

STAFF REPORT
January 22, 2009

No. 08SR071 SDCL 11-6-19 Review to allow a Farmers Market in a public place **ITEM 41**

GENERAL INFORMATION:

APPLICANT/AGENT	Mark Olson for Black Hills Farmers Market
PROPERTY OWNER	City of Rapid City
REQUEST	No. 08SR071 - SDCL 11-6-19 Review to allow a farmers market in a public place from 2009 through 2011
EXISTING LEGAL DESCRIPTION	Tract 17 less Lot H1 (also in Section 34, T2N, R7E) of the Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 35.0 acres
LOCATION	1520 West Omaha Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Commercial District - Light Industrial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	8/26/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow a farmers market in a public place be **approved from May of 2009 through November of 2009.**

GENERAL COMMENTS: **(Update, January 13, 2009. All revised and/or added text is shown in bold print.) This item was continued at the December 4, 2008 Planning Commission meeting to allow the applicant and staff to discuss the best way to resolve the outstanding issues surrounding the site. After several discussions about the future construction plans on the site, staff is recommending that the SDCL 11-6-19 Review to allow a farmers market in a public place be approved for the 2009 season only. This will allow the farmers market to operate for the 2009 season.**

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(Update, November 20, 2008. All revised and/or added text is shown in bold print.) This item was continued at the November 20, 2008 Planning Commission meeting to allow the applicant and staff to discuss safety issues regarding the site. Staff and the applicant will be meeting to discuss the best way to resolve the outstanding issues surrounding the current location of the Farmer's Market. As such, staff recommends that the SDCL-11-6-19 Review to allow a farmers market in a public place be continued to the January 22, 2009 Planning Commission meeting.

(Update, November 7, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. This item was continued at the September 4, 2008 Planning Commission meeting to allow the applicant and staff to discuss safety issues regarding the site. Staff and the applicant will be meeting to discuss the best way to resolve the outstanding issues surrounding the current location of the Farmer's Market. As such, staff recommends that the SDCL-11-6-19 Review to allow a farmers market in a public place be continued to the December 4, 2008 Planning Commission meeting with the applicant's concurrence.

(Update: September 29, 2008. All revised and/or added text is shown in bold.) This item was continued at the September 4, 2008 Planning Commission meeting to allow the applicant and staff to discuss safety issues regarding the site. Staff and the applicant will be meeting in November to discuss the best way to resolve the outstanding issues surrounding the current location of the Farmer's Market. As such, staff recommends that the SDCL-11-6-19 Review to allow a farmers market in a public place be continued to the November 20, 2008 Planning Commission meeting with the applicant's concurrence.

The applicant is requesting approval of a SDCL 11-6-19 Review to allow a Farmer's Market in a public place. The proposed Farmer's Market site is located on the north and west sides of the existing parking lot near the large concrete fish sculpture located at Founders Park, which is public property.

The Farmer's Market has been relocated a number of times over the past twelve years for a variety of reasons. The Farmer's Market has been located at this site since 2004. On February 23, 2006 the site was approved for use by the Farmers Market through the end of the 2008 season. The applicant has submitted a request to allow a Farmer's Market at the same location through the end of the 2011 season. Staff met with the applicant on September 26, 2008 to discuss possible resolutions to the existing parking, traffic and pedestrian problems at the current site. Staff and the applicant will meet again in November to further discuss the location of the Farmer's Market. As such, staff recommends that the SDCL 11-6-19 Review be continued to the November 20, 2008 Planning Commission meeting with the applicant's concurrence.

(Updated November 20, 2008) This item was continued at the November 20, 2008 Planning Commission meeting to allow the applicant and staff to discuss safety issues regarding the site. Staff and the applicant will be meeting to discuss the best way to resolve the outstanding issues surrounding the current location of the Farmer's Market. As such, staff

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recommends that the SDCL-11-6-19 Review to allow a farmers market in a public place be continued to the January 22, 2009 Planning Commission meeting.

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 Farmer's Market.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review and has noted the following considerations:

Future Construction: The Rapid City Parks and Recreation Department is in the process of designing park improvements at this location. It is anticipated that these improvements will be under construction in 2010. As a result of the construction, the site will not be available to the Farmer's Market in 2010. As such, staff recommends that the SDCL 11-6-19 Review to allow a Farmers Market on public property be approved from May of 2009 through November of 2009.

Traffic Issues: The continued growth of the Farmer's Market has lead to a large increase in vehicular traffic experienced at the site. These increases have lead to a lack of adequate off-street parking. At times, this causes traffic to back up on Omaha Street. Additionally, some patrons park on the south side of Omaha Street resulting in pedestrians crossing Omaha Street. There are no traffic control devices or cross walks at this location. Pedestrian safety has become a significant concern. The Farmer's Market appears to have outgrown its current location.

Traffic Engineer: The City Traffic Engineer has expressed serious concerns over the current location of the Farmer's Market due to increased motorized and pedestrian traffic. The Traffic Engineer suggested that an alternate location for the Farmer's Market should be identified, or traffic safety improvements should be made to the current location. In particular, he recommended that no left turns be allowed out of the parking lot and that the parking lot be expanded to accommodate the increasing number of vendors and shoppers. In addition, he recommended that the applicant be required to install traffic control devices and provide a qualified individual to flag traffic.

Flood Plain: Staff noted that the proposed Farmer's Market site is not located within the Hydraulic Floodway. However, it is located within the 100 year floodplain requiring that all structures associated with the Farmer's Market be removed nightly including any portable restrooms.

Staff recommends that the SDCL 11-6-19 Review to allow a farmers market in a public place **be approved from May of 2009 through November of 2009.**

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