

STAFF REPORT
October 4, 2007

No. 07SR050 - SDCL 11-6-19 Review to allow a temporary use on public property **ITEM 12**

GENERAL INFORMATION:

PETITIONER	Black Hills Veterans Hospital
REQUEST	No. 07SR050 - SDCL 11-6-19 Review to allow temporary structures on public property
EXISTING LEGAL DESCRIPTION	Tract 20 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.96 acres
LOCATION	Memorial Park
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/27/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow temporary structures on public property for the Veteran's Stand Down event on October 5, 2007 be approved.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review application to allow the Black Hills Veterans Hospital to hold a one day event in the Flood Hazard Zoning District in Memorial Park on October 5, 2007.

The name of the event is the Veteran's Stand Down will include entertainment at the existing band shell and a total of three informational and food booths. The event will be setup on October 4, 2007 and held from 10:00 am until 3:00 p.m. on October 5, 2007.

The submitted site plan shows the location of the activities and all structures will be placed outside of the hydraulic floodway. Minimal directional signage will be used during the event. The applicant is proposing to use the restroom facilities located at the band shell for the event.

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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 temporary structures are located on 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 and has noted the following issues:

Building Permits:

A Temporary Use Permit must be obtained prior to initiation of the event.

Signage:

The applicant has indicated that the signs will be directional signs only. As such, the proposed signs will not require a sign permit. The applicant should be aware that no banners may be located within the public right-of-way or on fences.

Fire Safety:

Prior to initiation of the event, the applicant must obtain approval by the Fire Department for all the tents and other facilities as required by the Fire Code. Adequate access for Fire Department apparatus must be continually maintained for the duration of the event.

Evacuation Plan:

The property is located within the Flood Hazard Zoning District. Staff noted that prior to initiation of the event a copy of the evacuation plan shall be submitted to the City and the Pennington County Emergency Management Department for review and approval.

Ongoing Security/Maintenance:

The safety of the special event participants and the maintenance of public property are a significant concern. The applicant has indicated that security will be provided for the duration of the event. Staff noted that the applicant must ensure that continual clean-up of the park occurs during the event. In addition, because of concerns associated with the close proximity of Rapid Creek to the event, staff is recommending that a weather radio be located on-site and monitored continually during the event. Staff noted that no camping shall be permitted within the floodway or floodplain at any time and all structures shall be located outside of the hydraulic floodway. 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. All requirements of the Floodplain Development Ordinance shall be met at all times.

Staff recommends that the SDCL 11-6-19 Review to allow a temporary use on public property be approved.