

STAFF REPORT
January 15, 2008

No. 07FV009 - Fence Height Exception to allow a fence in excess of six feet

GENERAL INFORMATION:

APPLICANT/AGENT	Ted Ruffedt, Jr. for Pennington County
PROPERTY OWNER	City of Rapid City
REQUEST	No. 07FV009 - Fence Height Exception to allow a fence in excess of six feet
EXISTING LEGAL DESCRIPTION	S1/2 W1/2 SE1/4 NW1/4 and the N1/2 W1/2 SE1/4NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20.0 acres
LOCATION	940 Skyline Drive
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Low Density Residential District
East:	Park Forest District - Medium Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	No existing water or sewer in the area
DATE OF APPLICATION	12/3/2007
REVIEWED BY	Jared Ball / Ted Johnson

RECOMMENDATION:

Staff recommends that the Fence Height Exception to allow a fence in excess of six feet be approved with the following stipulation.

1. The applicant shall obtain a building permit prior to construction of the fence.

GENERAL COMMENTS:

The applicant has submitted a Fence Height Exception to allow the construction of a new seven foot fence around a radio tower in a Park Forest Zoning District. On November 8th 2007 the Planning Commission approved an 11-6-19 request (File # 07SR052) to install a heating and cooling unit on site, install a generator on site, and install a security fence on site with the stipulation that the applicant receive an exception for the fence height.

STAFF REVIEW:

Section 15.40.040 of the Rapid City Municipal Code states that, a variance to fence height

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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 of the surrounding neighborhood. Staff has reviewed the applicant's proposed Fence Height Exception request as it relates to the applicable provisions of the Rapid City Municipal Code and noted the following considerations:

Size and Height:

The applicant is proposing to install a six foot tall chain link fence topped with a one foot extension composed of three strands of barbed wire that surrounds the existing tower and the improvements that have been made around the tower. The applicant is constructing the fence to limit access by non-authorized personnel to the radio tower, the existing structure, the generator, and the air conditioner condenser. The property is located at 940 Skyline Drive just south of Dinosaur Park.

Building Permit: Staff noted that Section 15.40.060 of the Rapid City Municipal Code states that a building permit is required for all fences over six feet in height.

Sight Distance: Staff noted that the construction of the fence will not cause any sight distance issues. The fence is located approximately 175 feet from Skyline Drive.

Neighbors: Staff noted that the construction of the fence will not impact any of the existing neighbors. The closest neighbor to the proposed fence is located several blocks away.

Set Backs: Staff noted that the construction of the fence will not impede any of the regulated setbacks for the property. The fence will be located approximately 175 feet from Skyline Drive.

Right-of-Way and Sidewalks: Staff has noted that the construction of the fence will not affect any side walks or right-of-ways. The proposed fence is located approximately 175 feet from the closest right of way and approximately 375 feet from the closest sidewalk.

Water and Sewer: Staff has noted that there are no existing water or sewer lines in the area and that the existing use of the structure does not require the use of water or sewer.

Staff recommends that the Fence Height Exception to allow a fence in excess of six feet be approved with the stated stipulation.