

STAFF REPORT
January 22, 2009

No. 09SR004 - SDCL 11-6-19 Review to allow temporary structures on public property **ITEM 48**

GENERAL INFORMATION:

APPLICANT/AGENT	Rushmore Plaza Civic Center
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR004 - SDCL 11-6-19 Review to allow temporary structures on public property
EXISTING LEGAL DESCRIPTION	Lot ER (less Hotel Lot of Lot ER) of the Original Town of Rapid City, and Lot F (formerly of Block 4, 14 and 15) Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 18.43 acres
LOCATION	At the southwest corner of the intersection of Haines Avenue and North Street
EXISTING ZONING	Civic Center District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Flood Hazard District
East:	Civic Center District - Medium Density Residential District
West:	Civic Center District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	1/13/2009
REVIEWED BY	Marcia Elkins / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow temporary structures on public property be approved.

GENERAL COMMENTS: This SDCL 11-6-19 Review request has been submitted to allow three temporary structures during the 2009 Black Hills Stock Show and Rodeo. Three tents will be located on the Civic Center site including: a 30 foot by 50 foot tent located west of the Civic Center Arena (in Parking Lot B); a 14 foot by 40 foot tent located east of the Arena; and, a 36 foot by 40 foot tent located northeast of the Civic Center (in Parking Lot E.)

A SDCL 11-6-19 Review was approved by the Planning Commission on January 13, 2005

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for a 60 foot by 100 foot barn located in Parking Lot B for the 2005 Black Hills Stock Show and Rodeo. Subsequently, a SDCL 11-6-19 Review was approved by the Planning Commission on January 12, 2006 for a 50 foot by 130 foot horse stalling barn to be located in Parking Lot B for the 2006, 2007 and 2008 Stock Show and Rodeo.

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

STAFF REVIEW:

Staff has reviewed the proposed SDCL 11-6-19 Review request and has noted the following considerations:

Comprehensive Plan and Zoning: The property in question is identified in the Comprehensive Plan as being appropriate for Public and General Commercial land uses. The property is currently zoned Civic Center District consistent with the adopted Future Land Use Plan. The Civic Center District is intended to provide an area with a unified development plan which permits a compatible mix of land uses designed to serve the promotional, cultural, recreational, educational, social and civic needs of Rapid City, the region and the nation. The proposed temporary uses support the annual Black Hills Stock Show and Rodeo, a regional promotional, cultural, recreational, educational and social event. Thus, the proposed use is consistent with the adopted Comprehensive Plan and related regulations. Additionally, the proposed structures are located in compliance with the applicable setback, lot coverage and related area requirements.

Previously, the Planning Commission has approved the off-street parking provided for the Civic Center, including the recent construction of additional parking lots on New York Street. Currently, a committee composed of Planning Commissioners, Council Members and staff is reviewing the parking and pedestrian safety issues at the Civic Center. It is anticipated that they will be bringing forward recommendations in the near future. It may be appropriate to incorporate the findings of that Committee in to future reviews of uses and structures at the Civic Center.

Temporary Use Permit: Prior to the initiation of the event, a Temporary Use Permit must be obtained.

Floodplain Permit: While portions of the subject property are located within the Rapid Creek Floodplain, the sites for the three structures are located outside of the floodplain. As such, no floodplain permits are required.

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Location and Duration: As indicated, one of the three structures has previously been approved for the 2006, 2007 and 2008 Black Hill Stock Show and Rodeo. The Civic Center staff submitted this request as a late submittal. As there are no advertising or notice requirements for the SDCL 11-6-19 Review, staff was able to process the request in time to obtain authorization for the 2009 event. Staff recommends that a new application with additional information and detail be submitted for review and approval to address future years. That will allow additional consideration of the request including the two new structures not previously reviewed and approved. If no concerns are raised following the 2009 event, staff will suggest approval for a multi-year period as part of a subsequent request.

Based on the information submitted and the comments provided, the staff finds that the location and extent of the proposed temporary structures is in compliance with the adopted comprehensive plan and adopted regulations.