

STAFF REPORT

July 5, 2001

**RZN #01RZ034 - Rezoning from Flood Hazard District to
General Commercial District**

ITEM 60

GENERAL INFORMATION:

PETITIONER	Bill Caldwell
REQUEST	RZN #01RZ034 - Rezoning from Flood Hazard District to General Commercial District
LEGAL DESCRIPTION	Being 1.006 acre of land situated in Tract 5 of Bradsky Subdivision No. 2, located in the NW1/4 SW1/4 of Section 5, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota; said 1.006 acre of land being more particularly described by metes and bounds as follows: BEGINNING at the northwest corner of Said Tract 5 of Bradsky Subdivision No. 2, on the east right-of-way line of Cambell Street, a 100 foot wide public street; Thence, South 47°30'00" East, along the northeast line of said Tract 5, 11.44 feet to a point for corner; Thence, South 33°30'00" East, a distance of 80.59 feet to a point for corner; Thence, South, a distance of 78.00 feet to a point for corner; Thence, South 66°00'00" East, a distance of 40.00 feet to a point for corner; Thence, East, a distance of 52.00 feet to a point for corner; Thence, South, a distance of 25.50 feet to a point for corner; Thence, South 15°30'00" East, a distance of 125.00 feet to a point for corner; Thence, South, a distance of 116.00 feet to a point for corner on the south line of said Tract 5; Thence, North 66°58'16" West, a distance of 190.00 feet to the southwest corner of said Tract 5, on the east right-of-way line of said Cambell Street; Thence, North, along the west line of said Tract 5 and east right-of-way line of said Cambell Street, a distance of 356.82 feet to the POINT OF BEGINNING, and containing 1.006 acre of land, more or less.
PARCEL ACREAGE	approximately 1.006 acres, more or less
LOCATION	at 1316 Cambell Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Flood Hazard District

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PUBLIC UTILITIES City Water and Sewer

REPORT BY Blaise Emerson

RECOMMENDATION: Staff recommends that the Rezoning from Flood Hazard District to General Commercial District be continued to the July 26, 2001 Planning Commission meeting.

GENERAL COMMENTS: The applicant is requesting to rezone approximately one acre from the Flood Hazard Zoning District to the General Commercial Zoning District. The property is located just south of Rapid Creek on the east side of Cambell Street. Currently a car sales dealership (Select Auto Sales) is located on the property. The applicant is proposing to expand the current structure on the property which will require the applicant to bring the use of the property into compliance with the Zoning Ordinance. Car sales are not a permitted use in the Flood Hazard Zoning District.

The entire property is identified with the federally designated 100 year Rapid Creek Floodway. The "floodway" means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface one foot. At this time no additional structure or addition can be allowed on the property.

STAFF REVIEW: Staff has reviewed the request and has noted the following considerations:

The original structure was constructed under a Pennington County building permit that was issued in December of 1976. The structure was identified on the building permit as an office building. At that time, Pennington County did not have any adopted flood plain regulations. The subject property was annexed by Rapid City in June of 1977. In October of 1977, the City of Rapid City rezoned the subject property to the Floodway Zoning District which was later renamed to the Flood Hazard Zoning District. In 1978, a building permit was issued for an interior alteration for a café. In 1985, sign permit was issued for "Sgt. Preston's Pizza". A sign permit was issued for "Auto Parts Pro" in 1988. A sign permit and building permit for an interior alteration were issued in 1991 for the Tile Setters Gallery. In 1995 and 1996, sign permits were issued for Select Auto Sales and in 2000 a building permit was issued for three concrete pads for Select Auto Sales.

The City of Rapid City had adopted flood plain regulations for the Rapid Creek floodplain since 1974. The first Flood Insurance Rate Maps (FIRM) were available in 1976. Those maps identified the base flood elevation on the west side of Cambell Street as 3166 feet. No elevation was identified on the east side of Cambell Street as it was still in the county and the Rapid City Flood Insurance Rate Map only identified property within Rapid City. Revised Flood Insurance Rate Maps were adopted in 1981 which identified the base flood elevation on the west side of Cambell Street as 3166 feet and on the east side of Cambell Street as 3162.5

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feet. That map did not identify any floodway at all to be located on the subject property. Pennington County adopted their Flood Damage Prevention Ordinance in 1982. However, a note was placed on the original building permit by the contractor stating that the floor level would be above elevation 3164.5 feet. Information provided to the Staff by the applicant indicates that the finish floor was constructed at an elevation of 3163 feet. In 1996, the City adopted revised Flood Insurance Rate Maps for the entire city. These maps identified the floodway boundaries for the entire Rapid Creek. At that time, the subject property was identified as being located within the floodway.

The Rapid Creek Floodplain Policy states that the Flood Hazard Zoning District shall match the boundaries of the 100 year hydraulic floodway for private property located downstream of the Chapel Lane Road bridge. At this time the applicant has not provided any documentation that the subject property is located outside the Rapid Creek 100 year hydraulic floodway. Based on the City's adopted Rapid Creek Floodplain Policy, the applicant will need to provide information from a surveyor that the property is located outside (above) the Rapid Creek 100 year hydraulic floodway or the applicant will need to provide documentation that the Federal Emergency Management Agency has revised the floodway boundary for the subject property. Until this information is provided, Staff recommends that the rezoning request be continued.