

STAFF REPORT

February 13, 2002

No. 02FV001 - Fence height variance to allow a nine foot high fence in the front yard setback and to allow a nine foot high fence along the side and rear yard in the Public Zoning District **ITEM**

GENERAL INFORMATION:

PETITIONER	Mark Krenn for Western Wireless Corp.
REQUEST	No. 02FV001 - Fence height variance to allow a nine foot high fence in the front yard setback and to allow a nine foot high fence in the Public Zoning District
EXISTING LEGAL DESCRIPTION	Lot 2 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	6.38 acres
LOCATION	North of Golden Eagle Drive and adjacent to old Marine Life
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Business Park District
South:	General Commercial District/Office Commercial District (PDD)
East:	General Commercial District
West:	General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	01/11/2002
REPORT BY	Lisa Seaman

RECOMMENDATION:

Staff recommends that the fence height variance to allow a nine foot high fence in the front yard setback to allow a nine foot high fence in the Public Zoning District be approved with the stipulation that prior to construction of the proposed fence a Building Permit shall be obtained.

GENERAL COMMENTS: On October 15, 2001, the City Council approved a Use On Review to allow a communications tower in the Public Zoning District. The site plan submitted with the Use On Review request noted that an eight foot high fence would be constructed surrounding the tower for security reasons. Staff informed the applicant that the Rapid City

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Municipal Code does not allow eight foot high fences in the Public Zoning District and that a fence height variance would need to be obtained prior to construction of the fence.

The subject property is located at the intersection of the U. S. Highway 16 Service Road and Promise Road. The property is owned by the City of Rapid and has been identified as the future location of a fire station. The communications tower and the associated building will be located in the southwest corner of the subject property. The tower location on the subject property was determined based on the requirements of the Fire Department as well as the topographic constraints of the property. The tower is intended to be a microwave point of connection and the lattice design and size was determined based on the required line of sight to microwave links. Because of the size and location of the tower, a portion of the fencing surrounding the tower will be located within the front yard of the property. Section 15.40.020 of the Rapid City Municipal Code does not allow fences over four feet in height within the front yard or fences in excess of six feet in height along the side or rear yard of a property located in the Public Zoning District. The applicant has indicated that for security purposes a nine foot high fence is warranted and is requesting a fence height variance to construct a nine foot high fence in the Public Zoning District.

STAFF REVIEW: Staff has reviewed this request 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 concerns that a four foot high fence along the Promise Road frontage is not of sufficient height to restrict access to the lattice tower. The site plan shows that the proposed fence will not obstruct any sight triangles. In addition, the site plan shows that landscaping will be provided along the west property line and the Promise Drive frontage to provide a buffer between the nine foot high fence and the adjacent property and Promise Drive. Staff finds that 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.

As of this writing, the receipts from the certified mailing have not been returned by the petitioner. Staff has not received any phone calls regarding this request.