

STAFF REPORT
February 19, 2009

No. 09SE001 - Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodway **ITEM 31**

GENERAL INFORMATION:

APPLICANT/AGENT	Hills Alive Festival
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SE001 - Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodway
EXISTING LEGAL DESCRIPTION	Tract 20 less Lot H1 of Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.96 acres
LOCATION	North of Omaha Street between North Mount Rushmore Road and Fifth Street
EXISTING ZONING	Flood Hazard District - Civic Center District
SURROUNDING ZONING	
North:	Civic Center District
South:	General Commercial District
East:	Civic Center District
West:	Civic Center District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	1/29/2009
REVIEWED BY	Dale Tech

RECOMMENDATION:

Staff recommends that the Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodway be denied.

GENERAL COMMENTS:

A Flood Plain Development Permit was submitted on November 19, 2008 for the Hills Alive event. The Flood Plain Development Permit that was submitted did not include certification from a registered professional engineer that the proposed temporary structures could be adequately flood proofed or anchored to comply with Section 15.32 of the Rapid City Municipal Code; therefore the Flood Plain Development Permit was denied on November 19, 2008.

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The property is located at 301 North Fifth Street north of Omaha Street, south of the Civic Center, east of Mount Rushmore Road and west of Fifth Street. The property is commonly known as Memorial Park. The property is currently zoned Flood Hazard District.

The applicant is proposing to use the property for a free Hills Alive music festival on July 18 and 19, 2009. The proposed festival will begin at 12:00 noon and conclude at 10:00 p.m. on both days. In addition to the requested dates for the festival, the applicant is proposing to use July 16 and 17, 2009, to set up and July 20, 2009, to remove the festival.

STAFF REVIEW: Staff has reviewed the proposed Special Exception to the Flood Area Construction Regulations and has noted the following issues:

Flood plain: The proposed site for the music festival is located within the 100 Year Federally Designated Flood Plain. The applicant has submitted a site plan that shows that the proposed structures for the festival are located within the boundary of the Federally Designated Flood Plain and a fence that is shown to be placed along Fifth Street from the Bridge over Rapid Creek to the entrance to the Civic Center at the New York Street intersection is located in the Federally Designated Flood Way. The City of Rapid City participates in the National Flood Insurance Program (NFIP). As a member of the NFIP, the City of Rapid City must manage Federally Designated Flood Plains and Flood Ways per FEMA standards. Approval of the Flood Plain Development Permit as submitted was not possible due to the temporary structures not being able to be certified as adequately anchored or flood proofed to withstand the hydrodynamic forces of a 100 Year Flood.

Fire Department: The Fire Department has commented that all provisions of the Outdoor Assembly Guide must be continually maintained and festival vendor layout must be coordinated with the Fire Department and pre-approved if this special exception request is granted.