

STAFF REPORT

June 23, 2005

No. 05SR025 - SDCL 11-6-19 Review to allow temporary structures on public property

ITEM 12

GENERAL INFORMATION:

PETITIONER	Mark Parette for Black Hills Corporation
REQUEST	No. 05SR025 - SDCL 11-6-19 Review to allow temporary structures on public property
EXISTING LEGAL DESCRIPTION	Tracts 1 through 3, Lot A and B of Tract 3 (also in Section 8, T1N, R7E), Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4 acres
LOCATION	2902 Park Drive
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District
East:	Flood Hazard District
West:	General Commercial District (Planned Commercial Development) - General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/18/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow temporary structures on public property be approved with the following stipulations:

1. A Temporary Use Permit shall be obtained prior to initiation of the event;
2. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by Fire Code;
3. Adequate access for Fire Department apparatus must be continually maintained for the duration of the special event;
4. Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;
5. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;

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6. All requirements of the Floodplain Development Ordinance shall be met at all times;
7. No alcoholic beverages shall be allowed in the park;
8. Prior to Planning Commission approval, a copy of the lease agreement for the leased parking shall be submitted for review and approval;
9. The applicant shall be responsible for the management and disposal of all animal waste produced by the petting zoo provided;
10. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested. In addition, if temporary restrooms are provided and located within the 100 Year Flood Plain, they must be removed the same day as the event;
11. The temporary structures shall be erected in the location shown on the submitted site plan to insure they do not encroach into the hydraulic floodway; and,
12. The SDCL 11-6-19 Review to allow temporary structures on public property for use during the Black Hills Corporation employee appreciation picnic shall be valid for three years. More specifically, for one day each year between the hours of 7:00 AM and 3:00 PM.

GENERAL COMMENTS: The subject property is located east of Chapel Lane between Jackson Boulevard and Shore Drive and is the location of Canyon Lake and Canyon Lake Park which is public property.

The applicant is proposing to allow two 20 foot by 30 foot temporary tents, kid games, and a petting zoo on public property. The applicant has indicated that the proposed structures will be provided to serve the employees and their families at the employee appreciation picnic for the Black Hills Corporation. The applicant held the same event at this location in 2004. The applicant has indicated that the temporary structures will be set up from 7:00 AM to 9:00 AM on the day of the event, Saturday, June 25, 2004, and the structures will be removed by 3:00 PM the same day. The applicant is requesting approval of an SDCL 11-6-19 Review to allow temporary structures on public 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". As previously indicated, the subject property is City owned property requiring that the Planning Commission review and approve the proposed construction on City owned property.

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

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Fire Safety: The Fire Department has stated that the petitioner must submit complete plans for all proposed tents at the time a Temporary Use Permit application is submitted. Additionally, a tent checklist form and a tent inspection must be completed prior to initiation of the event and adequate access for Fire Department apparatus must be continually maintained for the duration of the special event.

Evacuation Plan: The standards for review for an 11-6-19 SDCL Review located within the Flood Hazard Zoning District (Section 17.28.040 (D) of the Rapid City Municipal Code) require that an evacuation plan be developed and posted when structures are proposed within the Flood Hazard Zoning District.

Staff is recommending that prior to issuance of a Temporary Use Permit for the picnic, a copy of the Evacuation Plan shall be submitted to City Staff for review and approval.

Park Use: As previously indicated, the applicant is proposing to erect two tents, kid's games, and a petting zoo within Canyon Lake Park. Section 5.12.110 of the Rapid City Municipal Code states that "It is unlawful for any person to consume any intoxicating liquor or malt beverage or to mix or blend any alcoholic beverage with any other beverage, regardless of whether such beverage is an alcoholic beverage, in any public place." The applicant has indicated that Black Hill Corporation company policy does not allow alcohol to be served at company functions. As such, no alcohol will be served or allowed to be brought to the company picnic.

Parking: The applicant has indicated that 180 off street parking stalls will be provided for the event. The applicant's site plan shows 92 parking stalls provided at the Canyon Lake Chophouse restaurant. The applicant has indicated that they have reserved the 18 parking stalls provided at the boat rental area at Canyon Lake Park until the end of the event at 3:00 PM. The applicant has also indicated that they have leased 70 parking stalls from Mallard View, LLC which owns the property at 4200 Beach Drive. Prior to Planning Commission approval, a copy of the lease agreement for the leased parking shall be submitted for review and approval.

Petting Zoo: The applicant has indicated that a petting zoo will be provided at the event. The applicant has indicated that the company providing the petting zoo will be responsible for the management and disposal of all animal waste.

Restroom Facilities: As previously noted, the applicant has indicated that approximately 600 people are estimated to attend the event. The applicant has indicated that they will have access to the restrooms located within the Canyon Lake Chophouse. However, additional restroom facilities may be required. Staff noted that adequate restroom facilities must be provided for the event. In addition, if temporary restrooms are provided and located within the 100 Year Flood Plain, they must be removed the same day as the event.

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Hydraulic Floodway: The applicant's site plan shows the temporary structures located in the 100 Year Flood Plain but not within the floodway. The temporary structures shall be erected in the location shown on the submitted site plan to insure they do not encroach into the hydraulic floodway.

Staff recommends approval of this request with the above stated stipulations.