

STAFF REPORT
March 8, 2007

No. 07SR012 - SDCL 11-6-19 Review to allow temporary structures on public property **ITEM 38**

GENERAL INFORMATION:

PETITIONER	Humane Society of the Black Hills
REQUEST	No. 07SR012 - SDCL 11-6-19 Review to allow temporary structures on public property
EXISTING LEGAL DESCRIPTION	Tract 27 (Also in Section 6, T1N, R8E) of the Rapid City Greenway Tract, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 32 Acres
LOCATION	125 Waterloo Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Medium Density Residential District - Office Commercial District
South:	Flood Hazard District - General Commercial District
East:	Medium Density Residential District
West:	Park Forest District - Medium Density Residential District - General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/9/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

1. Prior to Planning Commission approval, the applicant shall obtain a floodplain development permit for the proposed structures located in the floodplain.

GENERAL COMMENTS: The subject property is located at 125 Waterloo Street in Roosevelt Park. The subject property is currently zoned Flood Hazard District and is owned by the City of Rapid City. The Humane Society is requesting approval of a SDCL 11-6-19 Review for a one day event from 7 am to 2 pm on May 5, 2007 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

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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.

Parking: Staff noted that the existing Rapid City Swim Center and the existing Roosevelt Park Ice Arena are required to have 387 parking stalls and 463 parking stalls are provided. The applicant has indicated that approximately 150 people will be attending the event and approximately 1,000 square feet of retail space will be provided with the vendor tents. The retail space will require 5 parking stalls as per Section 17.50.300 of the Rapid City Municipal Code and the 76 additional parking stalls provided on site exceed the minimum parking requirements.

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 the proposed location of the tents is located within the floodplain. A floodplain development permit is required for any structures in the floodplain. As such, staff recommends that prior to Planning Commission approval, the applicant shall obtain a floodplain development permit for the proposed structures located in the floodplain.

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