

STAFF REPORT  
May 15, 2007

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**No. 07FV001 - Fence height exception to allow a six foot high fence in lieu of a four foot high fence**      **ITEM**

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GENERAL INFORMATION:

PETITIONER	Dream Design International
REQUEST	<b>No. 07FV001 - Fence height exception to allow a six foot high fence in lieu of a four foot high fence</b>
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in the Southwest One-Quarter of the Southwest One-Quarter (SW1/4SW1/4), the Southeast One-Quarter of the Southwest One-Quarter (SE1/4SW1/4), the Southwest One-Quarter of the Southeast One-Quarter (SW1/4SE1/4) and the Northwest One-Quarter of the Southwest One-Quarter (NW1/4SW1/4) of Section Twenty-nine (29) and the Northeast One-Quarter of the Southeast One-Quarter (NE1/4SE1/4), the Southeast One-Quarter of the Southeast One-Quarter (SE1/4SE1/4) and the Northwest One-Quarter of the Southeast One-Quarter (NW1/4SE1/4) of Section Thirty (30) and the Northeast One-Quarter of the Northwest One-Quarter (NE1/4NW1/4) and the Northwest One-Quarter of the Northeast One-Quarter (NW1/4NE1/4) of Section Thirty-two (32) in Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Southwest Corner of said Section 29 in T2N, R8E, BHM; Thence S89°53'53"E a distance of 2853.09' to the Point Of Beginning; said point being on the southerly right-of-way line of Century Road; Thence following the said southerly right-of-way line of Century Road N89°47'40"E a distance of 55.88' to the westerly right-of-way line of U.S. Highway 16 (E. North St.); Thence following said westerly right-of-way line of U.S. Highway 16 (E. North St.) S26°02'24" W a distance of 340.04'; Thence departing the said westerly right-of-way line of U.S. Highway 16 (E. North St.) and following the northerly line of a railroad right-of-way with a curve turning to the right with an arc length of 759.14', with a radius of 2954.92', with a chord bearing of N71°01'21"W, with a chord length of 757.05'; Thence N63°54'32"W a distance of 136.37'; Thence N63°07'09"W a distance of 73.30'; Thence N 63°03'41" W a distance of 199.66'; Thence with a curve turning to the left with an arc length of 1728.24', with a radius of 2123.30', with a chord bearing of N86°22'53"W, with a chord length of 1680.93'</p>

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to the easterly right-of-way line of Cambell Street; Thence leaving said northerly line of a railroad right-of-way and following the said easterly right-of-way line of Cambell Street N00°05'30"E a distance of 53.06'; Thence N00°05'55"W a distance of 145.01' to the northerly right-of-way line of Sunnyside Avenue; Thence following the said northerly right-of-way line of Sunnyside Avenue N89°54'01"W a distance of 450.93'; Thence leaving said northerly right-of-way line of Sunnyside Avenue N00°07'26"E a distance of 92.70'; Thence N29°09'10"E a distance of 475.27'; Thence N60°50'50"W a distance of 127.34'; Thence N89°31'29"W a distance of 331.74'; Thence N00°03'13"E a distance of 182.19'; Thence N60°50'50"W a distance of 467.74'; Thence with a curve turning to the right with an arc length of 48.41', with a radius of 536.00', with a chord bearing of S05°50'50"E, with a chord length of 48.40'; Thence S86°44'26"W a distance of 72.00'; Thence with a curve turning to the left with an arc length of 137.80', with a radius of 464.00', with a chord bearing of N11°46'03"W, with a chord length of 137.30'; Thence N89°45'36"W a distance of 556.68'; Thence N00°01'26"W a distance of 459.98'; Thence S89°52'52"W a distance of 80.00'; Thence N00°00'41"W a distance of 714.10' to the southerly right-of-way line of Interstate -90; Thence following said southerly right-of-way line of Interstate-90 S89°58'06"E a distance of 40.69'; Thence with a curve turning to the right with an arc length of 322.88', with a radius of 2916.32', with a chord bearing of S86°50'50"E, with a chord length of 322.71'; Thence with a curve turning to the right with an arc length of 644.00', with a radius of 2144.34', with a chord bearing of S74°40'24"E, with a chord length of 641.58'; Thence with a curve turning to the right with an arc length of 222.14', with a radius of 2909.18', with a chord bearing of S63°52'56"E, with a chord length of 222.09'; Thence S61°41'41"E a distance of 149.70'; Thence S35°19'03"E a distance of 72.16'; Thence S61°13'29"E a distance of 1141.84'; Thence with a curve turning to the right with an arc length of 126.82', with a radius of 650.00', with a chord bearing of S54°52'9"E, with a chord length of 126.62'; Thence S61°12'12"E a distance of 138.00'; Thence S68°31'49"E a distance of 352.96'; Thence S61°12'05"E a distance of 175.04'; Thence S49°53'16"E a distance of 102.02'; Thence S61°34'04"E a distance of 125.02'; Thence S74°46'01"E a distance of 102.02'; Thence S60°49'53"E a distance of

