



Rapid City Planning Commission

Conditional Use Permit Project Report

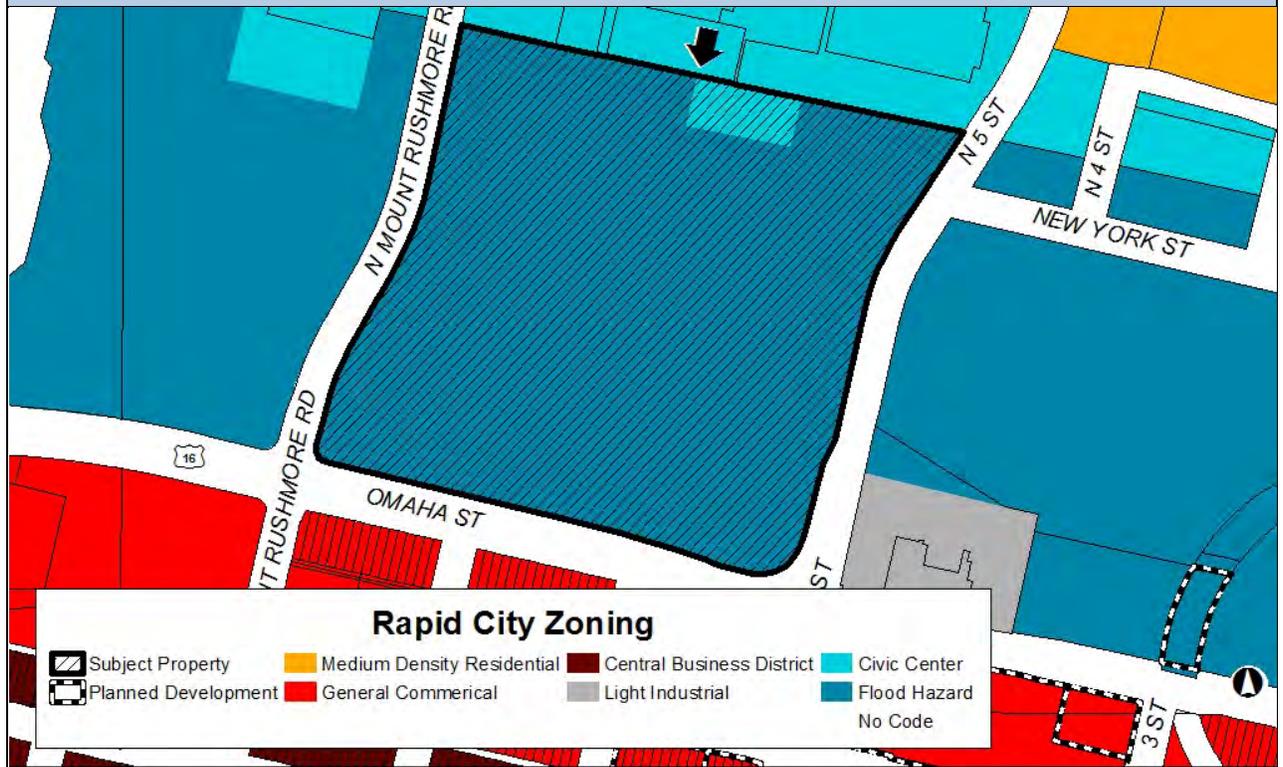
March 21, 2019

Item #2	
Applicant Request(s)	
Case #19UR003 –Major Amendment to a Conditional Use Permit to allow a music festival in the Flood Hazard District	
Companion Case(s) N/A	
Development Review Team Recommendation(s)	
Staff recommends that the Major Amendment to a Conditional Use Permit to allow a music festival be approved with stipulations as noted below.	
Project Summary Brief	
<p>The applicant has submitted a Major Amendment to a Conditional Use Permit application to allow a music festival in the Flood Hazard District. Specifically, the applicant has requested approval of the “Hills Alive” music festival for the third weekend in July indefinitely. In 2011, a Conditional Use Permit (File# 11UR004) was approved for the Hills Alive music festival to be held at the Memorial Park band shell annually through 2016. In 2016, the festival obtained a Major Amendment to the Conditional Use Permit (File# 16UR018) to extend the event for three more years, through 2018. As part of this request, the applicant is seeking approval of the festival for the third weekend in July indefinitely. The music festival will occur on Friday and Saturday on the third weekend in July and has a typical attendance of over 40,000 people over the weekend. The setup for the event will begin on the preceding Wednesday and the tear down will be finished by the following Monday. As part of the festival, temporary structures will be setup around the band shell stage and will require review and approval of a Floodplain Development Permit prior to the event.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Hills Alive Festival	Planner: John Green
Property Owner: City of Rapid City	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Roger Olsen
Other: N/A	DOT: Stacy Bartlett
Subject Property Information	
Address/Location	North of Omaha Street between Mt. Rushmore Road and 5 th Street
Neighborhood	North Rapid Neighborhood
Subdivision	Rapid City Greenway Tract
Land Area	39.96 acres, or 1,740,658 square feet
Existing Buildings	Memorial Park band shell, public restrooms
Topography	Relatively flat
Access	Omaha Street, Mt. Rushmore Road, 5 th Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	Floodway, 100 Year Flood Plain
Other	N/A

