

STAFF REPORT

June 26, 2003

No. 03SR034 - 11-6-19 SDCL Review to allow a use in a public place

ITEM 18

GENERAL INFORMATION:

PETITIONER	Brian Maliske for the Rushmore Plaza Civic Center
REQUEST	No. 03SR034 - 11-6-19 SDCL Review to allow a use in a public place
EXISTING LEGAL DESCRIPTION	Lot ER (including public access and utility easement) Less Hotel Lot of Lot ER, Original Town of Rapid City; and, Tract 20 less Lot H1, Rapid City Greenway Tract, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	58.39
LOCATION	444 North Mt. Rushmore Road
EXISTING ZONING	Civic Center District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Flood Hazard District
East:	Civic Center District/Medium Density Residential District
West:	Civic Center District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	05/30/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

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

Fire Department Recommendations:

1. Fire lanes or fire hydrants must not be blocked at any time;
2. All tents shall comply with Article 32 of the Uniform Fire Code and the Assembly Manual;

Building Inspection Division Recommendations:

3. The applicant shall obtain a temporary use permit prior to the commencement of each outdoor carnival;

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Police Department Recommendations:

4. The area serving alcohol must be double-fenced with a minimum of eight feet between the fences;
5. That two exits with security personnel at each exit must be maintained;

Urban Planning Division Recommendations:

6. This 11-6-19 SDCL Review shall be approved for three (3) additional years at which time an additional review shall be obtained;
7. Any additional expansion of use shall require an additional 11-6-19 SDCL Review; and
8. This temporary use shall be approved for a maximum of 14 days.

GENERAL COMMENTS: The applicant is proposing a temporary use permit to allow a temporary festival during the Sturgis Motorcycle Rally. The proposed temporary use will be effective from July 30 to August 12. The applicant is also requesting that this review serve for future reviews, unless there are any changes to the site plan which would require an amendment to the review. The submitted site plan shows four food and beverage tents, vendor tents, a bike jump and portable toilets.

An 11-6-19 SDCL Review was approved at this location on June 6, 2002. At that time, the applicant was requesting approval for a Twenty-Fifth Anniversary Celebration. The 2002 event included live music and food and beverage vendors. This review also included on-sale liquor. This request was approved with nine stipulations, they were:

1. Fire lanes or fire hydrants must not be blocked at any time;
2. All tents shall comply with Article 32 of the Uniform Fire Code and the Assembly Manual;
3. That two exits with security personnel at each exit must be maintained;
4. The area serving alcohol must be double-fenced with a minimum of eight feet between the fences;
5. Prior to the initiation of any event, parking shall be provided as required by the City Council;
6. Prior to any future events, the Civic Center must notify the Police and Fire Departments;
7. Prior to any future events, a Temporary Use Permit must be obtained from the Building Inspection Department;
8. The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with this event; and,
9. A site plan indicating the location of any signs to be posted in conjunction with the event must be provided prior to Planning Commission.

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

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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: City Staff has reviewed the request 11-6-19 SDCL Review, and has noted the following issues:

Fire Codes: Prior to the issuance of a Temporary Use Permit for the proposed festival, the applicant shall verify with the Fire Department that all of the Uniform Fire Codes as adopted by the City of Rapid City, Articles 32 and 2504 are being met. These articles include guidelines and verification procedures for tents, electrical equipment, concession stands, fire extinguishers, etc. In addition, an inspection checklist must be completed for all tents and canopies at the site, as well as an inspection plan review for all proposed tents and canopies.

Beverage Tents: The site was previously approved to allow on-sale liquor for a temporary use permit. The applicant shall verify that any portion of the site serving alcohol shall be double fenced, and shall have a minimum of eight feet between the fences in order to ensure compliance with the City of Rapid City Municipal Codes. In addition, the Police Department has stated there shall be personnel located at the entrance and exits of the sites to verify all health and safety laws are being met at all times.

Future Review: Staff is recommending that this 11-6-19 SDCL Review be approved for three additional years. At the end of the three years, this application may be approved on an on-going basis if no problems or complaints are identified. However, a temporary use permit will still need to be obtained by the applicant on a yearly basis. This will ensure that the Municipal Codes including life safety issues associated with the tents and other structures are being met on a yearly basis. In addition to the temporary use permit, if there are any changes to the approved site plan, an amendment to the 11-6-19 SDCL Review may be required.

For these reasons, staff is recommending approval of the 11-6-19 SDCL Review with the 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.

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