

STAFF REPORT
March 24, 2011

No. 11UR004 - Conditional Use Permit to allow structures in the Flood Hazard Zoning District **ITEM 11**

GENERAL INFORMATION:

APPLICANT	Hills Alive Festival
PROPERTY OWNER	City of Rapid City
REQUEST	No. 11UR004 - Conditional Use Permit to allow structures in the Flood Hazard Zoning District
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 sewer and water
DATE OF APPLICATION	2/10/2011
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

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

1. A Temporary Use Permit shall be obtained prior to initiation of the event;
2. Prior to issuance of a Temporary Use Permit, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;
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;
5. A Special Exception to the Floodplain Development Ordinance shall be obtained to allow

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- structures to be located in the hydraulic floodway or the site plan shall be revised to eliminate the structures from this area of the property;
6. Prior to initiation of the event, the applicant 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;
 7. Prior to the initiation of the event, a traffic plan shall be submitted to the Rapid City Police Department and implemented as required to provide safe pedestrian travel to and from the event;
 8. No banners shall be allowed within the public right-of-way or on fences. In addition, all signs shall be on-premise signs and a sign permit shall be obtained pursuant to Section 15.28 of the Rapid City Municipal Code;
 9. 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;
 10. All electrical wiring shall comply with the applicable Uniform Building and Electrical Codes;
 11. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;
 12. Overnight prayer shall be allowed in a festival tent on Saturday night of each year. No speakers, microphones or amplification shall be utilized during the overnight prayer activities. In addition, no camping shall be permitted;
 13. Security shall be provided for the duration of the special event and a weather radio shall be on-site and monitored continually;
 14. The proposed event shall be allowed to operate as proposed for no more than two event days per year with the exception of 2015 which shall allow for three days. In addition, set up shall be allowed Thursday and Friday prior to the event each year with tear down on Monday after the event; and,
 15. The Conditional Use Permit shall be reviewed upon a complaint basis.

GENERAL COMMENTS:

The applicant has submitted a Conditional Use Permit to allow structures in the Flood Hazard District for the "Hills Alive" musical festival. In particular, the applicant is requesting to locate tents, booths, stages, fencing and portable restrooms within a portion of Memorial Park and the south lawn of the Rushmore Plaza Civic Center for a free summer Christian music festival. The request includes the following dates

<u>Year</u>	<u>Date</u>
2012	July 21-22
2013	July 20-21
2014	July 19-20
2015	July 17-19
2016	July 16-17

The applicant has indicated that the festival will set up on Thursday and Friday prior to the festival with tear down taking place Monday after the festival. The applicant has also indicated that the hours of the festival will be from noon until 10:00 p.m. on Saturday and

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Sunday with overnight prayer at the park within a tent on Saturday night of the festival each year. In 2015, the festival will also include Friday from 5:00 to 10:00 p.m. The applicant has indicated that between 30,000 and 40,000 people are expected over the two to three day event each year.

The applicant has also submitted a Special Exception (File #11SE001) to the Flood Area Construction Regulations to allow temporary structures in the floodway.

The Planning Commission has approved several SDCL 11-6-19 Review requests and Special Exception requests to allow the event to be held in this area of the park since 2004.

The property is located at Memorial Park, north of Omaha Street, south of the Civic Center, west of Mt. Rushmore Road and west of Fifth Street. The property is currently zoned Flood Hazard District.

STAFF REVIEW:

Staff has reviewed the Conditional Use Permit and has noted the following considerations:

Floodplain: The proposed site for the music festival is located within the 100 Year Federally Designated Floodplain requiring that a floodplain development permit be obtained. In addition, a Special Exception to the Floodplain Development Ordinance must be obtained to allow structures to be located in the hydraulic floodway or the site plan must be revised to eliminate the structures from this area of the property.

Overnight Prayer Tent: As previously noted, the applicant is requesting that overnight prayer be allowed in a festival tent on Saturday night of each year. The applicant has indicated that no speakers, microphones or amplification will be utilized during the overnight prayer activities. In addition, no camping will be allowed within the festival tent.

Recreational Vehicles: The applicant has indicated that several recreational vehicles will be parked on the grass in Memorial Park, which will be used for a festival office, staff meals, and for artists prior to their performances. Staff has serious concerns about allowing the applicant to park vehicles on the grass in the park. The sustainability of the park is a great concern to the City of Rapid City and measures must be taken to ensure that the park will be protected for the enjoyment of all of the citizens of the area. Parks and Recreation Department staff will be monitoring any damage caused by the recreational vehicles as noted in the previous review.

Fifth Street Crossing: The applicant submitted a letter of intent with this application identifying a goal of 40,000 visitors to the park for the proposed event. Significant discussion occurred at a previous Planning Commission meeting regarding pedestrian safety particularly at the 5th Street and New York Street location. As such, prior to the initiation of the event, a traffic plan must be submitted to the Rapid City Police Department and implemented as required to provide safe pedestrian travel to and from the event.

Noise Complaints and Safety Concerns: In the past, the City has received complaints about

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noise and the impact of the park caused by this event. As such, staff recommends that the Conditional Use Permit be reviewed upon a complaint basis.

Building Permits: Staff noted a Temporary Use Permit must be obtained prior to initiation of the event. Staff also noted that all electrical wiring shall comply with all applicable Building and Electrical Codes.

Signage: Staff noted that signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage. In addition, the location of any signage must be identified on the site plan. Staff also noted that no banners will be allowed within the public right-of-way or on fences.

Fire Code: The Fire Department has stated that the petitioner must submit complete plans for 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 SDCL 11-6-19 Review located 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 recommends that prior to issuance of a Temporary Use Permit for the festival, a copy of this plan be submitted 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 recommends that the applicant provide security for the duration of the special event and that special event staff 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, staff is recommending that a weather radio be located on-site and monitored continually during the event.

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

Staff recommends that the Conditional Use Permit be approved with the stipulations as outlined above.