

STAFF REPORT
September 21, 2006

No. 06SR063 - SDCL 11-6-19 Review to allow temporary structures in a public park **ITEM 11**

GENERAL INFORMATION:

PETITIONER	Kari Bortnem for the Humane Society of the Black Hills
REQUEST	No. 06SR063 - SDCL 11-6-19 Review to allow temporary structures in a public park
EXISTING LEGAL DESCRIPTION	Tract 1 thru 3 and Lots A and B of Tract 3, Rapid City Greenway Tracts, Sections 8 and 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 27 Acres
LOCATION	2902 Park Drive
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	General Commercial District - Medium Density Residential District
South:	Low Density Residential District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/25/2006
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

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

1. 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;
2. All requirements of the Floodplain Development Ordinance shall be met at all times;
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 all tents and other facilities as required by the Fire Code and adequate access for Fire Department apparatus must be continually maintained for the duration of the special event;
4. Signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage;
5. No banners shall be allowed within the public rights-of-way or on fences;

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6. A Temporary Use Permit shall be obtained prior to initiation of the event; and,
7. The SDCL 11-6-19 Review to allow temporary structures in association with the Humane Society Event shall be valid for one year.

GENERAL COMMENTS: The subject property is located at 2902 Park Drive, south of Jackson Boulevard and west of Park Drive in Canyon Lake Park. The subject property is currently zoned Flood Hazard and is owned by the City of Rapid City. The property is located adjacent to Flood Hazard properties to the east and west. The properties located south of the subject property are zoned Low Density Residential and the properties to the north are zoned General Commercial and Medium Density Residential. The Humane Society is requesting approval of a SDCL 11-6-19 Review for a one day event from 10 am to 3 pm on September 30, 2006 located on public property with approximately ten tents for vendors. This 11-6-19 SDCL Review is required to authorize the temporary structures.

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 publicly owned land requiring that the Planning Commission review and approve the proposed event.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review request as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following considerations:

Building Permits: Staff noted a Temporary Use Permit shall be received prior to initiation of the event.

Signage: Staff noted that signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage. Staff also noted that no banners shall be allowed within the public right-of-way or on fences.

Fire Safety: The Fire Department stated that 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 the Fire Code. The Fire Department also stated that adequate access for Fire Department apparatus must be continually maintained for the duration of the special event.

Flood Hazard Zoning District: Staff noted that the subject property is located within the Flood Hazard Zoning District and that 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. Staff also noted that portions of the area are located within the floodway and floodplain. No temporary

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structures are allowed in the floodway and a flood plain development permit is required for any structures in the floodplain.

Staff is recommending that the SDCL 11-6-19 Review to allow a temporary use on public property be approved with stipulations as outlined above.