

STAFF REPORT  
July 9, 2009

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**No. 09SR059 - SDCL 11-6-19 Review to allow a structure on public property**      **ITEM 17**

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GENERAL INFORMATION:

APPLICANT	Rapid Valley Sanitary District - Water Service
AGENT	Rich Marsh for CETEC Engineering
PROPERTY OWNER	Doyle D. Estes
REQUEST	<b>No. 09SR059 - SDCL 11-6-19 Review to allow a structure on public property</b>
EXISTING LEGAL DESCRIPTION	Government Lot 1 less right-of-way, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.72 acres
LOCATION	North of Twilight Drive on Reservoir Road
EXISTING ZONING	Office Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	Suburban Residential District
East:	Suburban Residential District
West:	Suburban Residential District
PUBLIC UTILITIES	
DATE OF APPLICATION	5/28/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow a structure on public property be approved if a Fence Height Exception to allow a seven foot high fence in lieu of a six foot high fence is obtained prior to the July 9, 2009 Planning Commission meeting and that an Exception is hereby granted to reduce the setback to the section line from 58 feet to 50 feet.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to construct a seven foot high fence around the perimeter of a proposed water reservoir and parking area for the reservoir. The fence will consist of a 6 foot high brown vinyl coated mesh with three strands of galvanized barb wire around the top of the fence for a total height of 7 feet.

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On June 4, 2009, the Planning Commission approved a SDCL 11-6-19 Review (File #09SR044) to construct a 1.85 million gallon concrete water reservoir on the property. The applicant has also submitted a Fence Height Exception (File #09FV008) to allow a seven foot high fence in lieu of a 6 foot high fence to be constructed around the reservoir. City Council will consider the request at their July 6, 2009 City Council meeting.

The property is located west of the intersection of Bridge Drive and Reservoir Road. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Fence: As noted above, the fence will consist of a six foot high brown vinyl coated mesh with three strands of galvanized barbed wire around the top of the fence for a total height of seven feet. However, Chapter 15.40 of the Rapid City Municipal Code states that a maximum six foot high fence is allowed in the Office Commercial District. As such, the applicant has submitted a Fence Height Exception as noted above to allow the proposed seven foot high fence and to allow barbed wire around a utility in the Office Commercial District. Staff recommends that prior to Planning Commission approval, the Fence Height Exception be obtained as requested or the design of the fence be revised to comply with Chapter 15.40 of the Rapid City Municipal Code.

Setback(s): Reservoir Road is classified as a principal arterial street requiring that an additional 17 feet of right-of-way be dedicated from the property upon any future subdivision of the parcel. As such, the applicant has submitted a site plan showing the location of the fence along Reservoir Road set back a distance of 17 feet.

Reservoir Road is located within a section line highway which requires that the fence "shall be set back no less than 58 feet from the section line". The applicant's site plan shows the fence located 50 feet from the section line in lieu of 58 feet as required. As such, the applicant has requested an Exception to reduce the setback to the section line from 58 feet to 50 feet.

Staff has noted that the proposed fence is not located within any sight triangles, nor will it obstruct any drainage ways. In addition, the location of the fence allows for the future dedication of 17 additional feet of right-of-way for Reservoir Road as it abuts the property. As such, staff recommends that the Exception request to reduce the setback to a section line from 58 feet to 50 feet be granted.

Staff will recommend that the SDCL 11-6-19 Review to allow the fence on public property with a reduced setback to the section line from 58 feet to 50 feet be approved if a Fence Height Exception to allow a seven foot high fence in lieu of a six foot high fence is obtained prior to the July 9, 2009 Planning Commission meeting.