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320.31'; Thence S61°13'00"E a distance of 849.95'; Thence with a curve turning to the right with an arc length of 647.80', with a radius of 604.00', with a chord bearing of S31°24'33"E, with a chord length of 617.20' and intersecting the westerly right-of-way line of U.S. Hwy 16 (E. North St.); Thence with a curve turning to the right with an arc length of 75.75', with a radius of 604', with a chord bearing of S02°54'33"E, with a chord length of 75.70'; Thence S52°14'52"W a distance of 54.15' to the Point of Beginning.

PARCEL ACREAGE	Approximately 126.54 Acres
LOCATION	Southeast of the intersection of Interstate 90 and North LaCrosse Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/30/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

**RECOMMENDATION:**

Staff recommends that the Fence height exception to allow a six foot high fence in lieu of a four foot high fence be approved with the following stipulations:

1. Prior to the start of construction, a portion of Interstate 90 right-of-way shall be vacated to allow the proposed fence or the fence shall be removed from the right-of-way or a SDCL 11-6-19 Review shall be obtained to allow the fence in the right-of-way;
2. The fence shall be constructed as a six foot high black or brown chain link fence without slats;
3. A building permit for the fence shall be obtained prior to construction; and,
4. As a part of a Final Commercial Development Plan, a landscaping plan, with mature landscaping, shall be submitted for review and approval to provide a buffer reducing the headlight glare between the traffic along Eglin Street and Interstate 90.

**GENERAL COMMENTS:**

The applicant has submitted a Fence Height Exception to allow a six foot high black or brown chain link fence to be constructed along the north side of the subject property as it

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abuts Interstate 90. In addition, the applicant has submitted numerous other applications related to the Rushmore Crossing Development. In particular, the applicant has submitted an Initial Commercial Development Plan to construct approximately 861,000 square feet of new commercial development on the subject property.

The property is located between LaCrosse Street and E. North Street on the south side of Interstate 90 and is currently void of any structural development.

STAFF REVIEW: Staff has reviewed the Fence Height Exception request as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Fence Design: The applicant is proposing a six foot high black or brown chain link fence to serve as a physical separation between the subject property and Interstate 90 right-of-way. Staff is recommending that the fence be designed as proposed and notes that slats within the fence would not be acceptable.

In addition, a landscaping plan, with mature landscaping, must be submitted for review and approval to provide a buffer reducing the headlight glare between the traffic along Eglin Street and Interstate 90. Since the property is a part of a Commercial Development Plan, staff is recommending that the landscaping plan be reviewed and approved as a part of the Final Commercial Development Plan.

Location: As previously indicated, the six foot high chain link fence is proposed to be located along the north lot line of the subject property as it abuts Interstate 90. The applicant's site plan shows a portion of the fence within the Interstate 90 right-of-way. As such, staff is recommending that prior to the start of construction, the right-of-way be vacated to allow the proposed fence or the fence must be removed from the right-of-way or a SDCL 11-6-19 Review must be obtained to allow the fence in the right-of-way.

Staff recommends that the Fence Height Exception to allow a six foot high black or brown chain link fence without slats be approved with the above stated stipulations.