

STAFF REPORT

June 9, 2009

**No. 09FV006 - Fence Height exception to allow a 12 foot high fence
in the Light Industrial Zoning District**

GENERAL INFORMATION:

APPLICANT	Upper Deck Architects, Inc.
AGENT	Eric Lytle
PROPERTY OWNER	Brad and Dad, LLC
REQUEST	No. 09FV006 - Fence Height exception to allow a 12 foot high fence in the Light Industrial Zoning District
EXISTING LEGAL DESCRIPTION	Lot 3-A of Mall Drive Subdivision located Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.0 acres
LOCATION	North of Mall Drive and west of Dakota Craft Drive
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District (Planned Development Designation)
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/25/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a 12 foot high fence in lieu of an 8 foot fence be approved.

GENERAL COMMENTS: The property is located west of Dakota Craft Drive and north of East Mall Drive. A retail store with outdoor storage is currently being constructed on the property.

On September 4, 2008 a Planned Industrial Development – Final Development Plan

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(#08PD043) was approved with the following stipulations:

1. Prior to Planning Commission approval of a Final Industrial Development Plan application, revised structural elevations and a complete building materials list and color palette for the structure, including the color of the roof, shall be submitted for review and approval. In particular, banding with alternate color schemes, cornices, arches, decorative brick work, decorative metal work, etc. could be incorporated into the design of the proposed building. In addition, the elevations shall show screening from all four sides of all roof top mechanical equipment;
2. Prior to Planning Commission approval of a Final Industrial Development Plan application, all outdoor display and sales areas shall be shown and paved;
3. Prior to Planning Commission approval of a Final Industrial Development Plan application, the applicant shall submit the storage information for review and approval and no material on pallets shall be stored outside of the storage yard;
4. Prior to Planning Commission approval of a Final Industrial Development Plan application, the applicant shall demonstrate that the structures and parking do not cover more than 75 percent of the lot area;
5. Prior to Planning Commission approval of a Final Industrial Development Plan application, a drainage plan in compliance with the East Mall Drive Drainage Plan shall be submitted for review and approval. In particular, drainage calculations for the on-site storm sewer shall be submitted for review and approval. In addition, drainage easements shall be recorded as needed;
6. Prior to Planning Commission approval of a Final Industrial Development Plan application, the location and size of all dumpsters shall be submitted for review and approval. In addition, elevations of the screening fence for the dumpsters shall be submitted for review and approval and shall include building material(s) and the proposed color palette;
7. Prior to Planning Commission approval of a Final Industrial Development Plan application, the location, size and noise rating of all exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
8. Prior to Planning Commission approval of a Final Industrial Development Plan application, the location, the truck route through the site shall be identified and submitted for review and approval;
9. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
10. Prior to issuance of a building permit the property shall be replatted in accordance with the Rapid City Municipal Code or a developmental lot agreement must be approved and recorded at the Pennington County of Register of Deeds office and the existing easements shall be vacated;
11. Prior to issuance of a building permit a Fence Height Exception shall be obtained or the fence height shall be reduced to eight feet;

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12. Prior to issuance of a building permit the property shall be rezoned or the Planned Development shall be amended to comply with the Zoning Ordinance;
13. Prior to issuance of a building permit, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;
14. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
15. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
16. A minimum of 75 parking spaces shall be provided. Four of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
17. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
18. A minimum of 121,318 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
19. The lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind; and,
20. The Planned Industrial Development shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

Stipulation number 11 states that prior to issuance of a building permit a Fence Height Exception shall be obtained or the fence height shall be reduced to eight feet. The applicant is now requesting approval of a Fence Height Exception to allow a 12 foot high fence in lieu of an 8 foot high fence in the Light Industrial Zoning District.

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: The proposed 12 foot high fence will provide screening of outdoor storage materials. The fence will be constructed of wood. The applicant has indicated that they will be using the areas for storage materials that may be up to 12 feet in height. As the project

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is located along the entry way into Rapid City, the exception to allow a screening fence of up to 12 feet in height is in the public interest.

Effects on Neighborhood: The proposed fences will work as a screening buffer between the public and the loading and unloading area. Without the large fence people in the Tractor Supply parking lot and those on adjacent properties would be able to see the loading and unloading of material. The proposed fences will be approximately 700 feet from the adjacent street. By including a large wooden fence as a visual barrier, Tractor Supply will improve the aesthetics and buffer adjacent uses. As such, it does not appear that the exception will be injurious to the surrounding neighborhood.

Staff recommends that the Fence Height Exception to allow a 12 foot high fence in lieu of an 8 foot fence be approved.