

STAFF REPORT
April 20, 2006

No. 06SR025 - SDCL 11-6-19 Review to allow a temporary use on public property **ITEM 17**

GENERAL INFORMATION:

PETITIONER	Kathy Cook for KSLT/KLMP/88.3 The Point
REQUEST	No. 06SR025 - SDCL 11-6-19 Review to allow a temporary use on public property
EXISTING LEGAL DESCRIPTION	Tract 20, less Lot H1, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.96 acres
LOCATION	301 North 5th Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Civic Center District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/21/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

1. 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;
2. No camping shall be permitted within the floodway or floodplain at any time;
3. 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;
4. All requirements of the Floodplain Development Ordinance shall be met at all times;
5. 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 and other facilities as required by the Fire Code;
6. Signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage;
7. No banners shall be allowed within the public rights-of-way or on fences;

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8. 44 restrooms (including at least 2 handicapped accessible restrooms) shall be provided;
9. A Temporary Use Permit shall be obtained prior to initiation of the event each year;
10. All electrical wiring shall comply with the applicable Building and Electrical Codes;
11. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;
12. Security shall be provided for the duration of the special event and a weather radio shall be on-site and monitored continually;
13. The proposed event shall be allowed to operate for no more than three event days per year; and,
14. The SDCL 11-6-19 Review for a Summer Music Festival shall be valid for three years.

GENERAL COMMENTS: This SDCL 11-6-19 Review request has been submitted to allow a Music Festival to be held in the Flood Hazard Zoning District in Memorial Park. The proposed festival will be located at the park on July 14 to July 16, 2006 with setup and take down on July 13 and 18, 2006.

On March 10, 2005 the Planning Commission approved with stipulations a SDCL 11-6-19 Review (05SR005) on the subject property to a use in a public place. Since the event is moving locations within the park and adding a 3rd day to the event they are required to go through the SDCL 11-6-19 Review process again.

The festival will include concerts by a number of musical groups as well as a number of food vendors and other entertainment. The submitted site plan shows a fun zone area which will consist of various outdoor activities. The applicant has stated that the expected attendance for the festival over the three day time period is 30,000 people.

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 expansion 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 issues:

Building Permits: Staff noted a Temporary Use Permit shall be received prior to initiation of the event each year. Staff also noted that all electrical wiring shall comply with all applicable Building and Electrical Codes. The Building Official stated that 44 restrooms (including at least 2 handicapped accessible restrooms) shall be provided.

Signage: Staff noted that signs shall be on-premise signs only as per Section 15.28 of the

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Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage. Staff also noted that no banners shall be allowed within the public right-of-way or on fences.

Fire Code: The Fire Department has stated that the petitioner must submit complete plans for all proposed tents at the time a Temporary Use Permit application is submitted. Additionally, a tent checklist form and a tent inspection must be completed prior to initiation of the event and adequate access for Fire Department apparatus must be continually maintained for the duration of the special event.

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 for review and approval.

Ongoing Security/Maintenance: The safety of the special event participants and the maintenance of the public park are a significant concern. Staff is recommending that the stipulations of approval that requires the applicant to provide security for the duration of the special event and that special event staff be responsible to ensure that the park grounds will be kept free of trash and debris. The applicant has indicated that they will provided a minimum of two Rapid City licensed security personnel on site from 6:00 p.m. on the 13th through 8:00 a.m. on the 17th. In addition, because of concerns associated with the close proximity of Rapid Creek, staff is recommending that a weather radio be located on-site and monitored continually during the event.

Hydraulic Floodway: The submitted site plan indicates that all proposed structures to be located outside of the hydraulic floodway. A Special Exception to the Floodplain Development Ordinance must be obtained to allow any structures located in the hydraulic floodway. Staff is recommending that all requirements of the Floodplain Development Ordinance be met at all times.

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