STAFF REPORT
September 10, 2009

No. 09SR080 - SDCL 11-6-19 Review request to allow temporary   **ITEM 25**
structures on public property

GENERAL INFORMATION:

APPLICANT	Robin Albers for American Heart Association
PROPERTY OWNER	City of Rapid City
REQUEST	**No. 09SR080 - SDCL 11-6-19 Review request to allow temporary structures on public property**
EXISTING LEGAL DESCRIPTION	Tract 1 thru 3 and Lots A-B of Tract 3 (also in Section 8, T1N, R7E) of the Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	2902 Park Drive
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	8/28/2009
REVIEWED BY	Karen Bulman / 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 at Canyon Lake Park. The property is currently zoned Flood Hazard District. The property to the north, south, east and west is zoned Flood Hazard District. The applicant has submitted a SDCL 11-6-19 Review to allow temporary structures on public property. The applicant is proposing to hold a one day event for the American Heart Association on Saturday, September 19, 2009 from 6 A.M. until 2 P.M. The event will consist of a Heart Walk beginning at Canyon Lake Park. The applicant is proposing to set up three tents and an inflatable structure.

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

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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 temporary structures 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 north of Canyon Lake and within the area west of the parking lot along Jackson Boulevard and south of the sidewalk. The site is within the 500 year flood plain and as such, will not require a Flood Plain Development Permit.

Fire Code: Three 20 foot by 30 foot tents are proposed for the site. 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.

Building Permits: Staff noted a Temporary Use Permit must be obtained prior to initiation of the event.

Clean up: The park grounds shall be kept clean and shall be continually kept clear of debris and trash. The tents and inflatable structure will be removed at the end of the event at 1 pm.

Certificate of Insurance: A copy of the Certificate of Insurance has been submitted and approved by the Attorney's Office for the 2009 Black Hills Start Heart Walk in Canyon Lake Park scheduled for September 19, 2009.

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