

STAFF REPORT  
March 22, 2007

---

**No. 06PD097 - Major Amendment to a Planned Residential Development to allow the construction of a cellular tower and accessory structures** **ITEM 36**

---

GENERAL INFORMATION:

PETITIONER	John M. Rowe, Buell Consulting, Inc. for Cellular, Inc. Network Corporation d/b/a Verizon Wireless
REQUEST	<b>No. 06PD097 - Major Amendment to a Planned Residential Development to allow the construction of a cellular tower and accessory structures</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Vista Lake Subdivision No. 2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.43 acres
LOCATION	4600 Jackson Boulevard
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/21/2006
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to allow the construction of a cellular tower and accessory structures be **approved with the following stipulations:**

1. **Prior to Planning Commission approval, the site plan shall be revised eliminating the cellular facility;**
2. **Prior to Planning Commission approval, the site plan shall be revised eliminating the graveled turnaround from the Jackson Boulevard right-of-way;**
3. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
4. **Prior to issuance of a building permit for any of the three proposed lots, surety shall be posted for the extension of water and sewer to proposed Lot 1 and for**

STAFF REPORT  
March 22, 2007

---

No. 06PD097 - Major Amendment to a Planned Residential Development to allow the construction of a cellular tower and accessory structures ITEM 36

---

- sidewalks along proposed Lot 1 as it abuts Jackson Boulevard;
5. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;
6. Upon submittal of a building permit, a grading and drainage plan for the proposed development shall be submitted for review and approval;
7. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the right-of-way;
8. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
9. An Industrial Pre-treatment Permit shall be obtained prior to issuance of a building permit;
10. A Manual of Uniform Traffic Control Devices (MUTCD)/Compliant Traffic Control Plan shall be submitted to the South Dakota Department of Transportation for review and approval one month in advance of construction for all stages of work that may impact the safety of the public within the Jackson Boulevard right-of-way;
11. The proposed structure shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development Plan;
12. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Development. A sign permit shall also be obtained;
13. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
14. A minimum of seven parking spaces shall be provided. One of the spaces shall be "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
15. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
16. All International Fire Codes shall be met;
17. The proposed structure shall be used as a residence and photography studio. Any other use shall require a Major Amendment to the Planned Residential Development; and,
18. The Planned Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS:

(Update, March 16, 2007. All revised and/or added text is shown in bold print.) This item was continued at the January 4, 2007 Planning Commission meeting to allow the applicant to submit additional information.

The applicant has submitted a Major Amendment to a Planned Residential Development to allow the construction of a cellular tower and accessory structures and to allow a residence

STAFF REPORT  
March 22, 2007

---

**No. 06PD097 - Major Amendment to a Planned Residential Development to allow the construction of a cellular tower and accessory structures** **ITEM 36**

---

with a photography studio on the above legally described property.

On September 25, 2003, the Planning Commission approved a Major Amendment to a Planned Residential Development (File #03PD043) to allow a residence and a photography studio as a Major Home Occupation on the subject property.

The property is located northwest of the intersection of Chapel Valley Road and Jackson Boulevard. Currently, a structure is located on the property. At one time the building was the site of the Johnson Siding Volunteer Fire Department.

**STAFF REVIEW:**

Staff has reviewed the Major Amendment to the Planned Residential Development and has noted the following considerations:

**History:** The previously approved Major Amendment to the Planned Residential Development was approved with the following stipulations:

1. Prior to issuance of a building permit for any of the three proposed lots, surety shall be posted for the extension of water and sewer to proposed Lot 1 and for sidewalks along proposed Lot 1 as it abuts Jackson Boulevard;
2. Prior to issuance of a building permit for proposed Lots 2 and 3, the Final Plat shall be approved by the City Council;
3. All residential structures shall be constructed within the serviceable water zone boundary as shown on the site plan;
4. An Industrial Pre-treatment Permit shall be obtained prior to issuance of a building permit;
5. A Manual of Uniform Traffic Control Devices (MUTCD)/Complaint Traffic Control Plan shall be submitted to the South Dakota Department of Transportation for review and approval one month in advance of construction for all stages of work that may impact the safety of the public within the Jackson Boulevard right-of-way;
6. The proposed interior road shall be posted with "no-parking" signs;
7. All Uniform Fire Codes must be continually met;
8. Any lot with a residence located more than 150 feet from a fire hydrant shall provide an emergency vehicle turnaround on the lot;
9. Prior to the start of any building construction, all weather access roads shall be constructed;
10. Prior to the start of any building construction, fire hydrants shall be in place and operational;
11. Prior to the start of any building construction, a wildland fire mitigation plan shall be completed as required by the Fire Department;
12. A building permit shall be obtained prior to any construction;

