

STAFF REPORT
March 25, 2010

No. 10SR004 - SDCL 11-6-19 Review to allow temporary structures on public property **ITEM 21**

GENERAL INFORMATION:

APPLICANT/AGENT	Jerry Cole for City of Rapid City Parks and Recreation
PROPERTY OWNER	City of Rapid City
REQUEST	No. 10SR004 - SDCL 11-6-19 Review to allow temporary structures on public property
EXISTING LEGAL DESCRIPTION	Tract 17 less Lot H1 (also in Section 34, T2N, R7E), Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 75.0 acres
LOCATION	1520 West Omaha Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/22/2010
REVIEWED BY	Ali DeMersseman / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow temporary structures on public property be **approved**.

GENERAL COMMENTS: (Update, March 17, 2010. All revised and/or added text is shown in bold print.) This item was continued at the February 18, 2010 Planning Commission meeting to allow the applicant to obtain a Floodplain Development Permit or a Special Exception to the Flood Area Construction Regulations. Subsequently, a Floodplain Development Permit was submitted that did not include a certification from a registered professional engineer. The Floodplain Development Permit was subsequently denied on February 10, 2010.

On February 16, 2010, the applicant submitted a Special Exception to the Flood Area Construction Regulations request (No. 10SE002). The Special Exception was

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reviewed by the Planning Commission at the March 4, 2010 meeting, and was recommended for approval with two stipulations:

1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director; and,
2. That the applicant have someone available on call 24 hours a day to take the tent down should the need arise.

The Special Exception request was considered by the City Council on March 15, 2010, and approved with the above stated stipulations.

The applicant has submitted a SDCL 11-6-19 Review request to allow temporary structures on public property in conjunction with the Black Hills Fat Tire Festival. The Black Hills Fat Tire Festival will take place May 28 through May 31, 2010 and will include mountain biking demonstrations, tours and races. The festival grounds for the event will be located at Founders Park and vendors will be located on the site May 29 and May 30, 2010.

The proposed festival event site is located directly east of the Founders Park parking lot at the intersection of Canal Street and West Omaha Street. The property is owned by the City of Rapid City and is currently zoned Flood Hazard District. The property to the north is zoned Park Forest District and the property to the south is zoned General Commercial District. The property to the east and west of the site is zoned Flood Hazard District.

South Dakota Codified Law 11-6-19 states that “whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, 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 as defined in Section 11-6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission.” The applicant is proposing temporary structures on public property within an area covered by the Rapid City Comprehensive Plan requiring that the request be reviewed and approved by the Rapid City Planning Commission.

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

Floodplain: The proposed event site is located within the 100 year Federally Designated floodplain. In addition, the site is zoned Flood Hazard District. As such, all requirements of Chapter 17.28 of the Rapid City Municipal Code must be continually met, including the requirements for temporary structures set forth in Section 17.28.040. Further, the applicant must obtain a Floodplain Development Permit. In the event that the Floodplain Development Permit is denied, the applicant must obtain a Special Exception to the Flood Area Construction Regulations. As such, staff recommends that prior to Planning Commission approval, a Floodplain Development Permit be obtained, or a Special

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Exception to the Flood Area Construction Regulations be approved by the City Council.

Vendors: As previously noted, the proposed event area is located directly east of the Founders Park parking lot, which is located at the intersection of Canal Street and West Omaha Street. The applicant has indicated that a maximum of 11 vendors will be located on the site. The vendors will be allowed to set up on Friday, May 28th from noon to 5:00, and will be on the site from 8:00 to 4:00 on Saturday, May 29th and from 8:00 to 4:00 on Sunday, May 30th. The applicant has indicated that the vendors will be located within 20 foot by 30 foot spaces within the event area. Staff recommends that the event be operated in conformance with the submitted plans.

Signs: The applicant has indicated that signage will be placed on the site, outside of the public right-of-way. In addition, the applicant has indicated that festival signage typically consists of vinyl banners provided by the event sponsors. However, the applicant should be aware that Section 15.28.050.F of the Rapid City Municipal Code prohibits banner signs, which are defined as “a sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.” All event signage must comply with Chapter 15.28 of the Rapid City Municipal Code and a Sign Permit must be obtained prior to any signs being placed on the property.

Parking: The Founders Park parking lot, located at the intersection of Canal Street and West Omaha Street will be utilized for parking during the festival. As indicated on the site plan, there are 89 parking spaces available at this parking lot, including four accessible spaces. In addition, the applicant has indicated that overflow parking will be available for event participants at the parking lot north of Rapid Creek at Founders Park Drive.

Restroom Facilities: The applicant has indicated that the existing portable restroom facilities located north of the event site, adjacent to the park’s concrete fish sculpture will be utilized for the event. In addition, the restroom facilities located at the Executive Golf Course Club House, as well as portable restroom facilities on the north side of Rapid Creek will be available for event participants.

Temporary Use Permit: Prior to the initiation of the event, a Temporary Use Permit must be obtained.

Fire Code: The Fire Department requires that the applicant submit complete plans for all proposed tents at the time a Temporary Use Permit application is submitted. Additionally, a tent checklist form and a tent inspection must be completed prior to the initiation of the event. Adequate access for the Fire Department apparatus must be continually maintained for the duration of the event.

Evacuation Plan: Section 17.28.040.D of the Rapid City Municipal Code requires that an evacuation plan be developed when structures are proposed in the Flood Hazard Zoning District. The applicant has prepared and submitted an evacuation plan for the event. However, the submitted evacuation plan has not been updated to reflect the proposed

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overflow parking location at Founders Park Drive. As such, staff recommends that prior to the issuance of a Temporary Use Permit, an updated evacuation plan is submitted for review and approval.

(Update, March 17, 2010) The applicant has submitted an updated evacuation plan that reflects the proposed overflow parking location at Founders Park Drive. The evacuation plan has been approved by staff.

The location and extent of the proposal appears to be consistent with the adopted Comprehensive Plan and the related regulations. Staff recommends that the SDCL 11-6-19 Review request to allow temporary structures on public property be **approved.**