

STAFF REPORT  
March 4, 2010

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**No. 10SE001 - Special Exception to the Flood Area Construction Regulations**      **ITEM 28**

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GENERAL INFORMATION:

APPLICANT	Mark Olson for Black Hills Farmers Market
AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 10SE001 - Special Exception to the Flood Area Construction Regulations</b>
EXISTING LEGAL DESCRIPTION	Tract 17 less Lot H1 (also in Section 34, T2N, R7E) of the Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 59.01 acres
LOCATION	1520 West Omaha
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Commercial District - Flood Hazard District - Light Industrial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	None
DATE OF APPLICATION	2/15/2010
REVIEWED BY	Dale Tech / Not Assigned

RECOMMENDATION:

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

GENERAL COMMENTS:

A Flood Plain Development Permit application was submitted on February 15, 2010 for the Black Hills Farmers Market to be held throughout 2010. The applicant is proposing a number of temporary structures, primarily small canopies, to be located immediately surrounding the parking area in Founders Park. 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

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with Section 15.32 of the Rapid City Municipal Code. Therefore the Flood Plain Development Permit was denied on February 15, 2010.

The property is located north of Omaha Street, at the intersection of Omaha Street and Canal Street. The property is commonly known as Founders Park. The property is currently zoned Flood Hazard District.

If the Planning Commission recommends approval of this special exception request, the following stipulations should be included as part of the approval to be consistent with other special exceptions that have been approved.

1. The event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director.
2. That the structures for the event be removed that evening after the event has ceased.

**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 event is located within the 100 Year Federally Designated Flood Plain and a portion is also located in the Floodway. The applicant has submitted a site plan that shows that the proposed structures for the event are located within the boundary of the Federally Designated Flood Plain with a portion of the structures being located in the Floodway. 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.

**Transportation Planning:** The site plan shows the setup area for the Farmers Market to be located outside of the parking area of the parking lot. After reviewing the site plan it has been identified that vendor parking in the stalls adjacent to the perimeter market area be prohibited. It is recommended that the vendor parking be required in the public parking lot on the south side of Omaha Street to allow for more customer parking in the Founders Park lot.

**Building Inspection:** It has been identified that the event must obtain a Temporary Use Permit prior to the event and also obtain a Temporary Use permit for last year's event which will be a double fee. Banner signs are also prohibited.