



Rapid City Planning Commission

Conditional Use Permit Project Report

January 26, 2017

Item #4
Applicant Request(s)
Case # 17UR001 – Conditional Use Permit to allow structures in the Flood Hazard District in conjunction with a special event
Companion Case(s) # N/A

Development Review Team Recommendation(s)
The Development Review Team recommends that the Conditional Use Permit be approved with the stipulation(s) noted below

Project Summary Brief
The applicant has submitted a Conditional Use Permit to allow structures in the Flood Hazard District in conjunction with a special event. In particular, the applicant is proposing to hold a one day performance event on July 8, 2017 at Founder’s Park called “CHROMA: A Live Painting Experience”. A cast of 40 to 50 performers of all abilities will create a larger-than-life painting before an audience of up to 225 individuals. The event will take place from 6:00 p.m. to 8:00 p.m. The event area will be blocked off with a moveable fence and includes an audience seating area for a total of 225 individuals, a performance area, a reception area, lighting, a sound tent and speakers, and four staging tents.

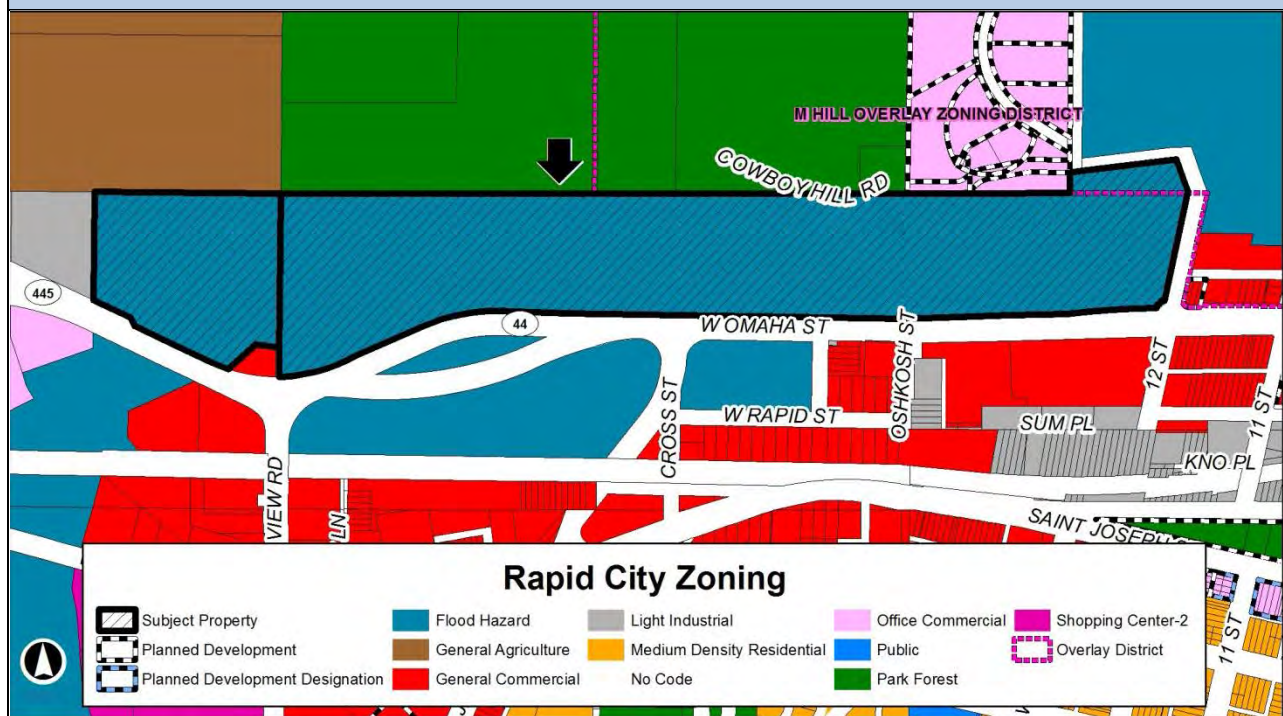
Applicant Information	Development Review Team Contacts
Applicant: Flutter Productions / Black Hills Works	Planner: Fletcher Lacock
Property Owner: City of Rapid City	Engineer: Nicole Lecy
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Nicole Lecy
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	1520 West Omaha Street
Neighborhood	North Rapid
Subdivision	Rapid City Greenway Tract
Land Area	58.99 acres
Existing Buildings	Parks Department restrooms
Topography	Property slopes to the north towards Rapid Creek
Access	Bike path runs along Rapid Creek / Parking lot is accessed from West Omaha Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	Federally designated 100 year floodplain and Floodway located on portions of the property

