

STAFF REPORT
June 10, 2010

No. 10UR015 - Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District **ITEM 36**

GENERAL INFORMATION:

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| APPLICANT | Dixie Holy Eagle for Great Plains Okolakiciye |
| PROPERTY OWNER | City of Rapid City |
| REQUEST | No. 10UR015 - Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District |
| EXISTING LEGAL DESCRIPTION | Tract 20 less H1 of Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 39.96 acres |
| LOCATION | Memorial Park north of Omaha Street between North Mt. Rushmore Road and Fifth 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 | 5/17/2010 |
| REVIEWED BY | Jim Flaaen / Mary Bosworth |

RECOMMENDATION:

Staff will make a recommendation regarding the Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District at the June 10, 2010 Planning Commission meeting.

GENERAL COMMENTS: The applicant has submitted a Conditional Use Permit request to allow temporary structures in the Flood Hazard Zoning District. In particular, the applicant is proposing to construct 12 teepees around Memorial Lake in Memorial Park during the National Congress of American Indians Conference. The teepees are approximately 22 feet in diameter and 15 feet high. The teepees would be constructed on June 19, 2010 and would be removed following the conclusion of the Conference on June 23, 2010.

The property is located east of Fifth Street, west of Mount Rushmore Road and north of

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Omaha Street in Memorial Park.

STAFF REVIEW: Staff has reviewed the Conditional Use Permit request to allow temporary structures in the Flood Hazard Zoning District and has noted the following considerations:

Floodplain: The site is located within the 100 Year Federally Designated Floodplain. On May 17, 2010, the applicant submitted a Floodplain Development Permit which was denied. On May 17, 2010, the applicant submitted a Special Exception to the Flood Area Construction Regulations application (#10SE005) as required in Section 15.32.240 of the Rapid City Municipal Code. On May 27, 2010, the Planning Commission recommended that a Special Exception to the Flood Area Construction Regulations be approved with the following stipulations:

1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works Director;
2. That the structures for the event be removed that evening after the event has ceased;
3. That contact information and telephone numbers for the event staff during the event shall be provided to the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works Director; and,
4. That no overnight camping shall be permitted.

The Special Exception to the Flood Area Construction Regulations will be considered at the June 7, 2010 City Council Meeting. As such, staff will provide a recommendation for the Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District at the June 10, 2010 Planning Commission meeting following the City Council's action on the related Special Exception to the Flood Area Construction Regulations.

Special Events Permit: The proposed event will take place in Memorial Park and will require that a Special Events Permit from the Rapid City Parks and Recreation Department. As of this writing, the applicant has not obtained the necessary permit. As such, prior to Planning Commission approval of the Conditional Use Permit, a Special Events permit must be obtained.

Evacuation Plan: Section 17.28.040(D) of the Rapid City Municipal Code requires that an evacuation plan be developed and posted when structures are proposed within the Flood Hazard Zoning District. As of this writing, the applicant has not submitted a copy of the evacuation plan. As such, prior to Planning Commission approval of the Conditional Use Permit, a copy of the evacuation plan that has been approved by the Rapid City – Pennington County Emergency Management staff be submitted to the Growth Management staff.

Camping: The proposed structures will be located within the 100 Year Federally Designated Floodplain. The applicant should be aware that no camping is permitted within the 100 Year Federally Designated Floodplain.

Parking: The applicant has provided information that has identified the parking that will be

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available at the Civic Center Parking lots to the north of Memorial Park and to the east of Memorial Park across 5th Street. The applicant has indicated that the National Congress of American Indians has estimated that approximately 1,000 to 2,500 people will attend the Conference. A parking determination by the City Council in 2006 indicated that 3,632 parking spaces were required for the Civic Center. Staff finds that the available parking at the Civic Center will provide sufficient parking for the proposed event occurring in conjunction with the activities at the Civic Center. In addition, the applicant has indicated that four host hotels are within walking distance of the event including the Holiday Inn Plaza, the Howard Johnson, the Radisson and the Alex Johnson hotel.

Notification Requirement: The proposed sign has not been posted on the property however, the receipts from the certified mailings have been returned. Staff will notify the Planning Commission at the June 10, 2010 Planning Commission meeting if this requirement has not been met.