

STAFF REPORT  
April 26, 2012

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**No. 12UR011 - Conditional Use Permit to allow Structures in the Flood Hazard District**      **ITEM**

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GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 12UR011 - Conditional Use Permit to allow Structures in the Flood Hazard District</b>
EXISTING LEGAL DESCRIPTION	Tract 24, Tract 25 less Lots H1 and H2, Tract 26 less Lot H1, and the west 533 feet of Tract 27 all located in the Rapid City Greenway Tracts, Section 36, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 55.12 Acres
LOCATION	Along the bike path from Fifth Street to Roosevelt Park (Maple Avenue)
EXISTING ZONING	Flood Hazard District
FUTURE LAN USE DESIGNATION	Flood Hazard
SURROUNDING ZONING	
North:	Flood Hazard District
South:	General Commercial District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	3/23/2012
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow Structures in the Flood Hazard District be approved with the following stipulations:

1. A Building Permit shall be obtained prior to any construction;
2. The proposed lighting shall be constructed as shown in the approved plans. Any changes to the design of the lighting which the Director of Community Planning and Development Services determines are consistent with the original approved designs may be approved as a Minimal Amendment to the Conditional Use Permit. All lighting shall be directed to reflect away from all residential districts, and to preclude shining on other properties and/ or streets;

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3. This Conditional Use Permit shall allow for the construction of light poles on the bike/pedestrian trail located between Fifth Street and Roosevelt Park in the Rapid City Greenway Tract. Any additional conditional uses proposed within the Flood Hazard District shall require a Major Amendment to the Conditional Use Permit;
4. All provisions of the Flood Hazard District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment.

GENERAL COMMENTS: The Rapid City Police Department has submitted a request to install 57 lights along portions of the Leonard "Swanny" Swanson Memorial Pathway in order to enhance the pathway and help create a safer trail system through the community. Public and private recreational areas, including bicycle trails, are a permitted use in a Flood Hazard District or a conditional use if structures are involved. As such, the applicant has submitted a Conditional Use Permit request to allow structures in the Flood Hazard District.

The property is located between Fifth Street and Roosevelt Park, north of Omaha Street, in central Rapid City. The property is developed as a park and trail system as part of the Rapid City Greenway Tracts.

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

Building Permits: A building permit must be obtained prior to any construction. Public Works staff has noted that it appears that the proposed light poles will have a minimal impact on flood heights in the case of a flood event. Based on Federal Emergency Management Agency revised regulations, a Flood Plain Development Permit is not required.

Lighting: The proposed light poles will stand approximately 16 feet high with a light field of approximately 40 feet. Plans show the lights will be spaced approximately 60 feet apart on the north side of the trail. The applicant has noted that the spacing of the poles will allow for a uniform field of light along the path without creating "islands of light". The lighting will utilize solar power with a battery system for backup power.

Staff recommends that the proposed lighting be constructed as shown in the submitted plans. Changes to the design of the lighting which the Director of Community Planning and Development Services determines is consistent with the original approved designs may be permitted as a Minimal Amendment to the Conditional Use Permit. All lighting must be directed to reflect away from all residential districts, and to preclude shining on all other properties and/or streets.

Notification Requirements: As of this writing, the required sign has not been posted on the property. The white receipts from the certified mailing have been returned to Community Planning and Development Services. The required green cards from the mailing have not been submitted. Staff will notify the Planning Commission at the April 26, 2012 Planning Commission meeting if these requirements have not been met. At this time there have been two inquiries regarding the proposed Conditional Use Permit. Both inquiring parties have expressed support of the proposed lighting.