

STAFF REPORT

June 5, 2003

No. 03SE001 - Special Exception to the Floodplain Building District Ordinance

ITEM 50

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 03SE001 - Special Exception to the Floodplain Building District Ordinance
EXISTING LEGAL DESCRIPTION	Tract 1, Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 72.475 acres
LOCATION	Canyon Lake Park, 4501 Jackson Boulevard
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	General Commercial District /Medium Density Residential District
South:	Low Density Residential District
East:	Park Forest District
West:	General Commercial District w/Planned Commercial Development
PUBLIC UTILITIES	
DATE OF APPLICATION	04/29/2003
REPORT BY	Rich Wells

RECOMMENDATION:

Staff recommends that the Special Exception to the Floodplain Building District Ordinance be denied.

If Council chooses to grant the Special Exception, staff recommends that it be subject to the following stipulations:

1. No fill material shall be placed for construction of the new light poles.
2. The new poles are installed with electrical components that automatically disconnect power to the fixture in case of catastrophic loss of the fixture i.e.: impact to pole from flood debris etc.

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GENERAL DESCRIPTION: This item was continued at the May 8, 2003 Planning Commission meeting to allow the required notification requirements to be met. All revised and/or added text is shown in bold print. The City proposes to replace approximately 30 light poles within Canyon Lake Park. The replacement poles are similar to the existing. 5 of the poles are located within the floodway and the ordinance requirements are such that a Special Exception is acquired.

The Special Exception is needed because the existing structure is a non-conforming use and its replacement costs exceeds the allowable 50% criteria (see 15.32.250-B)

A floodplain development permit application has been provided. Construction details have been provided and approved for the proposed light poles.

GENERAL COMMENTS:

- Rapid City Municipal Code 15.32.020 states that “The flood hazard areas of Rapid City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards (emphasis added) which increase flood heights and velocities and, when inadequately anchored, damages uses in other areas...”
- Rapid City Municipal Code 15.32.220 states that “...the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential...”
- In 1997 the City Council adopted a resolution which stated that “...it is the intent of the City to preclude the location of structures within the 100 year floodway to the greatest degree possible.” The Council has remained consistent in requiring that all structures be located outside of the 100 year floodway.
- Rapid City Municipal Code section 15.32.240-D states that in passing upon applications for special exceptions, the council shall consider (among other factors):
 - “1. The danger to health, safety, welfare and property due to increased flood heights or velocities caused by encroachments.”
 - “2 The danger that materials may be swept onto other lands or downstream to the injury of any person or property.
 - “5. The importance of the services provided by the proposed facility to the community.”
 - “7. The availability of alternative locations not subject to flooding for the proposed use.”
- Rapid City Municipal Code section 15.32.24-E-2-e states that “variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - iii. A determination that the granting of a variance will not result in increased flood

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heights, additional threats to public safety, extraordinary public expense, create nuisances,..."