

STAFF REPORT
May 25, 2006

No. 06SR041 - SDCL 11-6-19 Review to allow a temporary use on public property **ITEM 52**

GENERAL INFORMATION:

PETITIONER	Gathering of the Clans
REQUEST	No. 06SR041 - SDCL 11-6-19 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	301 North Fifth 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 sewer and water
DATE OF APPLICATION	4/26/2006
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

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

1. A Temporary Use Permit shall be obtained prior to the event;
2. Prior to obtaining a Temporary Use Permit, the total number of restrooms to be provided shall be determined by the Building Official;
3. Prior to obtaining a Temporary Use Permit, all plans shall be submitted to the Fire Department for approval and the inspection of all tents shall have received approval by the Fire Department;
4. Prior to issuance of a Temporary Use Permit, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;
5. The beer tent shall be completely fenced and security on site at all times;
6. No camping shall be permitted within the floodway or floodplain at any time;
7. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met and all requirements of the Floodplain

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- Development Ordinance shall be met; and,
8. The 11-6-19 Review to allow a temporary use on public property for the Gathering of the Clans event shall be for September 2, 2006 only.

GENERAL COMMENTS: The applicant has submitted a SDCL 11-6-19 Review application to allow the Gathering of the Clans to hold an event in the Flood Hazard Zoning District in Memorial Park on September 2, 2006.

The event will include music and games as well as a number of food vendors and other entertainment. The applicant has stated that no more than 300 people will be in attendance at one time during the one day event. The event will be held from sunup to sundown on September 2, 2006. The Bandshell and the Athletics tent will be used for music and Scottish Highland style heavy athletics. The games will be held south of the athletics tent. A maximum of 41 vendors is planned and they will set up the day before the event, on September 1, 2006. The vendor's tents will be approximately 100 square feet, with the exception of the hospitality tent and the beer tent that will be approximately 200 square feet. The beer tent will be located south and east of the Bandshell and will be fenced and will have security on site during the event. Portable toilets will be located throughout the event location.

All structures will be placed outside of the hydraulic floodway, but will be within the 100 year hydraulic floodplain. The submitted site plan shows the location of the activities. However, due to the construction of the Civic Center expansion, the locations of the structures may vary. Minimal directional signage will be used during the event. Portable toilets will be on site. The site will be cleaned and any damage to the landscaping from the heavy athletics will be repaired.

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 and has noted the following issues:

Building Permits: Staff noted a Temporary Use Permit shall be received prior to initiation of the event. Prior to obtaining a Temporary Use Permit, the total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Official.

Signage: Staff noted that signs shall be directional signs only and will not require a sign permit. Staff also noted that no banners shall be allowed within the public right-of-way or on fences.

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Fire Safety: 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. Adequate access for Fire Department apparatus must be continually maintained for the duration of the 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 noted that prior to issuance of a Temporary Use Permit for 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 Gathering of the Clan must ensure that continual clean-up of the park occurs during the event and that security is in place for the beer tent. In addition, because of concerns associated with the close proximity of Rapid Creek to the Gathering of the Clans 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.

Beer Tent: The beer tent shall be completely fenced and security on site at all times.

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