

STAFF REPORT
May 8, 2014

No. 14UR011 - Conditional Use Permit to allow a memorial statue to be located in the Flood Hazard District **ITEM 8**

GENERAL INFORMATION:

APPLICANT	Karl Jergeris - Rapid City Police Department
PROPERTY OWNER	City of Rapid City
REQUEST	No. 14UR011 - Conditional Use Permit to allow a memorial statue to be located in the Flood Hazard District
EXISTING LEGAL DESCRIPTION	Tract 17 less Lot H1 (also in Section 24, T2N, R7E) Rapid City Greenway Tract, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 59.01 acres
LOCATION	1520 W. Omaha Street
EXISTING ZONING	Flood Hazard District
FUTURE LAND USE DESIGNATION	Flood Hazard / Public
SURROUNDING ZONING	
North:	Park Forest District
South:	General Commercial District - Flood Hazard District
East:	General Commercial District
West:	Light Industrial District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	April 11, 2014
REVIEWED BY	Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a memorial statue to be located in the Flood Hazard District be approved with the following stipulations:

1. A Building Permit shall be obtained prior to start of construction;
2. Prior to issuance of a Building Permit, a Floodplain Development Permit shall be obtained;
3. All provisions of the Flood Hazard District shall be met;
4. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;

STAFF REPORT
May 8, 2014

No. 14UR011 - Conditional Use Permit to allow a memorial statue to be located in the Flood Hazard District **ITEM 8**

5. The Conditional Use Permit shall allow for the construction of a memorial statue. Any change in use that is a Conditional Use in the Flood Hazard District shall require the review and approval of a Major Amendment.

GENERAL COMMENTS:

The applicant has submitted a Conditional Use Permit to allow a memorial statue to be located in the Flood Hazard District. In particular, the Rapid City Police Department is proposing to dedicate "The Eagles", a memorial to Officers Nick Armstrong and Ryan McCandless at Founders Park. The memorial will consist of two soaring bronze eagles 14 feet 6 inches in height flanked by two markers commemorating the fallen officers.

The property is located on the north side of West Omaha Street on the northwest corner of the intersection of West Omaha Street and Founders Park Drive. The proposed memorial will be located on the east of the Founders Park parking lot. Currently, the area is developed with a parking lot, Founders Park Plaza and a public restroom facility.

STAFF REVIEW:

Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

1. *The location, character and natural features of the property:*

The property is located on the north side of West Omaha Street and is the location of Founders Park. Rapid Creek runs along the north side of the property. Portions of the property are located in the floodway and the 100-year floodplain.

2. *The location, character and design of adjacent buildings:*

M Hill and Cowboy Hill are located to the north. Property to the south is zoned General Commercial District with one story commercial structures.

3. *Proposed fencing, screening and landscaping:*

The applicant is not proposing any fencing, screening or additional landscaping.

4. *Proposed vegetation, topography and natural drainage:*

The proposed statue is located in the floodplain of Rapid Creek. Staff is currently finalizing a Floodplain Development Permit to ensure that the proposed structures are in compliance with the Floodplain Regulations. As such, prior to issuance of a Building Permit, the Floodplain Development Permit must be finalized.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

The Founders Park parking lot is located just to the west of the proposed memorial. Access to the parking lot is from West Omaha Street. The proposed statue will be

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May 8, 2014

No. 14UR011 - Conditional Use Permit to allow a memorial statue to be located in the Flood Hazard District **ITEM 8**

located on the Founders Park bike and pedestrian path. Parks and Recreation staff has indicated that bench seating will be located south of the proposed memorial.

6. *Existing traffic and traffic to be generated by the proposed use:*

It is not anticipated that the proposed memorial will generate an increase in traffic.

7. *Proposed signs and lighting:*

The applicant is working with Parks and Recreation staff on the location and type of lighting for the proposed memorial.

8. *The availability of public utilities and services.*

The property is currently served by public utilities including Rapid City sewer and water.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

The Zoning Ordinance is the tool that implements the Comprehensive Plan. Chapter 17.28.030 of the Rapid City Municipal Code identifies structures as a conditional use in the Flood Hazard District. The Conditional Use Permit will allow for the construction of a memorial statue. Any change in use that is a Conditional Use in the Flood Hazard District will require the review and approval of a Major Amendment.

A Building Permit must be obtained prior to any construction. Prior to issuance of a Building Permit, a Floodplain Development Permit must be obtained.

10. *The overall density, yard, height and other requirements of the zone in which it is located:*

The proposed memorial statue meets all the requirements of the Flood Hazard District. All provisions of the Flood Hazard District must continually be met.

11. *The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation:*

It does not appear that the proposed memorial statue will have a negative effect on the surrounding area by causing noise, odor, smoke, dust, air or water pollution.

12. *The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:*

The stipulations of approval of the Conditional Use Permit will serve as a tool to insure that the proposed memorial statue does not have a negative impact on the Rapid Creek floodplain.

STAFF REPORT
May 8, 2014

No. 14UR011 - Conditional Use Permit to allow a memorial statue to be located in the Flood Hazard District **ITEM 8**

Notification: The first class mailings have been returned to Community Planning and Development Services for mailing and the sign has been posted on the property.