

STAFF REPORT

May 24, 2001

No. 01UR019 - Major Amendment to a Use on Review to allow temporary structures in the Flood Hazard Zoning District for the Black Hills Heritage Festival **ITEM 39**

GENERAL INFORMATION:

PETITIONER	City of Rapid City and Black Hills Heritage Festival
REQUEST	No. 01UR019 - Major Amendment to a Use on Review to allow temporary structures in the Flood Hazard Zoning District for the Black Hills Heritage Festival
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
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Civic Center District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

RECOMMENDATION: If the Planning Commission concurs with the City Council's action to allow a one year exception to allow temporary structures in the floodway, the Planning Commission may want to approve the Major Amendment to a Use on Review to allow temporary structures in the Flood Hazard Zoning District for the Black Hills Heritage Festival July 2 to 7, 2001 only.

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. In March, 1997 the expansion of the Heritage Festival as well as use of Memorial Park for other events prompted the Public Works Department to request Use on Review approval for temporary fencing, toilets, tents and lighting in the Flood Hazard Zoning District in Memorial Park. This Use on Review was approved with the stipulation that the requirements of the Floodplain Development Ordinance be met.

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In May, 2000 a Major Amendment to a Use on Review was submitted that included a site plan showing a substantial portion of the festival operating within the hydraulic floodway. This request was continued to November, 2000 to allow the Flood Plain Policy Committee to discuss and review the existing floodplain policy that prohibits structures in the floodway. The Flood Plain Policy Committee's recommendation was approved by the City Council on September 27, 2000 and stated that all structures must be kept out of the floodway. Based on the adopted policy the applicant submitted a revised site plan identifying all of the Heritage Festival structures out of the floodway. The Major Amendment was approved on January 15, 2001 with 13 stipulations.

This Major Amendment has been submitted because the applicant can not comply with the stipulations of approval or locate the event in accordance with the approved site plan. The City and the Heritage Festival have not been able to relocate the electrical hookups on time for the July 2001 event. Therefore, the applicant has submitted a Use on Review request including a site plan showing vendor booths located within the hydraulic floodway for one year only.

STAFF REVIEW: Staff has reviewed this Use on Review request with respect to Section 17.28.040 and 17.54.030 and has concerns with regard to the floodway issues. As previously mentioned, the site plan submitted with the current Use on Review request identifies a significant number of vendor booths located within the hydraulic floodway. The applicant has obtained an exception to the Rapid Creek Floodplain Policy; however, some of the standards for Use on Review in the Flood Hazard Zoning District are not being met. According to Section 17.28.040.C.2.e of the Zoning Ordinance "Structures must be firmly anchored to prevent flotation that will result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river." The applicant has not identified how the temporary structures (tents) and merchandise kept in the tents will be firmly anchored to prevent flotation. In addition, Section 17.28.040.C.2.f. stipulates "Service facilities, such as electrical and heating equipment, be constructed at or above the regulatory flood protection elevation for the particular area, or floodproofed." The electrical service facilities that will be utilized for the Heritage Festival area located below the flood protection elevation for this area. Therefore, staff cannot recommend approval of the Major Amendment to a Use on Review to allow the Heritage Festival in the Flood Hazard Zoning District

As of this writing, documentation of completion of the certified mailing has been submitted by the petitioner. The required Use on Review sign has been posted on the property.

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Stipulations from January 4, 2001 Use on Review

Fire Department Recommendations:

1. Prior to initiation of the event, the Heritage Festival representatives shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;

Engineering Division Recommendations:

2. Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;
3. No camping shall be permitted within the floodway or floodplain at any time;
4. All requirements of the Floodplain Development Ordinance shall be met at all times;

Building Inspection Division Recommendations:

5. No banners shall be allowed within the public right-of-way or on fences;

Urban Planning Division Recommendations:

6. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Inspections Division at the time for which a Temporary Use Permit is applied;
7. A Temporary Use Permit shall be received prior to initiation of the event each year;
8. As identified in the application, the park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;
9. As identified in the application, twenty-four hour security shall be provided for the festival;
10. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;
11. No fencing shall be constructed within the floodway;

Parks Department Recommendations:

12. Final vendor locations will require verification in the field due to topographic considerations and other park amenities; and,
13. An electrical permit shall be obtained for all new electrical wiring required for the festival. All such wiring shall be underground and shall be constructed and inspected in accordance with City standards.