

STAFF REPORT
March 25, 2010

No. 10SR007 - SDCL 11-6-19 Review to allow a Farmers Market on public property **ITEM 42**

GENERAL INFORMATION:

APPLICANT/AGENT	Mark Olson for Black Hills Farmers Market
PROPERTY OWNER	City of Rapid City
REQUEST	No. 10SR007 - SDCL 11-6-19 Review to allow a Farmers Market 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 59.01 acres
LOCATION	1520 West Omaha Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Commercial District - Flood Hazard District - Light Industrial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/26/2010
REVIEWED BY	Ali DeMersseman / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review request to allow a Farmers Market 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 and to submit an evacuation plan.**

On March 1, 2010, the applicant submitted an evacuation plan, which was developed for the site by Rapid City-Pennington County Emergency Management. In addition, a Floodplain Development Permit was submitted that did not include a certification

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from a registered professional engineer. The Floodplain Development Permit was subsequently denied on February 15, 2010.

On February 15, 2010, the applicant submitted a Special Exception to the Flood Area Construction Regulations request (No. 10SE001). The Special Exception was 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 structures for the event be removed that evening after the event has ceased.

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 a Farmers Market on public property. In particular, the applicant is requesting that the Black Hills Farmers Market be allowed to continue to operate at Founders Park for the 2010 and 2011 market seasons. The Farmers Market will begin in June and operate through October of each year. During the month of June the market will be open on Saturdays only, from 9:00 to 3:00. From July through October, the market will be open Tuesdays, Thursdays and Saturdays, from 9:00 to 3:00.

The Black Hills Farmers Market has been located at a site at Founders Park, adjacent to the parking lot at West Omaha Street and Canal Street since 2004. On June 10, 2004, the Planning Commission approved a SDCL 11-6-19 Review request to allow the Farmers Market to operate at the Founders Park site for 2004 only. On April 7, 2005, the Planning Commission approved a SDCL 11-6-19 Review request to allow the Farmers Market to operate at the Founders Park site for 2005 only. On February 23, 2006, the Planning Commission approved a SDCL 11-6-19 Review request to allow the Farmers Market to operate at the Founders Park site for three years, from 2006 through 2008. On January 28, 2009, the Planning Commission approved a SDCL 11-6-19 Review request to allow the Farmers Market to operate at the Founders Park site from May 2009 through November 2009.

The proposed Black Hills Farmers Market site is located north, east and west 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.

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

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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 a Farmers Market 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: A portion of the proposed Farmers Market site is located within the 100 year Federally Designated floodplain, and a portion of the proposed site, located north of the Founders Park parking lot, is within the hydraulic floodway. In error, the previous SDCL 11-6-19 Reviews did not identify this portion of the Farmers Market site north of the parking lot as being within the floodway.

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

(Update: March 17, 2010) On February 15, 2010, 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 15, 2010, the applicant submitted a Special Exception to the Flood Area Construction Regulations request (No. 10SE001). The Special Exception was reviewed by the Planning Commission at the March 4, 2010 meeting, and was recommended for approval with the above noted stipulations. The Special Exception request was considered by the City Council on March 15, 2010, and approved with the above noted stipulations.

Parking and Traffic Issues: The applicant’s site plan shows 89 parking spaces, including four accessible spaces, at the Founders Park parking lot. Staff has noted that the continued growth of the Farmers Market has led to an increase in vehicular traffic at and around the site. These increases have in turn created a lack of off street parking at the site, as well as instances of traffic congestion on West Omaha Street. The Rapid City Police Department has indicated that the Farmers Market must continue to follow the traffic plan that was developed for the 2009 season. This traffic plan includes signs indicating no left turns at West Omaha Street and someone directing traffic in the parking lot as it becomes congested. As such, staff recommends that the existing traffic plan developed with the Rapid City Police Department continue to be followed.

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Vendors: The applicant's site plan shows vending areas located north, east and west of the Founders Park parking lot. In addition, the applicant has indicated that a maximum of 35 vendors will be located on the site. Due to the above noted traffic and parking issues at the site, staff recommends that vendors not occupy any of the off street parking spaces at the Founders Park parking lot.

Restroom Facilities: The applicant has indicated that one handicap accessible, portable restroom facility will be available on the site for the Farmers Market.

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. As such, staff recommends that prior to Planning Commission approval, an evacuation plan be submitted for review and approval.

(Update: March 17, 2010) On March 1, 2010, the applicant submitted an evacuation plan, which was developed for the site by Rapid City-Pennington County Emergency Management.

Construction at Founders Park: Public Works staff has indicated that the Founders Park Plaza project will be completed early this summer. The contractors working on the Founders Park Plaza project currently use the Founders Park parking lot to access the construction site, which is located north of the park's concrete fish sculpture. Public Works will coordinate with the Black Hills Farmers Market to ensure that any potential overlap in use of the Founders Park parking lot will not negatively impact construction activities for Founders Park Plaza, or the operation of the Black Hills Farmers Market.

In addition, Parks and Recreation Department staff has indicated that the Greenway Project, which is scheduled to begin late 2010 or early 2011, will include the expansion of the Founders Park parking lot. Therefore, Parks and Recreation staff will coordinate with the Black Hills Farmers Market to ensure that efforts are made to reduce potential conflicts caused by the proposed construction activities.

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