

STAFF REPORT
July 10, 2008

No. 08SR050 - SDCL 11-6-19 Review to allow a temporary use on public property ITEM 57

GENERAL INFORMATION:

APPLICANT/AGENT	John Duggan for Gathering of the Clans
PROPERTY OWNER	City of Rapid City
REQUEST	No. 08SR050 - SDCL 11-6-19 Review to allow a temporary use on public property
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	6/6/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow a temporary use on public property be approved if the following additional information is submitted prior to Planning Commission approval:

1. A Floodplain Development Permit shall be obtained for any structures located within the 100 year federally designated Floodplain area or a revised site plan shall be submitted for review and approval relocating the structures from the 100 year Federally Designated Floodplain area.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review application to allow temporary structures to be located on public land. In particular, the applicant is requesting that the "Gathering of the Clans" be allowed to place tents and booths in Memorial Park as a part of a two day event to be held on August 29th and 30th, 2008.

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The event has been held in Memorial Park the past two years. Similar to the past years activities, the event will include music and games as well as a number of food vendors and other entertainment. New with this year's event, a Scottish reenactment group will be present to show period swordsmanship and combat and to demonstrate period village life.

The applicant has stated that approximately 300 to 500 people will be in attendance at one time during the two day event. The event will be held from sunup to sundown, with vendors setting up early on Friday, August 29th. The event will conclude around 10:00 p.m. on Saturday, August 30th. The City's Bandshell, a large tent 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 and 2007 gathering, for a total of approximately 40 vendors. The vendors will be allowed a 20x30 foot space with 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 with security on site during the event.

The applicant has indicated that six portable toilets will be on site, which is the same number provided in the two previous years. In addition, the applicant has indicated that the site will be cleaned and any damage to the landscaping from the heavy athletics will be repaired. The applicant has also indicated that no camping will be allowed.

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: Chapter 17.50.220 of the Rapid City Municipal Codes states the general regulations that must be followed for a temporary use. In particular, a Temporary Use Permit must be obtained prior to the placement of any tents, booths or other structures. The applicant should be aware that it is their responsibility to obtain the necessary Temporary Use Permit(s) prior to initiation of the event.

Parks Department Special Event Permit: Since the applicant is proposing to utilize a City park for the proposed activity, a Parks Department Special Event Permit must be obtained. The applicant should be aware that it is their responsibility to obtain the necessary Special Event Permit prior to initiation of the event.

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Floodplain Development Permit: Areas of Memorial Park are located within the 100 year Federally Designated Floodplain. The applicant's site plan shows all of the proposed tents and booths within the 100 year Federally Designated Floodplain. As such, staff is recommending that prior to Planning Commission approval, a Floodplain Development Permit be obtained as required or a revised site plan must be submitted for review and approval relocating the structures from the 100 year Federally Designated Floodplain area.

Evacuation Plan:

The applicant has submitted an Evacuation Plan identifying the evacuation of the area in the case of an emergency situation which may include flash flooding of Rapid Creek, fire, gas or chemical leak, power failure, hostage situation and/or a bomb threat. In particular, the plan identifies that the event organizers will be responsible for receiving warning information in a timely manner and initiating the Evacuation Plan. Event organizers will also have a weather alert radio with them at all time in order to monitor warning information. In addition, the event organizers will have access to a cellular telephone at all times. A copy of the Evacuation Plan has been submitted to the Rapid City Fire Department, the Rapid City Police Department and the Pennington County Emergency Management Department.

Fire Safety: Prior to initiation of the event, the applicant must obtain approval by the Fire Department for all tents and other facilities as required by the currently adopted International Fire Code. In addition, adequate access for Fire Department apparatus must be continually maintained for the duration 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 are allowed within the public right-of-way or on fences.

Ongoing Security/Maintenance:

The Gathering of the Clans must ensure that continual clean-up of the park occurs during the event. In addition, the beer tent must be fenced and security must be provided at all times. No camping is permitted within the floodway or floodplain at any time

Staff will recommend that the SDCL 11-6-19 Review be approved if the information identified above is submitted.