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	FH	PG	Memorial Park
Adjacent North	CC	P/QP	Civic Center
Adjacent South	GC	DT	City/School Administration Center
Adjacent East	FH	PG	Grain Elevator
Adjacent West	FH	PG	No Structural Development

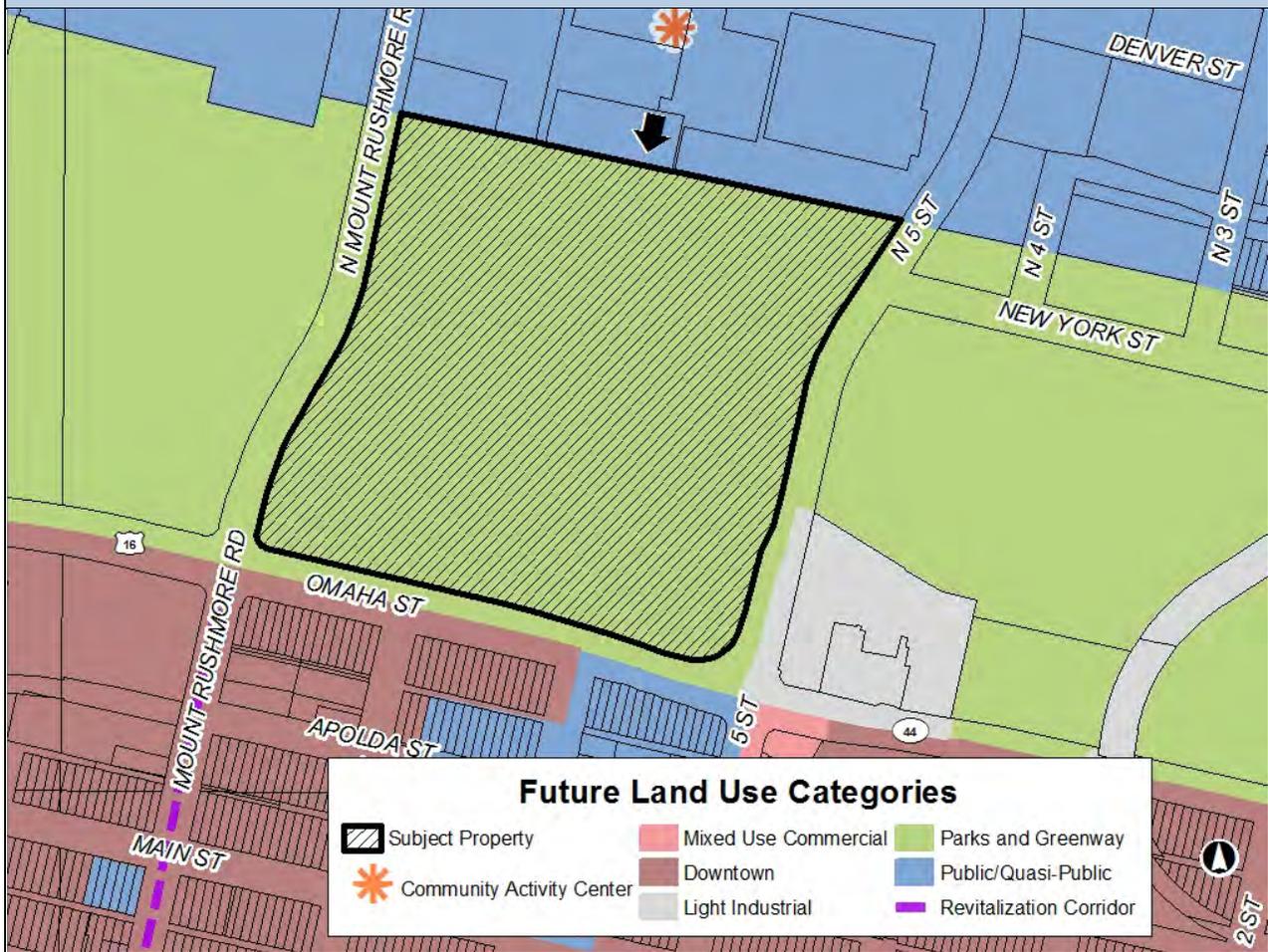
Zoning Map



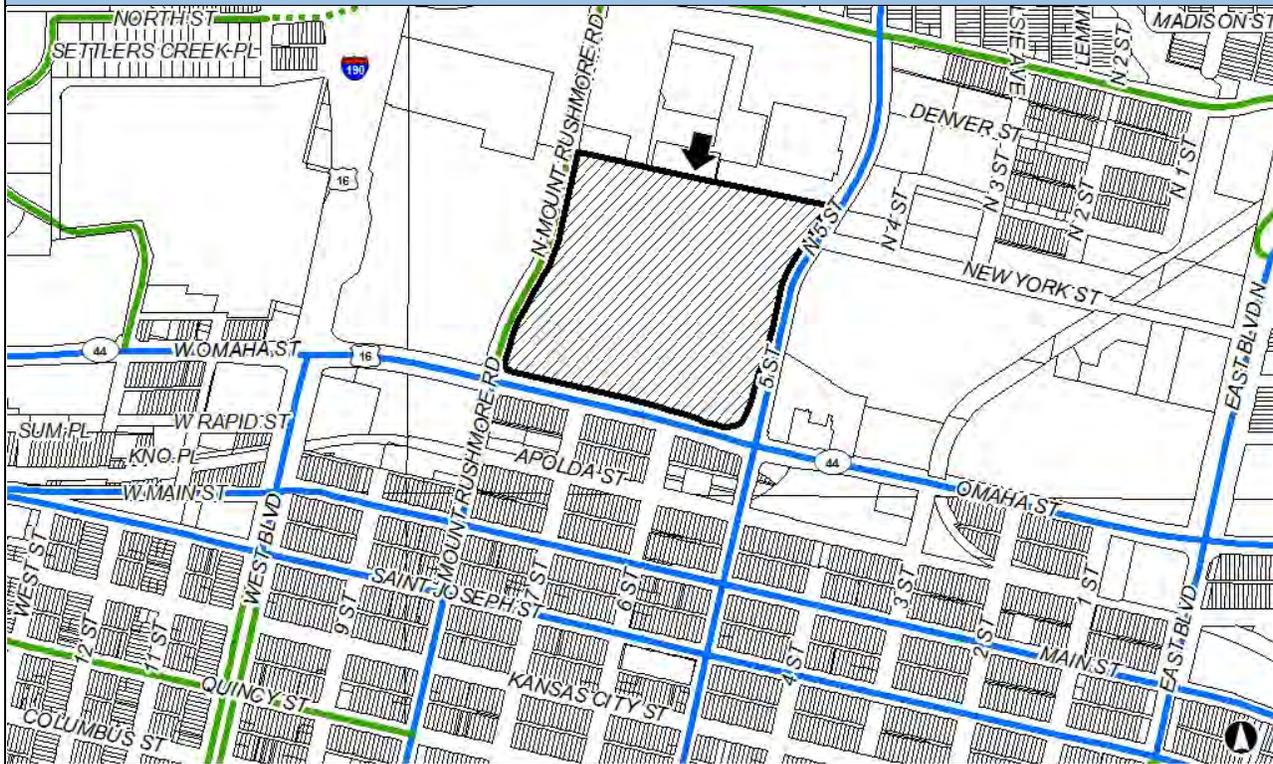
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan



Relevant Case History			
Case/File#	Date	Request	Action
11UR004	2/10/11	Conditional Use Permit to allow structures in the Flood Hazard Zoning District	PC approved 3/24/11
16UR018	7/29/16	Major Amendment to a Conditional Use Permit to allow a music festival	PC approved 8/25/16
Relevant Zoning District Regulations			
Flood Hazard District		Required	Proposed
Lot Area		None Identified	39.96 acres, 1,740,658 square feet
Lot Frontage / Width		None Identified	4000 feet
Maximum Building Heights		None Identified	N/A
Maximum Density		None Identified	N/A
Minimum Building Setback:			
• Front		None Identified	N/A
• Rear		None Identified	N/A
• Side		None Identified	N/A
• Street Side		None Identified	N/A
Minimum Landscape Requirements:			
• # of landscape points		None Identified	N/A
• # of landscape islands		None Identified	N/A
Minimum Parking Requirements:			
• # of parking spaces		None Identified	N/A
• # of ADA spaces		None Identified	N/A
Signage		Pursuant to RCMC	None proposed
Fencing		Pursuant to RCMC	None proposed

