

STAFF REPORT  
April 23, 2009

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**No. 09SR019 - SDCL 11-6-19 Review to allow structures on public property**      **ITEM 32**

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GENERAL INFORMATION:

APPLICANT/AGENT	James L. Scull, Jr.
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 09SR019 - SDCL 11-6-19 Review to allow structures on public property</b>
EXISTING LEGAL DESCRIPTION	Tract 1 of Rapid City Greenway Tract located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 72.475
LOCATION	East of the intersection of Chapel Lane and Shore Drive
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District
East:	Flood Hazard District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/5/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

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

- 1. A Special Exception to the Flood Area Construction Regulations shall be obtained from City Council, and;**
- 2. A Special Events Permit shall be obtained from the Rapid City Parks and Recreation Department.**

GENERAL COMMENTS: (Update, April 15, 2009. All revised and/or added text is shown in bold print.) This item was continued to the April 23, 2009 Planning Commission meeting to allow the applicant to obtain a Special Exception (#09SE002) from City

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**Council and a Special Events Permit from the City Parks and Recreation Department. The Special Exception will be considered at the April 20, 2009 City Council meeting. As such, staff will recommend approving the SDCL 11-6-19 Review if the above noted conditions are met.**

The property is located east of the intersection of Chapel Lane and Shore Drive in Canyon Lake Park. The property is currently zoned Flood Hazard District. The adjacent property to the north is currently zoned Medium Density Residential District. The adjacent property to the south is currently zoned Low Density Residential District. The adjacent property to the west is currently zoned General Commercial District in a Planned Commercial Development. The adjacent properties to the east are currently zoned Flood Hazard District.

The applicant is proposing to use the property for a wedding on August 22, 2009. In addition to the requested date for the event, the applicant is proposing to use August 21, 2009 to set up and August 23, 2009 to remove the tent.

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 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 proposed SDCL 11-6-19 Review and has noted the following issues:

Flood Plain: The proposed site for the event is located within the 100 Year Federally Designated Flood Plain and will require Special Exception as regulated in Section 15.32.240 of the Rapid City Municipal Code and a Flood Plain Development Permit. The applicant has submitted an application for a Special Exception (#09SE002) as provided in Section 15.32.240, the Flood Area Construction Regulations of the Rapid City Municipal Code but this application will not be considered until the April 20, 2009 City Council meeting. As such, staff recommends that the SDCL 11-6-19 Review to allow temporary structures on public property be continued to the April 23, 2009 Planning Commission meeting.

**The Special Exception (#09SE002) was recommended for approval with stipulations at the April 9, 2009 Planning Commission meeting and will be considered at the April 20, 2009 City Council meeting. As such, staff will recommend approving the SDCL 11-6-19 Review if the Special Exception is approved by City Council and a Special Events Permit is obtained from the Rapid City Parks and Recreation Department.**

Special Events Permit: The proposed event will be located in Canyon Lake Park and will require

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that the applicant obtain a Special Events Permit from the City Parks and Recreation Department. As such, prior to Planning Commission approval, the applicant must obtain a Special Events Permit.

Building Permits: Staff noted a Temporary Use Permit must be obtained prior to initiation of the event. Staff also noted that all electrical wiring shall comply with all applicable Building and Electrical Codes.

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. In addition, the location of any signage must be identified on the site plan. Staff also noted that no banners shall be allowed within the public right-of-way or on fences.

Fire Code: The Fire Department has stated that the petitioner must submit complete plans for all proposed tents 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.

Evacuation Plan: The standards for review for a SDCL 11-6-19 Review located within the Flood Hazard Zoning District (Section 17.28.040 (D) of the Rapid City Municipal Code) require that an evacuation plan be developed and posted when structures are proposed within the Flood Hazard Zoning District. Staff is recommending that prior to issuance of a Temporary Use Permit for the festival, a copy of this plan be submitted for review and approval.

Camping: The proposed event will be located within the 100 Year Federally Designated Flood Plain. The applicant should be aware that no camping is permitted within the 100 Year Federally Designated Flood Plain.

Alcoholic Beverages: Staff noted per Section 5.12.080 of the Rapid City Municipal Code that it is unlawful for any person to consume any intoxicating liquor or malt beverage or to mix or blend any alcoholic beverage with any other beverage, regardless of whether the beverage is an alcoholic beverage, in any public place, other than upon the premises of a licensed on-sale retailer where the alcoholic beverage was purchased from the dealer for on-sale purposes.