

STAFF REPORT

November 22, 2000

**UOR #00UR020 - Major Amendment to a Use on Review
to allow temporary structures in the Flood Hazard
Zoning District for the Black Hills Heritage Festival**

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GENERAL INFORMATION:

PETITIONER	Black Hills Heritage Festival
REQUEST	UOR #00UR020 - Major Amendment to a Use on Review to allow temporary structures in the Flood Hazard Zoning District for the Black Hills Heritage Festival
LEGAL DESCRIPTION	Tract 20, Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 Acres
LOCATION	Memorial Park - west of Fifth Street between Omaha Street and New York Street
EXISTING ZONING	Civic Center
SURROUNDING ZONING	
North:	Flood Hazard
South:	Flood Hazard
East:	Flood Hazard
West:	Flood Hazard
PUBLIC UTILITIES	City Sewer and Water
REPORT BY	Bill Lass

RECOMMENDATION: Staff recommends that the Major Amendment to a Use on Review to allow temporary structures in the Flood Hazard Zoning District for the Black Hills Heritage Festival be continued to the January 4, 2001 Planning Commission meeting **to allow the petitioner to submit a revised site plan and related information.**

GENERAL COMMENTS: **This Staff Report has been revised as of November 15, 2000. New or revised text is shown in bold print. This Use on Review request was originally heard by the Planning Commission on July 13, 2000 but was continued to the November 22, 2000 meeting to allow the Flood Plain Policy Committee to meet.** This Use on Review request has been submitted to allow the Heritage Festival to operate in the Flood Hazard Zoning District in Memorial Park. A Use on Review was originally approved for the Heritage Festival in 1985 for one year only. The Heritage Festival continued at this location until 1997 when the Public Works Department received approval of a Use on Review for temporary fencing, toilets, tents and lighting at this location. The Planning Department has no record,

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however, that a Special Exception was ever granted for these improvements as required by City Code. The site plan submitted as part of the current Use on Review application shows a substantial portion of the festival is occurring within the hydraulic floodway while some of the festival is also located within the 100 year floodplain.

STAFF REVIEW: As noted, this Use on Review request was originally continued for several months to allow the Flood Plain Development Policy Committee to again discuss the City's policy relative to special events in the Flood Hazard Zoning District. **The Flood Plain Policy Committee has concluded their work and their recommendation has been approved by the City Council. According to the policy (see attached), all structures must be kept out of the floodway. The site plan submitted by the Heritage Festival representatives identifies a significant amount of the festival being located within the floodway.**

Although the floodway/floodplain issue is the main issue associated with the Heritage Festival Use on Review, there are also several other substantive issues which need to be addressed in detail. Some of these issues are as follows:

- **Fire Code:** The Fire Department has noted that all tents and awnings over 200 square feet in size must meet applicable Fire Code requirements.
- **Banners/Signs:** The Building Inspections Division has noted that no banners or signs may be located within the public right-of-way or on fences.
- **On-sale Liquor:** The Police Department has indicated that information must be submitted regarding all booths proposing to sell liquor. The Building Inspections Division has also questioned the wisdom of allowing extensive on-sale liquor sales in close proximity to Rapid Creek due to safety concerns.

Other issues that will ultimately need to be reviewed and discussed with Heritage Festival organizers are: trash receptacles, appropriate sanitary facilities, maintenance and clean-up of the park grounds during and after the festival, security, parking, and an evacuation plan. The petitioners have provided the City with a rough site plan of the Heritage Festival although more detailed information will need to be provided by the petitioner relative to the above identified issues before the City can take action on this Use on Review. **Additionally, as noted, a new site plan must be submitted identifying the location of all portions of the Heritage Festival outside of the floodway.**

The required Use on Review sign has been posted on the subject property and the receipts from the required mailing have been returned. Staff has not received any objections or inquiries regarding this request. Staff is recommending that this Use on Review be continued to the January 4, 2001 Planning Commission meeting to allow the **petitioner to submit the**

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revised site plan and other identified information. In order to be considered at the January 4, 2001 meeting the petitioners must submit the required information no later than December 8, 2000.