

STAFF REPORT
August 4, 2005

No. 05SR040 - 11-6-19 SDCL Review to allow temporary structures for use with alcohol sales on public property **ITEM 19**

GENERAL INFORMATION:

PETITIONER	Larry Dale for Rushmore Plaza Civic Center
REQUEST	No. 05SR040 - 11-6-19 SDCL Review to allow temporary structures for use with alcohol sales on public property
EXISTING LEGAL DESCRIPTION	Lot CR, Lot F and Lot ER less Hotel Lot, all located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 58.39 acres
LOCATION	301 North Fifth Street and 444 North Mount Rushmore Road
EXISTING ZONING	Civic Center District - Flood Hazard District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	Flood Hazard District - Civic Center District - Medium Density Residential District
West:	Civic Center District - Flood Hazard District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/5/2005
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION:

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

1. Prior to the initiation of the event, a Temporary Use Permit shall be obtained;
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 shall be continually maintained for the duration of the special event;
4. 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;
5. All requirements of the Floodplain Development Ordinance shall be met at all times;

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6. If access is not provided to restroom facilities located within the Rushmore Plaza Civic Center, then portable chemical toilets shall be provided during the event;
7. The SDCL 11-6-19 Review to allow temporary structures on public property for use during the Harley Davidson Trade Show shall be valid for three years. More specifically, the use shall be allowed for one eight day span of time each year.

GENERAL COMMENTS: The subject property is located east of Mount Rushmore Road and west of North Fifth Street between North Street and Omaha Street. The subject property is the location of the Rushmore Plaza Civic Center which is public property. The applicant is proposing to construct temporary structures on the subject property for use during the Harley Davidson Trade Show. The applicant has requested approval of an SDCL 11-6-19 Review to allow temporary structures with alcohol sales 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". The proposed construction is for a private purpose and is located on public property requiring that the proposed construction and use be reviewed and approved by the Rapid City Planning Commission as a part of an SDCL 11-6-19 Review.

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

Temporary Use Permit: The applicant is proposing to construct several temporary tents on the subject property. Prior to the initiation of the event, a Temporary Use Permit must be obtained. The Fire Department has also 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.

Flood Plain: A portion of the subject property is located within the federally designated 100 Year Flood Plain. However, staff noted that the proposed temporary structures are located outside of the 100 Year Flood Plain. As such, no Flood Plain Development Permit will be required for the proposed temporary structures.

Location and Duration: The applicant has indicated that the event will be held from August 6, 2005 through August 13, 2005. The applicant has also indicated that the hours of operation will be from 10:00 a.m. to 8:00 p.m. each day during the event. Staff is recommending that the proposed structures be located on the property as shown on the submitted site plan and allowed on the property through the duration of the event as identified by the applicant.

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Restroom Facilities: Staff noted that adequate restroom facilities must be provided for the event. If access is not provided to restroom facilities located within the Rushmore Plaza Civic Center then portable chemical toilets must be provided during the event. The total number of restrooms (including handicapped accessible restrooms) to be provided will be determined by the Building Inspections Division at the time a Temporary Use Permit is requested.

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