

STAFF REPORT  
March 5, 2009

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**No. 09SR009 - SDCL 11-6-19 Review to allow structures in a public park**      **ITEM 22**

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GENERAL INFORMATION:

APPLICANT/AGENT	Randy Lyons for City of Rapid City Parks and Recreation Department
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 09SR009 - SDCL 11-6-19 Review to allow structures in a public park</b>
EXISTING LEGAL DESCRIPTION	City Springs Park located in the S1/2 NE1/4 and the NE1/4, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 32.00 acres
LOCATION	514 City Springs Road
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District (Planned Development Designation)
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/23/2009
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow structures in a public park be continued to the **March 26, 2009** Planning Commission meeting.

GENERAL COMMENTS: **(Updated February 20, 2009. All revised and/or added text is shown in bold print.) This item was continued at the February 19, 2009 planning Commission meeting because the applicant had not obtained a Fence Height Exception for the proposed 12 foot high fence around the basketball court and a sidewalk along City Springs Road. On February 19, 2009 the applicant submitted an application for a Fence Height Exception to allow a 12 foot high fence in lieu of a maximum six foot high fence in the Low Density Residential District. The Fence Height Exception will be considered at the March 10, 2009 Public Works meeting and**

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at the March 16, 2009 City Council Meeting.

On February 23, 2009, staff met with the applicant to discuss pedestrian access to the park. During the meeting, the applicant indicated that they would be submitting a revised site plan that identifies a pedestrian crossing connecting the park to the existing sidewalk located along the south side of City Springs Road. An apartment complex is located south of City Springs Road. The proposed sidewalk will provide pedestrian access between the apartments and the park. In addition, the applicant indicated that a sidewalk would be extended from the cross walk along the perimeter of the improved park area.

The applicant indicated that a second phase of the project would include an eight foot wide pedestrian path constructed along the existing trail located north of the existing parking lot to the Game Fish and Park Campus located east of the park. The applicant indicated that this connection will be constructed after the proposed Game Fish and Parks campus is developed to ensure that the alignments through both properties are continuous. As of this writing, the applicant has not submitted the plans for review.

The property is located at 514 City Springs Road. Currently, Wilderness Park is located on the property. The property is currently zoned Low Density Residential District. The adjacent properties to the north, east and west are currently zoned Low Density Residential District. The adjacent property to the south is currently zoned Low Density Residential District with a Planned Residential Development. The applicant is proposing to renovate the existing playground located at the south end of the property and construct a basketball court.

On December 18, 2008 the Rapid City Planning Commission denied without prejudice an SDCL 11-6-19 Review to allow structures in a public park to allow the applicant to submit a complete site plan, a complete parking plan and a to obtain a Floodplain Development Permit.

South Dakota Codified Law 11-6-19 states that “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”. The proposed location for the playground is located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW: Staff has reviewed the SDCL 11-6-19 Review to allow structures in a public park and noted the following considerations:

Site Plan: The applicant submitted a complete site plan with this application including parking and landscaping. Upon reviewing the site plan, staff noted that the proposed fence around

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the basketball court is twelve feet in height and will require a fence height exception. Section 15.40.020 of the Rapid City Municipal Code states, "fences and walls may be erected or maintained; provided that no fence or wall over four feet in height shall be erected or maintained in any front yard". Section 15.40.020 of the Rapid City Municipal Code states that, "fences and walls located along the side or rear yard shall not exceed a height of six feet. In addition, the site plan does not identify a sidewalk along the north side of City Springs Road. Section 12.16.08 of the Rapid City Municipal Code states that, "the construction of a permanent sidewalk fronting or abutting all streets, highways, and avenues shall be accomplished by the builder, owner or developer of all new or relocated residential or commercial buildings within the city".

**(Updated February 20, 2009. All revised and/or added text is shown in bold print.) On February 19, 2009, the applicant submitted an application for a Fence Height Exception to allow a 12 foot high fence in lieu of a maximum six foot high fence in the Low Density Residential District.**

Parking Plan: A complete parking plan was submitted with this application. The parking plan identifies the 26 existing parking spaces including 2 handicap accessible spaces that are currently located in at the park.

Landscaping Plan: Wilderness Park is located on 32 acres of wooded and grass covered land. The proposed improvements and additions to the park will not trigger an increase in required landscaping points. However, the plans that were submitted with this application identify additional landscaping to be planted around the north and east sides of the proposed replacement playground equipment and additional landscaping to be planted around the proposed basketball court.

Flood Plain Development Permit: On August 28, 2008 the applicant obtained a Floodplain Development Permit for the proposed renovations and additions at Wilderness Park.

Front Yard Setback: The site plan that was submitted identifies playground equipment encroaching into the required front yard setback. However, section 17.50.250.7 of the Rapid City Municipal Code states that, "No Yard, open space or lot area required for a building or structure shall, during its life, be occupied by any other building or structure except: Landscaping features, planting boxes and recreational equipment". As such, the playground equipment will not require a variance to the zoning regulations.

Side Walk: The site plan that was submitted with this application did not identify a sidewalk along the north side of City Springs Road. Section 12.16.08 of the Rapid City Municipal Code states that, "the construction of a permanent sidewalk fronting or abutting all streets, highways, and avenues shall be accomplished by the builder, owner or developer of all new or relocated residential or commercial buildings within the city". City Springs Road is identified as a Collector Street on the Major Street Plan. The proposed renovations and construction in Wilderness Park could potentially lead to an increase in number of pedestrians and children visiting the park. The addition of sidewalks along the north side of City Springs Road is needed to ensure the safety of pedestrians and children using the park.

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As such, prior to Planning Commission approval, the applicant must submit a revised sit plan identifying a sidewalk along the north side of City Springs Road.

Fence Height: As previously mentioned, the site plan that was submitted with this application identifies a proposed chain link fence that is twelve feet in height around the proposed basketball court located in the park. Section 15.40.020 of the Rapid City Municipal Code states, "fences and walls may be erected or maintained; provided that no fence or wall over four feet in height shall be erected or maintained in any front yard". In addition, Section 15.40.020 of the Rapid City Municipal Code states that, "fences and walls located along the side or rear yard shall not exceed a height of six feet. The proposed fence exceeds the maximum allowed four foot height in the front yard and the maximum allowed six feet in the side and rear yard. As such, prior to Planning commission approval of the SDCL 11-6-19 Review to allow structures in a public park, the applicant must obtain an exception to the fence height requirements. The applicant should also be aware, that section 15.40.060 of the Rapid City Municipal Code states, "a building permit is required for all fences over six feet in height".

**(Updated February 20, 2009. All revised and/or added text is shown in bold print.) On February 19, 2009, the applicant submitted and application for a Fence Height Exception to allow a 12 foot high fence in lieu of a maximum six foot high fence in the Low Density Residential District. The Fence Height Exception will be heard at the March 10, 2009 Public Works meeting and at the March 16, 2009 City Concil Meeting.**

Staff recommends that the SDCL 11-6-19 Review to allow structures in a public park be continued to the March 5, 2009 Planning Commission meeting to allow the applicant to submit a revised site plan identifying a sidewalk along the north side of City Springs Road and to obtain a fence Height exception to allow a chain link fence that is twelve feet in height around the proposed basketball court.

**Updated February 20, 2009. All revised and/or added text is shown in bold print.) Staff recommends that the SDCL 11-6-19 Review to allow structures in a public park be continued to the March 26, 2009 Planning Commission meeting to allow the Fence Height Exception to be heard by the Public Works Committee and the City Council. In addition, the applicant must submit a revised site plan that extends from the crosswalk along the perimeter of the improved park area as proposed.**