

STAFF REPORT

June 12, 2007

No. 07FV003 - Fence Height Exception to allow a six foot high chain link fence in lieu of a four foot high fence **ITEM**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 07FV003 - Fence Height Exception to allow a six foot high chain link fence in lieu of a four foot high fence
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the center one-quarter corner of said Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota thence S54°36'14"W 858.71' to a point on the southerly right-of-way line of East Mall Drive, said point being the Point of Beginning; Thence following the southerly right-of-way line of East Mall Drive N89°53'22"E a distance of 315.35'; Thence departing said southerly right-of-way line of East Mall Drive S00°00'00"E a distance of 29.38'; Thence with a curve turning to the left with an arc length of 25.01', with a radius of 118.00', with a chord bearing of S06°04'18"E, with a chord length of 24.96', Thence S12°08'36"E a distance of 60.47'; Thence with a curve turning to the right with an arc length of 25.01', with a radius of 118.00', with a chord bearing of S06°04'18"E, with a chord length of 24.96'; Thence S00°00'00"E a distance of 44.47'; Thence S90°00'00"W a distance of 333.35'; Thence N00°00'00"E a distance of 182.00'; to the aforesaid southerly right-of-way line of East Mall Drive to the Point of Beginning, having an area of 59,268 square feet, 1.36 acres, and, a parcel of land located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the center one-quarter (C1/4) corner of said Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota thence S37°45'00"W 628.29' to a point on the southerly right-of-way line of East Mall Drive, said point being the Point of Beginning; Thence following the said southerly right-of-way line of East Mall Drive N89°53'22"E a distance of 385.03' to a point on the south quarter line of the aforesaid Section 28; Thence departing said southerly right-of-way line of East Mall Drive and following said south quarter line of Section 28 S00°02'40"E a distance of 183.35'; Thence</p>

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departing the said south quarter line of the Section 28 S90°00'00"W a distance of 367.18'; Thence N00°00'00"E a distance of 44.47'; Thence with a curve turning to the left with an arc length of 25.01', with a radius of 118.00', with a chord bearing of N06°04'18"W, with a chord length of 24.96', Thence N12°08'36"W a distance of 60.47'; Thence with a curve turning to the right with an arc length of 25.01', with a radius of 118.00', with a chord bearing of N06°04'18"W, with a chord length of 24.96', Thence N00°00'00"E a distance of 29.38' to the said southerly right-of-way line of East Mall Drive and the Point of Beginning, having an area of 68,687 square feet, 1.58 acres, and, a parcel of land located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the center one-quarter (C1/4) corner of said Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota thence S00°02'40"E 679.39' to a point on the south quarter line of aforesaid Section 28, said point being the Point of Beginning; Thence following said south quarter line of Section 28 S00°02'40"E a distance of 741.31' to the northerly right-of-way line of Offutt Street; Thence following said northerly right-of-way line of Offutt Street N89°50'04"W a distance of 580.15'; Thence departing said northerly right-of-way line of Offutt Street N00°00'05"E a distance of 739.63'; Thence N90°00'00"E a distance of 579.55' to the aforesaid south quarter line of Section 28 and the Point of Beginning, having an area of 429,361 square feet, 9.86 acres.

PARCEL ACREAGE	Approximately 12.8 acres
LOCATION	East of Dyess Avenue and north of Interstate 90
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	Light Industrial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water

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DATE OF APPLICATION 5/11/2007

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. The fence shall be constructed as a six foot high black or brown chain link fence without slats;
2. A building permit for the fence shall be obtained prior to construction; and,
3. 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 within the development and Interstate 90.

GENERAL COMMENTS:

The applicant has submitted a Fence Height Exception to allow a six foot high galvanized chain link fence to be constructed along the south side of the subject property as it abuts Interstate 90. In addition, the applicant has submitted a Variance to the Subdivision Regulations application (File #07SV029) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of access easements, to waive the requirement to install sidewalk along both sides of E. Mall Drive, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Offutt Street and Beale Street, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90, and to waive the requirement to provide an eight foot wide utility easement on the interior side of the east lot line of Lots 2 and 3 and a portion of the south lot line of Lot 3.

On May 10, 2007, the Planning Commission approved a Preliminary Plat application (#07PL060) to subdivide the subject property into three lots leaving a 52.83 acre unplatted balance. The Preliminary Plat will be considered at the June 4, 2007 City Council meeting.

The subject property is located east of Dyess Avenue and north of Interstate 90. Currently, the property is 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 galvanized chain link fence to serve as a physical separation between the subject property and Interstate 90 right-of-way. However, staff is recommending that the chain link fence be black or brown in color to reduce reflected glare from the fence and to improve the aesthetic appearance of the fence. Staff is also noting that slats within the fence would not be acceptable.

Landscaping Plan: A landscaping plan, with mature landscaping, must be submitted for review

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and approval to provide a buffer reducing the headlight glare between the traffic within the development 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.

Staff recommends that the Fence Height Exception to allow a six foot high chain link fence along Interstate 90 be approved with the above stated stipulations.