

STAFF REPORT
July 23, 2009

No. 09SR060 - SDCL 11-6-19 Review request to allow temporary structures on public property **ITEM 44**

GENERAL INFORMATION:

APPLICANT	Rushmore Plaza Civic Center
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR060 - SDCL 11-6-19 Review request to allow temporary structures on public property
EXISTING LEGAL DESCRIPTION	Lot D and Lot ER less hotel lot of the Original Town of Rapid City and Tract 20 less Lot HI in the Rapid City Greenway Tract, all located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 58.39 acres
LOCATION	West of North Fifth Street between North Street and Omaha Street
EXISTING ZONING	Civic Center District, Flood Hazard District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	Civic Center District, Flood Hazard District, Low Density Residential District, Office Commercial District (Planned Commercial Development)
West:	Public District, Flood Hazard District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	6/23/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

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

GENERAL COMMENTS: The property is located east of Mount Rushmore Road and west of North Fifth Street between North Street and Omaha Street. The property is the location of the Rushmore Plaza Civic Center which is public property. The applicant is proposing to construct temporary structures on the property for use during the Harley Davidson Trade Show. The applicant has requested approval of an SDCL 11-6-19 Review to allow temporary structures with alcohol sales on public property.

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On July 7, 2009 Planning Commission approved a SDCL 11-6-19 Review (#05SR040) to allow temporary structures for use with alcohol sales on public property with the following stipulations:

1. Prior to the initiation of the event, a Temporary Use Permit shall be obtained;
2. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by Fire Code;
3. Adequate access for Fire Department apparatus shall be continually maintained for the duration of the special event;
4. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;
5. All requirements of the Floodplain Development Ordinance shall be met at all times;
6. If access is not provided to restroom facilities located within the Rushmore Plaza Civic Center, then portable chemical toilets shall be provided during the event;
7. The SDCL 11-6-19 Review to allow temporary structures on public property for use during the Harley Davidson Trade Show shall be valid for three years. More specifically, the use shall be allowed for one eight day span of time each year.

The applicant is now making a similar request for an event from July 28, 2009 to August 10, 2009.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has 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". The proposed event is located on public property requiring that the proposed construction and use be reviewed and approved by the Rapid City Planning Commission as a part of an SDCL 11-6-19 Review.

STAFF REVIEW: Staff has reviewed the SDCL 11-6-19 Review and has noted the following issues:

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.

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Flood Plain: A portion of the subject property is located within the federally designated 100 Year Flood Plain. However, staff noted that the proposed temporary structures are located outside of the 100 Year Flood Plain. As such, no Flood Plain Development Permit will be required for the proposed temporary structures.

Location and Duration: The applicant has indicated that the event will be held from July 28, 2009 through August 10, 2009. Staff is recommending that the proposed structures be located on the property as shown on the submitted site plan and allowed on the property through the duration of the event as identified by the applicant.

Restroom Facilities: Staff noted that adequate restroom facilities must be provided for the event. If access is not provided to restroom facilities located within the Rushmore Plaza Civic Center then portable chemical toilets must be provided during the event. The total number of restrooms (including handicapped accessible restrooms) to be provided will be determined by the Building Inspections Division at the time a Temporary Use Permit is requested.

Staff finds that the location and extent of the proposed temporary structures appear to be in compliance with the adopted Comprehensive Plan and adopted regulations. As such, staff recommends that the SDCL 11-6-19 Review to allow temporary structures on public property be approved.