

STAFF REPORT  
July 28, 2009

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**No. 09FV003 - Fence Height Exception to allow an eight foot high fence with barbed wired in the Low Density Residential District**

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GENERAL INFORMATION:

APPLICANT	Black Hills Power
AGENT	Steven Dunn
PROPERTY OWNER	Kevin and Lori Lewis
REQUEST	<b>No. 09FV003 - Fence Height Exception to allow an eight foot high fence with barbed wired in the Low Density Residential District</b>
EXISTING LEGAL DESCRIPTION	Lots 23 and 24, Lots 25 and 26 with a ten foot wide portion of the adjacent alley of the South Boulevard Addition, located in the NW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.636 acres
LOCATION	East side of Fifth Street between Cleveland and Oakland Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/22/2009
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

**Staff recommends that the Fence Height Exception to allow an eight foot high fence in the Low Density Residential District be approved with the following stipulations:**

- 1. The fence shall be constructed in conformance with the architectural plans, elevations, and color palette as submitted with this request identifying prick pillars and wrought iron fence; and,**
- 2. The fence as identified shall be installed around the entire substation as shown on the revised site plan received July 10, 2009.**

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GENERAL COMMENTS: (Update: July 22, 2009. All revised and/or added text is shown in bold). The Public Works Committee recommended at the July 14, 2009 meeting that the Fence Height Exception to allow an eight foot high fence with barbed wired in the Low Density Residential District be continued to the July 28, 2009 Planning Commission meeting to allow the applicant to submit a revised fence elevation. The applicant has submitted a revised fence elevation with brick columns that are approximately two feet wide and eight feet tall and wrought iron panels that are approximately ten feet wide by eight feet tall. The site plan submitted July 10, 2009, identifies the installation of the eight foot high fence with brick columns and wrought iron panels around the perimeter of the substation.

(Update: July 8, 2009. All revised and/or added text is shown in bold). The Public Works Committee recommended at the June 30, 2009 meeting that the Fence Height Exception to allow an eight foot high fence with barbed wired in the Low Density Residential District be approved with the stipulation that prior to City Council approval, the applicant submit a revised elevation drawing of the fence identifying an alternative fence design to the chain link and barbed wire fence initially proposed. On July 6, 2009 the City Council referred this item back to the July 14, 2009 Public Works Committee meeting to allow the applicant to submit revised fence elevations and continued the public hearing to the July 20, 2009 City Council meeting. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the July 28, 2009 Public Works Committee meeting to allow the applicant to submit the requested information.

The applicant has submitted an application for an exception to the fence height requirement to allow an 8 foot fence with three strands of barbed wire around a utility substation. An 8 foot fence with barbed wire is required by the National Electric Safety Code around substations. Section 15.40.090 of the Rapid City Municipal Code states that no barbed wire fencing shall be permitted in any park forest, residential, mobile home, neighborhood commercial, center, public or floodway zoning district except in association with hazardous utility substations and the Common Council may permit the use of prohibited fencing materials if it is determined that the allowance is not contrary to the public interest and will not be injurious to the surrounding neighborhood.

STAFF REVIEW: Staff has reviewed the Fence Height Exception request as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Building Permit: Staff noted Section 15.40.060 of the Rapid City Municipal Code states that, a building permit is required for all fences over 6 feet in height.

Size and Height: The proposed fence will be constructed with chain link, 8 feet in height with three strand barbed wire outriggers. The purpose of the fence is for the security of the utility substation.

Staff has reviewed the request for an exception to allow an 8 foot high fence height and has determined that the exception is not contrary to the public interest and will not be injurious to the neighborhood. The increase in fence height will increase the safety and security at the

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utility substation. As such, Staff recommends that the exception to allow an 8 foot fence with barbed wire outriggers be approved.

This item was referred back to July 14, 2009 Public Works Committee meeting to allow the applicant to submit revised fence elevations. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the July 28, 2009 Public Works Committee meeting to allow the applicant to submit the requested information.

**The applicant has submitted a revised fence elevation for an eight foot high fence with brick columns and wrought iron panels surrounding the entire project. The increase in fence height will increase the safety and security of the proposed expansion of the utility substation. A minimum 8 foot tall fence is a standard requirement for security a utility substation. The applicant has submitted a revised design as recommended by the Public Works Committee. As such, staff recommends that this item be approved.**