

STAFF REPORT
March 10, 2009

No. 09FV001 - A Fence Height Exception to allow a twelve foot high fence in lieu of a maximum six foot high fence in the Low Density Residential District **ITEM**

GENERAL INFORMATION:

APPLICANT/AGENT	Randy Lyons for Rapid City Parks & Recreation
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09FV001 - A Fence Height Exception to allow a twelve foot high fence in lieu of a maximum six foot high fence in the Low Density Residential District
EXISTING LEGAL DESCRIPTION	City Springs in the unplatted portion of the S1/2 of the NE1/4 and the NE1/4 of the SE1/4 of Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 32.0 acres
LOCATION	514 City Springs Road
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Medium Density Residential District - Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/17/2009
REVIEWED BY	Jared Ball / Not Assigned

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a twelve foot high fence in lieu of a maximum six foot high fence in the Low Density Residential District be approved.

GENERAL COMMENTS: The property in question is the site of Wilderness Park and is located at 514 City Springs Road. On January 23, 2009, the Rapid City Parks and Recreation Department submitted an application for an SDCL 11-6-19 Review to allow structures in a public park. (File #09SR009). The Parks and Recreation Department is proposing to remove and replace the existing playground equipment in Wilderness Park. In addition, they are proposing to build a basketball court. The plans that were submitted for the SDCL 11-6-19

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Review indicated that the proposed basketball court will be surrounded by a galvanized chain link fence that is 12 feet in height. The proposed fence will be located 6 feet from the front property line.

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 4 feet in height shall be erected or maintained in any front yard". In addition, Section 15.40.020 of the Rapid City Municipal Code states that, "Fences and walls located along the side or rear yard shall not exceed a height of 6 feet". The proposed fence exceeds the maximum allowed 4 foot height in the front yard and the maximum allowed 6 feet in the side and rear yard. The applicant has submitted this Fence Height Exception to allow the 12 foot high chain link fence in a Low Density Residential District.

STAFF REVIEW: Section 15.40.040 of the Rapid City Municipal Code states that an Exception to the fence height requirements may 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:

Public Interest: The applicant is proposing to construct a 12 foot high fence around the basketball court. The proposed basketball court is set back 6 feet from City Springs Road. The proposed fence will not be located in a sight distance triangle. The proposed fence will have landscaping on the north providing a buffer to the adjacent property.

Building Permit: Prior to the issuance of a building permit, the Related SDCL 11-6-19 Review (file # 09SR009) must be approved by the Rapid City Planning Commission.

Staff has reviewed the Fence Height Exception and finds that it is in the public interest to allow a 12 foot high fence in lieu of a six foot high fence around the proposed basketball court to ensure the safety of those using the court. It does not appear that the proposed fence will have a significant negative impact on the neighborhood.

Staff recommends that the Fence Height Exception to allow a 12 foot high fence in lieu of a maximum 6 foot high fence in the Low Density Residential District be approved.