

STAFF REPORT
December 28, 2010

No. 10FV016 - Fence Height Exception to allow an 8 foot fence in lieu of a 6 foot fence in the Park Forest Zoning District

GENERAL INFORMATION:

APPLICANT	Public Works Department - City of Rapid City
AGENT	Keith Winter for Banner Associates
PROPERTY OWNER	DTH, LLC
REQUEST	No. 10FV016 - Fence Height Exception to allow an 8 foot fence in lieu of a 6 foot fence in the Park Forest Zoning District
EXISTING LEGAL DESCRIPTION	A portion of the S1/2 of the NE1/4 less Rainbow Ridge Subdivision and less right-of-way all located in Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 61.89 Acres
LOCATION	West of the current western terminus of Alma Street and Sagewood Street
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Park Forest District
East:	Low Density Residential District
West:	Park Forest District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/14/2010
REVIEWED BY	Jim Flaaen / Karley Halsted

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow an 8 foot fence in lieu of a 6 foot fence in the Park Forest Zoning District be approved with the following stipulation.

1. A Building Permit shall be obtained prior to the construction of the fence.

GENERAL COMMENTS: The applicant has submitted a Fence Height Exception request to allow an 8 foot tall fence in the Park Forest Zoning District in lieu of the maximum allowable 6 foot fence. In particular, the applicant has proposed to install an 8 foot tall chain link fence

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surrounding a proposed municipal water reservoir on the property. The applicant has submitted a Planned Residential Development – Initial and Final Development Plan (#10PD069) to allow for the construction of the water reservoir.

The property is located west of Bunker Drive, north of Mall Drive and Cabot Hill Road. The property is currently undeveloped. The project site is located near the south property line approximately 2,150 feet west of Bunker Drive.

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:

Rezoning: The applicant has submitted a request to rezone the property from Park Forest District to Low Density Residential District (#10RZ058). Chapter 15.40.020 identifies that the maximum allowable fence height in the Park Forest and Low Density Residential District is 6 feet along side and rear yards and 4 feet along front yards. As such, the rezoning of the property will not affect the legality of the proposed fence without a Fence Height Exception being approved by City Council.

Fence Location: The fence is proposed to be located within an easement dedicated for the proposed municipal water reservoir. The easement occupies 1.248 acres of a 61.89 acre unplatted parcel. The proposed fence will enclose an area of 23,000 square feet of area around the water storage reservoir site and parking lot. The fence will be located 50 feet north of the south boundary of the dedicated water reservoir easement and 35 feet east of the west boundary. The fence will parallel the west boundary approximately 170 feet from the northwest easement boundary where it will follow the boundary 42 feet before intersecting with the north easement boundary. The fence will follow the north easement boundary for approximately 30 feet before extending southeast for approximately 105 feet. The fence will extend south for approximately 100 feet following the curvature of the proposed asphalt driveway and retaining walls and before extending south an additional 45 feet. The fence will extend westward 140 feet, 50 feet north of the easement boundary.

Design Features: The applicant has submitted details of the proposed fence with the request. The submitted fence details indicate that the fence will be an 8 foot tall silver chain link fence. No slats are proposed for the proposed chain link fence. The fence is proposed to include three access points. A 6 foot wide walk-through gate will be installed on the northeast side of the fence near the parking lot and an 18 foot wide sliding vehicle access gate will be installed restricting access into the reservoir site from the proposed driveway into the parking lot. In addition, a 24 foot wide double swing gate will be installed along the west fence line.

Utility Easement: Staff review has noted that the proposed location of the fence is not within any utility or drainage easements. However, a 50 foot wide power line easement is located along the south portion of the dedicated water storage reservoir easement. The site plan

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submitted by the applicant indicates that the south boundary of the fence will abut that easement on its north side.

Sight Triangles: The fence is not located within the pedestrian or vehicular sight triangle.

Building Permit: 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(s) must be obtained prior to construction and/or installation of any fence.