

STAFF REPORT  
August 30, 2011

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**No. 11FV006 - Fence Height Exception to allow an eight foot high fence in lieu of a six foot high fence in a Medium Density Residential Zoning District** **ITEM**

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GENERAL INFORMATION:

APPLICANT	Robert Drew - Eagle Ridge II, LLP
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Eagle Ridge II, LLP
REQUEST	<b>No. 11FV006 - Fence Height Exception to allow an eight foot high fence in lieu of a six foot high fence in a Medium Density Residential Zoning District</b>
EXISTING LEGAL DESCRIPTION	Lot 2A of Block 1 of Black Hills Center located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.01 acres
LOCATION	121 Stumer Drive
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development) - Medium Density Residential District (Planned Residential Development)
South:	Highway Services District (Pennington County)
East:	Medium Density Residential District (Planned Residential Development)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/28/2011
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

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1. The fence shall be constructed as an 8 foot high chain link fence and shall be located around the perimeter of the proposed basketball court, east of proposed Building #10, as shown on the applicant's site plan.

**GENERAL COMMENTS:**

The applicant has submitted a Fence Height Exception to allow an 8 foot high fence in lieu of a maximum 6 foot high fence in a residential district to be constructed around the perimeter of a basketball court. In addition, the applicant has submitted a Major Amendment to a Planned Residential Development (File #11PD031) to allow for the construction of a 32 foot by 34 foot basketball court as a part of the Eagle Ridge Apartment Complex.

On November 10, 2005, the Planning Commission approved an Initial and Final Residential Development Plan (#05PD070) for the Eagle Ridge Apartments to allow a 146 unit apartment complex with accessory structures to be constructed on the property. The project was approved to be constructed in two phases with Phase One consisting of eight-12 plexes, a leasing/administration office, a tot lot and accessory garages and Phase Two consisting of three-12 plexes, two-eight plexes and accessory garages.

On January 24, 2008, the Planning Commission approved a Major Amendment to the Planned Residential Development (#07PD081) for Phase Two of the project. In particular, the Major Amendment to the Planned Residential Development was approved to lower the elevation on a portion of the property by five to ten feet and to add a third floor onto two of the proposed apartment buildings.

On May 17, 2010, the City Council upheld the decision of the Planning Commission to approve a Major Amendment to the Eagle Ridge Apartments Planned Residential Development to extend the time to complete Phase Two of the project for two additional years.

The property is located south of Stumer Road and north of Catron Boulevard. Currently, all of Phase One has been constructed and Phase Two is under construction.

**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 around the perimeter of the basketball court. The proposed design of fencing is typical for a basketball court. 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.

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Location: The applicant had originally proposed to locate the basketball court in the southwest corner of the property. However, adjacent property owners noted concern with the location due to the noise associated with an outdoor recreational area. As such, the applicant submitted revised design plans showing the basketball court located east of proposed Building #10 which creates a structural buffer between the basketball court and the existing single family residential development located west of the property. The applicant has also submitted design information addressing drainage and demonstrating ADA access to the basketball court. The proposed fence is also located outside of any sight triangles or drainage ways. As such, staff recommends that the proposed fence be located in compliance with the design plans.

Staff recommends that the Fence Height Exception be approved with the stipulation of approval as identified above.