

STAFF REPORT

May 23, 2002

No. 02UR015 - Major Amendment to a Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District

ITEM 35

GENERAL INFORMATION:

PETITIONER	City of Rapid City for Black Hills Jazz and Blues Festival
REQUEST	No. 02UR015 - 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	4/26/2002
REPORT BY	Lisa Seaman

RECOMMENDATION:

Based on City Council direction, staff recommends that the Planning Commission approve the Major Amendment to a Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District 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;
4. All requirements of the Floodplain Development Ordinance shall be met at all times;

STAFF REPORT

May 23, 2002

No. 02UR015 - Major Amendment to a Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District **ITEM 35**

5. A Special Exception to the Floodplain Development Ordinance is hereby granted to allow the temporary fencing within the hydraulic floodway;

Fire Department Recommendations:

6. Prior to initiation of the event, the Jazz and Blues 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:

7. No banners shall be allowed within the public right-of-way or on fences;
8. 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;
9. A Temporary Use Permit shall be received prior to initiation of the event each year;
10. All electrical wiring shall comply with all applicable Uniform Building and Electrical Codes;

Parks Division Recommendations:

11. 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;
12. 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:

13. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;
14. No overnight fencing is allowed and the fence shall be removed in the event of a flash flood watch or warning issued anywhere upstream on Rapid Creek;
15. Event staff shall be in the park at all times while the fence is in place to dismantle the fence if necessary;
16. Security shall be provided for the duration of the special event and a weather radio shall be on-site and monitored continually; and,
17. The Jazz and Blues Festival event shall be allowed to operate for no more than three event days per year.

GENERAL COMMENTS: This Conditional Use Permit request has been submitted to allow the Jazz and Blues Festival to operate in the Flood Hazard Zoning District in Memorial Park. The applicant has indicated that the operators of the Jazz and Blues Festival charge admission to the event requiring that a perimeter fence be maintained for approximately 24 hours.

The applicant has submitted a site plan showing that the northeast portion of Memorial Park will be fenced for the concert event. The fencing will be begin at the north shore of Memorial Lake and be erected along the south side of the walking path located approximately 35 feet south of the Rushmore Plaza Civic Center/Rushmore Holiday Inn

STAFF REPORT

May 23, 2002

No. 02UR015 - Major Amendment to a Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District **ITEM 35**

parking lot, along the west side of Fifth Street, along the north side of the sidewalk located north of Rapid Creek and be terminated at the east shore of Memorial Lake. The site plan shows that a beer tent and vendors will be set-up in the north east corner of the park adjacent to the sidewalk that is located south of Rushmore Plaza Civic Center/Rushmore Holiday Inn parking lot and Fifth Street and a sound booth will be set-up along the sidewalk approximately 100 feet southeast of the bandshell.

On October 1, 2001 the City Council discussed the issues related to allowing special events to utilize Memorial Park and erect temporary structures within the Flood Hazard Zoning District and the Rapid Creek Floodway. The City Council voted to grant an exception to the Floodplain Policy to allow the Hills Alive, Jazz and Blues Festival and the Heritage Festival to use Memorial Park.

STAFF REVIEW: The site plan submitted with this request (see attached) identifies that all of the vendors and sound equipment will be located outside of the hydraulic floodway. However, the site plan shows that temporary fencing will be erected within the hydraulic floodway. In addition to the floodway issue, there were several other issues identified by staff.

Fire Code: 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 and adequate access for Fire Department apparatus must be continually maintained for the duration of the special event.

Evacuation Plan: The standards for review for a Conditional Use Permit within the Flood Hazard Zoning District (Section 17.28.040 (D) of the Rapid City Municipal Code) require that an evacuation plan be developed and posted when structures are proposed within the Flood Hazard Zoning District. 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.

Ongoing Security/Maintenance: The safety of the special event participants and the maintenance of the public park are a significant concern. Staff is recommending that stipulations be approved that requires that the applicant provide security for the duration of the special event and that special event staff will be responsible to ensure that the park grounds will be kept free of trash and debris. 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.

STAFF REPORT

May 23, 2002

**No. 02UR015 - Major Amendment to a Conditional Use Permit to
allow temporary structures in the Flood Hazard Zoning District**

ITEM 35

Hydraulic Floodway: As mentioned previously, the applicant is proposing to erect temporary fencing within the limits of the Rapid Creek hydraulic floodway. The Floodplain Development Ordinance prohibits the erection of either permanent or temporary structures within the hydraulic floodway. A Special Exception to the Floodplain Development Ordinance must be granted to allow the applicant to erect the proposed fencing within the hydraulic floodway.

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 Major Amendment to the Conditional Use Permit be approved with the noted stipulations.