

STAFF REPORT
September 9, 2004

No. 04SR046 - 11-6-19 SDCL Review to allow the renovation of the Cleghorn Springs State Fish Hatchery **ITEM 39**

GENERAL INFORMATION:

PETITIONER	Ferber Engineering Company, Inc. for South Dakota Game Fish & Parks - Cleghorn Springs State Fish Hatchery
REQUEST	No. 04SR046 - 11-6-19 SDCL Review to allow the renovation of the Cleghorn Springs State Fish Hatchery
EXISTING LEGAL DESCRIPTION	Lot F-2, Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.67 acres
LOCATION	4725 Rimrock Highway
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District
South:	Low Density Residential District
East:	Flood Hazard District
West:	Flood Hazard District/Park Forest District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	06/25/2004
REVIEWED BY	Todd Tucker / Sig Zvejnieks

RECOMMENDATION: Staff recommends that the 11-6-19 SDCL Review to allow the renovation of the Cleghorn Springs State Fish Hatchery be **approved with the following stipulations:**

- 1. All proposed structures shall have a minimum setback from Jackson Boulevard of 25 feet;**
- 2. The subject property shall continually comply with all provisions of the off-street parking requirements found in Section 17.50.270 and the landscaping requirements of 17.50.300 of the Rapid City Municipal Code;**
- 3. Prior to initiation of construction, a Flood Plain Development Permit shall be obtained;**
- 4. Prior to initiation of construction, revised plans showing the building construction type shall be submitted for review and approval by the Rapid City Fire Department;**
- 5. All netting provided shall be of a non-combustable material;**
- 6. All structures shall be addressed with 12 inch numbers that contrast with the back ground color of the structure;**

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7. **All applicable provisions of the Uniform Fire Code shall be continually met;**
8. **Any hazardous materials on site shall be used and stored as per the Uniform Fire Code's Hazardous Materials section; and,**
9. **Prior to Planning Commission approval, a Special Exception to the Flood Area Construction Regulations shall be approved by the City Council.**

GENERAL COMMENTS: (August 27, 2004 Update) This item was continued at the August 26, 2004 Public Works Committee meeting to allow the applicant time to obtain a Special Exception to the Flood Area Construction Regulations.

On August 26, 2004 the Planning Commission approved a Special Exception to the Flood Area Construction Regulations. The applicant's request will now be heard by the City Council at the September 7, 2004 City Council meeting.

(This Staff Report was revised on August 16, 2004. All revised and/or added text is shown on bold text.) This item was continued at the July 22, 2004 Planning Commission meeting to allow the applicant time to seek a Special Exception to the Flood Area Construction Regulations.

The subject property is located on the south side of Jackson Boulevard between Chapel Lane to the east and Sylvan Lane to the west. The subject property is the location of the Cleghorn Springs State Fish Hatchery and is publicly owned. The applicant is proposing to construct new structures and renovate existing structures on the subject property.

The applicant is seeking an SDCL 11-6-19 Review to allow the renovation of the Cleghorn Springs State Fish Hatchery.

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 proposed construction is on publicly owned land requiring that the Planning Commission review and approve of the proposed construction.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

New Structures: The applicant's site plan shows the construction of four new structures. The new structures are an office building, production building, shop/storage building and an information kiosk.

Setbacks: The applicant's site plan shows the proposed shop/storage building located 15 feet from the front property line abutting Jackson Boulevard. The subject property is zoned Flood Hazard District, which does not require a minimum building setback. However, the other proposed structures have a minimum front yard setback of 25 feet, 40 feet and 45 feet.

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The properties located to the north and west of the subject property are zoned Park Forrest, and the properties located to the south of subject property are zoned Low Density Residential requiring a minimum front yard setback of 25 feet. The height, size, and location of the proposed structure is in close proximity to public right-of-way and may cause safety issues on Jackson Boulevard. For these reasons, staff recommends that all proposed structures have a minimum setback from Jackson Boulevard of 25 feet.

Parking and Landscaping: Staff noted that the existing site complies with the off-street parking requirements and the Landscaping Ordinance. The subject property remains in compliance with the off-street parking requirements and the Landscaping Ordinance with the proposed construction. Staff noted that the subject property shall continually comply with the off-street parking requirements found in Section 17.50.270 and the landscaping requirements of 17.50.300 of the Rapid City Municipal Code.

Flood Plain Development Permit: Staff noted that portions of the subject property are located within the 500 year and 100 year federally designated floodplains and the hydraulic floodway. Prior to initiation of construction, a Flood Plain Development Permit shall be obtained.

Fire Safety: Staff noted that fire hydrants shall be provided, including on-site hydrants. Staff also recommends that the larger structures be fully fire sprinkled. The building construction type was not provided with this application. Staff noted that the minimum fire flow required for the site as well as the number and location of fire hydrants is determined by the building construction type. Prior to Planning Commission approval, revised plans showing the building construction type shall be submitted for review and approval, and to determine the number and location of required fire hydrants.

The applicant has indicated that the plans submitted for the proposed construction on the subject property is of a preliminary nature. The Fire Department noted that revised plans showing the building construction type shall be submitted for review and approval, prior to initiation of construction.

Netting Material: The applicant's building plans show a heavy duty bird netting located on the rearing building. Fire Department Staff noted that all netting provided shall be of non-combustible material.

Address: Staff noted that all structures shall be addressed with 12 inch numbers that contrast with the back ground color of the structure.

Hazardous Materials: Staff noted that any hazardous materials on site shall be used and stored as per the Uniform Fire Code's Hazardous Materials section.

Flood Area Construction Regulations: The Flood Study submitted by the applicant indicates that the proposed construction will increase the base flood elevation of Rapid Creek. Staff noted that a Special Exception to the Flood Area Construction Regulations found in Section 15.32 of the Rapid City Municipal Code must be reviewed and approved by both the Planning Commission and the City Council. The review and approval process for the

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required Special Exception will extend past the time allotted for Planning Commission to take action on this request. As such, staff recommends that this SDCL 11-6-19 Review request be denied without prejudice to allow the applicant time to obtain a Special Exception to the Flood Area Construction Regulations.

As previously indicated, the Planning Commission approved a Special Exception to the Flood Area Construction Regulations on August 26, 2004. The applicant's request will now be heard by the City Council at the September 7, 2004 City Council meeting.

On July 27, 2004 the applicant submitted an application for a Special Exception to the Flood Area Construction Regulations. That request (04SE001) will be on the August 26, 2004 Planning Commission agenda. It is anticipated that the Special Exception to the Flood Hazard Regulations will be considered and acted upon by the City Council at the September 7, 2004 City Council meeting. As such staff is recommending this item be continued to the September 9, 2004 Planning Commission meeting to allow the City Council to act on the Special Exception to the Flood Area Construction Regulations.

Staff is recommending that the SDCL 11-6-19 Review be approved with the previously stated stipulations.