

STAFF REPORT  
July 5, 2007

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**No. 07SR040 - SDCL 11-6-19 Review to allow a temporary use on public property**      **ITEM 50**

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GENERAL INFORMATION:

PETITIONER	Gathering of the Clans
REQUEST	<b>No. 07SR040 - SDCL 11-6-19 Review to allow a temporary use on public property</b>
EXISTING LEGAL DESCRIPTION	Tract 20 of the 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:	General Commercial District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/29/2007
REVIEWED BY	Loren Fuhrmann / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow a temporary use on public property for the Gathering of the Clans on August 31 through September 2, 2007 be approved with the following stipulation:

1. Prior to Planning Commission approval, the applicant shall obtain approval of the evacuation plan by the City and Pennington County Emergency Management Department.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review application to allow the Gathering of the Clans to hold a three day event in the Flood Hazard Zoning District in Memorial Park on August 31 through September 2, 2007.

The event will include music and games as well as a number of food vendors and other entertainment. The applicant has stated that approximately 300 people will be in attendance at one time during the three day event. The event will be held from sunup to sundown on August

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31 through September 2, 2007 and wrapping up at 3:00 p.m. on Sunday. The Bandshell and the Athletics tent will be used for music and Scottish Highland style heavy athletics. The applicant noted that they will coordinate with the Rapid City Police Department to determine when the music will cease and what decibel levels are acceptable. The applicant noted the number of vendors will be similar to the 2006 gathering. Last year the applicant noted the maximum of 41 vendors were planned. The vendors will be allowed a 20x30 foot space and no temporary structures to be larger than 20x20 foot except the hospitality tent and beer tent. 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.

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. Minimal directional signage will be used during the event. Six portable toilets will be on site, the same as last year. 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:

A Temporary Use Permit must be obtained prior to initiation of the event.

Signage:

The applicant has indicated that the signs will be directional signs only. As such, the proposed signs will not require a sign permit. The applicant should be aware that no banners must be allowed within the public right-of-way or on fences.

Fire Safety:

Prior to initiation of the event, the applicant must obtain approval by the Fire Department for all the 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 property is located within the Flood Hazard Zoning District (Section 17.28.040 (D) of the Rapid City Municipal Code). 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. For this reason,

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staff recommends prior to Planning Commission approval of this request a copy of the evacuation plan must be submitted to the City and Pennington County Emergency Management Department for review and approval.

Ongoing Security/Maintenance:

The Gathering of the Clans must ensure that continual clean-up of the park occurs during the event and the beer tent must be completely fenced and security must be on site at all times. No camping must 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 must be continually met including the requirements for temporary structures set forth in Section 17.28.040.

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