

STAFF REPORT
July 9, 2009

No. 09SE005 - Special Exception to the Flood Area Construction Regulations to allow temporary structures in the flood plain **ITEM 27**

GENERAL INFORMATION:

APPLICANT	Ups of Downs Family Support Group
AGENT	Mona Drole
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SE005 - Special Exception to the Flood Area Construction Regulations to allow temporary structures in the flood plain
EXISTING LEGAL DESCRIPTION	Tract 20 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.96 Acres
LOCATION	Memorial Park Bandshell
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	6/9/2009
REVIEWED BY	Dale Tech / Karley Halsted

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 application was submitted on June 8, 2009 for the Ups of Downs Buddy Walk event to be held on September 12, 2009. The applicant is proposing a tent as well as a number of booths and activity areas in the immediate vicinity of the Bandshell in Memorial Park. The applicant has indicated that the setup and teardown of the event will occur on the day of the event. The Flood Plain Development Permit that was submitted did not include certification from a registered professional engineer that the

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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 June 8, 2009.

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.

If the Planning Commission recommends approval of this special exception request, the following stipulations should be included as part of the approval to be consistent with other special exceptions that have been approved.

1. 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.
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 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 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.

Fire Department: The Fire Department has commented that all provisions of the Outdoor Assembly Guide must be continually maintained and event booth layout must be coordinated with the Fire Department and pre-approved if this special exception request is granted.

Transportation Planning: The Transportation Planning Coordinator has commented that adequate pedestrian facilities are to be maintained as required.

City Attorney's Office: The City Attorney's staff has commented that if this Special Exception is approved, the stipulations required as part of the approval are the same as previously approved Special Exceptions.

Engineer: The Engineer has commented that the park grounds shall be kept clean and shall be continually kept free of debris and trash and no camping shall be permitted within the floodway or floodplain at any time.