

STAFF REPORT
January 7, 2010

No. 09SR118 - SDCL 11-6-19 Review to allow a structure on public property **ITEM 35**

GENERAL INFORMATION:

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| APPLICANT/AGENT | Randy Lyons for City of Rapid City Parks and Recreation Department |
| PROPERTY OWNER | City of Rapid City |
| REQUEST | No. 09SR118 - SDCL 11-6-19 Review to allow a structure on public property |
| 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 - Low Density Residential District (Planned Residential Development) |
| East: | Low Density Residential District - Public District |
| West: | Low Density Residential District |
| PUBLIC UTILITIES | City water and sewer |
| DATE OF APPLICATION | 12/14/2009 |
| REVIEWED BY | Jim Flaaen / Karley Halsted |

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow a structure on public property be continued to the January 21, 2010 Planning Commission meeting.

GENERAL COMMENTS:

A SDCL 11-6-19 application (File #09SR009) was approved at the March 26, 2009 Planning Commission meeting to allow park improvements at Wilderness Park. Since that time, the applicant has made proposed changes to the approved plan and has submitted this SDCL 11-6-19 request for review and approval.

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

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properties to the north and west are zoned Low Density Residential District. The property to the east is zoned Low Density Residential District and Public District. The adjacent property to the south is zoned Low Density Residential District and Low Density Residential District with a Planned Residential Development. The applicant is proposing to renovate an existing playground located at the south end of the property, construct a basketball court, install a crosswalk to the south side of City Springs Road and expanding the existing trail to the southeast. The previously approved plan identified a sidewalk that extended to the southeast corner of the property to connect with the neighborhoods on City Springs Road. The current proposed plan identifies that the expanded trail would terminate further north and connect with the proposed Game, Fish and Parks Department Outdoor Campus trail. While this may someday provide an adequate connection, no timeline currently exists for the construction of the Game, Fish and Parks Department Outdoor Campus trail. As such, a connection from the park to City Springs Road is required in order to accommodate neighborhood pedestrian traffic.

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 § 11-6-19, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission”. The request to allow structures on public property requires Planning Commission review pursuant to the provisions of SDCL 11-6-19. In addition, the property is identified 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:

Parking Plan: The previously reviewed and approved SDCL 11-6-19 Review for Wilderness Park required that 26 parking spaces be provided. The applicant’s site plan identifies that the 26 parking spaces have been constructed. In addition, two of the spaces are handicap accessible with one of the spaces being “van” handicap accessible. The parking plan is in compliance with the City’s adopted Parking Regulations.

Landscaping Plan: Based on the developed area of the park, a minimum of 1,179,425 landscape points are required. Wilderness Park is located on 32 acres of wooded and grass covered land. Currently, 51,287,550 landscape points exist on the property. The applicant has submitted a landscape plan identifying that an additional 14,500 points will be provided. In particular, the plan identifies that trees, shrubs and flowers will be planted along the perimeter of the playground area and along the basketball court. Existing trees will be retained around the parking area.

The landscaping plan exceeds the minimum required landscaping points required as per the City’s adopted Landscaping Ordinance. Staff recommends that all landscaping be planted

STAFF REPORT
January 7, 2010

No. 09SR118 - SDCL 11-6-19 Review to allow a structure on public property **ITEM 35**

as per the landscape plan and be continually maintained to present a neat, healthy and orderly appearance and be kept free of refuse and debris.

Flood Plain Development Permit: The proposed site of the park renovation is included in the 100 year Federally Designated Floodplain. As such, the applicant must obtain a Floodplain Development Permit prior to Planning Commission approval.

Front Yard Setback: The submitted site plan identifies playground equipment encroaching into the required 35 foot front yard setback for accessory structures in a Low Density Residential District. However, Section 17.50.250.A7 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 is allowed and will not require a variance to the zoning regulations.

Fence Height: The site plan identifies a 12 foot high chain link fence to be installed around the basketball court. Section 15.40.020 of the Rapid City Municipal Code states that, "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" and also states that "fences and walls located along side or rear yards shall not exceed a height of 6 feet". The proposed twelve foot fence exceeds the maximum allowable fence height in the front or side and rear yard. On March 16, 2009 the City Council approved a Fence Height Exception (File #09FV001) to allow the 12 foot high fence around the proposed basketball court.

Sidewalk: Section 12.16.08 of the Rapid City Municipal Code states that, "the construction of a permanent sidewalk fronting or abutting all streets, highways, or 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 to the park could bring an increase in pedestrian traffic to the park. The addition of sidewalks is needed to ensure the safety of park visitors.

The site plan submitted by the applicant includes a sidewalk that extends from the crosswalk west of the parking lot and runs parallel to the parking lot on the north side. At the eastern terminus of the parking lot the site plan indicates that the sidewalk will become an 8 foot wide, crushed limestone trail. The trail continues along the northeast perimeter of the park narrowing to a 6 foot wide, crushed limestone trail before connecting with the proposed Game, Fish and Parks Department Outdoor Campus trail near the southeast edge of the property. The proposed connection does not supply an adequate means of pedestrian access to the park from the southeast without the Game, Fish and Parks Department Outdoor Campus trail being completed. The previously approved plan identified a sidewalk connection from the park to the southeast corner of the property, connecting with City Springs Road. The current proposed plan terminates the trail further to the north to connect with the Game, Fish and Parks Department trail. As of this writing, no construction timeline exists for the construction of the Game, Fish and Parks Department Outdoor Campus trail. As such, the proposed trail on this property could be left without a connection to the

STAFF REPORT
January 7, 2010

No. 09SR118 - SDCL 11-6-19 Review to allow a structure on public property **ITEM 35**

southeast neighborhoods on City Springs Road for some time. While staff supports a connection to the proposed Game, Fish and Parks Department trail, in order to accommodate neighborhood pedestrian traffic, a connection to the street is required. Prior to Planning Commission approval, the applicant will need to resubmit a site plan that includes the expansion of the trail to connect to City Springs Road as per the previously approved plan.

Staff recommends that the SDCL 11-6-19 Review to allow structures in a public park be continued to the January 21, 2010 Planning Commission meeting to allow the applicant to submit a revised site plan showing the trail extending to the southeastern edge of the property and connect the existing neighborhoods on City Springs Road as originally approved. In addition, the applicant must obtain a Floodplain Development Permit prior to Planning Commission approval.