

STAFF REPORT  
April 26, 2007

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**No. 07SR019 - SDCL 11-6-19 Review to allow a temporary structure on public property**

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**ITEM 43**

GENERAL INFORMATION:

PETITIONER	Tom Woodden and Jim Hardesty
REQUEST	<b>No. 07SR019 - SDCL 11-6-19 Review to allow a temporary structure on public property</b>
EXISTING LEGAL DESCRIPTION	A portion of S1/2 of the SW1/4 of the NE1/4, less Lot H2 and Less Right-of-Way; and the S1/2 of the SE1/4 of the NW1/4, less H-1; the balance of the NE1/4 of the SW1/4; the balance of the W1/2 of the SE1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5 acres
LOCATION	3511 East Highway 44
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District
East:	Suburban Residential District (Pennington County)
West:	General Agriculture District
PUBLIC UTILITIES	none
DATE OF APPLICATION	3/19/2007
REVIEWED BY	Travis Tegethoff / Todd Peckosh

RECOMMENDATION:

If the Planning Commission determines it is appropriate, then the SDCL 11-6-19 Review to allow temporary structures on public property should be approved.

GENERAL COMMENTS: A request for a SDCL 11-6-19 review to use the vacant City property at 3511 East Highway 44 has been submitted. In particular the applicant has requested the use of the property be allowed for the purpose of the "Annual Rapid City Fairburn Agate and Rock Swap Meet".

The applicant requests the use of the City property located at 3511 East Highway 44 for the third weekend in May in 2007, 2008, and 2009 for the purpose of the "Fairburn Agate and Rock Swap Meet". The lot will be used for the display of rocks and for vehicle parking. Swappers may display their rocks on tables, from tailgates on pickups or out of recreational

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vehicles. The applicant estimates that approximately 60 swappers will attend the event.

On January 5, 2006, Planning Commission approved a SDCL 11-6-19 Review (05SR065) to allow temporary structures on public property for a three day event in May of 2006.

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 proposed use will be located on publicly owned land requiring that the Planning Commission review and approve the proposed construction.

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

**Building Permits:** Staff noted a Temporary Use Permit shall be received prior to initiation of the event each year. The applicant has stated that they will provide portable restrooms on site for use by the attendees. The amount of portable restrooms needed on site will be determined by the Building Inspectors prior to the start of the event.

**Floodplain Development Permit:** Staff noted that all requirements of the Floodplain Development Ordinance shall be met at all times and that a Floodplain Development Permit shall be obtained if any portion of the use extends into the 100 year floodplain.

**Evacuation Plan:** Staff noted that a copy of the evacuation plan has been submitted to the City and Pennington County Emergency Management Department for review and approval.

**Parking:** Staff noted that Section 17.50.270 of the Rapid City Municipal Code requires that all parking shall be a paved surface with striped parking spaces. The applicant has indicated that the parking areas will be located on an unpaved surface.

Due to air quality issues and potential for tracking on roadways, staff cannot support the proposed unpaved parking for the subject property.

**Camping:** The applicant requests that overnight camping be allowed on site for tents and recreational vehicles for swappers only. At present there are no facilities (electrical, water, showers or restrooms) on the site to accommodate camping. Staff would recommend that the applicant provide information on how they will they provide potable water for drinking and how waste water from campers will be handled. Staff also noted that no camping shall be permitted within the floodway or floodplain at any time.

**Fire Safety:** The Fire Department also 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 and

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adequate access for Fire Department apparatus must be continually maintained for the duration of the special event.