

STAFF REPORT
November 8, 2007

No. 07SR052 - SDCL 11-6-19 Review to allow construction of structures on public property. ITEM 14

GENERAL INFORMATION:

APPLICANT	Ted Ruffedt, Jr. for Pennington County
AGENT	AA No Agent
PROPERTY OWNER	City of Rapid City
REQUEST	No. 07SR052 - SDCL 11-6-19 Review to allow structures on public property
EXISTING LEGAL DESCRIPTION	An unplatted parcel of land located on the S1/2 W1/2 SE1/4 NW1/4 and the N1/2 W1/2 SE1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20.0 acres
LOCATION	940 Skyline Drive
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Low Density Residential District
East:	Park Forest District - Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	Public
DATE OF APPLICATION	10/11/2007
REVIEWED BY	Jonathan Smith / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow construction of structures on public property be continued to the November 21, 2007 Planning Commission meeting to allow the applicant time to submit additional information.

GENERAL COMMENTS:

The applicant has submitted a South Dakota 11-6-19 request to install a heating and cooling unit on site, install a generator on site, and install a security fence. The property is located west of Skyline Drive. Currently a radio tower with additional public communication facilities on the tower along with an accessory building are located on the site. The property is currently unplatted. The applicant has identified other improvements and renovations that are planned

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for the existing structure that are not required to be reviewed by the Planning Commission. These renovations include replacing the roof and siding, upgrading the electrical system, removing two on-site poles, and repairing water damage within the structure and erosion around the existing structure.

South Dakota Codified Law 11-6-19 states: Whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, 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 as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission.

STAFF REVIEW:

Staff has reviewed the applicant's South Dakota Codified Law 11-6-19 request and noted the following considerations:

HEATING AND COOLING UNIT:

The applicant is proposing to install a heating and cooling unit within the existing structure. The applicant is proposing to place the condenser structure associated with the air conditioner two feet east of the existing structure. Staff has noted that prior to the placement of the air conditioner condenser that the applicant is required to obtain the necessary building permits. In addition all applicable standards of the Fire Code shall be continually met.

GENERATOR:

The applicant is also proposing to install a backup generator. The proposed generator will operate on propane and will be used in emergency situations. The applicant plans to place the generator on a concrete pad located seven feet east of the existing structure. In addition a 250 gallon above ground propane tank will be installed five feet east of the generator site. Staff has noted that prior to the placement of the generator and propane tank the applicant is required to obtain the necessary building permits. In addition all applicable standards of the Fire Code shall be continually met.

SECURITY FENCE:

The applicant is proposing to install a six foot tall chain link fence topped with a one foot extension composed of three strands of barbed wire that surrounds the tower, structure and proposed improvements. The applicant is constructing the fence to limit access by non-authorized personnel to the radio tower, the existing structure, the generator, and air conditioner condenser. Section 15.40.020 states that a fence can be than six feet in height is allowed in the side and rear yards, and no more than four feet in height is allowed in the front yard in a Park Forest Zoning District.

The applicant's site plan does not identify property lines. Staff finds that an updated site plan identifying property lines is needed to ensure the fence does not encroach onto abutting property. The property lines on the site plan are needed to review the required setbacks in a Park Forest Zoning District. In addition staff has noted that a Fence Height Exception request to

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allow a seven foot fence in the rear, side, and front yard(s) within a Park Forest Zoning District may be needed. A site plan identifying the property lines is needed in order to make this determination.

Staff recommends that this item be continued to the November 21, 2007 Planning Commission meeting to allow the applicant time to submit an updated site plan that identifies the property boundaries.