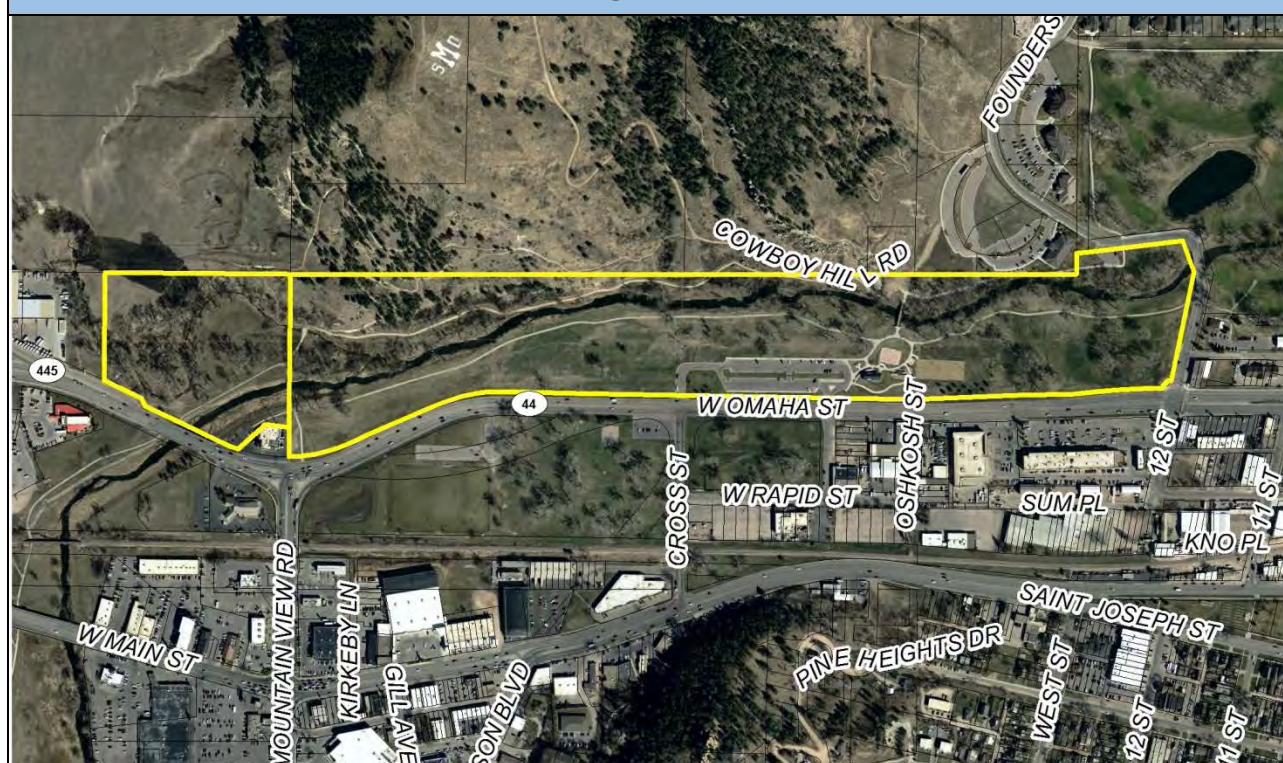
Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	FH	PG	Founder's Park
Adjacent North	PF – M Hill Overlay District	PG, EC, and FC	Cowboy Hill
Adjacent South	GC and FH	PG and MUC	Commercial buildings
Adjacent East	GC and GC-PD	PG and MUC	Commercial buildings
Adjacent West	LI	LI	U-Haul

