

STAFF REPORT
May 27, 2010

No. 10UR008 - Conditional Use Permit to allow a temporary structure in the Flood Hazard Zoning District **ITEM 21**

GENERAL INFORMATION:

APPLICANT/AGENT	Kent Brugger
PROPERTY OWNER	City of Rapid City
REQUEST	No. 10UR008 - Conditional Use Permit to allow a temporary structure in the Flood Hazard Zoning District
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 72.475 acres
LOCATION	East of the intersection of Chapel Lane and Shore 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
DATE OF APPLICATION	4/9/2010
REVIEWED BY	Ali DeMersseman / Mary Bosworth / Jim Flaaen

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a temporary structure in the Flood Hazard Zoning District be **approved with the following stipulation:**

- 1. The tent shall be located and operated in compliance with the conditions of approval of the Special Exception to the Flood Area Construction Regulations.**

GENERAL COMMENTS: (Updated May 18, 2010. All revised and/or edited text is shown in bold print.) This item was continued to the May 27, 2010 Planning Commission meeting to allow the applicant to obtain a Special Exception to the Flood Area Construction Regulations application as required in Section 15.32.240.

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The applicant has submitted a Conditional Use Permit request to allow a temporary structure in the Flood Hazard Zoning District. In particular, the applicant is proposing to erect a 60 foot by 100 foot canvas tent on the property for a wedding on July 24, 2010. The tent will be placed on the site on July 23, 2010 and will be removed on July 25, 2010.

The property is located east of the intersection of Chapel Lane and Shore Drive in Canyon Lake Park.

STAFF REVIEW: Staff has reviewed the Conditional Use Permit request to allow a temporary structure in the Flood Hazard Zoning District and has noted the following considerations:

Floodplain: **(Updated May 18, 2010.) On May 6, 2010, the Planning Commission recommended that a Special Exception to the Flood Area Construction Regulations (No. 10SE004) to allow the temporary structure be approved with the following stipulations:**

- 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 by noon the next day and that a 24 hour emergency contact number be provided by the applicant.**

On May 17, 2010, the City Council approved a Special Exception to the Flood Area Construction Regulations (No.10SE004) to allow a temporary structure in Canyon Lake Park with the following stipulations:

- 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 by noon the next day and that a 24 hour emergency contact number be provided by the applicant.**

The site is located within the 100 Year Federally Designated Floodplain. On April 8, 2010 the applicant submitted a Floodplain Development Permit application that was subsequently denied. On April 13, 2010 the applicant submitted a Special Exception to the Flood Area Construction Regulations application (No. 10SE004) as required in Section 15.32.240. The Special Exception will be considered at the May 6, 2010 Planning Commission meeting and the May 17, 2010 City Council meeting. As such, staff recommends that the Conditional Use Permit request to allow a temporary structure in the Flood Hazard Zoning District be continued to the May 27, 2010 Planning Commission meeting to allow the applicant to obtain a Special Exception to the Flood Area Construction Regulations.

Special Events Permit: The proposed event will take place in Canyon Lake Park and will

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require that the applicant obtain a Special Event Permit from the Rapid City Parks and Recreation Department. Parks and Recreation staff has confirmed that the applicant has obtained a Special Events Permit.

Fire Code: The Fire Department has indicated that all applicable provisions of the Fire Department's Outdoor Public Assembly Guide must be adhered to, as well as criteria established by the temporary membrane structure section of the International Fire Code.

Evacuation Plan: Section 17.28.040(D) of the Rapid City Municipal Code requires that an evacuation plan be developed and posted when structures are proposed within the Flood Hazard Zoning District. The applicant has submitted a copy of an evacuation plan for the event that has been approved by Rapid City – Pennington County Emergency Management staff.

Camping: The proposed structure will be located within the 100 Year Federally Designated Flood Plain. The applicant should be aware that no camping is permitted within the 100 Year Federally Designated Flood Plain.

Alcoholic Beverages: The applicant should be aware that Section 5.12.080 of the Rapid City Municipal Code states "it is unlawful for any person to consume any intoxicating liquor or malt beverage or to mix or blend any alcoholic beverage with any other beverage, regardless of whether the beverage is an alcoholic beverage, in any public place, other than upon the premises of a licensed on-sale retailer where the alcoholic beverage was purchased from the dealer for on-sale purposes."

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission if these requirements have not been met.

Staff recommends that the Conditional Use Permit be approved with the stipulation as outlined above.