

STAFF REPORT
February 1, 2011

No. 10FV018 - Fence Height Exception to allow a maximum 16 foot high fence in lieu of an 8 foot fence in the General Commercial Zoning District **ITEM**

GENERAL INFORMATION:

APPLICANT/AGENT THF Stoneridge Development, LLC

PROPERTY OWNER Stoneridge, LLC

REQUEST **No. 10FV010 - Fence Height Exception to allow a maximum 16 foot high fence in lieu of an 8 foot fence in the General Commercial Zoning District**

EXISTING
LEGAL DESCRIPTION

A portion of the S½ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at southeasterly corner of Lot 21 of Block 4 Eastridge Estates Subdivision, common to the southwesterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S89°37'17"E, along the southerly boundary of said Lot 4 of Block 2, a distance of 134.82 feet, and the point of beginning; Thence first course: S89°37'17"E, along the southerly boundary of said Lot 4 of Block 2, a distance of 233.03 feet, to the southeasterly corner of said Lot 4 of Block 2, common to the southwesterly corner of Lot 3 of Block 2 of Fifth Street Office Plaza; Thence second course: S81°56'11"E, along the southerly boundary of said Lot 3 of Block 2, a distance of 205.60 feet, to the southeasterly corner of said Lot 3 of Block 2, common to the southwesterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza; Thence third course: S81°55'52"E, along the southerly boundary of said Lot 2 of Block 2, a distance of 60.98 feet, to a corner on the southerly boundary of said Lot 2 of Block 2; Thence fourth course: S72°01'35"E, along the southerly boundary of said Lot 2 of Block 2, a distance of 161.84 feet, to the southeasterly corner of said Lot 2 of Block 2; Thence fifth course: S77°25'15"E a distance of 217.74 feet; Thence sixth course: N27°30'18"E, a distance of 281.17 feet, to a point on the westerly edge of Fifth Street right-of-way, common to a point on the northerly boundary of Lot 1 of Block 2 of Fifth Street Office Plaza; Thence seventh course: S62°29'41"E, along the westerly edge of said Fifth Street right-of-way, common to the northerly boundary of said Lot 1 of Block 2, a distance of 279.03 feet, to the northeasterly corner of said Lot 1 of Block 2; Thence eighth course: S62°29'05"E, along the

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westerly edge of said Fifth Street right-of-way, a distance of 134.83 feet; Thence ninth course: curving to the right, along the westerly edge of said Fifth Street right-of-way, on a curve with a radius of 909.00 feet, a delta angle of 14°12'45", a length of 225.48 feet, a chord bearing of S55°23'16"E, and chord distance of 224.91 feet; Thence tenth course: S42°58'26"W, along the westerly edge of said Fifth Street right-of-way, a distance of 12.00 feet; Thence eleventh course: S42°54'18"W, a distance of 296.40 feet; Thence twelfth course: S45°50'37"E, a distance of 81.18 feet; Thence thirteenth course: S00°18'52"W, a distance of 297.86 feet, to a point on the northerly edge of Stumer Road right-of-way; Thence fourteenth course: curving to the left, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 430.50 feet, a delta angle of 12°59'30", a length of 97.62 feet, a chord bearing of S53°34'37"W, and chord distance of 97.41 feet; Thence fifteenth course: curving to the right, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 369.50 feet, a delta angle of 43°15'37", a length of 278.99 feet, a chord bearing of S68°41'45"W, and chord distance of 272.41 feet; Thence sixteenth course: N89°40'48"W, along the northerly edge of said Stumer Road right-of-way, a distance of 730.69 feet; Thence seventeenth course: curving to the right, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 369.50 feet, a delta angle of 30°00'38", a length of 193.54 feet, a chord bearing of N74°39'10"W, and chord distance of 191.33 feet; Thence eighteenth course: N59°42'02"W, along the northerly edge of said Stumer Road right-of-way, a distance of 351.37 feet; Thence nineteenth course: N12°34'45"E, a distance of 728.41 feet, to the point of beginning

PARCEL ACREAGE	Approximately 30.317 acres
LOCATION	Stumer Road and Black Hills Boulevard
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Public District
South:	General Commercial District (Planned Commercial Development)

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East:	Development) General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/13/2010
REVIEWED BY	Vicki L. Fisher/Ted Johnson

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a maximum 10 foot high fence in lieu of an 8 foot fence in the General Commercial Zoning District be approved with the following stipulations:

1. A Building Permit shall be obtained prior to construction of the fence(s); and,
2. The proposed fence shall conform architecturally to the plans, locations, elevations and color palette submitted as part of this Fence Height Exception.

