

STAFF REPORT

October 10, 2002

No. 02SR021 - 11-6-19 SDCL Review to construct a fence on public property

ITEM 17

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 02SR017 - 11-6-19 SDCL Review to construct a fence on public property
EXISTING LEGAL DESCRIPTION	Tract 28, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 27.5 acres
LOCATION	Bordered by Canyon Lake Road, Mountain View Road Arrow Road, and Harney Drive
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Low Density Residential
South:	Low Density Residential
East:	Low Density Residential
West:	Low Density Residential
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	08/30/2002
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the request to construct a fence on public property be approved based on the following stipulation:

Urban Planning Division Recommendations:

1. That the fence not exceed four feet in height or a fence height exception shall be obtained prior to construction.

GENERAL COMMENTS:

This is a request by the City of Rapid City for approval to construct a fence on public land pursuant to the requirements of 11-6-19 SDCL. The proposed development is located in the Park Forest Zoning District on the above legally described property. The applicant is proposing to construct a 5,700 foot wrought iron fence is five feet five inches tall along the boundary of the publicly owned cemetery. Mountain View Cemetery is currently surrounded

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by an existing chain link fence which varies from six feet to eight feet in height.

The site is located at east of Sheridan Lake Road, West of Mountain View Road extended, south of the residential lots on the South side of Arrow Road, and north of the residential lots on the north side of Harney Drive.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The proposed site is publicly owned property. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission as a part of an 11-6-19 SDCL Review.

STAFF REVIEW: Section 15.40.020 of the Rapid City Municipal Code states, "Fences and walls may be erected or maintained; provided that no fence or wall over four feet in height shall be erected or maintained in any front yard." Since the applicant is proposing a fence over four feet high in a front yard, a fence height exception must be approved by City Council.

Staff is recommending that the request be approved with the stipulations outlined above.