

STAFF REPORT
January 7, 2010

No. 09SR116 - SDCL 11-6-19 Review request to allow a temporary structure on public property **ITEM 33**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
AGENT	Mike Towey for FourFront Design
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR116 - SDCL 11-6-19 Review request to allow a temporary structure on public property
EXISTING LEGAL DESCRIPTION	The south 464.64 feet of the SE1/4 NW1/4 NE1/4, the south 464.64 feet of the NE1/4 NE1/4 less Lot H1, E1/2 SW1/4 NE1/4, SE1/4 NE1/4, Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 80.0 acres
LOCATION	1.25 miles north of Exit 61, Interstate 90 on Elk Vale Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	Public District - Box Elder District
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/11/2009
REVIEWED BY	Karen Bulman / Ted Johnson

RECOMMENDATION: Staff recommends that the SDCL 11-6-19 Review request to allow a temporary structure on public property be approved.

GENERAL COMMENTS: The applicant has submitted a SDCL 11-6-19 Review to allow a temporary structure on public property. A 4 foot by 8 foot temporary sign, elevated 4 feet above the ground, is proposed to be located on City property, to show the future home of the soccer complex. The location of the sign will be set back 50 feet from the existing Elk Vale Road right-of-way.

South Dakota Codified Law 11-6-19 states that "whenever any such municipal council shall

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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 project is located on public property and is identified 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 REVIEW: Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Sign: As noted, the 4 foot by 8 foot sign will be located approximately 50 feet from the existing right-of-way on an 80 acre parcel of land along Elk Creek Road owned by the City of Rapid City. The sign will be a wood sign indicating the future home of the soccer complex and will list the groups involved in bringing this complex to fruition. It will also indicate the layout of the proposed site.

Flood Plain: The sign is proposed to be located within the 100 year Federally Designated Floodplain. Approximately one foot of fill material will be placed at the sign location to raise the sign above the floodplain elevation. The fill material shall be placed, compacted and stabilized in accordance with City requirements. A Flood Plain Development Permit has been submitted and approved allowing the sign to be located in the 100 year Federally Designated Floodplain.

Permits: Staff has noted that the temporary sign of 32 square feet for the non-profit organization will not need a sign permit. However, any future permanent signage will require review and approval and a sign permit.

Staff recommends that the SDCL 11-6-19 Review be approved.