

STAFF REPORT
May 27, 2010

No. 10SE005 - Special Exception to the Flood Area Construction Regulations **ITEM 31**

GENERAL INFORMATION:

APPLICANT/AGENT	Dixie Holy Eagle for Great Plains Okolakiciye
PROPERTY OWNER	City of Rapid City
REQUEST	No. 10SE005 - Special Exception to the Flood Area Construction Regulations
EXISTING LEGAL DESCRIPTION	Tract 20 less H1 of Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.96 acres
LOCATION	Memorial Park north of Omaha Street between North Mt. Rushmore Road and Fifth Street
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	5/17/2010
REVIEWED BY	Dale Tech

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 May 17, 2010 for the National Congress of American Indians mid-year session to be held June 19-23, 2010. 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 17, 2010.

The property is located at 301 North Fifth Street north of Omaha, south of the Civic Center,

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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 site plan submitted for the Special Exception identifies the location of 12 teepees within the floodplain boundary outside of the floodway. It is proposed that the teepees will remain in place 24 hours a day for the duration of the session. The teepees are approximately 22 feet in diameter and 15 feet in height.

A similar request for the Black Hills Heritage Festival at the same location was recommended for approval by the Planning Commission at the June 11, 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 event 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 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.

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.