

STAFF REPORT
January 21, 2009

No. 09SR126 - SDCL 11-6-19 Review to allow temporary structures on public property **ITEM 26**

GENERAL INFORMATION:

APPLICANT/AGENT	Rushmore Plaza Civic Center
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR126 - 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 sewer and water
DATE OF APPLICATION	1/6/2010
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 for the 2010, 2011 and 2012 Black Hills Stock Show and Rodeo.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review request to allow three temporary tents to be placed at the Civic Center during the 2010, 2011 and 2012 Black Hills Stock Show and Rodeo. The three tents to be located on the Civic Center site include 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).

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A SDCL 11-6-19 Review was approved by the Planning Commission on January 13, 2005 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. On January 22, 2009, the Planning Commission approved a SDCL 11-6-19 Review to allow the three tents at the Civic Center as shown on this application.

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 property 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.

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.

Duration: During the review of the SDCL 11-6-19 Review for the 2009 event, it was noted that if no concerns were raised following the event, staff would suggest approval for a multi-year period as part of a subsequent request. Staff is not aware that any concerns were raised

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following the 2009 event. Subsequently, the applicant has requested that this SDCL 11-6-19 Review be approved to allow the tents on the property for the 2010, 2011 and 2012 Black Hills Stock Show and Rodeo. The applicant is also aware that if the location or size of the tents should change, a new SDCL 11-6-19 Review must be submitted for review and approval to address the change.

Staff recommends that the SDCL 11-6-19 Review to allow the temporary structures on the public property be approved for the 2010, 2011 and 20112 Black Hills Stock Show and Rodeo.

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.