

# STAFF REPORT

July 13, 2000

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**UOR #00UR020 - Major Amendment to a Use on Review  
to allow temporary structures in the Flood Hazard  
Zoning District for the Black Hills Heritage Festival**

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**ITEM 16**

GENERAL INFORMATION:

PETITIONER	Black Hills Heritage Festival
REQUEST	<b>UOR #00UR020 - Major Amendment to a Use on Review to allow temporary structures in the Flood Hazard Zoning District for the Black Hills Heritage Festival</b>
LEGAL DESCRIPTION	Tract 20, Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 Acres
LOCATION	Memorial Park - west of Fifth Street between Omaha Street and New York Street
EXISTING ZONING	Civic Center
SURROUNDING ZONING	
North:	Flood Hazard
South:	Flood Hazard
East:	Flood Hazard
West:	Flood Hazard
PUBLIC UTILITIES	City Sewer and Water
REPORT BY	Bill Lass

RECOMMENDATION: Staff recommends that the Major Amendment to a Use on Review to allow temporary structures in the Flood Hazard Zoning District for the Black Hills Heritage Festival be continued to the January 4, 2001 Planning Commission meeting to allow the Flood Plain Development Policy Committee to meet.

GENERAL COMMENTS: This Use on Review request has been submitted to allow the Heritage Festival to operate in the Flood Hazard Zoning District in Memorial Park. A Use on Review was originally approved for the Heritage Festival in 1985 for one year only. The Heritage Festival continued at this location until 1997 when the Public Works Department received approval of a Use on Review for temporary fencing, toilets, tents and lighting at this location. The Planning Department has no record, however, that a Special Exception was ever granted for these improvements as required by City Code. The site plan submitted as part of the current Use on Review application shows a substantial portion of the festival is occurring

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within the hydraulic floodway while some of the festival is also located within the 100 year floodplain.

STAFF REVIEW: Staff has reviewed this Use on Review request and is recommending that it be continued for several months to allow the Flood Plain Development Policy Committee to again discuss the City's policy relative to special events in the Flood Hazard Zoning District. In April, 2000 the Planning Commission and the City Council considered a Use on Review for the Country Fair festival in Sioux Park. After considerable discussion, the City Council approved that Use on Review for a one year period and at the same time recommended that the Flood Plain Development Policy Committee be reestablished. According to the City's current floodplain Ordinance the Heritage Festival, in addition to the Use on Review, will also be required to attain a Special Exception to allow for development within the floodway.

Although the floodway/floodplain issue is the main issue associated with the Heritage Festival Use on Review, there are also several other substantive issues which ultimately will need to be addressed in detail. Some of these issues are as follows:

- **Fire Code:** The Fire Department has noted that all tents and awnings over 200 square feet in size must meet applicable Fire Code requirements.
- **Banners/Signs:** The Building Inspections Division has noted that no banners or signs may be located within the public right-of-way or on fences.
- **On-sale Liquor:** The Police Department has indicated that information must be submitted regarding all booths proposing to sell liquor. The Building Inspections Division has also questioned the wisdom of allowing extensive on-sale liquor sales in close proximity to Rapid Creek due to safety concerns.

Other issues that will ultimately need to be reviewed and discussed with Heritage Festival organizers are: trash receptacles, appropriate sanitary facilities, maintenance and clean-up of the park grounds during and after the festival, security, parking, and an evacuation plan. The petitioners have provided the City with a rough site plan of the Heritage Festival although more detailed information will need to be provided by the petitioner relative to the above identified issues before the City can take action on this Use on Review.

The required Use on Review sign has been posted on the subject property and the receipts from the required mailing have been returned. Staff has not received any objections or inquiries regarding this request. Staff is recommending that this Use on Review be continued to the January 4, 2001 Planning Commission meeting to allow the Flood Plain Development Policy Committee to meet and to allow Staff and the petitioner to meet regarding some of the other identified issues.

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