

STAFF REPORT
February 23, 2006

No. 06SR005 - SDCL 11-6-19 Review to allow a Farmer's Market in a public place **ITEM 18**

GENERAL INFORMATION:

PETITIONER	Leonard Novak
REQUEST	No. 06SR005 - SDCL 11-6-19 Review to allow a Farmer's Market 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
South:	General Commercial District - Light Industrial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/27/2006
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

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

1. Vendor booths shall not occupy any off street parking stalls;
2. All structures associated with the Farmer's Market shall be removed nightly including any portable restrooms;
3. 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 the Fire Department to insure all applicable provisions of the Uniform Fire Code are being met;
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; and,
5. The Farmer's Market shall be authorized for three years from 2006 through 2008. A new 11-6-19 SDCL shall be submitted for review and approval prior to the use of this site in 2009.

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GENERAL COMMENTS: The applicant is requesting approval of a SDCL 11-6-19 Review to allow a Farmer's Market in a public place. 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 at this site through the 2008 season. The farmers market was located at this site in 2004 and 2005. The City's Parks and Recreation Director 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 the proposed Farmer's Market.

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

Parking: The proposed Farmer's Market will consist of a maximum 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. Some back up of vehicles on Omaha Street occurred during the 2004 season. In 2005 the parking lot was repainted with directional arrows to aid in traffic circulation. This appears to have alleviated some of the traffic concerns. 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: The site plan indicates that one portable restroom will be provided on the east side of the existing parking lot. Staff noted that a copy of the maintenance and pumping contract for the portable restroom was submitted by the applicant.

Floodplain: Staff noted that the proposed Farmer's Market site is not located within the Hydraulic 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.

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Fire Safety: Staff noted that information regarding the materials to be used for booths including any canopies be provided and information regarding any on-site cooking shall be submitted to the Fire Department 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 SDCL 11-6-19 Review with the above stated stipulations.