

STAFF REPORT
July 23, 2009

No. 09SR065 - SDCL 11-6-19 Review to allow temporary structures on public property **ITEM 26**

GENERAL INFORMATION:

APPLICANT	Rapid City Convention & Visitors Bureau
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR065 - SDCL 11-6-19 Review to allow temporary structures on public property
EXISTING LEGAL DESCRIPTION	Tract 20 less Lot H1 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	6/30/2009
REVIEWED BY	Marcia Elkins / Karley Halsted

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow a temporary structure 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 to allow a temporary structure in the floodplain is approved.

GENERAL COMMENTS: The Rapid City Convention and Visitors Bureau submitted this request for an SDCL 11-6-19 Review to allow a temporary structure on City property in conjunction with the Primal Quest event. Memorial Park will be the event center for a multi-day televised extreme team endurance race to be held in Western South Dakota from August 12, 2009 to August 24, 2009.

A 40 foot by 60 foot tent is proposed to be set up on August 12, 2009 southeast of the

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bandshell in Memorial Park immediately adjacent to the octagonal concrete walkway and north of the hydraulic floodway. The tent will be used for registration and gear checks, for receiving finishing teams and for a race reception to be held on August 23, 2009. The tent will be torn down on August 23, 2009 and removed from the site the following day. The tent will be used for the activities outlined above in case of inclement weather and as needed.

The property is a portion of Memorial Park located west of 5th Street and north of Rapid Creek in and around the Memorial Park Bandshell. The property is owned by the City of Rapid City. 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.

A portion of the site in question is located in the 100 year floodplain. A Floodplain Development Permit was submitted that did not include a certification from a registered professional engineer that the proposed temporary structure could be adequately flood proofed or anchored to comply with the provisions of Section 15.32 of the Rapid City Municipal Code. The Floodplain Development Permit was subsequently denied on June 29, 2009. On June 30, 2009, the applicant submitted a Special Exception to the Flood Area Construction Regulations to Allow Temporary Structures in the Floodplain (09SE006). That request was reviewed by the Planning Commission and recommended for approval with two stipulations:

1. The event will be stopped and the structure removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director; and,
2. That the structures for the event shall be removed that evening after the event has ceased.

The related Special Exception to the Flood Area Construction Regulations request will be considered by the City Council on July 20, 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 Section 11-6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission.” The request to construct a temporary structure on public property is a public improvement. In addition, the property is identified within the area covered by the Rapid City Comprehensive Plan requiring that the improvement be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

Staff has reviewed the SDCL 11-6-19 Review application for the construction of a temporary structure on public property and noted the following considerations:

Floodplain: As previously noted, the proposed site where the tent will be erected is located within the 100 year floodplain. However, the structure cannot be anchored and flood

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proofed in a manner that complies with all applicable requirements of the Rapid City Municipal Code. As such, a Special Exception to the Flood Area Construction Regulations to allow the temporary structure in the 100 year floodplain must be obtained prior to approval of the SDCL 11-6-19 Review application. City Council will consider the request for a Special Exception on July 20, 2009. Staff will notify the Planning Commission of the City Council's action on that request at the July 23, 2009 Planning Commission meeting.

All requirements of the Flood Area Construction Regulations shall be met at all times except as provided for as part of any approved Special Exception. In addition, no camping is permitted within the floodplain or floodway at any time.

Building Permits: Staff noted a Temporary Use Permit must be obtained prior to erection of the tent. Staff also noted that any electrical wiring shall comply with all applicable Building and Electrical Codes. In addition a sign permit must be obtained prior to the installation of any signs. The applicant should be aware that banner signs are not permitted.

Fire Code: The Fire Department requires that the applicant 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 the initiation of the event. Adequate access for the Fire Department apparatus must be continually maintained for the duration of the special event. In addition, the Fire Department staff has noted that the applicant must ensure that all applicable temporary membrane structure criteria as established by the International Fire Code and the Rapid City Fire Department are continually met.

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 the issuance of a Temporary Use Permit, a copy of this plan shall be submitted for review and approval.

Staff finds that the location and extent of the proposed temporary structure is in general compliance with the adopted Comprehensive Plan and adopted regulations if a Special Exception to the Flood Area Regulations is obtained. As such, staff recommends that the SDCL 11-6-19 Review to install a temporary structure on public property be approved if a Special Exception to the Flood Area Regulations to allow the Temporary Structure is approved.