

STAFF REPORT
January 24, 2008

No. 07SE001 - Special Exception to allow Ten Light Poles in the Hydraulic Floodway **ITEM 37**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 07SE001 - Special Exception to allow Ten Light Poles in the Hydraulic Floodway
EXISTING LEGAL DESCRIPTION	Tract 27 of Rapid City Greenway Tracts, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 31.0 acres
LOCATION	125 Waterloo Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Flood Hazard District
East:	Medium Density Residential District - General Commercial District
West:	Flood Hazard District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/14/2007
REVIEWED BY	Bob Dominicak

RECOMMENDATION:

Staff recommends that the Special Exception to allow Ten Light Poles in the Hydraulic Floodway be denied.

GENERAL COMMENTS: (Update January 17, 2008. All revised text is shown in bold.)

This item was continued to the January 24, 2008 Planning Commission meeting to allow the legal notification requirement to be met and to allow the applicant to submit additional information. This is a request by the City of Rapid City for approval of a Special Exception to allow Ten Light Poles in the Hydraulic Floodway. In particular, the applicant is proposing to install ten light poles along an existing pedestrian path in the hydraulic floodway. In addition, the applicant has submitted an 11-6-19 Review (07SR054) to construct structures and other park improvements. The proposed development is located in the Flood Hazard Zoning District at Roosevelt Park. The applicant is proposing to construct

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a shade structure, picnic shelter, pedestrian bridge, sidewalks, lighting, parking and landscaping improvements. Currently a playground, pond, ice arena, and indoor swim center are located on the site.

Roosevelt Park was deeded to the City of Rapid City in 1966, and in 1992 a Use On Review was approved with stipulations to allow the construction of a concession stand near the existing outdoor swimming pool. In 1994 a Use on Review was approved with a stipulation to allow the construction of a public restroom at the site. The construction of a softball field and playground apparatus was approved with stipulations in 1996. In 1999, Strong Hold Community Action Patrol proposed a teepee as a coordination center for creek patrol, and the Use on Review was denied without prejudice. In 2001, City Council approved a Conditional Use Permit (#00UR042) to allow park improvements at Roosevelt Park with stipulations.

On September 5, 2002, Planning Commission approved an 11-6-19 SDCL Review (#02SR015) to allow the construction of structures and other park improvements with the following stipulations:

1. Prior to any construction the applicant shall obtain a building permit;
2. An erosion/sediment control permit shall be submitted for review and approval prior to the issuance of a building permit;
3. Prior to issuance of a building permit the applicant shall obtain coverage under State General Permit for storm water runoff from the construction site;
4. All applicable provisions of Section 17.28 of the Rapid City Municipal Code shall be continually met;
5. All Uniform Fire Codes shall be continually met;
6. The Indoor Recreation Complex and the Ice Arena shall be sprinkled throughout;
7. The applicant must maintain sidewalks accessible to emergency vehicles at all times; and
8. An Air Quality permit shall be obtained prior to any surface disturbance.

STAFF REVIEW: Staff has reviewed this proposed special exception for conformance with the twelve criteria for review of special exception permits established in Section 15.32.240. A summary of Staff findings are outlined below:

1. *The danger to health, safety, welfare and property due to increased flood heights or velocities caused by encroachments.*

The applicant has indicated the encroachment of each of the proposed light poles will increase flood elevations by approximately 0.15 inches.

On January 17, 2008 the applicant submitted additional information labeled Exhibit 1 and Exhibit 2 showing a plan view and cross section of the area with the light poles located in the floodway.

2. *The danger that materials may be swept onto other lands or downstream to the injury of any person or property.*

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The proposed light poles do pose a potential danger by collecting debris which when breaking loose has the potential to cause personal injury or property damage downstream.

3. *The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.*

There is not a proposed water supply or sanitation system associated with the proposed project.

4. *The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual occupant, both present and future.*

The electrical components of the proposed light poles are in waterproof boxes, therefore, are not susceptible to flood damage.

5. *The importance of the services provided by the proposed facility to the community.*

The proposed light poles are important in that they would provide additional safety along an existing pedestrian path.

6. *The requirements of the facility for a waterfront location.*

The proposed location of the light poles is along an existing pedestrian path located in the floodway.

7. *The availability of alternative locations not subject to flooding for the proposed use.*

It would not be practical to provide adequate lighting for this portion of the existing pedestrian path if the light poles are located outside of the floodway.

8. *The compatibility of the proposed use with existing anticipated, or other proposed developments in the foreseeable future.*

The proposed light poles are consistent with the existing and proposed development of the surrounding park.

9. *The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.*

The proposed light poles do not change the proposed use to the comprehensive plan and the flood management program for the area. The area will still be utilized as a public park.

10. *The safety of access to the property in times of flood for ordinary and emergency vehicles.*

There is access to the property for emergency vehicles from the north and west through the existing parking lots.

11. *The expected heights, velocity, duration, rate of rise and sediment transportation of the floodwaters expected at the site.*

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The proposed light poles are expected to have a minimal increase in the heights, velocity, duration, and rate of rise of the floodwaters expected at the site. In addition, the proposed structures could increase the amount of debris in the floodway.

12. *Such other factors which are relevant to the purpose of this chapter.*

The proposed light poles will provide an added level of safety along the existing pedestrian path but also increase the potential for the collection of debris and the potential for the poles breaking free and causing safety concerns down stream. In addition, Section 15.32.240(E)(2)(c) of the Rapid City Municipal Code states that variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. The applicant has indicated that each of the structures will have a theoretical increase in the base flood elevation by 0.15 inches. As such, staff recommends that the Special Exception to Floodplain Development Permit to allow structures in Floodway be denied.