

STAFF REPORT

January 4, 2001

**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**

ITEM 4

GENERAL INFORMATION:

PETITIONER	Black Hills Heritage Festival
REQUEST	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
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 Flood Hazard
SURROUNDING ZONING	
North:	Civic Center
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 **approved with the following stipulations:**

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;**

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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.**

GENERAL COMMENTS: This Staff Report has been revised as of December 27, 2000. New or revised text is shown in bold print. This Use on Review request was originally heard by the Planning Commission on July 13, 2000 but was continued to the November 22, 2000 meeting to allow the Flood Plain Policy Committee to meet. **The Use on Review was then continued by the Planning Commission on November 22, 2000 to allow the petitioner to prepare a new site plan.** 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**

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

STAFF REVIEW: As noted, this Use on Review request was originally 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. The Flood Plain Policy Committee has concluded their work and their recommendation has been approved by the City Council. According to the policy (see attached), all structures must be kept out of the floodway. The **original** site plan submitted by the Heritage Festival representatives identified a significant amount of the festival being located within the floodway. **The revised site plan submitted with the current request (see attached) identifies all of the Heritage Festival as being located outside of the floodway. This site plan has been developed cooperatively between the Heritage Festival representatives and the City Parks Department. The new site plan identifies the Heritage Festival in an east/west linear configuration stretching from Haines Avenue on the east to the rose garden on the west. According to the site plan, roughly the eastern one-half of the festival will be located within the Flood Hazard Zoning District for which the Use on Review is required while the western portion is located in the Civic Center Zoning District and is allowed as a Permitted Use.**

In addition to the floodway issue, there were several other issues identified by Staff for which additional information was needed from the petitioner. The petitioner has submitted a letter addressing all of these concerns (see attached) which include: Fire Code requirements, banners, on-sale liquor, trash receptacles, sanitary facilities, maintenance and clean-up, security, parking, and an evacuation plan.

Staff has reviewed the new site plan and the written information provided by the petitioner and has noted the following major issues. A complete compilation of all stipulations is found in the Staff Recommendation portion of this Staff Report.

Fire Code: The petitioner has indicated that the Heritage Festival always works with the Fire Department to ensure that all requirements are being met. Towards this goal, the Fire Department has stated that the petitioner must submit complete plans regarding all proposed tents at the time for which a Temporary Use Permit is applied. Additionally, a tent checklist form and a tent inspection must be completed prior to initiation of the event.

Evacuation Plan: The petitioner has indicated that the Heritage Festival develops and posts an evacuation plan. Staff is recommending that prior to issuance of a Temporary Use Permit for the festival, a copy of this plan be submitted to Staff for review and approval.

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Banners: The Code Enforcement Officer has indicated that a past problem at the Heritage Festival has been the placement of banners within the public right-of-way or on fences. The placement of banners in either location is prohibited by the City's Sign Code and therefore this requirement has been incorporated into the recommended stipulations of approval.

Ongoing Security/Maintenance: As noted in the letter received from the petitioner, the Heritage Festival will ensure that continual clean-up of the park occurs during the festival and that twenty-four hour security is in place. These two issues have also been reflected in the Staff Recommendation portion of this Staff Report.

Vendor Locations: As noted, the Parks Department has been involved in the development of the revised site plan. Parks Department Staff has noted, however, that the specific final locations of each vendor booth will need to be verified in the field due to topographic differences or location of other park amenities. This means that the final precise location of the vendor booths may vary slightly from the site plan.

Electrical Service: A complete underground electrical system will need to be constructed for the new Heritage Festival location. An electrical permit must be received for this work and the system must be constructed to code and must be inspected.

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 approved with the noted stipulations.**