

STAFF REPORT
June 5, 2008

No. 08SR041 - SDCL 11-6-19 Review to allow temporary structures on public property **ITEM 44**

GENERAL INFORMATION:

APPLICANT/AGENT	Jim Bethel for Black Hills Area Council, Boy Scouts
PROPERTY OWNER	City of Rapid City
REQUEST	No. 08SR041 - SDCL 11-6-19 Review to allow temporary structures on public property
EXISTING LEGAL DESCRIPTION	Tract 19 less Lot H1(also in Section 35, T2N, R7E) of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 27.89 acres
LOCATION	North of Omaha Street between Mount Rushmore Road and West Boulevard North
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Public District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City Water/Sewer
DATE OF APPLICATION	5/8/2008
REVIEWED BY	Jared Ball / Ted Johnson

RECOMMENDATION:

Staff recommends approval of the SDCL 11-6-19 Review to allow temporary structures on public property.

GENERAL COMMENTS: The property is located at 215 Mount Rushmore Road. The subject property is currently zoned Flood Hazard District and is owned by the City of Rapid City. The Black Hills Area Council, Boy Scouts is requesting approval of a SDCL 11-6-19 Review for a one day event from 10 am to 2 pm on June 7, 2008 located on public property. The event will include the location of approximately seven tents for vendors, seven inflatable bounce houses and a designated area in the parking lot for cubmobile races. 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 will be required prior to initiation of the event.

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

Parking: Staff noted that the existing Rapid City Central High School parking lot will be used for parking. The applicant indicated that officials at the school have approved the parking for the event.

Fire Safety: The Fire Department stated that prior to initiation of the event the applicant will submit all applicable plans to the Fire Department for approval and will 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 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 will 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 100 year floodplain. A Floodplain Development permit is required for any structures in the floodplain. Staff noted that the applicant has already received a flood plain development permit.

Staff will recommend that the SDCL 11-6-19 Review to allow temporary structures on public property be approved.