

STAFF REPORT

March 5, 2015

No. 15UR002 - Conditional Use Permit to allow an on-sale liquor established in conjunction with a festival and to allow structures in the Flood Hazard District

ITEM 9

GENERAL INFORMATION:

APPLICANT	Jeff Biegler - City of Rapid City Parks and Recreation Department
AGENT	Kristy Lintz - City of Rapid City Parks and Recreation Department
PROPERTY OWNER	City of Rapid City
REQUEST	No. 15UR002 - Conditional Use Permit to allow an on-sale liquor established in conjunction with a festival and to allow structures in the Flood Hazard District
EXISTING LEGAL DESCRIPTION	Tract 17 located in Section 34 and 35 less Lot H1 and H2 of Rapid City Greenway Tract, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 58.99 acres
LOCATION	1520 West Omaha
EXISTING ZONING	Flood Hazard District
FUTURE LAND USE DESIGNATION	Parks and Greenway
SURROUNDING ZONING	
North:	Park Forest District (Planned Development)
South:	Flood Hazard District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	February 2, 2015
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow an on-sale liquor established in conjunction with a festival and to allow structures in the Flood Hazard District be approved with the following stipulations:

1. Prior to the installation of the temporary structures, a Temporary Use Permit shall be obtained each year;

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2. Prior to the placement of the temporary structures, a Flood Plain Development Permit shall be obtained each year;
3. Prior to the start of the festival, a Special Event Permit shall be obtained for the sale of alcohol each year;
4. All provisions of the Flood Hazard District shall be met;
5. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. Signage in compliance with the Sign Code shall be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code shall require a Major Amendment to the Conditional Use Permit. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
6. All applicable provisions of the adopted International Fire Code shall continually be met; and,
7. The Conditional Use Permit shall allow for an on-sale liquor establishment in conjunction with the three day long "Black Hills Fat Tire Festival" once a year through 2019. The event shall be operated in compliance with the applicant's operational plan. A new Conditional Use Permit shall be obtained for the on-sale liquor use beyond 2019. In addition, temporary structures shall be allowed for the three day festival. Any expansion to the on-sale liquor use or the footprint of the temporary structures shall require a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS:

The Rapid City Parks and Recreation Department has submitted a Conditional Use Permit to allow an on-sale liquor establishment in conjunction with the "Black Hills Fat Tire Festival" and to allow temporary structures in the Flood Hazard District. The Conditional Use Permit is for a three day event, every June, over the next five years operated by the Rapid City Parks and Recreation Department. Festival registration, event management, and City staff will be on-site throughout the festival. The applicant is proposing to have a beer tent and a vending area for six to ten vendors located at Founders Park and Founders Park Plaza. The proposed structures are temporary and will be removed after the festival. The festival includes bicycle demonstrations, rides, and races on M-Hill, Chuck Lien Family Park, and Hansen-Larson Memorial Park.

The property is located on the north side of West Omaha Street and is developed as part of the Rapid City greenway tracts. Currently, there is a parking lot, restroom facility, statues, and volleyball courts located at the site of the proposed festival.

STAFF REVIEW:

Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and offers the following comments:

1. *The request will not "adversely affect" the use of any place used for religious worship, school, park, playground, or similar use within (500) foot radius.*

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Founders Park is operated by the Rapid City Parks and Recreation Department which is also operating the "Black Hills Fat Tire Festival". The Parks Department is proposing to have a beer tent during the festival which will be operated by a non-profit. The festival is a three day event in June and the applicant is proposing that the on-sale liquor use be approved for the three day festival once a year over the next five years. There are no places used for religious worship or schools located within 500 feet of the proposed event.

2. *The requested use is "sufficiently buffered" with respect to residential areas so as not to "adversely affect" such areas.*

The property is located adjacent to West Omaha Street which is identified as a Principal Arterial Street on the City's Major Street Plan. A commercial corridor is located to the south and east of the proposed festival grounds. The closest residential use is located north of Rapid Creek which should serve as a buffer.

