

STAFF REPORT
May 11, 2004

**No. 04FV007 - Fence Height Exception to allow an eight foot fence
in a Park Forest District and Flood Hazard District**

GENERAL INFORMATION:

PETITIONER	Bryan Schnell for Canyon Lake Little League
REQUEST	No. 04FV007 - Fence Height Exception to allow an eight foot fence in a Park Forest District and Flood Hazard District
EXISTING LEGAL DESCRIPTION	Tract 8 (also in Section 4 and 10, T1N, R7E), Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8 acres
LOCATION	1610 32nd Street
EXISTING ZONING	Park Forest District/Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District/Medium Density Residential District
South:	Flood Hazard District/Low Density Residential District/Office Commercial District
East:	Park Forest District/Flood Hazard District
West:	Public District/Medium Density Residential District/Flood Hazard District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	04/08/2004
REVIEWED BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow an eight foot fence in a Park Forest District and Flood Hazard District be approved with the following stipulations:

1. A building permit shall be obtained prior to the initiation of construction;
2. Prior to issuance of a Building Permit, an 11-6-19 SDCL Review must be approved by Planning Commission;
3. Prior to issuance of a Building Permit, a revised site plan showing all utilities located in the area of the proposed batting cage shall be submitted; and,
4. Prior to issuance of a Building Permit, a revised site plan showing all portions of the batting cage located a minimum of 10 feet from the existing water and sewer mains shall be submitted for review and approval.

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GENERAL COMMENTS: The applicant is proposing to construct a new 51 feet by 30 feet batting cage at the Canyon Lake Little League baseball fields. The proposed batting cage will be constructed of eight foot high chain link fencing. The proposed batting cage will be located approximately 450 feet from 32nd Street and approximately 900 feet from Canyon Lake Drive. The property is located in the Park Forest Zoning District.

The applicant is seeking approval for an eight foot high chain link fence to be constructed in the Park Forest Zoning District.

STAFF REVIEW: Staff has reviewed this request for a fence height exception with respect to Section 15.40.050 of the Rapid City Municipal Code. This portion of the code pertaining to fences states that "...the City Council may approve exceptions to the height requirements if it is determined that the exception is not contrary to the public interest and the exception will not be injurious to the surrounding neighborhood..." Staff has noted the following issues:

Building Inspection: The Building Inspection Division noted that Section 15.40.060 requires a Building Permit to be obtained for all fences over six feet in height.

11-6-19 SDCL Review: Staff noted that the proposed fence will be constructed on public property. South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". As previously indicated, the structure is privately owned but located on City owned property requiring that the Planning Commission review and approve of the proposed construction on City owned property. Prior to issuance of a Building Permit, an 11-6-19 Review must be approved by the Planning Commission.

Utilities: Staff noted that the applicant must submit a revised site plan showing all existing utilities located in the area of the new batting cage. Staff noted that the applicant's site plan shows a portion of the proposed batting cage located over an existing water line. All portions of the proposed batting cage must be located a minimum of 10 feet from any water or sanitary sewer mains.

Staff finds that based on the recommended stipulations of approval, the proposed exception to the fence height requirements is not contrary to the public interest and that the exception will not be injurious to the surrounding neighborhood. Staff recommends approval of the Fence Height Exception with the above stated stipulations.