

STAFF REPORT
August 21, 2008

No. 08PD022 - Major Amendment to a Planned Residential Development

ITEM 46

GENERAL INFORMATION:

APPLICANT	Bethany Wilson for WWC License LLC, d/b/a Alltel
AGENT	Ralph Wyngarden for Faulk & Foster
PROPERTY OWNER	John Skulborstad
REQUEST	No. 08PD022 - Major Amendment to a Planned Residential Development
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 1.84 acres
LOCATION	4616 Jackson Boulevard
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
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	5/9/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development be **approved with the following stipulations:**

- 1. Prior to Planning Commission approval, the site plan shall be revised to show a 6 foot high cedar screening fence around Verizon's utility panel. Prior to issuance of a building permit, the screening fence and landscaping shall be in place;**
- 2. Prior to Planning Commission approval, construction plans shall be submitted for review and approval addressing the erosion issues existing along the recently constructed driveway to the communication tower parking lot. In addition, prior to issuance of a building permit, the erosion control measures shall be completed;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**

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4. Prior to issuance of a building permit for a residence or photography studio on Lot 1, 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;
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 for the photography studio;
10. An Erosion and Sediment Control Plan shall be submitted for review and approval if earth moving activities are more than 300 cubic yards;
11. 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;
12. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development Plan;
13. 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;
14. 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;
15. A minimum of seven parking spaces shall be provided for the photography studio and residence. One of the spaces shall be "van accessible". In addition, a minimum of two parking spaces shall be provided for the communication facility. One of the spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
16. 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;
17. The currently adopted International Fire Code shall be continually met;
18. A 150 foot tall flagpole communication tower with two equipment shelters shall be allowed on the property as Phase One of the development. The American flag shall be flown on the flagpole tower and lighted as needed. In addition, a residence and photography studio shall be allowed on the property as Phase Two of the development. Any other use shall require a Major Amendment to the Planned Residential Development; and,
19. 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:

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(Update, August 13, 2008. All revised and/or added text is shown in bold print.) This item was continued at the August 7, 2008 Planning Commission meeting to allow the applicant to submit additional information. It was noted at the meeting that if revised construction plans were not submitted by August 12, 2008 showing Verizon's existing utility panel and Alltel's proposed utility panels screened from view, staff would recommend that this item be denied without prejudice at the August 21, 2008 Planning Commission meeting.

A representative of Alltel has subsequently submitted revised construction sheets for Alltel's portion of the site showing that all of the utility panels are located within the screened area. A representative of Verizon submitted a revised landscape plan showing two spruce trees to be planted on either side of their existing utility panel. However, a screening fence is located directly north of the utility panel and a parking lot is located directly south of the panel. There is not sufficient room within this approximate 5 foot area to plant trees to provide a screen around the panel without encroaching into the parking lot as the trees mature. As such, staff is recommending that prior to Planning Commission approval, a revised site plan be submitted for review and approval showing a 6 foot high cedar screening fence around Verizon's utility panel. Prior to issuance of a building permit, the screening fence and landscaping must be in place.

Staff has noted that the recently constructed driveway to the parking lot was not constructed as per the approved plans, resulting in erosion issues along the driveway. As such, staff is recommending that prior to Planning Commission approval, construction plans be submitted for review and approval addressing the erosion issues. In addition, prior to issuance of a building permit, the erosion control measures must be completed.

(Update, July 28, 2008. All revised and/or added text is shown in bold print.) This item was continued at the July 24, 2008 Planning Commission meeting to allow the applicant to submit additional information.

Staff has previously notified the applicant that the existing utility panel located on the exterior of the fenced area constructed by Verizon as a part of the original approval for the communication tower is not in compliance with the approved site plan. In particular, the utility panel was not allowed to be located outside of the fenced area. Since June 16, 2008, staff has requested that revised construction plans be submitted for review and approval showing the utility panel relocated within the fenced area. On July 28, 2008 the applicant submitted revised construction plans which continue to show Verizon's utility panel on the exterior of the fence. In addition, the construction plans show several utility panels for All-Tel on the exterior of the fence. Staff has again notified the applicant that the construction plans must be revised to show all utility panels within the fenced area. To date, the revised information has not been submitted for review and approval. In lieu of recommending that this item be denied without prejudice to allow the applicant to revise the plans as requested and resubmit a new application, staff is recommending that this item be continued to the August 21, 2008 Planning Commission meeting. If revised construction plans are not submitted by August 12, 2008 showing the utility panels located within the fenced area, staff will recommend that this item be denied without prejudice at the August 21, 2008 Planning

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Commission meeting.

On July 28, 2008, the applicant also submitted a revised landscape plan showing a tree located within a Major Drainage Easement. Staff has also notified the applicant that the tree must be relocated outside of the easement. To date, a revised landscape plan has not been submitted for review and approval. Staff is recommending that this item be continued to the August 21, 2008 Planning Commission meeting to allow the applicant to submit a revised landscape plan as identified.

(Update, July 11, 2008. All revised and/or added text is shown in bold print.) This item was continued at the July 10, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. In addition, a site inspection has identified that a utility panel was constructed by Verizon as a part of the original approval for the communication tower outside of the fenced area. However, the utility panel was not approved to be located outside of the screened area. As such, staff is recommending that this item be continued to the August 7, 2008 Planning Commission meeting to allow the applicant to submit construction plans showing the utility panel relocated within the fenced area as previously approved and to submit the balance of the outstanding information as previously noted.