3. *The proposed use will not create an undue concentration of similar uses, so as to cause "blight, deterioration, or substantially diminish or impair property values."*

There are six on-sale liquor establishments located within the area of the subject property. "Panchero's Mexican Grill", "Ichiban" restaurant, "A Perfect 10 Salon", "The Break Room Billiards and Casino", and "Happy Jacks" casino are located on the south side of West Omaha Street. Located to the east is the Executive Golf Course. The proposed on-sale liquor use is in conjunction with a three day festival that occurs once a year. The proposed on-sale liquor use will not create an undue concentration of similar uses.

4. *The proposed use has been reviewed under Chapter 17.54.030(E) Criteria for Review.*

Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

1. *The location, character and natural features of the property:*

The proposed temporary structures and on-sale liquor use will be located adjacent to the Founders Park parking lot on the north side of West Omaha Street in the Rapid City Greenway Tract. The property is located in the 100 year Federally designated floodplain along Rapid Creek. There is a parking lot, restroom facility, statues, and volleyball courts located at the site of the proposed festival grounds.

2. *The location, character and design of adjacent buildings:*

The proposed temporary structures are located in the Rapid City greenway tract. M-Hill and Hansen-Larson Memorial Park are located to the north, north of Rapid Creek. One and two-story commercial structures are located to the south, on the south side of West Omaha Street.

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3. Proposed fencing, screening and landscaping:

The applicant is proposing to erect a beer tent for the on-sale liquor use. The Parks Department will install a temporary fence around the beer tent. The Parks Department has submitted elevations of an orange mesh fencing material and a vertical white paneled fencing material either of which may be used.

4. Proposed vegetation, topography and natural drainage:

The property is located in the Federally designated 100 year floodplain. The Parks Department has obtained a Floodplain Development Permit for the June 2015 event. The applicant should be aware that a Floodplain Development Permit must be obtained each year prior to erecting the temporary structures.

5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:

The location of the proposed "Black Hills Fat Tire Festival" registration, vendors and beer tent are located in Founders Park which is a part of the Rapid City greenway tracts. A bicycle and walking path are located on the property which provides pedestrian access. In addition, the Founders Park parking lot is accessed from West Omaha Street and will provide vehicle access to the site.

6. Existing traffic and traffic to be generated by the proposed use:

The festival is a three day event, Friday through Sunday. The festival includes bicycle demonstrations, rides, and races on M-Hill, Chuck Lien Family Park, and Hansen-Larson Memorial Park. The proposed on-sale liquor use should not increase the traffic that will be generated by the festival.

7. Proposed signs and lighting:

The applicant is not proposing any signage or lighting as a part of this Conditional Use Permit. The applicant should be aware that any proposed signage will require a Sign Permit.

8. The availability of public utilities and services.

The property is currently served by public utilities including Rapid City sewer and water.

9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:

The Zoning Ordinance is the tool that enforces the Comprehensive Plan. The property is zoned Flood Hazard District. The proposed on-sale liquor use in conjunction with a festival and the temporary structures are conditional uses in the Flood Hazard District.

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The proposed uses are accessory to the "Black Hills Fat Tire Festival" and will require a Floodplain Development Permit, a Temporary Use Permit, and a Special Event Permit for each of the next five years to ensure that the temporary structures and on-sale liquor use maintain compliance with Federal, State, and City codes and ordinances.

- 10. The overall density, yard, height and other requirements of the zone in which it is located:*

The proposed temporary structures are in compliance with the area regulations.

- 11. The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation:*

Based on the applicant's operational plan, it does not appear that the proposed on-sale liquor use in conjunction with a three day festival will have a negative effect on the surrounding area by causing any significant noise, odor, smoke, dust, air or water pollution.

- 12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:*

The stipulations of approval will ensure that the proposed temporary structures and on-sale liquor use will operate in compliance with all Federal, State, City codes and ordinances.

Fire Department: All applicable provisions of the adopted International Fire Code must continually be met.

Notification: The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the March 5, 2015 Planning Commission meeting if this requirement has not been met.