

STAFF REPORT
October 21, 2010

No. 10SE007 - Special Exception to the Flood Area Construction Regulations **ITEM 28**

GENERAL INFORMATION:

APPLICANT	Randy Lyons City of Rapid City Parks and Recreation Department
PROPERTY OWNER	City of Rapid City
REQUEST	No. 10SE007 - Special Exception to the Flood Area Construction Regulations
EXISTING LEGAL DESCRIPTION	Tract 17 less Lot H1 of Rapid City Greenway Tract, Sections 34 and 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 75 acres
LOCATION	Founders Park
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District - General Agriculture District - Office Commercial District (Planned Commercial Development)
South:	General Commercial District - Flood Hazard District - Light Industrial District
East:	Flood Hazard District - General Commercial District - General Commercial District (Planned Commercial Development)
West:	Light Industrial District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	9/24/2010
REVIEWED BY	Dale Tech

RECOMMENDATION:

Staff recommends that the Special Exception to the Flood Area Construction Regulations be denied.

GENERAL COMMENTS:

A Flood Plain Development Permit was submitted on September 24, 2010 for the Black Hills Fat Tire Festival to be held May 27-30, 2011. 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 September 24, 2010.

The property is located at 1520 W Omaha Street. The property is commonly known as Founders Park. The property is currently zoned Flood Hazard District.

The site plan submitted for the Special Exception identifies the location of temporary structures which are anticipated to be tents and canopies within the floodplain boundary of Rapid Creek outside of the floodway. It is proposed that the temporary structures will remain in place 24 hours a day for the duration of the event. The temporary structures are of various sizes.

A similar request for the Black Hills Heritage Festival located in Memorial Park which is within a similar Flood Hazard Zoning District was recommended for approval by the Planning Commission at the June 11, 2009 Planning Commission meeting with two stipulations. The stipulations were as follows:

1. That 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; and,
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 of the temporary structures to be used for the event is located within the 100-year Federally Designated Flood Plain. The applicant has submitted a site plan that shows that the proposed temporary structures for the event are located within the boundary of the Federally Designated Flood Plain. 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.

Parks and Recreation:

The Parks and Recreation Department has commented on previous Special Exception Requests that a Special Event Permit with insurance is required for the event.

Building Inspection:

Building Inspection has commented that a Flood Plain Development Permit be obtained prior to occupancy.