



ARAPAHOE COUNTY
COLORADO'S FIRST

10 July 2014

Riot Fest
1048 N Ashlund Ave
PO Box 220380
Chicago, IL 60622

Gary & Stacie May
May Farms
63645 US Highway 36
Byers, CO 80103

Dear Applicant:

Riot Fest submitted an application for Temporary Use Permit (TUP) for a 3 Day Music Festival to be conducted September 19-21, 2014 at US Highway 36 at Bradbury Road, on a property in Byers commonly known as "May Farms," as well as some adjacent property just north of I-70 ("northern parcel"). These two properties are owned by Gary and Stacie May. The information provided with the application shows that the applicant seeks to hold a large festival style music event known as Riot Fest that includes multiple temporary stages, a carnival, camping sites, additional access points and interior roads, and parking for approximately 4682 vehicles, 2400 campers, 200 recreational vehicles, and 1635 overflow parking spaces. In 2013, this event had parking spaces for 3850 vehicles, 1003 campers, 78 recreational vehicles, and 1162 overflow parking spaces. The application is similar to a Temporary Use Permit application that was made, and approved, in 2013.

The May Farms property (which is south of I-70) is the subject of a Use by Special Review (USR) zoning approval. Pursuant to the approved USR (Case No. U04-004), the property has been approved for "Agri-tainment" uses, which according to the USR document include "Concerts and other Ticketed Events." The USR document that was submitted by the property owners, and subsequently approved by the Board of County Commissioners, specifically identified only 158 paved parking spaces, and 1.7 acres of unpaved "overflow" parking to hold up to an additional 140 vehicles, for a total of 298 available parking spaces. The USR document also indicates that the necessary site improvements proposed to facilitate Agri-tainment uses occur "entirely" within a 7.1 acre "Primary Improvement Area."

The northern parcel is zoned A-E, which permits typical agricultural type uses, and presently is not specifically approved for parking or camping.

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Building
720-874-6600

Engineering Services
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Support Services
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720-874-6650

Road and Bridge
720-874-6820

On July 1, 2014, a public meeting was held in Byers, Colorado in order to allow the applicant the opportunity to present its proposal, and in order for the public to have an opportunity to provide comments. Numerous members of the public spoke regarding the application. In addition, the County has received numerous comments via e-mail, letter and phone, and has received petitions regarding the TUP application. Referrals were also sent out to the list of agencies, which are referenced in the TUP case file, and responses have been received from many.

The application for the TUP is governed by Section 12-600 of the Land Development Code. Included as prerequisites for the issuance of a TUP are that the applicant "shall provide evidence that the use shall not adversely affect surrounding property owners," and that "off-street parking spaces are adequate and will not adversely impact surrounding uses."

Prior to indicating my decision, I would note that since the approved Agri-tainment uses for May Farms include concerts, I do not evaluate the impacts associated with having musical entertainment at the property in making my decision; instead, I focus on the impacts that will flow from the increase in parking and accessibility to the site, number of people using the site, and corresponding traffic, beyond that which was specifically permitted or envisioned under the USR.

ANALYSIS AND DECISION

Based upon the information provided to me, it is clear that when Riot Fest was held in 2013, the traffic generated to and from the May Farms property by allowing the above-referenced vehicles to park on the property over a two to three day period caused numerous adverse impacts to members of the community. These impacts included residents having difficulty in getting their vehicles in and out of their driveways, substantial difficulties in traveling to obtain groceries and other essential services, difficulty in getting to and from work, difficulty in conducting farm trucking activities, illegal parking on Byers residential property by Riot Fest attendees wishing to avoid the congestion of the on-site parking at May Farms and also just a general sense that the Town of Byers was overrun with traffic and people during the duration of the event. While some residents did not seem to mind the traffic and its effects, or thought that the benefits of the event outweighed its impacts, many did not.

While the applicant has provided some ideas on measures that would mitigate the impacts of the traffic and parking and improve the traffic flow for the event proposed this year, based upon comments provided by the County's Engineering Division, it appears that the mitigation would only be partially successful, and that there would still be long lines of cars down the access corridors to May Farms, including Highway 36 through the Town of Byers, and there would still be substantial congestion for extended periods during the duration of the event, as the roadway infrastructure in the area is not designed for or capable of handling such volumes. Based upon the information I have received, I am compelled to conclude that approving the TUP application will negatively impact surrounding property owners and uses.

In addition, I have substantial concerns about public safety issues that would result from the granting of the application. Due to the amount of traffic congestion from Riot Fest, emergency service providers would not be able to serve the residents of Byers, the surrounding areas, or the attendees of Riot Fest on a timely basis. In addition, the congestion and configuration of the event parking/camping would result in pedestrian/vehicle conflicts along Bradbury Road and I-70. In the case of a disaster at Riot Fest, the ability to evacuate the site quickly would be impaired by the limited access and the existing roadway infrastructure and network.

Based upon the foregoing, I hereby conclude that the application for a Temporary Use Permit, as presented, is denied.

Please be advised that this decision is appealable to the Arapahoe County Board of Adjustment. In order to appeal, a notice of appeal must be provided to me within ten days of the date of this decision. If you are interested in appealing, please contact me and I can provide the appropriate form for filing the notice of appeal and a copy of the applicable rules of procedure.

Sincerely,



Tammy King
Arapahoe County Zoning Administrator



Concurrence:
Jan Yeckes
Planning Division Manager

cc
Ron Carl, County Attorney
Tom McNish, Assistant County Attorney
Dave Schmit, Director of Public Works and Development
File