

STAFF REPORT
June 11, 2009

No. 09SE004 - Special Exception to the Flood Area Construction Regulations to allow temporary structures in the flood plain **ITEM 1**

GENERAL INFORMATION:

APPLICANT/AGENT	Black Hills Heritage Festival, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SE004 - Special Exception to the Flood Area Construction Regulations to allow temporary structures in the flood plain
EXISTING LEGAL DESCRIPTION	Tract 20 less Lot H1 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.96 acres
LOCATION	North of Omaha Street between North Mount Rushmore Road and Fifth Street in Memorial Park
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Civic Center District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	5/29/2009
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 flood plain be denied.

GENERAL COMMENTS:

A Flood Plain Development Permit was submitted on May 29, 2009 for the Black Hills Heritage Festival event to be held in Memorial Park the first week of July 2009. 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 with Section 15.32 of the Rapid City Municipal Code. Therefore the Flood Plain Development Permit was denied on May 29, 2009.

STAFF REPORT
June 11, 2009

No. 09SE004 - Special Exception to the Flood Area Construction Regulations to allow temporary structures in the flood plain **ITEM 1**

The property is located at 301 North Fifth Street north of Omaha, south of the Civic Center, east of Mount Rushmore Road and east of Fifth Street. The property is commonly known as Memorial Park. The property is currently zoned Flood Hazard District.

The applicant is proposing to use the property for a Heritage Festival on July 1-4, 2009. The hours of operation for the festival were not indicated with the application for this Special Exception.

The site plan submitted for the Special Exception identifies a number of food and craft vendors that will be located within the flood plain. The letter of intent also describes three tents that will be placed within the flood plain. Two of the tents will be 20'x20' in size and the third tent is 60'x90' in size.

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 festival is located within the 100 Year Federally Designated Flood Plain. The applicant has submitted a site plan that shows that the proposed structures for the festival 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.

Fire Department: The Fire Department has commented that all provisions of the Public Assembly Guide must be continually maintained throughout the event and Festival vendor layout must be reviewed by the Fire Department if this special exception request is granted.

City Attorney: The City Attorney's office has commented that the Planning Commission and City Council should be consistent with the stipulation that everything be taken down and cleared upon order of the officials listed in previous Special Exception approvals if this Special Exception is approved.