

STAFF REPORT  
March 24, 2011

---

**No. 11SE001 - Special Exception to the Flood Area Construction Regulations**      **ITEM 26**

---

GENERAL INFORMATION:

|                            |   |
|----------------------------|---|
| APPLICANT                  | Hills Alive Festival  |
| PROPERTY OWNER             | City of Rapid City  |
| REQUEST                    | <b>No. 11SE001 - Special Exception to the Flood Area Construction Regulations</b>   |
| EXISTING LEGAL DESCRIPTION | Tract 20 less Lot H1 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE             | Approximately 39.96 acres   |
| LOCATION                   | North of Omaha Street between North Mount Rushmore Road and Fifth Street in Memorial Park                                     |
| 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        | 2/23/2011   |
| REVIEWED BY                | Dale Tech   |

RECOMMENDATION:

Staff recommends that the Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodway be denied.

GENERAL COMMENTS:

A Flood Plain Development Permit was submitted on February 16, 2011 for the Hills Alive event to be held in the years 2012 to 2016. The Flood Plain Development Permit that was submitted did not include certification from a registered professional engineer that the proposed temporary structures could be adequately flood proofed or anchored to comply with Section 15.32 of the Rapid City Municipal Code. Therefore the Flood Plain Development Permit was denied on February 22, 2011.

The property is located at 301 North Fifth Street north of Omaha, south of the Civic Center,

STAFF REPORT  
March 24, 2011

---

**No. 11SE001 - Special Exception to the Flood Area Construction Regulations**      **ITEM 26**

---

east of Mount Rushmore Road and east of Fifth Street. The property is commonly known as Memorial Park. The property is currently zoned Flood Hazard District.

The applicant is proposing to use the property for a free Hills Alive music festival on July 21 and 22, 2012, July 20 and 21, 2013, July 19 and 20, 2014, July 17, 18 and 19, 2015, and July 16 and 17, 2016. The proposed festival will begin at 12:00 noon and conclude at 10:00 p.m. on Saturday and Sundays and from 5:00 p.m. to 10:00 p.m. on Fridays every fifth year. Overnight prayer on Saturday night within the Prayer Tent is also proposed. In addition to the requested dates for the festival, the applicant is proposing to use two days prior to the event to set up and the day after the event to remove the festival.

A request for a Special Exception for the same event to be held in 2011 was recommended for approval by the Planning Commission at the March 25, 2010 Planning Commission meeting with two stipulations. The stipulations were as follows:

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; and,
2. That the applicant have someone available on call 24 hours a day to take the tent down should the need arise.

The site plan submitted with the application shows the same configuration for the years 2012 to 2016. If the Planning Commission recommends approval of the Special Exception, another stipulation of approval should be considered if the site plan were to change substantially.

3. If the site plan changes substantially in any year beyond 2012, a new Special Exception to the Flood Area Construction Regulations must be submitted for consideration.

**STAFF REVIEW:** Staff has reviewed the proposed Special Exception to the Flood Area Construction Regulations and has noted the following issues:

**Flood plain:** The proposed site for the music festival is located within the 100 Year Federally Designated Flood Plain. The applicant has submitted a site plan that shows that the proposed structures for the festival are located within the boundary of the Federally Designated Flood Plain and a fence that is shown to be placed along Fifth Street from the Bridge over Rapid Creek to the entrance to the Civic Center at the New York Street intersection is located in the Federally Designated Flood Way. The City of Rapid City participates in the National Flood Insurance Program (NFIP). As a member of the NFIP, the City of Rapid City must manage Federally designated Flood Plains and Flood Ways per FEMA standards. Approval of the Flood Plain Development Permit as submitted was not possible due to the temporary structures not being able to be certified as adequately anchored or flood proofed to withstand the hydrodynamic forces of a 100 Year Flood.

**Fire Department:** The Fire Department has commented that all provisions of the Outdoor

STAFF REPORT  
March 24, 2011

---

**No. 11SE001 - Special Exception to the Flood Area Construction Regulations**      **ITEM 26**

---

Assembly Guide must be continually maintained and Festival vendor layout must be coordinated with the Fire Department and pre-approved if this special exception request is granted.

Parks Department: The Parks Department has commented that the applicant work with the Parks Department in marking irrigation and other sensitive items.