

STAFF REPORT
July 23, 2009

No. 09SR051 - SDCL 11-6-19 Review to allow temporary structures on public property **ITEM 43**

GENERAL INFORMATION:

APPLICANT	Ups of Downs Family Support Group
AGENT	Mona Drolc
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR051 - 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 Bandshell
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 and sewer
DATE OF APPLICATION	6/9/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow temporary structures on public property be approved for three years, if the City Council approves the Special Exception to the Flood Area Construction Regulations of the Rapid City Municipal Code.

GENERAL COMMENTS: (Update, July 10, 2009. All revised and/or added text is shown in bold print.) This item was continued to the July 23, 2009 Planning Commission meeting to allow the applicant to obtain a Special Exception to the Flood Area Construction Regulations of the Rapid City Municipal Code. On July 9, 2009 the Planning Commission recommended approval of the Special Exception with stipulations. The Special Exception will be considered at the July 20, 2009 City Council meeting. Staff will recommend that the SDCL 11-6-19 Review to allow

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temporary structures on public property be approved, if the City Council approves the Special Exception to the Flood Area Construction Regulations of the Rapid City Municipal Code.

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 west are zoned Flood Hazard District. The applicant has submitted a SDCL 11-6-19 Review to allow temporary structures on public property. In addition, the applicant has submitted a Special Exception (#09SE005) to the Flood Area Construction Regulations. The applicant is proposing to hold a one day event for the Ups of Downs Family Support group on Saturday September 12, 2009 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.

On August 7, 2008, Planning Commission approved a SDCL 11-6-19 Review (#08SR067) for the event to be held on September 6, 2008. The applicant is now asking for approval of an event to be held on September 12, 2009.

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: The proposed site for the event is located within the 100 Year Federally Designated Flood Plain and will require a Flood Plain Development Permit. Prior to Planning Commission approval, the applicant must obtain a Flood Plain Development Permit.

The applicant has submitted a Special Exception to the Flood Area Construction Regulations that will be considered by the Planning Commission at the July 9, 2009 Planning Commission meeting and by City Council at the July 20, 2009 City Council meeting. As such, staff recommends that this item be continued to the July 23, 2009 Planning Commission meeting to allow City Council to take action on the associated Special Exception.

On July 9, 2009 the Planning Commission recommended approval of the Special

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Exception with stipulations. The Special Exception will be considered at the July 20, 2009 City Council meeting. Staff will recommend that the SDCL 11-6-19 Review to allow temporary structures on public property be approved, if the City Council approves the Special Exception to the Flood Area Construction Regulations of the Rapid City Municipal Code.

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.

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.

Staff will recommend that the SDCL 11-6-19 Review to allow temporary structures on public property be approved, if the City Council approves the Special Exception to the Flood Area Construction Regulations of the Rapid City Municipal Code.