

STAFF REPORT

June 5, 2003

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**No. 03SR031 - SDCL 11-6-19 Review of a use in a public place**

**ITEM 15**

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GENERAL INFORMATION:

PETITIONER	KSLT/KLMP Radio
REQUEST	<b>No. 03SR031 - SDCL 11-6-19 Review of a use in a public place</b>
EXISTING LEGAL DESCRIPTION	Tract 20 less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.96 acres
LOCATION	Memorial Park, 301 North Fifth Street
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 sewer and water
DATE OF APPLICATION	05/09/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review of a use in a public place be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;
2. No camping shall be permitted within the floodway or floodplain at any time;
3. 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;
4. All requirements of the Floodplain Development Ordinance shall be met at all times;

Fire Department Recommendations:

5. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire

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Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;

Building Inspection Division Recommendations:

6. No banners shall be allowed within the public right-of-way or on fences;
7. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested;
8. A Temporary Use Permit shall be obtained prior to initiation of the event;
9. All electrical wiring shall comply with all applicable Uniform Building and Electrical Codes;

Urban Planning Division Recommendations:

10. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;
11. Security shall be provided for the duration of the special event and a weather radio shall be on-site and monitored continually; and
12. The proposed event shall be allowed to operate for no more than two event days per year.

GENERAL COMMENTS: This 11-6-19 SDCL Review request has been submitted to allow a Christian Music Festival to exist in the Flood Hazard Zoning District in Memorial Park. The proposed festival will be located at the park on July 19 and 20, 2003. Different activities will take place throughout these two days.

The festival will include concerts by a number of different musical groups as well as a number of food vendors and other entertainment. The submitted site plan shows an extreme games area consisting of a climbing wall, jousting, bungee jumping, basketball shoot, etc. The site plan also shows 42 portable toilets with two being handicap accessible. The site plan also delineates the locations of tents for eating, tents for praying, tents for sound boards, tents for corporate sponsors, tents for non-profit ministries, tents for product sales, spotlights, stages, artists' motor homes, and station vans. The applicant has stated that the expected attendance for the festival over the two day time period is 10,000 people.

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 site is publicly owned property. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission as a part of an 11-6-19 SDCL Review.

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

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following major issues:

Fire Code: The Fire Department has stated that the petitioner must submit complete plans regarding 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 11-6-19 SDCL Review with 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 shall be submitted to City Staff for review and approval.

Ongoing Security/Maintenance: The safety of the special event participants and the maintenance of the public park are a significant concern. Staff is recommending that stipulations be approved that requires the applicant to provide security for the duration of the special event and that special event staff will be responsible to ensure that the park grounds will be kept free of trash and debris. In addition, because of concerns associated with the close proximity of Rapid Creek, staff is recommending that a weather radio be located on-site and monitored continually during the event.

Hydraulic Floodway: The submitted site plan appears to have all the structures located outside of the hydraulic floodway; however, if any structures are located in the hydraulic floodway, then a Floodplain Development permit will need to be obtained. In addition, a special exception to the Floodplain Development Ordinance must be granted to allow the applicant to erect the proposed fencing within the hydraulic floodway. In addition, any structures within the 100 year floodway will require a flood plain development permit prior to commencement of the event.

Staff is recommending that the 11-6-19 SDCL Review request be approved with the previously stated stipulations. Staff notes that 11-6-19 South Dakota Codified Law Reviews do not require direct notification of neighboring property owners. In addition, South Dakota Codified Law does not require that 11-6-19 South Dakota Codified Law Reviews be advertised in a local newspaper.