

STAFF REPORT  
May 21, 2009

---

**No. 09SR038 - SDCL 11-6-19 Review to allow temporary structures on public property**      **ITEM 24**

---

GENERAL INFORMATION:

APPLICANT/AGENT	Jeff Nelsen for Rapid City Exchange Club
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 09SR038 - SDCL 11-6-19 Review to allow temporary structures on public property</b>
EXISTING LEGAL DESCRIPTION	Blocks 1 and 2 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.47 acres
LOCATION	Halley Park
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Office Commercial District (Planned Development Designation) - General Commercial District
East:	Central Business District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/16/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

GENERAL COMMENTS:

The applicant is requesting approval of a SDCL 11-6-19 Review to allow a temporary display in Halley Park. The display will consist of 60 United States flags and a banner on the west end of Halley Park. The display will be a one day event taking place on June 14, 2009 to celebrate Flag Day.

The property is located west of West Boulevard between West Main Street and Saint Joseph Street. A building is located in the eastern portion of the property which currently houses the Higher Education Center West River Grad Program. In addition, the City has

STAFF REPORT  
May 21, 2009

---

**No. 09SR038 - SDCL 11-6-19 Review to allow temporary structures on public property**

---

**ITEM 24**

several flower gardens planted on the 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". The proposed site is on 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 issues:

**Permits:** Staff has noted that a Temporary Use Permit will not be required for the event. However, a Special Event Permit must be obtained from the Parks and Recreation Division. In addition, the applicant must meet with Parks and Recreation Division staff prior to the event to verify the exact location of the display and avoid placing the flags in the area of the existing irrigation system and the recently install underground electrical system.

**Signage:** The applicant has indicated that an approximate 2 foot high by 5 foot wide banner will be posted in the western portion of the property identifying the "Exchange Club of Rapid City". A sign permit is not required for the banner since it identifies a non-profit organization and is being located outside of the right-of-way. The applicant must take care to place the sign as shown on the site plan, outside of any street rights-of-way and outside of any sight triangles.

**Floodplain:** Staff has noted that the display is outside of the 100 year floodplain and floodway. As such, no Floodplain Development Permit is required.

**Historic District:** The property is located within the environs of the Historic District. However, the State Historic Preservation Office has indicated that an 11.1 Permit is not needed for the temporary display.

The location and extent of the proposed temporary display is consistent with the adopted Comprehensive Plan and the related regulations. As such, staff recommends that the SDCL 11-6-19 Review to allow the temporary display on public property be approved.