

STAFF REPORT  
May 31, 2011

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**No. 11FV004 - Fence Height Exception to allow a 9.5 foot high fence in lieu of a maximum 8 foot high fence in the Light Industrial District and to allow a 9.5 foot high fence in lieu of a maximum 4' high fence in the 25 foot front yard setback** **ITEM**

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GENERAL INFORMATION:

APPLICANT	Mark E. Avkamp - SBC Archway VII LLC
PROPERTY OWNER	SBC Archway VII LLC
REQUEST	<b>No. 11FV004 - Fence Height Exception to allow a 9.5 foot high fence in lieu of a maximum 8 foot high fence in the Light Industrial District and to allow a 9.5 foot high fence in lieu of a maximum 4' high fence in the 25 foot front yard setback</b>
EXISTING LEGAL DESCRIPTION	Lots 1, 2, 3 and 4 of Block 2 of Commerce Park Subdivision located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.1 acres
LOCATION	2320, 2340 and 2350 Sophia Court
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/26/2011
REVIEWED BY	Vicki L. Fisher / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a 9.5 foot high fence in lieu of a maximum 8 foot high fence in the Light Industrial District and to allow a 9.5 foot high fence in lieu of a maximum 4' high fence in the 25 foot front yard setback be approved with the following stipulations:

1. Prior to Public Works Committee approval, the applicant shall demonstrate that the fence

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- does not obstruct drainage patterns along the northern portion of the property or the fence shall be relocated as needed; and,
2. The fence shall be constructed in compliance with the plans and design submitted as a part of this Fence Height Exception.

**GENERAL COMMENTS:**

The applicant has submitted a Fence Height Exception to allow a 9.5 foot high fence in lieu of a maximum 8 foot high fence in the Light Industrial District and to allow a 9.5 foot high fence in lieu of a maximum 4' high fence in the 25 foot front yard setback. In addition, the applicant has submitted a Conditional Use Permit (File #11UR012) to allow the construction of a 28,900 square foot community corrections facility to house Immigration and Customs Enforcement (ICE) detainees for the United States Department of Homeland Security on the property. The proposed fence is shown to be located around the perimeter of the proposed community corrections facility.

The applicant has also submitted a Preliminary Plat (11PL025) to replat four lots into two lots. The lots are to be known as Lot 1R and Lot 4R of Block 2, Commerce Park Subdivision. The proposed community corrections facility is to be located on proposed Lot 1R.

The property is located in the northeast corner of Sophia Court and Fountain Plaza Drive. Currently, the property is void of any structural development.

**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:

**Design:** The applicant is proposing to construct an 8 foot high chain link fence with three strands of barb wire along the top of the fence for a total height of 9.5 feet. The fence will be located around the community corrections facility to be constructed on the property to serve as security around the facility. The proposed design of fencing is typical of security fences used with these types of use(s). As such, staff recommends that the fence be constructed in compliance with the plans and design submitted as a part of this Fence Height Exception.

**Location:** A drainage way exists along the northern portion of the property. The applicant's site plan shows the proposed fence within this area. As such, prior to Public Works Committee approval, the applicant must demonstrate that the fence does not obstruct drainage patterns along the northern portion of the property or the fence must be relocated as needed.

Staff recommends that the Fence Height Exception be approved with the stipulations as identified above.