



MEMORANDUM

To: Mayor Pat Fribis and the Board of Aldermen

From: Gerald Brown, Parks & Recreation Director

Date: April 19, 2022

Re: Stieren Restroom Project Variance

The Parks Department is requesting a variance from the elevation requirements in the City's Floodplain Ordinance for the installation of a bathroom facility at 13525 West Watson Road (Stieren Park).

Per Appendix E, Article 4, Section B1b:

Non-Residential Construction: New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to two (2) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 3, Section C(9).

It is not possible to meet the above elevation requirement. The ground elevation at the site is approximately 406 feet and the base flood elevation is approximately 423 feet. In order to meet the current two-foot freeboard requirement, the structure would have to be elevated nineteen feet above grade.

All other floodplain requirements would be met by this structure, including flow through requirements of one square inch of opening per square foot of enclosed space and elevation of utilities.

The city understands that this area floods annually, and we currently have (4) other similar structures in flood plain areas (Minnie Ha Ha Park and Athletic Complex). We understand and have a procedure in place for handling flood preparations. If predictions call for a 20' level in Valley Park and 30' in Arnold, we typically have approximately (4-5) days to have the following items addressed:

- All waste/water in vaults are disposed of immediately;
- Restrooms are closed immediately;

- Contact electrician and have all electric shut off at tower, which is located above the 100-year flood plain;
- After flood waters disperse, staff power washes all restrooms, disposes of flood water from vaults, re-fills vaults with 400 gallons of water and turns back on electric.

If this variance is approved, the following criteria would be met:

- The danger to life and property due to flood damage: This structure would not be habitable nor used in times of flood.
- The danger that materials may be swept onto other lands to the injury of others: This property is surrounded by other City owned properties.
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner: This structure is designed for use in the floodplain.
- The importance of the services provided by the proposed facility to the community: Bathroom facilities are a highly desired amenity in public parks.
- The necessity to the facility of a waterfront location, where applicable: This is not a waterfront facility.
- The availability of alternative locations, not subject to flood damage, for the proposed use: The facility is to be located in Steiren Park, which is 100% affected by floodplain.
- The compatibility of the proposed use with existing and anticipated development: The facility is compatible to the park use.
- The relationship of the proposed use to the comprehensive plan and floodplain management program for that area: The Comprehensive Plan indicates this property as open space.
- The safety of access to the property in times of flood for ordinary and emergency vehicles: This property is not open during times of flood.
- The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site: This property is completely inundated by flood waters during a 100-year flood event.

Sec. E. Conditions for approving floodplain management variances.

Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

While this property is over one-half acre, it is surrounded by park property and all facilities are at grade.

Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structures continued historic designation.

This would be a city owned structure, on city property.

Variations shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

This structure would not be constructed in the floodway.

Variations shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

It is not possible to elevate this structure, therefore staff is requesting the minimum variance necessary.

Variations shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Staff recommends that the requested variance be approved in order to place this restroom in the Stieren Park, noting that procedures currently in place will continue to be followed during flood events.

Please feel free to contact me if you have any questions and/or concerns.