

STAFF REPORT  
August 7, 2008

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**No. 08SR067 - SDCL 11-6-19 Review to allow temporary structures in a Public Park**      **ITEM 48**

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GENERAL INFORMATION:

APPLICANT	Ups of Downs Family Support Group
AGENT	Monica Burgess for Ups of Downs
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 08SR067 - SDCL 11-6-19 Review to allow temporary structures in a Public Park</b>
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:	Civic Center District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City Water/Sewer
DATE OF APPLICATION	7/11/2008
REVIEWED BY	Jared Ball / Ted Johnson

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow temporary structures in a public park be approved if the following additional information is submitted prior to Planning Commission approval:

1. The applicant shall obtain a flood plain development permit for review and approval;
2. The applicant shall submit a complete site plan that includes the location of tents and inflatables to be used for the event for review and approval.

GENERAL COMMENTS: The property is located at Memorial Park. The property is currently zoned Flood Hazard District. The property to the north is zoned Civic Center District. The property to the south is zoned General Commercial District. The properties to the east and

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west are zoned Flood Hazard District. The applicant is proposing to hold a one day event for the Ups of Downs Family Support group on Saturday September 6, 2008 from 9 A.M. until 3 P.M. The event will consist of a Buddy Walk around Memorial Park and a concert. The applicant is proposing to set up tables for food and t-shirts and two inflatable structures. The applicant is also proposing to set up several tents for shade during the event.

South Dakota Codified Law 11-6-19 states that “whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, 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 as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission”. The proposed location for the event is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

**STAFF REVIEW:**

Staff has reviewed the SDCL 11-6-19 and has noted the following considerations:

**Flood Plain Development Permit:** The proposed location for the event is located within the 100 Year Federally Designated Flood Plain and will require a Flood Plain Development Permit. As such, prior to Planning Commission approval, the applicant must obtain a flood plain development permit.

**Site Plan:** A complete site plan was not submitted with this application. Prior to Planning Commission approval, the applicant must submit a complete site plan that includes the location of the tents and inflatables to be used for the event for review and approval.

**Special Event Permit:** The applicant should be aware that they must obtain a Special Events Permit from the Rapid City Parks Department prior to holding the event.

**Fire Code:** The Fire Department has stated that the petitioner must submit complete plans for all proposed tents, tables and inflatable structures at the time a Temporary Use Permit application is submitted. Additionally, a tent checklist form and a tent inspection must be completed prior to initiation of the event and adequate access for Fire Department apparatus must be continually maintained for the duration of the special event.

Staff will recommend approval of the SDCL 11-6-19 to allow temporary structures in a public park if the additional required information is submitted prior to Planning Commission approval.