

STAFF REPORT

October 15, 2002

No. 02FV011 - Fence Height Exception to allow a 5 foot 5 inch fence in leu of a 4 foot fence in the front yard **ITEM**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 02FV011 - Fence Height Exception to allow a 5 foot 5 inch fence in leu of a 4 foot fence in the front yard
EXISTING LEGAL DESCRIPTION	The unplatted portion of the NW1/4 NE1/4 less Lots A-B-R and less Lot H1; W1/2 SW1/4 NE1/4 less Lot 1R and less Lot H1; the unplatted portion of the W1/2 SW1/4 NE1/4; and, the unplatted portion of the E1/2 of SW1/4 NE1/4, all located in Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 27.5 acres
LOCATION	Mt. View and Mt. Calvary Cemeteries, 1901 Mt. View Road
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Low Density Residential
South:	Low Density Residential
East:	Low Density Residential
West:	Low Density Residential
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	09/30/2002
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a five foot five inch fence in a front yard be approved.

GENERAL COMMENTS: This is a request by the City of Rapid City for approval to construct a fence exceeding the four foot height limit in a front yard. The proposed development is located in the Park Forest Zoning District on the above legally described property. The applicant is proposing to construct a 5,700 lineal foot wrought iron fence which is five feet five inches tall along the boundary of the publicly owned cemetery. Mountain View

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Cemetery is currently surrounded by an existing chain link fence which varies from six feet to eight feet in height.

The general site is located east of Sheridan Lake Road, west of Mountain View Road extended, south of the residential lots on the south side of Arrow Road, and north of the residential lots on the north side of Harney Drive.

The applicant has proposed to construct the fence on the property extending along the east side of Sheridan Lake Road, along the north side and the south side of Flormann Avenue, and along the west side of Mountain View Road north of Flormann Avenue. In addition, there will be a 75 foot extension to the west at the northwest corner of the property.

STAFF REVIEW: 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 four feet in height shall be erected or maintained in any front yard." Since the applicant is proposing a fence over four feet high in a front yard, a fence height exception must be approved by City Council.

Since the applicant is replacing an existing fence with a smaller more aesthetically pleasing version, Staff is recommending that the request be approved. Further, it was noted that the fence surrounds a unique use, a public cemetery. Fences of this type and height have traditionally been utilized in front yards surrounding cemeteries. Due to the separation from residential properties, the increased fence height would not appear to significantly impact any residential uses. Additionally, the open nature of the fence 8.4 inch separations and 4.75 inch vertical posts provides adequate visual transparency to avoid the creation of a tunnel effect.

As of this writing, the green cards from the required certified mailing have been returned by the petitioner. Staff will advise the City Council at the October 21, 2002 City Council meeting if the mailings have not been returned. Staff has received multiple phone calls concerning information for the development.