

STAFF REPORT

May 22, 2003

No. 03SR030 - SDCL 11-6-19 Review of a temporary structure in a public place **ITEM 17**

GENERAL INFORMATION:

PETITIONER	Mark Parette for Black Hills Corporation
REQUEST	No. 03SR030 - SDCL 11-6-19 Review of a temporary structure in a public place
EXISTING LEGAL DESCRIPTION	Tract 20 less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.96 acres
LOCATION	301 North 5th Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Public District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	04/25/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review of a temporary structure in a public place be approved with the following stipulations

Engineering Division Recommendations:

1. All temporary structures must be kept out of the floodway at all times;

Fire Department Recommendations:

2. All provisions regarding an outdoor assembly event must be met at all times;
3. An application and site layout must be submitted to the Fire Department for review and approval at least 30 days in advance of the event; and

Urban Planning Division Recommendations:

4. The temporary use shall be approved for June 28, 2003 only.
5. All structures, including portable toilets and tents, shall be torn down and removed from the

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site prior to 11:59 p.m., June 28, 2003.

GENERAL COMMENTS: The Black Hills Corporation is proposing to have their company picnic located near the picnic shelter of Memorial Park. The applicant is anticipating over 450 people which will be attending this event. The applicant has stated there will be four 20 by 30 tents, 54 eight foot banquet tables, two 20 by 20 tents, and 450 folding chairs. The proposed event will be located near Memorial Lake. The applicant has stated the tents would be constructed in the morning, and then they would be taken down in the early evening or late afternoon while the duration of the event was five hours.

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

STAFF REVIEW: Staff has reviewed the proposed 11-6-19 SDCL Review and has noted the following issues:

Parking: The submitted site plan has identified 695 parking spaces available for use at this location. These 695 parking spaces appear to be adequate for the amount required for the proposed event.

Floodplain: The submitted site plan shows all of the temporary structures located outside of the floodway. This will ensure in the case of a flood event safety will be maintained for the entire community.

Portable Toilets: The applicant has indicated that the possibility exists for portable toilets at the site. The applicant has indicated, if portable toilets were utilized at the site for restroom facilities, these portable toilets would be located outside of the hydraulic floodway.

Staff is recommending the 11-6-19 South Dakota Codified Law Review to allow a temporary structure in a public place be approved with the stated stipulations. Staff notes that 11-6-19 South Dakota Codified Law Reviews do not require direct notification of neighboring property owners. In addition, South Dakota Codified Law does not require that 11-6-19 South Dakota Codified Law Reviews be advertised in a local newspaper.