(Update, June 27, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 26, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. In addition, a site inspection has identified that a utility panel was constructed by Verizon as a part of the original approval for the communication tower outside of the fenced area. However, the utility panel was not approved to be located outside of the screened area. As such, staff is recommending that this item be continued to the July 24, 2008 Planning Commission meeting to allow the applicant to submit construction plans showing the utility panel relocated within the fenced area as previously approved and to submit the balance of the outstanding information as previously noted.

(Update, June 16, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 5, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. In addition, a site inspection has identified that a utility panel was constructed by Verizon as a part of the original approval for the communication tower outside of the fenced area. However, the utility panel was not approved to be located outside of the screened area. As such, staff is recommending that this item be continued to the July 10, 2008 Planning Commission meeting to allow the applicant to submit construction plans showing the utility panel relocated within the fenced area as previously approved and to submit the balance of the outstanding information as previously noted.

The applicant has submitted a Major Amendment to a Planned Residential Development to allow communication antennas to be constructed within an existing flagpole communication tower located on the property. In addition, an 11 foot 5 inch by 16 foot equipment shelter is proposed to be constructed west of the existing equipment shelter currently located on the property.

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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.

On April 16, 2007, the City Council approved a Major Amendment to a Planned Residential Development (File #06PD097) to allow the construction of a 150 foot tall flagpole communication tower with an equipment shelter in conjunction with the previously approved residence with a photography studio on the above legally described property.

The property is located northwest of the intersection of Chapel Valley Road and Jackson Boulevard. Currently, the old Johnson Siding Volunteer Fire Department structure is located on the southern portion of the property. In addition, Verizon Wireless has constructed the previously approved flagpole communication tower with an equipment shelter within the northern portion of the property. The applicant has indicated that Alltel Communications, LLC is proposing to co-locate on the tower and, as such, this application has been submitted for review and approval. The applicant has also indicated that the old Johnson Siding Volunteer Fire Department structure will eventually be expanded and used as a residence with a photography studio as originally approved.

STAFF REVIEW:

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

Site Plan: The applicant has submitted a site plan showing a detailed layout of the existing communication tower and equipment building and the proposed equipment shed to be constructed as a part of this application. However, since the applicant has indicated that the proposed residence and photography studio will still be constructed on the southern portion of the property as previously approved, the site plan must be revised to also include the detailed layout of that structure to insure there is no conflict in the proposed site development associated with the photography studio, the residence and the communication tower and equipment buildings. In addition, a complete parking plan for all of the existing and proposed uses must be submitted for review and approval to insure compliance with all provisions of the Rapid City Municipal Code. A complete landscaping plan, a sign package and lighting plan must also be submitted for review and approval. Until this information is submitted, staff can not determine if the required landscaping is being provided. Staff is recommending that this item be continued to allow the applicant to submit the additional information for review and approval.

The applicant has submitted a site plan showing the previously approved residence and photography studio and the existing and proposed communication facilities. In addition, complete parking plans and landscape plans were submitted identifying that the proposed development is in compliance with the Rapid City Municipal Code.

Design Standards: The existing equipment building located on the property is a one story structure and has been constructed with four inch face brick finish with a peaked shingled roof. In addition, the building is dark brown in color. A ten foot high cedar security fence is constructed around the equipment shed. The applicant has indicated that the proposed equipment shed and screening fence for Alltel Communications, LLC will be constructed to

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match the existing building and fence but does not specify any building materials and/or colors. In addition, the applicant has submitted structural elevations showing two sides of the building. Staff is recommending that this item be continued to allow the applicant to submit complete structural elevations including the two remaining sides of the building and to submit a complete list of all building materials and colors for the equipment shed and the fence.

The south elevation of the equipment building shows a bank of utility panels on the exterior wall. Staff is recommending that the utility panels be relocated within the building, relocated to a screened area of the site or a screening fence must be provided along the southern portion of the building.

During the review of the flagpole communication tower and equipment building for Verizon Wireless, it was noted that any additional equipment buildings to be constructed on the site as a part of co-location on the tower, would require that the two buildings be designed as one contiguous structure with no separation between the structures to give the appearance of one building. The applicant's site plan shows an approximate 8 foot separation between the two buildings. As such, staff is recommending that this item be continued to allow the applicant to relocate the proposed equipment building as required under the original approval.

The applicant has submitted revised elevations showing a screening fence around Alltel's equipment shelter and tying into the existing fence currently constructed around Verizon's equipment shelter. In addition, all of Alltel's utility panels are located within the fenced area, screened from view. The design of the fence matches the previously approved fence for the Verizon site.

Flag: The flagpole communication tower was originally approved with the stipulation that the design of the tower include the presentation of the flag. However, the existing flagpole tower does not include a flag. As such, staff is recommending that the sight be brought into compliance with the original stipulations of approval and that a flag be flown from the tower as previously stipulated and lit as needed prior to approval of this Major Amendment to the Planned Residential Development.

The previously approved Residential Development Plan to allow the communication tower required that a flag be flown from the flagpole tower. Until recently, a flag has not been flown as required. The applicant should be aware that a flag must be flown and lighted as needed at all times.

Erosion and Sediment Control Plan: Staff is recommending that an Erosion and Sediment Control Plan be submitted for review and approval if earth moving activities are more than 300 cubic yards.

Service Area Map: The applicant has submitted a service area map showing existing cover for Alltel Communications, LLC within the area showing large areas within the Chapel Valley area and along Jackson Boulevard that have limited coverage with existing facilities. The applicant has also submitted a service area map showing the improved coverage within this same area with the placement of communication antennas within the existing flagpole tower.

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As a result of the detailed service area information, the applicant has demonstrated that a need exists within this area to allow co-location on the existing tower.

Notification Requirement: The receipts from the certified mailings have been returned and the sign has been posted on the property. As of this writing, staff has not received any calls of inquiry regarding this proposal.