

STAFF REPORT
May 7, 2009

No. 09SR039 - SDCL 11-6-19 Review to allow structures on public property **ITEM 29**

GENERAL INFORMATION:

APPLICANT/AGENT	Dale Salway
REQUEST	No. 09SR039 - SDCL 11-6-19 Review to allow structures on public property
EXISTING LEGAL DESCRIPTION	Tract 20 less Lot H1 of the Rapid City Greenway Tract, Section 36, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.36 acres
LOCATION	South of Rushmore Civic Center
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Civic Center District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/24/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow structures on public property be approved if a Special Events Permit is obtained prior to Planning Commission approval.

GENERAL COMMENTS:

The applicant is proposing to hold a public event within Memorial Park on May 17, 2009. The event will be held by the Native American Welcome Committee for the "Greg Laurie Crusade". It is anticipated that approximately 200 people will participate in the event.

The applicant has indicated that the event will include setting up three teepees adjacent to the south side of the Civic Center building. The applicant has also indicated that a concert and dinner will be held at the band shell located within Memorial Park. However, no structures will be placed at the band shell. As such, this application is to address the placement of the teepees only.

Set up time for the teepees will be from 1:00 p.m. to 3:00 p.m. The event will last

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approximately 2 hours from 3:00 p.m. to 5:00 p.m. The teepees will be taken down from 5:00 p.m. to 6:00 p.m.

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: Portions of Memorial Park are located within the 100 Year Federally Designated Floodplain. However, the proposed site for the placement of the teepees is located outside of the 100 year Federally Designated Floodplain. As such, a Floodplain Development Permit is not needed for the event.

Special Events Permit: The proposed event will be located in Memorial Park and will require that the applicant obtain a Special Events Permit from the City Parks and Recreation Department. As such, the applicant must obtain a Special Events Permit prior to Planning Commission approval.

Building Permits: A Temporary Use Permit must be obtained for the event. The applicant should be aware that prior to initiation of the event, the Temporary Use Permit must be obtained.

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: Portions of 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.

The location and extent of the proposed structures on public property is consistent with the adopted Comprehensive Plan and the related regulations. As such, staff will recommend that the SDCL 11-6-19 Review be approved if the Special Events Permit is obtained prior to Planning Commission approval of this item.