STAFF REPORT  
March 22, 2007

---

**No. 06PD097 - Major Amendment to a Planned Residential Development to allow the construction of a communication facility** **ITEM 36**

---

13. A maximum one square foot sign shall be allowed for the Major Home Occupation or a variance shall be obtained from the Sign Code Board of Appeals to allow a larger sign. If a variance is granted from the Sign Code Board of Appeals allowing a larger sign, then a Major Amendment to the Planned Residential Development shall be obtained prior to issuance of a Sign Permit;
14. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
15. The Planned Residential Development shall allow for a single family residential use and accessory structure(s) to the principle residential use on each lot. In addition a photography studio shall be allowed within the residence to be constructed on proposed Lot 1. Any other use other than residential with accessory structures on proposed Lots 1 thru 3 and a photography studio on proposed Lot 1 shall require a Major Amendment to the Planned Residential Development;
16. The photography studio hours of operation shall be from 9:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 2:00 p.m. Saturday;
17. The photography studio shall not exceed 30% of the total floor area of the residence or a maximum of 1,200 square feet;
18. Landscaping shall be planted in compliance with the Landscaping Plan. In particular, a minimum of twelve trees shall be planted along the north lot line of proposed Lot 1;
19. All provisions of the Park Forest District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment.
20. The minimum lot size requirement of the Park Forest District for proposed Lots 1 and 2 shall be reduced from three acres to 1.84 and 1.43 acres, respectively. In addition, proposed Lot 3 shall have a minimum lot size of 19.5 acres;
21. One off-street paved parking space shall be provided on each lot for visitor parking on Lots 2 and 3. The two off-street parking spaces required for the residential use shall not count towards this requirement;
22. Two off-street parking spaces shall be provided on Lot 1 for the residential use and a maximum of three off-street parking spaces shall be provided for the Major Home Occupation. One of the three spaces shall be van handicap accessible; and,
23. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.

Several of the stipulations must be met "prior to issuance of a building permit". The applicant should be aware that these stipulations must also be met prior to issuance of a building permit for the cellular tower.

Service Area Map: The applicant has submitted a "Search Area Map" showing the location of the proposed cellular tower and a limited area along Jackson Boulevard. However, the applicant must submit a Service Area Map showing all telecommunication facilities within the area, a service boundary for each facility and demonstrate that the existing facilities (towers, antennas, etc.) will not allow co-location due to capacity issues or that the location of the facility is outside of the service coverage area needed by the applicant. Staff is recommending that the Major Amendment to the Planned Residential Development be

STAFF REPORT  
March 22, 2007

---

**No. 06PD097 - Major Amendment to a Planned Residential Development to allow the construction of a communication facility** **ITEM 36**

---

continued to allow the applicant to submit a complete Service Area Map.

**On March 2, 2007, the applicant submitted a “Technical Report” identifying current system capacity and design issues and identifying additional proposed facilities within our community. In particular, the report states a flagpole tower is being proposed on the subject property in order to maintain adequate system capacity while reducing interference within the system and to enable new, enhanced wireless data services available in other markets, but not currently available in Rapid City. The report also states that certain variables must be considered in the design and location of communication facility(s) within this area such as terrain, the number of possible users, the concentration of users, the types of wireless products available to the users and the proximities of wireless communication facilities to other wireless communication facilities.**

**The subject property is fairly level along the eastern portion of the lot with a drainage ditch located west of the existing structure. The western portion of the property is characterized by an approximate 70 foot high hill sloping up to the west. The subject property is located adjacent to Jackson Boulevard and across from Canyon Lake Park. Jackson Boulevard is a principal arterial street utilized by many local residents and visitors to the Black Hills area. In addition, Canyon Lake Park has experienced many improvements over the years and is enjoyed by large numbers of park user(s). No substantial topographic feature buffers the proposed communication tower from Jackson Boulevard or Canyon Lake Park. As such, the viewshed around the park and the major thoroughfare are negatively impacted. Blessed Sacrament Church is also located directly adjacent to the site with no buffer between the proposed tower and the church. In addition, residential areas are located east and west of the subject property. The proposed communication tower site is not a compatible use within the area and does not integrate well with the existing use(s).**

