

STAFF REPORT

August 12, 2003

No. 03FV004 - Fence Height Exception to allow a 14 foot screening and security fence **ITEM**

GENERAL INFORMATION:

PETITIONER	Lund Associates, Ltd. for Pennington County
REQUEST	No. 03FV004 - Fence Height Exception to allow a 14 foot screening and security fence
EXISTING LEGAL DESCRIPTION	Lots 1 thru 32, Block 97; Lots 10 thru 15, Block 98 and the vacated alley adjacent to said lots; Lots 1 thru 9 and Lots 16 thru 32, Block 98, the vacated alley adjacent to said lots, and the vacated 3rd Street adjacent to Lots 16 and 17, Block 98; all located in the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.21 acres
LOCATION	Pennington County Courthouse Complex
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	Central Business District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	07/11/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a 9.5 foot high screening fence along the west side of the proposed jail annex be approved and that the 14 foot high security fence be denied.

GENERAL COMMENTS:

The applicant has submitted a Fence Height Exception to allow a fence in excess of six feet in the General Commercial District and to allow a fence in excess of four feet in the 25 foot front yard. The applicant's site plan identifies the proposed construction of a screening fence and a security fence around a portion of the Courthouse complex. In particular, the applicant is proposing to construct a 12 foot high chain link fence with three strands of

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barbed wire for a total height of 14 feet around the new Pennington County jail structure. The fence is proposed to be located approximately 3.5 feet inside of the property line. In addition, it appears that the applicant is proposing to construct a 9.5 foot high screening fence with a "mountain peaked" design to be located on the outside of the security fence along the west side of the future jail structure. (The fence elevation document does not label the height of the proposed "peaks". It appears that the height of the tallest peak is 1.5 feet based on the labeled scale of ¼ inch = 1' 0".)

The applicant has also submitted a SDCL 11-6-19 Review to allow for the construction of the proposed fence(s) on public property. This item was continue at the applicant's request to the August 21, 2003 Planning Commission meeting. In addition, the applicant has submitted a request to allow a structure in the right-of-way. (This item will be reviewed by the Public Works Committee on August 12, 2003 and the City Council on August 18, 2003.) The referenced "structure" is an approximate 3.5 foot high intercom kiosk. In addition, four protector bollards are proposed around the kiosk.

On March 6, 2003 the Planning Commission approved a SDCL 11-6-19 Review to allow for the expansion of the Public Safety Building and the construction of a new jail and a parking garage on the subject property.

STAFF REVIEW:

Staff has reviewed the Fence Height Exception and has noted the following considerations:

Sight Triangle/Pedestrian Traffic Issue: The Engineering Division has indicated that the location of the security fence, 3.5 feet inside the property line along the north side of Kansas City Street, results in sight triangle issues at the approach location along this section of the sidewalk. In addition, the proposed design of the intercom kiosk and the location of the security fence will result in vehicles having to stop on the sidewalk while accessing the facility and, as such, will block pedestrian traffic.

Utility Relocation Issue: The Engineering Division has also indicated that a future water line replacement project for the Public Safety Building located directly west of the proposed new jail will result in the relocation of the water line located in the Kansas City Street right-of-way. During the time of construction or any future reconstruction within the area, the intercom kiosk may be removed from the right-of-way. In addition, access to the site at this location may be temporarily closed.

Screening Fence: The proposed 9.5 foot high screening fence is located approximately 26.5 feet from the front lot line, outside of the 25 foot front yard. In addition, the "mountain peak" design creates a buffer between the courthouse and the new jail. As such, staff is recommending that the fence height exception to allow the 9.5 foot high screening fence be approved.

Security Fence: In 1991, the City Council completed a Downtown Master Plan. The Master Plan, "Streetscape Standards", states that screening or fencing around the periphery of a

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parking lot adjoining either a sidewalk or street may not exceed 48 inches in height. The subject property is located within the Downtown Master Plan area. As such, staff can not support a fence in excess of four feet along Kansas City Street. In addition, the presence of a 12 foot high fence with a two foot barbed wire extension does not appear to be compatible with this important civic complex.

Security: The applicant has indicated that the proposed security fence is needed to create a secured area to load and unload inmates within the parking garage located under the proposed jail structure. On August 5, 2003, staff met with several Pennington County Commissioners as well as individuals from the Court Building committee and a representative from the architectural consulting firm. Three alternate fence options were discussed as outlined below:

1. Leave the fence in the proposed location but create a wall façade by incorporating pillars intermittently into an iron fence or a chain link fence design and eliminate the barbed wire. This design would be similar to the façade created in the design of the City's new parking structure located south of the City School Administrative Building.
2. Relocate that portion of the fence located along Kansas City Street to align with the south wall of the new jail and possibly eliminate the barbed wire. This creates an area on the subject property for the intercom kiosk outside of public right-of-way.
3. Construct the proposed security fence in the interior area of the parking garage in order to secure just that area where the inmates are loaded and unloaded. The applicant continues to have the option of constructing a four foot fence within the front yard along Kansas City Street and a six foot fence around the balance of the jail as per the Rapid City Municipal Code in order to create a more secured area.

Several of the individuals at the meeting did not support any of the three options. In particular, they cited the need to also provide a secured parking lot along the perimeter of the new jail for staff and/or law enforcement personnel. It was also noted that the cost difference to redesign the fence with pillars may be substantial and, as such, was not an option. In addition, concern was expressed that any compromise from the proposed design would not offer the level of security desired when loading and/or unloading inmates.

Due to the incompatibility of a twelve foot high chain link fence with a two foot barbed wire extension in a civic complex and the maximum fence height standards established by the adopted Downtown Master Plan, staff can not recommend approval of the proposed fence height exception for the security fence. Staff trusts that the City Council will base its review on the County's needs, consistency with the Downtown Master Plan and the appropriateness of the proposal for this location.