

STAFF REPORT
October 26, 2004

No. 04FV019 - Fence Height Exception to allow a thirteen feet, four inches high fence in the General Commercial Zoning District and within the 25 foot front yard setback

GENERAL INFORMATION:

PETITIONER	FMG Engineering for Menard, Inc.
REQUEST	No. 04FV019 - Fence Height Exception to allow a thirteen feet, four inches high fence in the General Commercial Zoning District and within the 25 foot front yard setback
EXISTING LEGAL DESCRIPTION	Lots 1, 2, 3 and 6, Tract A, Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 44.08 acres
LOCATION	At the southeast corner of the intersection of Eglin Street and East Anamosa Street
EXISTING ZONING	General Commercial District w/Planned Commercial Development
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District
East:	General Agriculture District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/20/2004
REVIEWED BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a thirteen feet, four inches high fence in the General Commercial Zoning District and within the 25 foot front yard setback be approved with the following stipulations:

1. A Building Permit for the fence shall be obtained prior to the construction of the fence;
2. Prior to City Council approval, a revised plan showing the proposed fence to be a solid, opaque fence shall be submitted for review and approval.

GENERAL COMMENTS: The subject property is located south of East North Street at the southeast corner of Eglin Street and Anamosa Street and is the current location of the

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Menard's retail store. On September 23, 2004, the Planning Commission approved, with stipulations, a Major Amendment to the Planned Commercial Development to allow the construction of a garden center overhang located on the west side of the structure, an addition to the receiving area and loading dock, and the installation of a fence on the property. The stipulations of approval were as follows:

1. Prior to any construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the additions;
2. Prior to issuance of a Building Permit, drainage and grading plans must be submitted;
3. Fire sprinklers and the fire alarm system shall be expanded into the proposed additions. Additionally, plans for the system expansions shall be submitted to the Fire Department for review and approval prior to any installation;
4. The provided fire gate area shall allow for quick access by responding fire apparatus to the lumber yard;
5. All applicable provisions of the Uniform Fire Code shall be continually met;
6. Prior to Planning Commission approval, a revised site plan shall be submitted showing 12 handicapped parking stalls in compliance with Section 17.50.270 of the Rapid City Municipal Code;
7. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
8. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance;
9. Prior to Planning Commission approval, a revised plan showing the proposed fence to be an opaque screening fence. In addition, the required screening fence shall not be constructed of chain link with slats;
10. A Building Permit shall be obtained for any fencing over six feet in height;
11. A fence height exception, to allow a 13 foot high screening fence, shall be obtained prior to issuance of the Building Permit for the proposed fence, or revised plans shall be submitted showing the proposed fence as a structural wall which would not qualify as a fence;
12. Prior to Planning Commission approval, the current outdoor storage shall be brought into compliance with Section 17.18.020 of the Rapid City Municipal Code; and,
13. The proposed structures shall conform architecturally to the plans and elevations submitted.

The applicant is now requesting an exception to the fence height requirements to allow a thirteen feet, four inches high fence in the General Commercial Zoning District and within the 25 foot front yard setback.

STAFF REVIEW: Section 15.40.040 of the Rapid City Municipal Code states that, a variance to the fence height requirements can be granted by the City Council if the exception is not contrary to the public interest and the exception will not be injurious to the surrounding neighborhood. Staff has reviewed the proposed Fence Height Exception as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

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Building Permit: Staff noted that Section 15.40.060 of the Rapid City Municipal Code requires that a Building Permit be obtained for all fences over six feet in height. As such, a Building Permit for the fence must be obtained if the Fence Height Exception is granted.

Fence Design: The applicant is proposing to construct the fence of wrought iron with a flattened expanded metal mesh attached to the inside of the fence. The submitted plans show the proposed fence to be thirteen feet, four inches in height with a seven foot high planting screen located on the exterior of the fence, which meets the minimum zoning requirements. However, due the fact that the planting screen will take time to mature and function as a screen the stipulations of approval for the Major Amendment to the Planned Commercial Development required that the proposed fence must be an opaque screening fence with no chain link or slats, staff is recommending that a revised plan be submitted, for review and approval, showing the proposed fence to be a solid, opaque fence.

Location: The proposed fence is located within the required 25 foot front yard setback along Anamosa Street. A driveway approach to the subject property is located in close proximity to the proposed fence. However, the proposed fence is in the same location as the existing wall structure and does not encroach into the sight triangle.

Staff recommends that the Fence Height Exception be approved with the above stated stipulations.