

STAFF REPORT
November 21, 2007

No. 07UR014 – Major Amendment to a Conditional Use Permit to allow an additional structure accessory to a television tower **ITEM 31**

GENERAL INFORMATION:

APPLICANT	Charles Lelievre
AGENT	Tracy Krsnak
PROPERTY OWNER	Hanson-Larsen Memorial Park Foundation
REQUEST	No. 07UR014 – Major Amendment to a Conditional Use Permit to allow an additional structure accessory to a television tower
EXISTING LEGAL DESCRIPTION	The NW1/4 less the north 400 feet of the west 400 feet; the NW1/4 NE1/4; E1/2 NE1/4 SW1/4, less Lot A; E1/2 W1/2 NE1/4 SW1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 225.42 acres
LOCATION	Cowboy Hill at the western terminus of Van Buren Street between West Omaha Street and Interstate 90
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Park Forest District
South:	Park Forest District
East:	Park Forest District
West:	Business Park District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	10/26/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to allow an additional structure accessory to a television tower be approved with the following stipulation:

1. Prior to construction of the proposed structure the applicant shall obtain a Building Permit.

GENERAL COMMENTS:

The applicant is requesting a Major Amendment to a Conditional Use Permit to allow an additional accessory structure to a television tower located on the property. The property is

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known as “Cowboy Hill” and is located at the western terminus of Van Buren Street between West Omaha Street and Interstate 90. A Use on Review (#1518) to allow a communication tower in a General Agriculture Zoning District was approved by the City Council on July 15, 1996. The property is currently zoned General Agriculture District. Currently a television communications tower, two small structures, and a security fence are located on the property.

The original Conditional Use Permit (#1518) was approved with the following stipulations:

1. A footing and foundation permit be received for the tower, and a building permit be received for the transmitter building;
2. That the driveway be constructed so as to be accessible to emergency vehicles subject to the Fire Department approval;
3. That the Use on Review is not valid until the effective date of the requested rezoning;
4. That the applicant submit an access easement to be approved by the City Attorney's Office and the easement be filed with the Register of Deeds Office prior to action on the Use on Review by the Common Council;
5. That no other uses or structures be allowed on this tract of land except for those incidental to the agriculture use of the property unless a Major Amendment is reviewed and approved; and,
6. That the proposed driveway and parking be paved in accordance with the requirements of the Parking Ordinance or a variance be obtained to waive the paving requirements.

STAFF REVIEW:

Staff has reviewed the applicant's Major Amendment to a Conditional Use Permit and noted the following considerations:

STRUCTURE:

The applicant is proposing to construct a twelve foot by fourteen foot structure on the property. The structure will be located 30 feet east of the communications tower. The proposed structure is classified as an accessory building. Section 17.34.020.H allows the use of accessory buildings within a General Agriculture Zoning District. The applicant has indicated that the proposed structure is needed to house a future transmitter. The structure is proposed to be located within the confines of the existing security fence.

The General Agriculture Zoning District requires a minimum front yard setback of 35 feet, a rear yard minimum setback of five feet, and a side yard minimum setback of eight feet for an accessory structure. The proposed structure is located 1641 feet from the northern property line boundary, 1005 feet from the southern property line boundary, 1651 feet from the eastern property line boundary, and 983 feet from the western property line boundary. The proposed structure meets the minimum required setbacks in the General Agriculture Zoning District.

The applicant has submitted elevations identifying the exterior building materials for the proposed structure as beige siding that will match the existing accessory structure located on the site. In addition, the roofing material will consist of asphalt shingles.

Staff has not identified any significant adverse effects the proposed construction of an additional accessory structure will have on the property or the surrounding property. For

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these reasons staff recommends approval of the requested Major Amendment to a Conditional Use Permit to allow an additional structure accessory to a television tower, assuming compliance with the stated stipulation.