

STAFF REPORT
January 11, 2011

No. 10FV017 - Fence Height Exception to allow a 6 foot fence in lieu of a 4 foot fence in the 25 foot front yard setback **ITEM**

GENERAL INFORMATION:

APPLICANT	Darwin "Doc" Hyde - Pennington County Housing & Redevelopment Commission
PROPERTY OWNER	Pennington County Housing & Redevelopment Commission
REQUEST	No. 10FV017 - Fence Height Exception to allow a 6 foot fence in lieu of a 4 foot fence in the 25 foot front yard setback
EXISTING LEGAL DESCRIPTION	Lot A of Blakes Addition located in the SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.33 acres
LOCATION	101 and 115 La Crosse Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District (Planned Commercial Development)
East:	Medium Density Residential District
West:	Medium Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/13/2010
REVIEWED BY	Jim Flaaen / Karley Halsted

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a 6 foot fence in lieu of a 4 foot fence in the 25 foot front yard setback be approved with the following stipulation:

1. Prior to approval by the Public Works Committee, the applicant shall obtain approval by the City Engineer to locate a fence in the utility and minor drainage easement, or shall vacate the utility and minor drainage easement or shall submit a revised site plan relocating the fence outside of the utility and minor drainage easement.

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GENERAL COMMENTS: The applicant has submitted a Fence Height Exception request to construct a 6 foot high fence in the 25 foot front yard setback within the Medium Density Residential Zoning District. In particular, the applicant has proposed to construct a 6 foot high metal picket fence within the front yard setback along North La Crosse Street.

The property is located at 101 North La Crosse Street, on the west side of North La Crosse, north of Omaha Street and south of Chicago Street. Two 5-plex apartment buildings are being constructed on the property.

STAFF REVIEW: Section 15.40.040 of the Rapid City Municipal Code states that a variance to the fence height requirements can 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:

Front yard setback: 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 as per Section 15.40.020 of the Rapid City Municipal Code. The proposed fence is located within the front yard setback along North La Crosse Street.

Fence Location: The fence is proposed to be located along the south, west and east lot lines. The proposed 6 foot tall fence will extend from the north lot line approximately 82 feet south along the west lot line before following a newly constructed retaining wall. The proposed fence will be located atop the retaining wall as it extends approximately 160 feet southeast to the south lot line. The retaining wall ends approximately 220 feet west of the east property line and the proposed fence will continue along the south lot line to meet the east lot line along North La Crosse Street. A 4 foot high fence will be installed along the east property line north to the existing driveway.

Topography: The property is subject to several topographic changes. The north 35 feet of the lot slopes approximately 16 feet to the south. In addition, the southwest portion of the lot, located southwest of the retaining wall, slopes approximately 10 feet to the south.

Justification: The applicant has indicated that the proposed fence is necessary to protect the safety of the future residents of the apartments being constructed on the property. In addition, the applicant has indicated that the area has a history of transient traffic. The proposed fence is necessary to prevent "other than normal access" to the property in the areas less visible to the occupants of the apartments. The area around the north property line not proposed to have a fence is within the view of the occupants of the apartments and is protected by the topography as noted previously.

Design Features: The applicant has submitted details of the proposed fence with the request. The submitted fence details indicate that the fence will be a 6 foot tall metal picket fence. The proposed fence will consist of 3 inch wide posts with 1 inch wide pickets spaced approximately 4 inches apart. Three 1.5 inch horizontal rails spanning 6 feet will connect the posts. The fence will be light bronze in color.

STAFF REPORT
January 6, 2011

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Utility Easement: Staff has noted that there is an existing 8 foot drainage and utility easement located on the interior side of the north, south and west lot lines. The fence is proposed to be located within the utility and minor drainage easement along the south and west lot lines. The applicant must obtain verification from utility companies that the proposed fence will not conflict with any existing utility lines and submit a copy to the Growth Management Department staff. The applicant has indicated that letters to the utility companies seeking approval to construct a fence in the utility and drainage easement have been sent. All of the utility companies have responded and have indicated that there are no objections to the proposed fence; however, the utility companies have requested that South Dakota One Call Laws be followed.

Additionally, no fence or wall shall be placed in designated easements unless approved by the City Engineer. As of this writing, approval by the City Engineer has not yet been obtained. As such, prior to approval by the Public Works Committee, the applicant must obtain approval from the City Engineer to locate the fence in the drainage and utility easement or the applicant shall vacate a portion of the existing 8 foot drainage and utility easement or a revised site plan shall be submitted identifying the location of the fence outside of the utility and drainage easements.

Adjacent Properties: The proposed fence is installed along the west, south and east property lines. Residences are located to the north of the property across a platted 16 foot alley right-of-way. The properties located to the east, west and south are currently undeveloped. The properties located to the east are located on the east side of North La Crosse Street. In addition, the proposed fence will consist of 1 inch wide metal pickets spaced approximately 4 inches apart that will not impact adjacent property owners to the south, east and west in regards to receiving adequate light and air circulation on the property.

Sidewalk: An existing sidewalk is located east of the property along North La Crosse Street. The sidewalk is located approximately 9 feet east of the property line within the North La Crosse Street right-of-way. In addition, the proposed fence will consist of 1 inch wide metal pickets spaced approximately 4 inches apart that will not impede the view of pedestrians using the sidewalk. As such, the proposed fence will not negatively affect pedestrians using the sidewalk along North La Crosse Street.

Sight Triangles: The fence is not located within the pedestrian or vehicular sight triangle.

Staff recommends that the Fence Height Exception to allow a 6 foot fence in lieu of a 4 foot fence in the 25 foot front yard setback be approved with the stipulation as identified above.