

STAFF REPORT

June 10, 2004

No. 04SR032 - 11-6-19 SDCL Review to allow concession tents or a trailer in a public place

ITEM 13

GENERAL INFORMATION:

PETITIONER	Larry Dale for the Rushmore Plaza Civic Center
REQUEST	No. 04SR032 - 11-6-19 SDCL Review to allow concession tents or a trailer in a public place
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	444 Mt. Rushmore Road North
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	05/28/2004
REVIEWED BY	Karen Bulman /Dave Johnson

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow concession tents or a trailer 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 or other facilities as required by the Fire Code;
2. 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;
3. All requirements of the Flood Area Construction Regulations, Chapter 15.32, shall be met at all times;
4. 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 as per the State Plumbing Code;
5. A Temporary Use Permit shall be obtained prior to initiation of the event;
6. All electrical wiring shall comply with the applicable Uniform Building and Electrical

STAFF REPORT

June 10, 2004

No. 04SR032 - 11-6-19 SDCL Review to allow concession tents or a trailer in a public place ITEM 13

- Codes;
7. The grounds shall be cleaned after the event and shall be continually kept clear of debris and trash; and,
 8. The proposed event shall be allowed to operate for one day only on June 19, 2004 from 3 pm to midnight.

GENERAL COMMENTS: A SDCL 11-6-19 Review request has been submitted to allow a concession area adjacent to the Band Shell in Memorial Park during entertainment for the South Dakota State H.O.G. Rally event on June 19, 2004 from 3 pm to midnight. A 40 foot by 10 foot portable tent or a concession trailer will be located in the concession area. The concession area will include soft drinks and food. No alcohol will be served from the concession area.

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 or other facilities as required by the Fire Code.

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. Staff is requesting that the concession tents or trailer be located as far north from the floodway as possible.

Duration: The applicant has indicated that the entertainment for the South Dakota State H.O.G. Rally will be held on June 19, 2004 from 3 pm to midnight at the Band Shell. The area designated for the concession tents or trailer will be during this same time and place.

STAFF REPORT
June 10, 2004

No. 04SR032 - 11-6-19 SDCL Review to allow concession tents or a trailer in a public place **ITEM 13**

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