

STAFF REPORT

July 1, 2008

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**No. 08FV007 - Fence Height Exception to allow an eight foot high fence in lieu of a six foot high fence**      **ITEM**

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GENERAL INFORMATION:

APPLICANT	Public Works Department for City of Rapid City
AGENT	Deon Stockert for Advanced Engineering and Environmental Services, Inc.
PROPERTY OWNER	G&G Investments LLP
REQUEST	<b>No. 08FV007 - Fence Height Exception to allow an eight foot high fence in lieu of a six foot high fence</b>
EXISTING LEGAL DESCRIPTION	SW1/4 NW1/4 and the NW1/4 SW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.210 acres
LOCATION	South of the intersection of Interstate 90 and Elk Vale Road approximately 3/4 of a mile
EXISTING ZONING	Low Density Residential District (Planned Development Designation) - Office Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Development Designation)
South:	Low Density Residential District (Planned Development Designation)
East:	Low Density Residential District (Planned Development Designation)
West:	General Agriculture District - General Commercial District
PUBLIC UTILITIES	City Water/Sewer
DATE OF APPLICATION	6/4/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

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Staff recommends that the Fence Height Exception to allow an eight foot high fence in lieu of a six foot high fence be approved with the following stipulation:

1. Prior to the construction of the fence, the applicant shall obtain a building permit.

GENERAL COMMENTS: The property is located approximately 3/4 of a mile south of the Interstate I-90 and Elk Vale Road intersection on the east side of Elk Vale Road. The property is currently zoned Low Density Residential District with a Planned Development Designation. The properties to the north are currently zoned Low Density Residential with a Planned Development Designation. The properties to the south are currently zoned Low Density Residential with a Planned Development Designation. The property to the east is currently zoned Low Density Residential District with a Planned Development Designation, and the property to the west is currently zoned Low Density Residential District with a Planned Development Designation. The property is the future site of the Elk Vale Low Level Reservoir. The reservoir will provide storage to serve existing and future development in the area. The applicant is requesting an exception to allow an eight foot high chain link fence in lieu of the maximum allowed six foot fence to provide security for the reservoir and the public water supply.

STAFF REVIEW: Section 15.40.040 of the Rapid City Municipal Code states that an exception to the fence height requirements may 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:

Public Interest: It is in the public interest to provide adequate protection for the public water supply. The Public Works Department Staff believes that the eight foot fence will provide better security than the maximum six foot fence allowed by ordinance. It would appear to be in the public interest to allow the eight foot fence in this situation.

Effect on Neighborhood: As noted the proposed exception to allow a fence in excess of six feet in height must not be injurious to the surrounding neighborhood. The fence will be located at the top of a large hill approximately 300 feet from Elk Vale Road. There is no existing development in the area. The surrounding uses are agricultural and there is an existing gravel mining area and solid waste disposal site area located approximately 200 feet southeast of the proposed fence location. The proposed fence, due to its location a significant distance from developed property would not appear to have a negative impact on the surrounding neighborhood.

Building Permit: Section 15.40.060 of the Rapid City Municipal Code states "A building Permit is required for all fences over six feet in height." As such, prior to construction of the fence the applicant must obtain a building permit.