

STAFF REPORT  
May 27, 2004

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**No. 04SR029 - 11-6-19 SDCL Review of a use in a public place**

**ITEM 9**

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GENERAL INFORMATION:

PETITIONER	Rushmore Plaza Civic Center
REQUEST	<b>No. 04SR029 - 11-6-19 SDCL Review of a use in a public place</b>
EXISTING LEGAL DESCRIPTION	Lot ER less Hotel Lot ER Original Town of Rapid City, 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:	Public District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	05/17/2004
REVIEWED BY	Vicki L. Fisher / Sig Zvejnieks

RECOMMENDATION:

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

1. 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, rides, food vender booths and other facilities as required by the Fire Code;
2. 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;
3. No camping shall be permitted within the floodway or floodplain at any time;
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. 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

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- provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested as per the State Plumbing Code;
8. A Temporary Use Permit shall be obtained prior to initiation of the event;
  9. All electrical wiring shall comply with the applicable Uniform Building and Electrical Codes;
  10. The grounds shall be cleaned daily and shall be continually kept clear of debris and trash; and,
  11. The proposed event shall be allowed to operate for no more than fourteen event days per year in 2004, 2005 and 2006. The applicant shall submit another SDCL 11-6-19 Review in order for the event to continue past 2006.

**GENERAL COMMENTS:**

A SDCL 11-6-19 Review request has been submitted to allow a carnival to locate within the parking lot located on the west side of the Rushmore Plaza Civic Center. The proposed carnival will be held yearly potentially over the Memorial Day week-end and during the Heritage Festival not to exceed a total of 14 operating days per year.

A carnival has been located at the Rushmore Plaza Civic Center for the last six years and previously have been located on the east side of the Civic Center in the Fifth Street parking lot. The carnival will include rides, food vendor booths, arcade booths and other related activities and/or facilities.

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 use be reviewed and approved by the Rapid City Planning Commission as a part of a SDCL 11-6-19 Review.

**STAFF REVIEW:**

Staff has reviewed the proposed SDCL 11-6-19 Review and has noted the following considerations:

**Fire Code:** The Fire Department has stated that Prior to initiation of the event, the applicant must submit all applicable plans to the Fire Department for approval and must have received approval of an inspection for all tents, rides, food vender booths and other facilities as required by the Fire Code.

**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 issuance of a Temporary Use Permit for the festival, a copy of this plan be submitted to staff for review and approval.

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Temporary Use Permit: Prior to the initiation of the event, a Temporary Use Permit must be obtained. The total number of restrooms (including handicapped accessible restrooms) to be provided must be determined by the Development Service Center staff at the time a Temporary Use Permit is requested as per the State Plumbing Code.

Flood Hazard District: The subject property is located within the Flood Hazard District. As such, all requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District must be continually met including the requirements for temporary structures set forth in Section 17.28.040. Staff is also recommending that all requirements of the Floodplain Development Ordinance be met at all times.

Duration: As previously indicated, the applicant has indicated that the carnival be held yearly potentially over the Memorial Day week-end and during the Heritage Festival not to exceed a total of 14 operating days per year. Staff is recommending that the proposed event be allowed to operate as proposed. In addition, staff is recommending that the SDCL 11 -6-19 Review allow the event for three consecutive years upon which time the applicant must submit another SDCL 11-6-19 Review in order for the event to continue past the three years, or 2006.

Staff is recommending that the SDCL 11-6-19 Review request be approved with the previously stated stipulations.

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