

STAFF REPORT
June 10, 2004

No. 04SR028 - 11-6-19 SDCL Review to allow a public use in a public place **ITEM 10**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 04SR028 - 11-6-19 SDCL Review to allow a public use in a public place
EXISTING LEGAL DESCRIPTION	Tract 17 less Lot H1 (also in Section 34, T2N, R7E), Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 59.010 acres
LOCATION	1520 West Omaha Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District/General Agriculture District/Heavy Industrial District/Flood Hazard District
South:	General Commercial District/Flood Hazard District/Light Industrial District
East:	Flood Hazard District/General Commercial District
West:	Light Industrial District
PUBLIC UTILITIES	none
DATE OF APPLICATION	05/14/2004
REVIEWED BY	Todd Tucker / Sig Zvejnieks

RECOMMENDATION:

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

1. Vendor booths shall not occupy any off street parking stalls;
2. Prior to Planning Commission approval, a revised site plan shall be submitted showing the location of any portable restrooms to be provided for the Farmer's Market;
3. Prior to Planning Commission approval, a copy of the maintenance and pumping contract for any portable restrooms to be provided for the Farmer's Market shall be submitted;
4. All structures associated with the Farmer's Market shall be removed nightly including any portable restrooms;
5. Prior to location on the site, information regarding the materials to be used for booths including any canopies provided and information regarding any on-site cooking shall be submitted to Fire Prevention to insure all applicable provisions of the Uniform Fire Code are being met;

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6. 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; and,
7. The Farmer's Market shall be authorized for 2004 only; a new 11-6-19 SDCL shall be submitted for review and approval prior to the use of this site in subsequent years.

GENERAL COMMENTS: This is a request by the City of Rapid City for authorization to use a public place for a Farmer's Market. The submitted site plan shows 30 booth areas to be used for local residents to sell their goods. The proposed Farmer's Market site is located on the north and west sides of the existing parking lot near the large concrete fish sculpture located at Founders Park, which is public property.

The Farmer's Market has been relocated a number of times over the past ten years for a variety of reasons. This request is a temporary solution proposed to allow this community facility to operate during the 2004 season. The City's new Parks and Recreation Director, Jerry Cole, has indicated that he would like the opportunity to review alternative locations with the intent of finding a permanent home for the Farmer's Market. The use of this location will allow an evaluation of this site to occur while other alternative sites are also evaluated.

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". As previously indicated the proposed site is on publicly owned land requiring that the Planning Commission review and approve of the proposed Farmer's Market.

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

Parking: As previously indicated the proposed Farmer's Market will consist of 30 booth areas for local residents to sell their goods. The area covered by the 30 booths is approximately 12,000 square feet requiring 60 off street parking stalls to be provided. The applicant's site plan shows 89 parking stalls with four being handicapped accessible and one being "van accessible". Information previously submitted by the Farmer's Market vendors indicate that significantly more vehicles are on the site during peak periods. This raises significant questions about the adequacy of this site, the amount of parking needed for the use and concerns with access onto the state highway at this location. For this reason, staff is suggesting that the use of this site be approved for the 2004 season only. This will allow the parking and access to be closely monitored and evaluated before a permanent location is identified. Because of the concern with the adequacy of parking, staff is recommending that the vendor booths not occupy any off street parking stalls.

Portable Restrooms: Staff noted that no information has been submitted regarding the amount of portable restrooms to be provided for the Farmer's Market. A revised site plan shall be

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submitted showing the location of any portable restrooms to be provided for the Farmer's Market. Staff also noted that a copy of the maintenance and pumping contract for any portable restrooms to be provided for the Farmer's Market shall be submitted prior to Planning Commission approval.

Floodplain: Staff noted that the proposed Farmer's Market site is not located within the Hydrolic Floodway. However, it is located within the 100 year floodplain requiring that all structures associated with the Farmer's Market be removed nightly including any portable restrooms.

Fire Safety: Staff noted that information regarding the materials to be used for booths including any canopies provided and information regarding any on-site cooking shall be submitted to Fire Prevention to insure all applicable provisions of the Uniform Fire Code are being met.

Flood Hazard District: Staff noted that the proposed Farmer's Market site is located within the Flood Hazard District. 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.

Staff recommends approval of the 11-6-19 SDCL Review with the above stated stipulations