

STAFF REPORT
March 30, 2010

No. 10FV002 - Fence Height Exception to allow a six foot high fence within the 25 foot front yard setback **ITEM**

GENERAL INFORMATION:

APPLICANT	Richard Evans for Eagle Ridge Properties, LLC
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Eagle Ridge Properties, LLC
REQUEST	No. 10FV002 - Fence Height Exception to allow a six foot high fence within the 25 foot front yard setback
EXISTING LEGAL DESCRIPTION	Lots 2A and 2B of Block 1 of Black Hills Center, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.87 acres
LOCATION	121 Stumer Drive
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Highway Services District (Pennington County)
East:	Office Commercial District (Planned Commercial Development)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/26/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a six foot high fence within the 25 foot front yard setback be approved with the following stipulations:

1. The fence shall be constructed in conformance with the architectural plans and elevations and color palette submitted as part of this Fence Height Exception; and
2. The fence shall be constructed on the applicant's property, outside of the adjacent Stumer Road right-of-way.

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GENERAL COMMENTS:

The applicant has submitted a Fence Height Exception to allow a 6 foot high fence in lieu of a maximum 4 foot high fence within the front yard setback as the property abuts Stumer Road. The property is part of the Eagle Ridge Apartment development. The City is also currently reviewing a Major Amendment to the Eagle Ridge Apartment Planned Residential Development (File #09PD096) to extend the time to complete Phase Two of the project for two additional years.

On November 10, 2005, the Planning Commission approved an Initial and Final Residential Development Plan (#05PD070) for the Eagle Ridge Apartments to allow a 146 unit apartment complex with accessory structures to be constructed on the property. In particular, the project was approved to be constructed in two phases with Phase One consisting of eight-12 plexes, a leasing/administration office, a basketball court and accessory garages and Phase Two consisting of three-12 plexes, two-eight plexes and accessory garages.

On January 24, 2008, the Planning Commission approved a Major Amendment to the Planned Residential Development (#07PD081) for Phase Two of the project. In particular, the Major Amendment to the Planned Residential Development was approved to lower the elevation on a portion of the property by five to ten feet and to add a third floor onto two of the proposed apartment buildings. The Major Amendment to the Planned Residential Development was approved with the following stipulation: "A fence shall be provided along the west lot line. In particular, the first 25 feet of the fence as it abuts Catron Boulevard and/or Stumer Road right-of-way shall be four feet in height or a Fence Height Exception shall be obtained." The applicant has subsequently submitted this Fence Height Exception to allow the proposed 6 foot high fence in the front yard setback.

The property is located south of Stumer Road and north of Catron Boulevard. Currently, all of Phase One has been constructed. Other than grading and erosion and sediment control measures, no development has occurred in Phase Two.

STAFF REVIEW:

Staff has reviewed the Fence Height Exception and has noted the following considerations:

Fence: The applicant is proposing to construct a 6 foot high vinyl fence within the 25 foot front yard setback at the request of the adjacent property owner(s) to provide a buffer between the proposed apartments to be constructed on this property and the adjacent single family residential development. However, the Rapid City Municipal Code states that a fence located within 25 feet of right-of-way shall not exceed 4 feet in height. As such, the applicant has submitted a Fence Height Exception to allow a 6 foot high fence within the front yard setback.

Staff has noted that the proposed fence is not located within any sight triangles, nor will it obstruct any drainage ways. In addition, the fence provides a buffer between the properties and matches the design of the previously approved 6 foot high vinyl fence to be constructed along the balance of the west lot line.

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Staff recommends that the fence be constructed in conformance with the architectural plans and elevations and color palette submitted as part of this Fence Height Exception. In addition, the applicant must insure that the fence is constructed on the applicant's property, outside of the adjacent Stumer Road right-of-way.

Staff is recommending that the Fence Height Exception be approved with the stipulations of approval as identified above.