

STAFF REPORT
October 21, 2010

No. 10UR035 - Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District **ITEM 17**

GENERAL INFORMATION:

APPLICANT	Randy Lyons City of Rapid City Parks and Recreation Department
PROPERTY OWNER	City of Rapid City
REQUEST	No. 10UR035 - Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District
EXISTING LEGAL DESCRIPTION	Tract 17 less Lot H1 of Rapid City Greenway Tract, Sections 34 and 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 75 acres
LOCATION	Founders Park
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District - General Agriculture District - Office Commercial District (Planned Commercial Development)
South:	General Commercial District - Flood Hazard District - Light Industrial District
East:	Flood Hazard District - General Commercial District - General Commercial District (Planned Commercial Development)
West:	Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/24/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

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

1. Prior to the initiation of the event, a Special Exception to the Flood Area Construction Regulations be approved by City Council;
2. Prior to the initiation of the event, a Temporary Use Permit shall be obtained;
3. That the event will be stopped and the structures removed if ordered by the Police Chief,

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4. Fire Chief, Mayor, Emergency Management Director, or the Public Works Director;
4. That the structures for the event be removed that evening after the event has ceased;
5. 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;
6. That no overnight camping shall be permitted;
7. That the event, parking and portable restroom areas be set up and utilized in conformance with the approved plans;
8. All signage shall comply with the requirements of the Sign Code. In addition, a Sign Permit shall also be obtained for each sign prior to installation; and,
9. The Conditional Use Permit shall expire if the use as approved is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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 has proposed to up to 10 vendors with tents or trailers located east of the parking lot area, south of the existing fish sculpture. The proposed tents will be approximately 20 feet by 30 feet in area. The proposed temporary structures will be associated with the "Black Hills Fat Tire Festival" held annually in Founders Park at the end of May.

The property is located north of Omaha Street, west of Founders Park Drive in Founders 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 September 24, 2010, the applicant submitted a Floodplain Development Permit which was denied. On September 24, 2010, the applicant submitted a Special Exception to the Flood Area Construction Regulations application (#10SE007) as required in Section 15.32.240 of the Rapid City Municipal Code. The Special Exception request will be considered by the Planning Commission on October 21, 2010 and by the City Council on November 1, 2010. As such, staff recommends that prior to the initiation of the event, the Special Exception Request must be approved by City Council.

Vendors: As previously noted, the applicant has indicated that approximately 10 vendors will be associated with the event. The vendors will set up in predetermined 20 foot by 30 spaces located on the east side of the Founders Park parking lot south of the existing fish sculpture. The vendors will utilize tents and/or trailers within the event area. Staff recommends that the event be operated and located in conformance with the submitted plans.

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. The applicant has submitted the proposed evacuation plan for the event. The evacuation plan has been reviewed and approved by staff.

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Temporary Use Permit: Prior to the initiation of the event, a Temporary Use Permit must be obtained.

Restroom Facilities: The applicant has indicated that the existing portable restroom facilities located north of the event site, adjacent to the park's concrete fish sculpture will be utilized for the event. In addition, the restroom facilities located at the Executive Golf Course Club House, as well as portable restroom facilities on the north side of Rapid Creek will be available for event participants.

Parking: The submitted site plan indicates that parking will be available for the event at the Founders Park parking lot located at the intersection of Canal Street and West Omaha Street. The Founders Park parking lot includes 89 parking spaces including four handicap accessible spaces. In addition, the applicant has indicated that 20 overflow parking spaces will be available on the grassed area to the west of the parking lot.

Signs: The applicant has indicated that signs may be put up coinciding with the event along the north side of West Omaha Street. The signs be will public and recreational in nature and must comply with all requirements of the Sign Code. In addition, a Sign Permit must be obtained for each sign.

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.

Notification requirement: As of this writing, the required sign has not been posted on the property and the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 21, 2010 Planning Commission meeting if this requirement has not been met. Staff has not received any inquiries or objections to the proposed request at the time of this writing.

Staff recommends that the Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District be approved with the stipulations as identified above.