

STAFF REPORT

May 9, 2002

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**No. 02UR005 - Conditional Use Permit to allow structures in the Flood Hazard Zoning District**

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**ITEM 28**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 02UR005 - Conditional Use Permit to allow structures in the Flood Hazard Zoning District</b>
EXISTING LEGAL DESCRIPTION	Lots 6 thru 11 of Lot X of Cliffside Subdivision; Lots 1-6 of Lot Y of Cliffside Subdivision; Lot Z in the NE1/4 NE1/4 of Section 18, T1N, R7E; and, Tract M-1 in the NW1/4 NW1/4 of Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.59 acres
LOCATION	North of SD Highway 44 West and north of Trout Court
EXISTING ZONING	Flood Hazard Zoning District
SURROUNDING ZONING	
North:	Flood Hazard Zoning District (City)/Suburban Residential (County)
South:	Flood Hazard Zoning District (City)/Suburban Residential (County)
East:	Flood Hazard Zoning District/ROW
West:	Suburban Residential Zoning District (County)
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	03/01/2002
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Conditional Use Permit to allow structures in the Flood Hazard Zoning District be approved with the following stipulations:

Fire Department Recommendations:

1. The site must provide enough space to insure adequate turnaround for emergency equipment;

Engineering Department Recommendations:

2. Driveway and curb cut must be constructed in accordance with the Off-street Parking requirements in Chapter 17.50.27 of the Rapid City Municipal Code;

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3. A stop sign and a no overnight parking sign must be erected on the site;
4. The Rapid City Municipal Code Chapter 15.32 Flood Area Construction Regulations must be followed;

Urban Planning Division Recommendations:

5. One van accessible handicapped space must be provided in the parking lot; and,
6. That all requirements for the Off Street Parking Ordinance, Rapid City Municipal Code Chapter 17.50.27 shall be continually met.

GENERAL COMMENTS: This item was continued at the April 4, 2002 Planning Commission meeting to allow a revised site plan to be submitted. The City of Rapid City is submitting this Conditional Use Permit application to allow structures in the Flood Hazard Zoning District. The subject property is located north and adjacent to S.D. Highway 44 West and north of Trout Court. The revised site plan proposes a fishing and picnic area to be used by the public, which will include sidewalks, a fishing pier, asphalt parking lot for 12 parking spaces, picnic tables, and barbeque sites. The area will be cleaned and landscaped, and stones will be placed in the creek to improve the fish habitat.

STAFF REVIEW: The original proposed site plan included improvements that would have been located in the hydraulic floodway. The Chapter 15.32 Flood Area Construction Regulations does not allow structures to be constructed in the 100 year floodway. Therefore, the revised site plan relocated the improvements outside of the 100 year floodway. The applicant will have to comply with all of the provisions of the Rapid City Municipal Code Chapter 15.32 Flood Area Construction Regulations as the property is located within the 100 year floodplain.

The required sign has been posted on the property. The green cards from the certified mailing have been returned. Staff has received positive phone calls from the surrounding neighbors concerning this request. The area has been used for overnight camping, loud parties, and a place where various trash items have been deposited. The neighbors feel that by cleaning the area and making it an active recreation area, it will discourage the illegal use of the property that occurs now. Staff is recommending approval of the Conditional Use Permit to allow structures in the Flood Hazard Zoning District with stipulations.