

STAFF REPORT

June 28, 2005

No. 05FV005 - Fence Height Exception to allow a six foot high fence within the required 25 foot front yard setback

GENERAL INFORMATION:

PETITIONER	Shawn Dockter
REQUEST	No. 05FV005 - Fence Height Exception to allow a six foot high fence within the required 25 foot front yard setback
EXISTING LEGAL DESCRIPTION	Lot 3, Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .2 acres
LOCATION	4334 Titan Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	General Agriculture District (Pennington County)
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/26/2005
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot high fence within the required 25 foot front yard setback be approved with the following stipulations:

1. Prior to Public Works Committee approval, a revised site plan shall be submitted showing the proposed fence located a minimum of 10 feet to the west of the east property line as it abuts West Nike Road to ensure adequate separation from the street if West Nike Road is expanded in the future;
2. Staff is recommending that a revised site plan be submitted, for review and approval, showing a landscaping buffer between the proposed fence and West Nike Road, prior to Public Works Committee approval;
3. Prior to Public Works Committee approval, a revised site plan shall be submitted showing the proposed fence located a minimum of 10 feet to the west of the east property line so it will be located outside of the planting easement; and,
4. The finished sides of the fence shall face Haines Avenue and Country Road.

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GENERAL COMMENTS: The subject property is located south of Bengal Drive between West Nike Road and Titan Drive. The subject property has two frontages, one on West Nike Road and one on Titan Drive. The applicant is proposing to construct a six foot high wood privacy fence within the required 25 foot front yard setback along West Nike Road.

The proposed fence is approximately 230 feet in length with 126 linear feet located within the front yard setback adjacent to West Nike Road. The applicant is seeking approval to construct a six foot high wood privacy fence located within the required front yard setback of the property, adjacent to West Nike Road.

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:

As previously indicated the proposed six foot high fence is located within the required 25 foot front yard setback along West Nike Road. The City Council has approved five similar Fence Height Exception requests in the immediate area. Those exceptions were granted for the properties located at 4342 Mile High Avenue (04FV003), 4304 Titan Drive (04FV005), 4203 Three Rivers Drive (04FV006), 147 Soldier Field Court (04FV009) and 4406 Titan Drive (05FV001).

Location: West Nike Road is identified as a collector street on the Major Street Plan and may be expanded as additional development occurs in the area. Previously the City Council has approved similar Fence Height Exceptions along Sheridan Lake Road, Country Road and West Nike Road with the provision that the proposed fences be set back from the property lines to accommodate the future expansion of the street. Due to the possible future expansion of West Nike Road, which will reduce the distance between the proposed fence and street, it is recommended that the proposed fence be located a minimum of 10 feet to the west of the east property line as it abuts West Nike Road to ensure adequate separation if West Nike Road is expanded in the future.

Landscaping: As previously mentioned, the City Council approved similar Fence Height Exceptions along Sheridan Lake Road, Country Road and West Nike Road with the provision of a landscape buffer. In order to provide an aesthetic buffer between the fence and the right-of-way, the City Council required landscaping on the outside of the fence as it abuts the public right-of-way. As such, Staff is recommending that a revised site plan be submitted, for review and approval, showing a landscaping buffer between the proposed fence and West Nike Road, prior to Public Works Committee approval.

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Easements: A recorded 10 foot wide planting easement is located on the east property line of the subject property along West Nike Road. Fences, walls, and other structures are not permitted within the planting easement. As such, staff is recommending that prior to Public Works Committee approval, a revised site plan shall be submitted showing the proposed fence located a minimum of 10 feet to the west of the east property line so that it will be located outside of the planting easement.

Staff is recommending that the Fence Height Exception be approved with the previously stated stipulations.