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.54.030 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to allow a music festival	
1. The location, character and natural features of the property:	The subject property is 39.96 acres in size and is zoned Flood Hazard District. The property is part of Memorial Park and has been the location of the Hills Alive Music festival since 2011. The existing band shell will be utilized as the stage for the show, while several other temporary food and support tents will be set up for the weekend near the pond.
2. The location, character and design of adjacent buildings:	The Rushmore Plaza Civic Center is located directly north of the subject property. The Dakota Mill is located east of the subject property, across 5 th Street. The remainder of Memorial Park lies west of the subject property, while retail and administrative offices within the Central Business District lie across Omaha Street to the south.
3. Proposed fencing, screening and landscaping:	The applicant intends to construct a temporary fence behind the main stage to limit access to the backstage area. All fencing will be removed at the time of tear down on the Monday following each event.
4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing any alteration to existing topography or vegetation as a part of the request. However, due to the nature of the event and the number of support vehicles and trailers used during the weekend, the grass area surrounding the stage will be significantly impacted. Prior to issuance of a Temporary Use Permit, Hills Alive must enter into an agreement with Rapid City Parks and Recreation for the reclamation and rehabilitation

	of Memorial Park immediately following each event.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:	The property is part of the Rapid City Trails system and has several interior walking/biking paths in addition to sidewalks along 5 th Street, Mount Rushmore Road, Omaha Street, and the Civic Center parking area. All of those combined paths provide adequate pedestrian access to the event, but could become congested during the event. As such, transportation staff has requested that the Greenway path remain free of obstruction at all times.
6. Existing traffic and traffic to be generated by the proposed use:	The proposed event will have a significant impact on local traffic surrounding Memorial Park. In the past, the festival has coordinated with the Rapid City Police Department to mitigate the impact of traffic on the surrounding streets through review and approval of a traffic plan. As such, prior to issuance of a Temporary Use Permit for each future event, a traffic plan must be submitted to the Rapid City Police Department for review and approval.
7. Proposed signs and lighting:	All proposed signage for the event will require a temporary sign permit. No permanent signage is proposed as part of this event.
8. The availability of public utilities and services:	The property is currently served by Rapid City water and sewer.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:	The proposed Hills Alive music festival complies with the objectives of the Comprehensive Plan.
10. The overall density, yard, height and other requirements of the zone in which it is located:	All proposed structures are temporary and will be removed after the conclusion of the event.
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:	Traffic on the surrounding streets will be significantly impacted over the course of each event due to the number of expected attendees. Additionally, the effect of noise, odor, smoke, dust, and pollution will be amplified during the course of the event. In the past, the Hills Alive festival has successfully worked with the Rapid City Police Department, Rapid City Fire Department, and Rapid City Parks and Recreation Department to mitigate all negative impacts associated with the event.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:	Based on the number of people attending the Hills Alive music festival, there will be an increased effect of noise, odor, smoke, dust, and pollution on the surrounding neighborhood. As previously noted, prior to initiation of the event, Hills Alive must enter into an agreement with Rapid City Parks and Recreation Department for the reclamation of all Parks property following each event in order to ensure that the lasting impacts of the event are mitigated to the greatest extent possible. The stipulations of approval will serve to mitigate the impacts of noise, odor, smoke, dust, and pollution to the greatest extent possible.

Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial

In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters

	A Balanced Pattern of Growth
	N/A
	A Vibrant, Livable Community
LC-4.1D	Programming and Events: The proposed music festival will attract an estimated 40,000 people to the region that will support local businesses and enliven the downtown area.
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration: Omaha Street and 5 th Street are identified as Principal Arterial Streets on the City’s Major Street Plan. Mount Rushmore Road is identified as a Collector Street on the City’s Major Street Plan.
	Economic Stability and Growth
RC-3.1B	Variety of Art Forms and Cultural Opportunities: The Hills Alive music festival encourages a diverse range of arts and cultural opportunities for residents.
	Outstanding Recreational and Cultural Opportunities
	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	Public Input Opportunities: The proposed Conditional Use Permit requires that public notice be advertised in the newspaper and that mailings are sent to property owners within 250 feet of the property boundary. The requested Conditional Use Permit application is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):	Parks and Greenways
Design Standards:	
Chapter 10, p 112	Parks and Recreation Opportunities: The proposed music festival encourages pedestrian use and activity in a large public park adjacent to the Central Business District.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	North Rapid Neighborhood Area
Neighborhood Goal/Policy:	
NR-NA1.1E	Parks and Greenways: The proposed music festival caters to the surrounding neighborhood during the duration of the event.

Findings

Staff has reviewed the Major Amendment to a Conditional Use Permit to allow a music festival pursuant to Chapter 17.54.030 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The proposed festival will attract an estimated 40,000 people to the region that will support local businesses and enliven the downtown area. Adverse impacts generated by the event will be mitigated to the greatest degree possible through coordination with the Rapid City Police Department and the Rapid City Parks and Recreation Department. As such, staff recommends approval of the Major Amendment to a Conditional Use Permit application to allow a music festival.

Staff recommends that the Major Amendment to a Conditional Use Permit to allow a music festival be approved with the following stipulations:

1.	A Temporary Use Permit shall be obtained prior to each annual event;
2.	Prior to issuance of a Temporary Use Permit for each event, Hills Alive shall enter into an agreement with Rapid City Parks and Recreation Department for the reclamation and rehabilitation of Memorial Park immediately following each event;
3.	Prior to issuance of a Temporary Use Permit, a copy of all emergency evacuation plans shall be submitted to Pennington County Emergency Management and the Rapid City Fire Department for review and approval. Prior to commencement of the event all tents and other facilities shall receive inspection and approval from the Rapid City Fire Department. All electrical services shall comply with all applicable provisions of the Uniform Building and Electrical Codes. In addition, security shall be provided at all times during the event and a weather radio shall be on-site and monitored at all times;
4.	Prior to issuance of a Temporary Use Permit for each future event, a traffic plan shall be submitted to the Rapid City Police Department for review and approval;
5.	A Floodplain Development Permit shall be obtained prior to each event;
6.	Restroom facilities shall be provided to ensure adequate service for the anticipated number of people attending the event;
7.	ADA accessibility shall be provided and maintained throughout the site as necessary;
8.	Overnight prayer shall be permitted in a festival tent on Saturday night of each event, each year. No speakers, microphones, or amplification shall be utilized during overnight activities. No camping shall be permitted;
9.	All signage shall comply with the requirements of the Rapid City Sign Code. No signage shall be permitted on any temporary or permanent fencing within the Park. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this request. A sign permit shall be obtained for each sign;
10.	The requested Major Amendment to the Conditional Use Permit shall allow a music festival to operate on the 3 rd weekend in July, indefinitely, within Memorial Park. The festival shall operate in compliance with the approved operations plan and in compliance with all requirements of the Flood Hazard District. Any modifications to the operations plan and/or site plan which increase the size, scale, or scope of the event or any changes to the operator of the event shall require a Major Amendment to the Conditional Use Permit. Any modifications to the operations plans which introduce conditional uses to the event shall require a Major Amendment to the Conditional Use Permit. Complaints filed against the event by any member of the public and/or local administration shall require the review and approval of a subsequent Major Amendment to the Conditional Use Permit to allow the festival to continue within Memorial Park.



Rapid City Department Of Community Development

Development Review Advisories

*Disclosure: The Development Review Team has created this list of Advisories as a courtesy for your specific application. **This is not a complete list.** All City, District, State, and Federal requirements must be continually met.*

Applicant Request(s)	
Case # 19UR003	Major Amendment to a Conditional Use Permit to allow a music festival
Companion Case(s)	
ADVISORIES: Please read carefully!	
1.	A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2.	All requirements of the currently adopted Building Code shall be met;
3.	ADA accessibility shall be provided throughout the structure and site as necessary;
4.	All provisions of the underlying zoning district shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Conditional Use Permit application;
5.	An Air Quality Permit shall be obtained prior to disturbing an acre or more of soil;
6.	All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
7.	All provisions of Section 17.50.300, the Landscape Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
8.	All applicable provisions of the adopted International Fire Code shall continually be met; and,
9.	All requirements of the Infrastructure Design Criteria Manual and the Rapid City Standard Specifications shall be met;