GENERAL COMMENTS:

The applicant has submitted a Fence Height Exception request to allow a 10 foot high fence in lieu of an 8 foot high fence to enclose a pallet storage area located west of the proposed "Walmart Supercenter" building to be constructed on the property. The fence along the east side of the enclosed storage area will consist of a 10 foot high black metal fence with sliding gates. The fence along the west side of the enclosed storage area will consist of Red Bryan precast concrete non-transparent panels.

On September 7, 2010, the City Council approved a Fence Height Exception (File #10FV011) to allow 10 foot to 16 foot high fence(s) on the property to enclose the garden center along the southern portion of the proposed building, the environmental cage and pallet storage areas on the west side of the proposed building and the compressor house on the north side of the proposed building. The applicant has indicated that the pallet storage area located on the west side of the proposed building is being expanded by 30 feet in length and, as such, has submitted this Fence Height Exception application to allow the area to be screened with a 10 foot high fence. The proposed fence matches the fence elevation previously approved to screen the pallet storage area.

The applicant has also submitted a Final Commercial Development Plan (File #10PD071) to allow a 154,750 square foot "Walmart Supercenter" with an outdoor garden center, a 46,900 square foot mini-anchor retail and office building and a detention facility on the property. In addition, the applicant has submitted a Preliminary Plat (File #10PL096) to subdivide the property into five lots.

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An Initial Commercial Development Plan (File #10PD031) was approved with stipulations by the Planning Commission on June 14, 2010 and upheld upon appeal by the City Council on June 28, 2010. The Initial Commercial Development Plan was approved to allow a 154,750 square foot "Wal-mart Supercenter" with an outdoor garden center and to allow a 30,900 square foot mini-anchor retail store and a 16,000 square foot shopping store on the property.

The property is located northeast of the intersection of Black Hills Boulevard and Stumer Road and west of 5th Street. The property is currently void of any structural development.

STAFF REVIEW: Section 15.40.040 of the Rapid City Municipal Code states that, an Exception 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:

Fence: As previously indicated, the applicant is proposing to expand the pallet storage area located west of the proposed building by a length of 30 feet. The previously approved Fence Height Exception allowed fencing around the pallet storage area within a 12 foot wide by 91 foot 5 inch long area. The east side of the approved fence consisted of a 10 foot high black metal fence and two 10 foot high black metal sliding gates. The north, south and west sides of the approved fence included Red Bryan precast non-transparent panels to screen the contents of the enclosure from the adjacent properties. The applicant has submitted fence elevations indicating that the additional 30 foot of fencing will match the previously approved fence design and color scheme.

Staff recommends that the proposed fence conform architecturally to the plans, locations, elevations and color palette submitted as part of this Fence Height Exception.

Building Permit: Section 15.40.060 of the Rapid City Municipal Code requires that a Building Permit be obtained for all fences over six feet in height. As such, a Building Permit for the fence must be obtained prior to construction and/or installation of the fence.

Adjacent Properties: All of the abutting properties are zoned General Commercial District with a Planned Development Designation or Office Commercial District with a Planned Development Designation and are currently void of any structural development. Properties located approximately 85 feet northwest of the northeast corner of proposed Lot 2 are currently zoned Medium Density Residential District with a Planned Residential Development and have been constructed with single family residences. Properties located approximately 120 feet northeast of the northeast lot line of proposed Lot 3, located on the east side of 5th Street, are currently zoned Low Density Residential District and are currently void of any structural development. The proposed fencing is designed to screen the exterior storage from the view of the neighboring properties. In addition, the proposed fencing will provide a buffer between the this property and the adjacent uses and help to improve the

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aesthetics of the property. As such, it does not appear that the proposed fence will create any negative impacts on the adjacent properties.

Easements: The proposed fence(s) will not be located within any proposed or existing utility or drainage easements.

Sight Triangles: The proposed fence(s) will not be located in any vehicular or pedestrian sight triangles.

Staff recommends that the Fence Height Exception to allow a 10 foot high fence in lieu of an 8 foot fence in the General Commercial Zoning District be approved with the stipulations of approval as identified above.