESCRIPTION	Tract 20 less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.96 acres
LOCATION	301 N. 5th Street
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/Sewer
DATE OF APPLICATION	3/14/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

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

1. Prior to Planning Commission approval, the applicant shall obtain a Floodplain Development Permit for the proposed structures located in the 100 year federally designated Floodplain.

**GENERAL COMMENTS: (Update: April 11, 2008. All revised and/or added text is shown in bold.) This item was continued at the April 10, 2008 Planning Commission meeting because the stipulation of approval had not been met. Staff recommends that this item be approved with the stated stipulation.**

The subject property is located at 301 North Fifth Street in Memorial Park. The subject property is currently zoned Flood Hazard District and is owned by the City of Rapid City.

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The Humane Society is requesting approval of a SDCL 11-6-19 Review for a one day event from 8 am to 1 pm on May 10, 2008 to be located on the property with approximately seven tents for vendors. This 11-6-19 SDCL Review is required to authorize the temporary structures.

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 subject property is publicly owned land 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:

Building Permits: Staff noted a Temporary Use Permit must be received prior to initiation of the event.

Signage: Staff noted that signs must be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit must 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.

Parking: The applicant indicated that parking will be located in the public parking lot located on the southwest corner of Fifth Street and New York Street.

Fire Safety: The Fire Department stated that 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. The Fire Department also stated that adequate access for Fire Department apparatus must be continually maintained for the duration of the special event.

Flood Hazard Zoning District: Staff noted that the subject property is located within the Flood Hazard Zoning District and that 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. Staff also noted that the proposed location of the tents is located within the 100 year federally designated Floodplain. A Floodplain Development Permit is required for any structures in the floodplain. As such, staff recommends that prior to Planning Commission approval, the applicant shall obtain a Floodplain Development Permit for the proposed structures located in the floodplain.

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Staff is recommending that the SDCL 11-6-19 Review to allow temporary structures on public property be approved with the stipulation as outlined above.