

STAFF REPORT

April 9, 2009

No. 09PD007 - Major Amendment to a Planned Industrial Development ITEM 32

GENERAL INFORMATION:

APPLICANT	West River Electric Association
AGENT	Lee Geiger for Geiger Architecture
PROPERTY OWNER	West River Electric
REQUEST	No. 09PD007 - Major Amendment to a Planned Industrial Development
EXISTING LEGAL DESCRIPTION	Lot 1 of WREA Subdivision of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.0 acres
LOCATION	3250 East Highway 44
EXISTING ZONING	Light Industrial District (Planned Industrial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	2/27/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a building permit, an Erosion and Sediment Permit shall be obtained;**
- 3. Prior to issuance of a building permit, the applicant shall sign a developmental lot agreement;**
- 4. 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;**

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5. Prior to the start of construction, a Floodplain Development Permit shall be obtained for any work within the Federally Designated 100 year Floodplain located in the northern portion of the property, if applicable;
6. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the street rights-of-way;
7. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
8. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of the Industrial Development Plan;
9. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Industrial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Industrial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
10. All fencing shall conform architecturally to the proposed elevations, color palette and design plans submitted as part of this Initial and Final Planned Industrial Development;
11. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;
12. The dumpsters shall be located as shown on the site plan and screened on all four sides as proposed;
13. All currently adopted International Fire Codes shall be met;
14. A minimum of 776,050 landscaping points shall be provided. In addition, the landscaping shall be designed to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
15. A minimum of 194 parking spaces shall be provided. In addition, six of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met. Any other use of the 20,696.4 square foot storage area proposed on the second floor shall require that a Major Amendment to the Planned Industrial Development be obtained. In addition, additional parking shall be provided for the use as needed;
16. The use within the Planned Industrial Development shall be as an administrative office with meeting rooms, warehouse units and an outdoor storage area. No poles shall be stored within the outdoor storage area. In addition, a 95 foot high pole tower with exterior omni antennas and an exterior microwave antenna shall be allowed. Any other use shall require a Major Amendment to the Planned Industrial Development;
17. All provisions of the Light Industrial District shall be met unless an exception is

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- specifically authorized as a stipulation of this Initial and Final Industrial Development Plan or a subsequent Major Amendment; and,
18. **An Exception is hereby granted to allow a time extension of ten years from the date of approval of this Planned Industrial Development application to complete the second phase of the development, which includes the complete build-out of the second floor of the office building. The balance of the project has been identified as Phase One. The Planned Industrial Development for Phase One 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 30, 2009. All revised and/or added text is shown in bold print.) This item was continued at the March 26, 2009 Planning Commission meeting to allow the applicant to submit additional information. The applicant has subsequently submitted the information which has been reviewed by staff as noted below.

The applicant has submitted a Major Amendment to a Planned Industrial Development to allow the construction of a communication tower on the property. The applicant has indicated that the communication tower will replace a previous tower located on the site and will be used by West River Electric Association and the Rushmore Electric Power Cooperative.

On January 22, 2009, the Planning Commission approved a Planned Industrial Development (File #08PD012) to allow an office administration building with meeting rooms, warehouse units and an outdoor storage area on the property. A stipulation of approval required that "the construction of a communication tower on the property shall require a Major Amendment to the Planned Industrial Development". As such, the applicant has submitted this application to allow the construction of a 95 foot high communication tower to be constructed on the western portion of the property.

The property is located in the northwest corner of the intersection of S.D. Highway 44 and Twilight Drive. Currently, an office building and several accessory buildings are located on the property.

STAFF REVIEW:

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

Parking/Landscaping/Signage: The previously approved Initial and Final Planned Industrial Development to redevelop the site as noted above included the location for the communication tower and the design and location of the generator building that will be used to house the equipment for the communication tower. In addition, the approved parking plan included the two minimum parking spaces required for the communication tower. The approved landscaping plan will not be affected by this application since the location of the tower and equipment shed were previously shown and accounted for with the previous

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application. The applicant has also indicated that no additional signage will be proposed for the communication tower. As such, staff recommends that the parking, landscaping and signage comply with the previously approved parking plan, landscaping plan and sign package.

Tower Design: The applicant is proposing to construct a 95 foot high pole tower with exterior omni antennas and an exterior microwave antenna within the western portion of the property. However, the proposed tower is located adjacent to Elk Vale Road and will be highly visible from the street. Elk Vale Road is classified as an arterial street and serves as a gateway into our community. The property is also adjacent to S.D. Highway 44 which is also an arterial street that serves as a gateway into our community. As such, a flagpole tower with internal antennas would be a more appropriate design for this site. It is also a design that has been used by others in high visibility areas. In particular, other communication companies located adjacent to arterial streets or other high visibility areas have constructed flagpole towers with internal antennas to minimize the aesthetic impact of the communication tower.

It is unclear if the proposed tower design is needed to meet the applicant's service needs or if a flagpole tower with internal antennas could be utilized to meet those same service needs. As such, an engineered statement must be submitted for review and approval demonstrating the detail of service provided by the proposed tower with external antennas compared to a flagpole tower with internal antennas. In addition, maps demonstrating the service area for both types of towers must be submitted for review and approval.

Staff recommends that the Major Amendment to the Planned Industrial Development be continued to allow the applicant to submit the engineered statement and the service maps as identified.

(Update: March 30, 2009) The applicant has submitted an engineered statement demonstrating the detail of service provided by the proposed tower with external antennas compared to a flagpole tower with internal antennas. As such, staff recommends that the Major Amendment to allow a communication tower on the property be approved.

Time Extension: The previously approved Initial and Final Planned Industrial Development request was approved with the stipulation that the project be completed within two years of the date of approval, or January 22, 2011. The applicant has indicated that full build-out of the second floor of the office building may take ten years. As such, the applicant has requested that a time extension be granted to allow the applicant ten years to complete the entire project.

In order to allow the applicant additional time to complete the entire project, staff recommends that a time extension be granted as requested.

Notification Requirement: **The receipts from the certified mailings have been returned and the sign has been posted on the property. Staff has not received any calls or inquires**

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regarding this request.

Staff recommends that the Major Amendment to the Planned Industrial Development be approved with the stipulations of approval as noted above.