

STAFF REPORT

June 29, 2000

**Special Exception #00SE003 - Special Exception to the
Flood Area Construction Regulations to allow
Temporary Structures in Floodway**

ITEM 39

GENERAL INFORMATION:

PETITIONER B.H. Disc Golf Confederacy

REQUEST **UOR #00SE003 - Special Exception to the Flood Area
Construction Regulations**

LEGAL DESCRIPTION Tract 7 and Tract 8, Rapid City Greenway Tracts, Section 9,
T1N, R7E, (also located in Sections 3, 4 and 10, T1N, R7E)
BHM, Rapid City, Pennington County, South Dakota

LOCATION North of Jackson Boulevard and west of Sheridan Lake Road

EXISTING ZONING Flood Hazard

SURROUNDING ZONING

 North: Park Forest

 South: Office Commercial-Medium Density Residential-Flood Hazard

 East: Flood Hazard

 West: Medium Density Residential

PUBLIC UTILITIES

REPORT BY Randall Nelson

RECOMMENDATION: Staff recommends that the Special Exception to the Flood Area Construction Regulations to allow Temporary Structures in Floodway be denied.

If Council chooses to grant the Special Exception, staff recommends that it be subject to the following stipulations:

1. No fill material shall be placed for construction of the course;
2. Tee boxes shall be constructed to match existing grades;
3. Poles shall be securely fastened to the concrete tee boxes.

GENERAL DESCRIPTION: The applicant proposes to construct a 12 hole disc golf course in Jackson Park. Eight of the twelve golf holes will be located within the floodway with the remaining 4 holes located within the flood fringe. The applicant has indicated that the disc golf course will entail constructing a six foot by twelve foot concrete tee box for each of the twelve holes and that a five foot high pole with chains extending from the top of the pole to a basket measuring approximately 28 inches in diameter will serve as the "hole".

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On February 21, 2000, the City Council approved with stipulations a Use on Review to allow the disc golf course and miscellaneous park amenities at on Tract 7 and Tract 8, Rapid City Greenway Tracts (Jackson Park) which tracts are zoned Flood Hazard. One of the stipulations was "That a Special Exception to the Floodplain Ordinance be obtained for structures proposed for location within the 100 year Floodway and that a Floodplain Development Permit shall be obtained prior to the construction of any structures within the 100 year floodplain".

GENERAL COMMENTS:

- Rapid City Municipal Code 15.32.020 states that "The flood hazard areas of Rapid city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards (emphasis added) which increase flood heights and velocities and, when inadequately anchored, damages uses in other areas...."
- Rapid City Municipal Code 15.32.220 states that "...the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential..."
- In 1997 the City Council adopted a resolution which stated that "...it is the intent of the City to preclude the location of structures within the 100 year floodway to the greatest degree possible." The Council has remained consistent in requiring that all structures be located outside of the 100 year floodway.
- Rapid City Municipal Code section 15.32.240-D states that in passing upon applications for special exceptions, the council shall consider (among other factors):
 - "1. The danger to health, safety, welfare and property due to increased flood heights or velocities caused by encroachments."
 - "5. The importance of the services provided by the proposed facility to the community."
 - "7. The availability of alternative locations not subject to flooding for the proposed use."
- Rapid City Municipal Code section 15.32.24-E-2-e states that "variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances,..."
- Areas outside of the floodway are available for the course.