

STAFF REPORT
August 25, 2005

No. 05SR043 - 11-6-19 SDCL Review to allow temporary structures on public property **ITEM 41**

GENERAL INFORMATION:

PETITIONER	Renaye Wheaton
REQUEST	No. 05SR043 - 11-6-19 SDCL Review to allow temporary structures on public property
EXISTING LEGAL DESCRIPTION	Tracts 1 through 3; Lot A and B, Tract 3, Rapid City Greenway Tracts 3, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.0734 acres
LOCATION	2902 Park Drive
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Medium Density Residential District - General Commercial District - Office Commercial District
South:	Low Density Residential District
East:	Flood Hazard District
West:	Flood Hazard District - General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/28/2005
REVIEWED BY	Karen Bulman / David L. Johnson

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL 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. A Floodplain Development Permit shall be obtained prior to the issuance of the Temporary Use Permit or all structures shall be relocated outside the 100 year floodplain and the floodway;
3. 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 the tent as required by Fire Code;
4. Adequate access for Fire Department apparatus must be continually maintained for the duration of the special event;
5. Prior to issuance of the Temporary Use Permit, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;

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6. 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;
7. All requirements of the Floodplain Development Ordinance, Chapter 15.32 of the Rapid City Municipal Code, shall be met at all times;
8. No alcoholic beverages shall be allowed in the park;
9. Prior to Planning Commission approval, a copy of the parking agreement for off-site parking shall be submitted for review and approval;
10. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Official at the time a Temporary Use Permit is requested. In addition, if temporary restrooms are provided, they must be removed the same day as the event;
11. Prior to obtaining a Temporary Use Permit, a person on site during the event shall be identified for emergency needs and to assure compliance with the 11-6-19 Review; and,
12. The SDCL 11-6-19 Review to allow temporary structures on public property for use during the wedding reception shall be valid only for July 28, 2006 until 11:00 pm.

GENERAL COMMENTS: The subject property is located west of Park Drive and south of Jackson Boulevard. The proposed site is the location of Canyon Lake Park and is owned by the City of Rapid City.

The applicant is proposing to place a 40 by 80 foot temporary tent on public property. The applicant has indicated that the proposed structure will be provided for a wedding reception to be held on July 28, 2006. The applicant has indicated that the temporary structure will be set up in the morning of the event, Friday, and the structure will be removed by 11:00 pm the same day. The applicant is requesting approval of an SDCL 11-6-19 Review to allow a temporary structure 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:

Fire Safety: The Fire Department has stated that the petitioner must submit complete plans for the proposed tent 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.

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Evacuation Plan: The standards for uses 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, 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 a tent 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 no alcohol will be served or allowed to be brought to the reception.

Parking: The applicant has indicated that off street parking on adjoining property will be provided for the event. Prior to Planning Commission approval, a copy of the parking agreements shall be submitted for review and approval.

Restroom Facilities: The applicant has indicated that approximately 200 people are estimated to attend the event. Staff noted that adequate restroom facilities must be provided for the event. As such, temporary restrooms may be required as determined by the Building Official at the time the Temporary Use Permit is requested.

Sound: The applicant has requested a small sound system in order for guests to be able to hear the ceremony and enjoy some music during the reception. Any sound or music from the sound system may not spill over onto the public right-of-way or interfere with the public if they are not part of the wedding party.

100 Year Floodplain: The applicant's site plan identifies that the temporary structure is located in the 100 Year Floodplain but not within the floodway. The temporary structure shall be erected in the location shown on the submitted site plan and a Floodplain Development Permit shall be obtained prior to the issuance of the Temporary Use Permit, or a revised plan showing the tent located outside of the 100 year floodplain and the floodway shall be submitted for review and approval prior to the issuance of the Temporary Use Permit.

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