

STAFF REPORT
May 4, 2006

No. 06SR017 - 11-6-19 SDCL Review to allow a temporary use on public property **ITEM 8**

GENERAL INFORMATION:

PETITIONER	Black Hills Heritage Festival
REQUEST	No. 06SR017 - 11-6-19 SDCL Review to allow a temporary use on public property
EXISTING LEGAL DESCRIPTION	Tract 20, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.96 acres
LOCATION	Memorial Park
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	3/8/2006
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 and adequate access for Fire Department apparatus must be continually maintained for the duration of the**

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- special event;
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;**
 8. **A minimum of 18 restrooms (including at least 1 handicapped accessible restroom) 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; and,**
 12. **Security shall be provided for the duration of the special event and a weather radio shall be on-site and monitored continually.**

GENERAL COMMENTS: This staff report has been revised as of April 25, 2006. All revised and/or added text is shown in bold print. The applicant has submitted a SDCL 11-6-19 Review application to allow the Heritage Festival to operate in the Flood Hazard Zoning District in Memorial Park. A Use on Review was approved for the Heritage Festival in 1985 for one year only. In 1997, a Use on Review was approved for temporary fencing, toilets, tents and lighting at this location. On June 4, 2001 the City Council approved a Use on Review to allow the Heritage Festival to operate in the Flood Hazard Zoning District for one year to allow the City time to relocate the electrical wiring utilized by vendors outside of the hydraulic floodway. On May 9, 2002 a Major Amendment to a Conditional Use Permit was approved to allow temporary structures in the Flood Hazard Zoning District. Since the event is being relocated to a different area of Memorial Park the applicant is required to go through a SDCL 11-6-19 Review to allow a temporary use on public property.

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 event.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review request as it relates to the applicable provisions of the Rapid City Municipal Code 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. Prior to Planning Commission approval the total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Official.

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The Building Official stated that a minimum of 18 restrooms (including at least 1 handicapped accessible restroom) shall be provided.

Signage: Staff noted that 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. Staff also noted that no banners shall be allowed within the public right-of-way or on fences.

Fire Safety: Staff noted that a detailed plan showing the exact layout of tents, canopies, and other applicable structures is required for review and approval. Prior to Planning Commission approval, a revised site plan is required for review and approval.

On April 21, 2006 the applicant submitted a revised site plan meeting all the requirements as identified. The Fire Department also stated that 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 and adequate access for Fire Department apparatus must be continually maintained for the duration of the special event.

Evacuation Plan: Staff noted that 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.

Ongoing Security/Maintenance: Staff noted that the Heritage Festival must ensure that continual clean-up of the park occurs during the festival and that twenty-four hour security is in place. In addition, because of concerns associated with the close proximity of Rapid Creek to the Heritage Festival event, staff is recommending that a weather radio be located on-site and monitored continually during the event. Staff noted that no camping shall be permitted within the floodway or floodplain at any time. 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. All requirements of the Floodplain Development Ordinance shall be met at all times. Staff noted that the children's area appears to be located in the floodway. Prior to Planning Commission approval a revised site plan showing the children's area outside of the floodway is required for review and approval.

On April 21, 2006 the applicant submitted a revised site plan meeting all the requirements as identified.

Staff recommends that the SDCL 11-6-19 Review to allow a temporary use on public property be continued to the April 20, 2006 Planning Commission Meeting to allow the applicant time to submit the required information as outlined above.

This item was continued on April 6, 2006 to the April 20, 2006 Planning Commission Meeting to allow the issues as identified above to be addressed. As of April 11, 2006 the required information has not been submitted.

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This item was continued on April 20, 2006 to the May 4, 2006 Planning Commission Meeting to allow the issues as identified above to be addressed.

Staff is recommending that the SDCL 11-6-19 Review to allow a temporary use on public property be approved with stipulations as outlined above.