

STAFF REPORT

May 9, 2002

No. 02UR010 - Major Amendment to a Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District **ITEM 30**

GENERAL INFORMATION:

PETITIONER	City of Rapid City for Black Hills Heritage Festival, Inc.
REQUEST	No. 02UR010 - Major Amendment to a Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District
EXISTING LEGAL DESCRIPTION	Tract 20 of Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 41.422 acres
LOCATION	Memorial Park - west of Fifth Street between Omaha Street and New York Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Civic Center District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	03/26/2002
REPORT BY	Lisa Seaman

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

- 1. 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;**
- 2. No camping shall be permitted within the floodway or floodplain at any time;**
- 3. 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;**

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4. All requirements of the Floodplain Development Ordinance shall be met at all times;

Fire Department Recommendations:

5. 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;

Building Inspection Department Recommendations:

6. No banners shall be allowed within the public right-of-way or on fences;
7. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested;
8. A Temporary Use Permit shall be received prior to initiation of the event each year;
9. All electrical wiring shall comply with all applicable Uniform Building and Electrical Codes;

Parks Division Recommendations:

10. Final vendor locations will require verification with the Parks Division Staff in the field due to topographic considerations and the location of existing park amenities;
11. 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.

Urban Planning Division Recommendations:

12. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;
13. Twenty-four hour security shall be provided for the festival and a weather radio shall be on-site and monitored continually;

GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This item was continued from the April 25, 2002 Planning Commission meeting because the required sign had not been posted on the subject property seven days prior to the Planning Commission meeting. The sign was posted on the subject property on April 26, 2002. 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 of a Special Exception being granted for these improvements as required by City Code. On June 4, 2001 the City Council approved a Use on Review to allow the Heritage Festival to operate in the Flood Hazard Zoning District for one year to allow the City time to relocate the electrical wiring utilized by vendors outside of the hydraulic floodway. The relocation of the electrical wiring has been completed and the site plan submitted with this request shows all tents located outside the hydraulic floodway.

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STAFF REVIEW: The site plan submitted with this request (see attached) identifies all of the Heritage Festival as being located outside of the floodway. The site plan identifies that the Heritage Festival tents will be located adjacent to the south side of the Rushmore Plaza Civic Center and north of the east/west sidewalk that crosses from the west parking lot to the bandshell. In addition to the floodway issue, there were several other issues identified by staff:

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 a Temporary Use Permit application is submitted. 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 shall be submitted to Staff for review and approval.

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. In addition, because of concerns associated with the close proximity of Rapid Creek to the Heritage Festival event, staff is recommending that a weather radio be located on-site and monitored continually during the event.

Vendor Locations: Parks Department Staff has noted 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.

The required Conditional Use Permit 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 Conditional Use Permit be approved with the noted stipulations.