**There may be other sites within this area more appropriate for a communication facility that are not visible from Jackson Boulevard and Canyon Lake Park. In addition, the applicant has the option of utilizing microcell wireless communication facilities on commercial buildings in lieu of a flagpole communication tower. As such, staff is recommending that prior to Planning Commission approval, the site plan be revised eliminating the cellular facility.**

Site Plan: The applicant has submitted a site plan showing the existing building currently located on the property and the proposed cellular tower with an equipment shed. However, the site plan does not include the previously approved layout for the residence/photography studio with parking, landscaping, etc. As such, the site plan must be revised to show the complete previously approved site plan for the residence/photography studio. If the applicant proposes to revise the layout of the residence/photography studio to allow the cellular tower to fit on the property, then a revised site plan showing parking for both use(s) a complete landscaping plan, signage, lighting, etc. must be submitted for review and approval. Please note that the landscaping plan must include landscaping along the north side of the cellular tower and equipment shed to serve as a buffer to the church located

STAFF REPORT  
March 22, 2007

---

**No. 06PD097 - Major Amendment to a Planned Residential Development to allow the construction of a communication facility** **ITEM 36**

---

directly north and northeast of the proposed tower site. In addition, elevations of the residence/photography studio as well as information identifying that the existing building meets fire and building codes must be submitted for review and approval.

The applicant has submitted a written description of the cellular tower site indicating that a chain link fence will be constructed around the facility. However, the site plan does not identify the location of the chain link fence. In addition, the applicant has submitted elevations of the flagpole tower identifying a 150 foot high flagpole. However, the written text states that a 170 foot high flagpole tower will be constructed. The elevations of the proposed equipment shed identify an 11.5 foot X 30 foot equipment shed with a flat roof and an aggregate finish. A complete list of building materials and a color scheme of the equipment shed must be submitted for review and approval.

The site plan identifies portions of the parking area as "paved" and as "graveled". However, all parking must be paved as per the Rapid City Municipal Code.

Staff is recommending that the Major Amendment to the Planned Residential Development be continued to allow the applicant to submit the above referenced information for review and approval.

**The applicant has submitted a revised site plan showing a 3,795 square foot structure to be used as a residence and a photography studio. The structural elevations identify that the building will be a two story structure and constructed with wood, brick, glass, stone and fabricated siding. In addition, the applicant has indicated that the structure will be earth tone in color with browns, black and white. Staff is recommending that the proposed structure conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development Plan.**

**Revised structural elevations for the cellular facility were also submitted for review. In particular, the elevations identify a 154 foot tall flagpole tower and an 11.5 foot by 30 foot equipment building. The building is a one story structure and constructed with four inch face brick look finish with a peaked shingled roof. In addition, the building will be dark walnut in color. A ten foot high cedar security fence is proposed around the equipment shed. A maximum six foot high fence is allowed in the Office Commercial District. As such, a fence height exception must be obtained to allow the ten foot high fence or the fence must be reduced to a maximum height of six feet. However, as noted above, staff is not in support of the communication facility on the subject property and, as such, is recommending that prior to Planning Commission approval, the site plan be revised eliminating the cellular facility.**

Grading/Drainage: A grading and drainage plan has been submitted for review and approval. However, a revised grading and drainage plan reflecting the complete and/or revised site plan must be submitted for review and approval. **Upon submittal of a building permit, a grading and drainage plan for the proposed development must be submitted for review and approval.**

STAFF REPORT  
March 22, 2007

---

**No. 06PD097 - Major Amendment to a Planned Residential Development to allow the construction of a communication facility**      **ITEM 36**

---

Water and Sewer: The applicant has not identified water and/or sewer service to the proposed cellular site. If the applicant proposes to provide these services at the site, then water and sewer plans must be submitted for review and approval.

Notification Requirement: The certified mailings have been returned and the sign has been posted on the property. As of this writing, staff has received three calls of inquiry regarding this proposal.