

STAFF REPORT
May 6, 2010

No. 10SE004 - Special Exception to the Flood Area Construction Regulations **ITEM 25**

GENERAL INFORMATION:

APPLICANT/AGENT	Kent Brugger
PROPERTY OWNER	City of Rapid City
REQUEST	No. 10SE004 - Special Exception to the Flood Area Construction Regulations
EXISTING LEGAL DESCRIPTION	Tract 1 of Rapid City Greenway Tract located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 72.476 acres
LOCATION	2902 Park Drive
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	General Commercial District (Planned Commercial Development)
East:	Flood Hazard District
West:	General Commercial District (Planned Commercial Development) - Flood Hazard District
PUBLIC UTILITIES	City Water and Sewer are located on the north and east Side of Canyon Lake Dam
DATE OF APPLICATION	4/12/2010
REVIEWED BY	Dale Tech / Not Assigned

RECOMMENDATION:

Staff recommends that the Special Exception to the Flood Area Construction Regulations be denied.

GENERAL COMMENTS:

A Flood Plain Development Permit was submitted on April 8, 2010 for a proposed temporary use consisting of a temporary structure (tent) to be placed within the floodplain boundary of Rapid Creek on the southwest edge of Canyon Lake. The proposed tent is 60'x100'. 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

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Municipal Code. Therefore, the Flood Plain Development Permit was denied on April 8, 2010.

The property is located at 2902 Park Drive and is commonly known as Canyon Lake Park. As stated previously, the temporary structures are proposed to be located on the southwest edge of Canyon Lake east of the building commonly known as the Canyon Lake Chophouse. The property is currently zoned Flood Hazard District.

The applicant is proposing to use the property and the temporary structure from July 23, 2010 to July 25, 2010 for a wedding dinner on July 24, 2010.

A similar request was recommended for approval by the Planning Commission at the April 9, 2009 Planning Commission meeting with two stipulations. The stipulations were as follows:

1. That 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; and,
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 of the temporary structures to be used for the wedding reception is located within the 100-year Federally Designated Flood Plain. The applicant has submitted a site plan that shows that the proposed temporary structures for the reception 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.

Parks and Recreation:

The Parks and Recreation Department has commented that a Special Event Permit with insurance is required.

Building Inspection:

Building Inspection has commented that a Temporary Use Permit must be obtained prior to the proposed event.