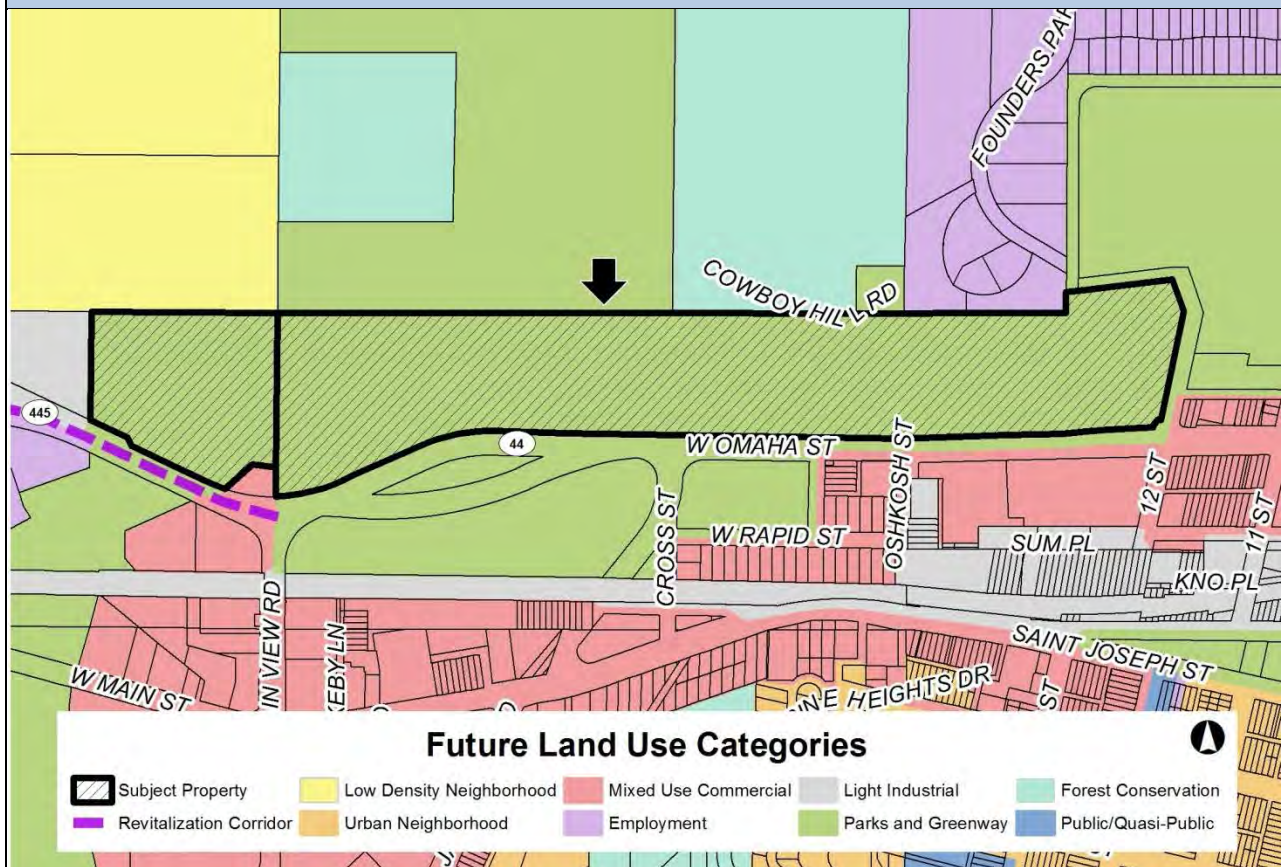
Zoning Map



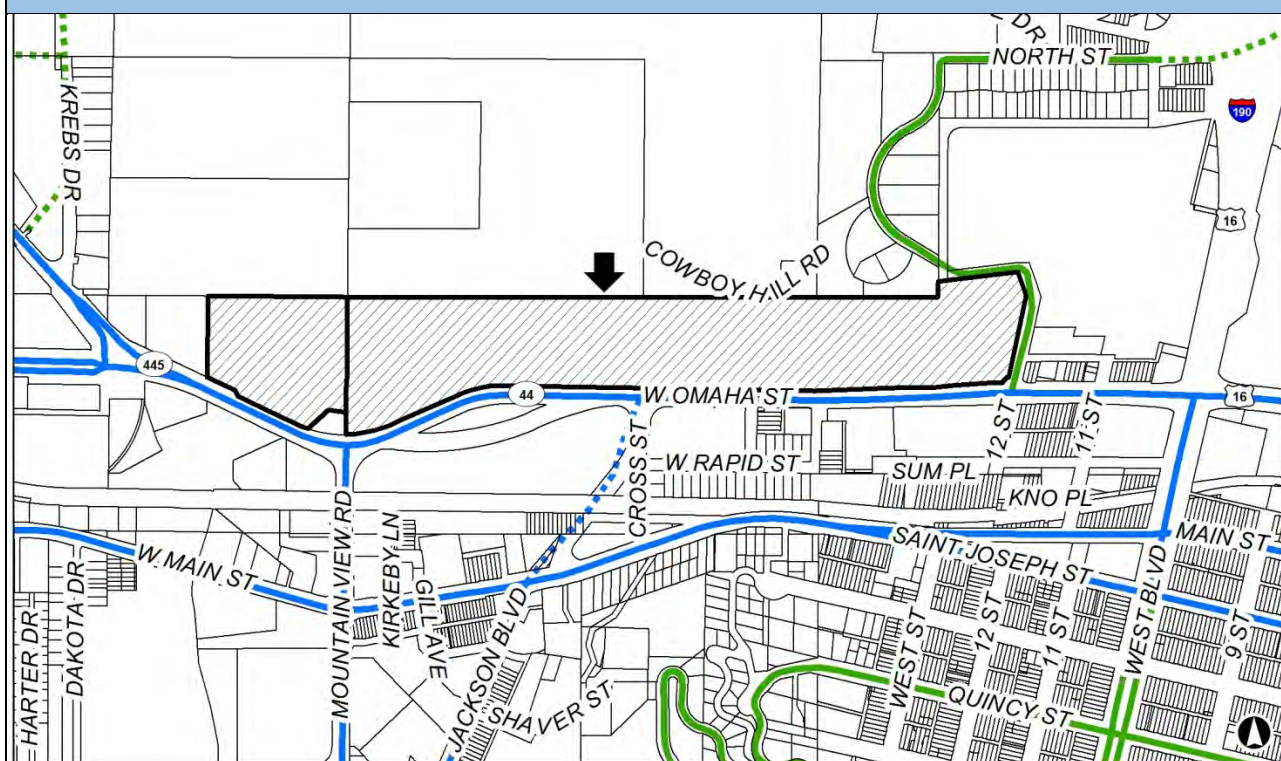
Existing Land Uses



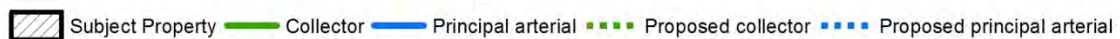
Comprehensive Plan Future Land Use



Parks or Transportation Plan




Major Street Plan









Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
Flood Hazard District	Required	Proposed	
Lot Area	N/A	58.99 acres	
Lot Frontage	N/A	Approximately 5,380 feet	
Maximum Building Heights	N/A	N/A	
Maximum Density	N/A	N/A	
Minimum Building Setback:			
• Front	N/A	N/A	
• Rear	N/A	N/A	
• Side	N/A	N/A	
• Street Side	N/A	N/A	
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	N/A	148	
• # of ADA spaces	N/A	4	
Signage	As per Sign Code	N/A	
Fencing	6 feet	Proposed movable fencing	

Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.54.030(E) of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to allow a cellular communication tower	
1. The location, character and natural features of the property:	The property is located at 1520 West Omaha Street. The property is the location of the Rapid City Greenway Tract. The bike path is located on the south side of Rapid Creek. The proposed event will be held at Founder's Park where there is an existing parking lot and a restroom facility. The property is zoned Flood Hazard District which identifies structures as a conditional use.
2. The location, character and design of adjacent buildings:	The proposed event will be held at Founder's Park. Rapid Creek and the bike path are located to the north. The land to the east and west is part of the Rapid City Greenway Tract. Commercial buildings are located to the south across West Omaha Street.
3. Proposed fencing, screening and landscaping:	The property is zoned Flood Hazard District. The applicant is proposing to enclose the event area with a moveable fence no greater than four feet in height. The site plan identifies two points of access to the event. The access on the north side is located on the bike path. If a queue forms at this entrance it is likely that it will block the bike path. As such, prior to issuance of a Temporary Use Permit, the site plan must be revised to show that the second gateway will not block the bike path.
4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing any new landscaping. The applicant obtained a Floodplain Development Permit on January 5, 2017.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for	Vehicular access to the property is from West Omaha Street which is identified as a Principal Arterial Street on the City's Major Street Plan. The bike path provides pedestrian and bicycle access. The Founder's Park parking lot has 148 parking spaces. The Parks Department

handicapped persons:	has indicated that the proposed event will not interfere with the Farmer's Market. As noted above, prior to issuance of a Temporary Use Permit, the second access point must be moved to keep the bike path from being blocked.
6. Existing traffic and traffic to be generated by the proposed use:	The operation plan states that the event will have seating for 225 individuals. The proposed event will be on July 8, 2017. The one-day event schedule and the available parking at Founder's Park should minimize the impact of the event.
7. Proposed signs and lighting:	The applicant is proposing to have a temporary banner sign for the event. However, the proposed location of the banner (on the south side of the restroom structure) is not in the location identified by the Parks Department for this area of the park. In addition, the proposed banner sign location will obscure the address numbering on the restroom facility. As such, prior to issuance of a Special Event Permit, the site plan must be revised to show the proposed banner sign located on the west side of the restroom structure in the prescribed banner sign frame.
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 property is zoned Flood Hazard District. Structures in the Flood Hazard District require a Conditional Use Permit. The applicant obtained a Floodplain Development Permit on January 5, 2017.
10. The overall density, yard, height and other requirements of the zone in which it is located:	The proposed special event is in compliance with the requirements of the Zoning Ordinance. However, the Parks Department has indicated that the proposed staging tents located on the south side of the restroom facility will block the address numbers on the building. As such, prior to issuance of a Temporary Use Permit, the proposed tents must be moved so that they do not block the numbering on the restroom facility. The applicant should be aware that a revision to the Floodplain Development Permit issued on January 5, 2017, may need to be obtained.
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:	The event will take place on July 8, 2017 from 6:00 p.m. to 8:00 p.m. Portions of the property are located in the Federal Emergency Management Agency designated floodway and 100-year floodplain. A Floodplain Development Permit was issued on January 5, 2017.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:	As noted above, a Floodplain Development Permit was issued on January 5, 2017. The applicant should be aware that a Temporary Use Permit must be obtained for the event on July 8, 2017. In addition, a Special Event Permit must be obtained for the sale of alcohol.

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
	N/A
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration: The property abuts West Omaha Street which is identified as Principal Arterial Street on the City's Major Street Plan.
	Economic Stability and Growth
	N/A
	Outstanding Recreational and Cultural Opportunities
RC-3.1B	Variety of Art Forms and Cultural Opportunities: The proposed special event is called "CHROMA: A Live Painting Experience". A cast of 40 to 50 performers of all abilities will create a larger-than-life painting before an audience of up to 225 individuals.
	Responsive, Accessible, and Effective Governance
GOV-2.1A	Public Input Opportunities: The proposed Conditional Use Permit requires that public notice be advertized in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Conditional Use Permit 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 Greenway
Design Standards:	
N/A	The principal use of the property is as a Greenway Tract which is intended for passive and active parks and recreational needs of the community.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	North Rapid
Neighborhood Goal/Policy:	
NR-NA1.1E	Parks and Greenways: The North Rapid Neighborhood Area identifies maintaining parks and greenways as a goal. The proposed special event will use existing parks facilities for a one-time event.

Findings	
<p>Staff has reviewed the Conditional Use Permit to allow structures in the Flood Hazard District in conjunction with a special event pursuant to Chapter 17.28, and Chapter 17.54.030 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The applicant is proposing to hold a one-day special event. The event supports the goal of maintaining the park for passive and active uses that serve the community as well as promoting the arts supporting cultural opportunities. The applicant should be aware that a Floodplain Development Permit, a Temporary Use Permit, and a Special Event Permit must be obtained.</p>	

Planning Commission Recommendation and Stipulations of Approval	
Staff recommends that the Conditional Use Permit to allow structures in the Flood Hazard District in conjunction with a special event be approved with the following stipulation(s):	
1.	A Temporary Use Permit shall be obtained;
2.	Prior to issuance of a Temporary Use Permit, the site plan shall be revised to move the location of the second access away from the bike path;
3.	Prior to issuance of a Temporary Use Permit, the site plan shall be revised to move the staging tents away from the south side of the restroom facility;
4.	Prior to issuance of a Temporary Use Permit, the site plan shall be revised to show the proposed banner sign in the banner sign frame located on the west side of the restroom structure;
5.	Prior to issuance of a Temporary Use Permit, the Floodplain Development Permit shall be revised to show the revised location of the proposed staging tents;
6.	A Special Event Permit shall be obtained for the sale of alcohol; and,
7.	The Conditional Use Permit shall allow structures in the Flood Hazard District in conjunction with a special event. Changes to the proposed special event shall require an amendment to the Conditional Use Permit.



Rapid City Community Planning & Development Services

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.*

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ADVISORIES: Please read carefully!	
1.	All requirements of the Infrastructure Design Criteria Manual and the Rapid City Standard Specifications shall be met;
2.	Any area of the facility required to be ADA accessible shall be made ADA accessible;
3.	All requirements of the currently adopted Building Code shall be met; and,
4.	All requirements of the International Fire Code shall be met.