

STAFF REPORT
August 6, 2009

No. 09PD016 - A Major Amendment to a Planned Residential Development to allow additional cellular facilities in the Office Commercial zoning district **ITEM 19**

GENERAL INFORMATION:

APPLICANT	SWS, LLC
AGENT	Rick Holpp for Site Dynamics, Inc.
PROPERTY OWNER	John B. Skulberstadt with a leased area to Verizon Wireless
REQUEST	No. 09PD016 - A Major Amendment to a Planned Residential Development to allow additional cellular facilities in the Office Commercial zoning district
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 17.53 acres
LOCATION	4616 Jackson Boulevard
EXISTING ZONING	Office Commercial District (Planned Residential Development)
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Flood Hazard District
East:	Medium Density Residential District
West:	Park Forest District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/9/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Major Amendment to a Planned Residential Development to allow additional cellular facilities in the Office Commercial zoning district be **approved with the following stipulations:**

- 1. Prior to Planning Commission approval, a medium sized deciduous tree shall be planted northeast of the communication facility site as per the previously approved Landscaping Plan for Verizon Wireless;**

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2. Prior to Planning Commission approval, the existing erosion control issues located north of the access road shall be corrected;
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 Certificate of Occupancy for a residence or photography studio on Lot 1, water and sewer shall be extended to proposed Lot 1. In addition, sidewalk shall be constructed along Lot 1 as it abuts Jackson Boulevard or surety shall be posted;
5. Upon submittal of a building permit for the photography studio, a grading and drainage plan shall be submitted for review and approval;
6. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the right-of-way;
7. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
8. An Industrial Pre-treatment Permit shall be obtained prior to issuance of a building permit for the photography studio;
9. An Erosion and Sediment Control Plan shall be submitted for review and approval if earth moving activities are more than 300 cubic yards;
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 Jackson Boulevard right-of-way;
11. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development Plan;
12. The fence shall be constructed to conform architecturally to the elevation and color palette submitted as part of this Major Amendment to the Planned Development and as per the approved Fence Height Exception (#09FV007);
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 and pad mounted equipment cabinets shall be allowed on the property as Phase One of the

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- development. The American flag shall be flown on the flagpole tower and lighted as needed. A minimum of two co-locators shall continually be allowed on the property. 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:

(Update, July 24, 2009. All revised and/or added text is shown in bold print.) This item was continued at the July 23, 2009 Planning Commission meeting to allow the applicant to correct the existing erosion control issues located north of the access road and to plant a medium sized deciduous tree northeast of the communication facility site as per the previously approved Landscaping Plan for Verizon Wireless.

On July 22, 2009, representatives of SWS, LLC met on the property with the property owner to discuss correcting the existing issues as identified. The applicant has subsequently indicated that the issues will be addressed prior to the August 6, 2009 Planning Commission meeting. Staff will notify the Planning Commission at the August 6, 2009 meeting if these issues have not been addressed.

(Update, July 9, 2009. All revised and/or added text is shown in bold print.) This item was continued at the June 25, 2009 Planning Commission meeting to allow the applicant to correct the existing erosion control issues located north of the access road and to plant a medium sized deciduous tree northeast of the communication facility site as per the previously approved Landscaping Plan for Verizon Wireless. The applicant has requested that this item be continued to the August 6, 2009 Planning Commission meeting to allow them additional time to address these issues. As such, staff recommends that the Major Amendment to a Planned Residential Development to allow additional cellular facilities in the Office Commercial zoning district be continued to the August 6, 2009 Planning Commission meeting at the applicant's request.

(Update, June 18, 2009. All revised and/or added text is shown in bold print.) This item was continued at the June 4, 2009 Planning Commission meeting at the applicant's request and to allow the City Council to consider a Fence Height Exception (File #09FV007) for the existing and proposed 9 foot high fence in lieu of a maximum 6 foot high fence around the cellular facilities. On June 15, 2009, the City Council approved the Fence Height Exception.

(Update, May 22, 2009. All revised and/or added text is shown in bold print.) This item was continued at the May 8, 2009 Planning Commission meeting at the applicant's request. The applicant is again requesting that this item be continued. As such, staff is recommending that the Major Amendment to the Planned Residential Development be continued to the June 25, 2009 Planning Commission meeting at the applicant's request.

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(Update, May 8, 2009. All revised and/or added text is shown in bold print.) This item was continued at the May 7, 2009 Planning Commission meeting at the applicant's request. The applicant is again requesting that this item be continued. As such, staff is recommending that the Major Amendment to the Planned Residential Development be continued to the June 4, 2009 Planning Commission meeting at the applicant's request.

The applicant has submitted a Major Amendment to a Planned Residential Development to allow additional cellular facilities on the property. In particular, the applicant is proposing to attach three antennas within the existing flagpole communication tower currently located on the property and to place four cabinets adjacent to the tower. Each cabinet will measure 30 inches deep by 31 inches wide by 77 inches high. The applicant has indicated that additional fencing will be constructed around the cabinets to match the existing 9 foot high cedar fence currently located around the tower and the existing equipment shelters.

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 property.

On April 16, 2007, the City Council approved a Major Amendment to the Planned Residential Development (File #06PD097) to allow the construction of a 150 foot tall flagpole communication tower with an equipment shelter for Verizon Wireless in conjunction with the previously approved residence with a photography studio on the above legally described property. The proposed additional antennas and cabinets submitted as a part of this application will be located within the lease area that the property owner has previously entered into with Verizon Wireless.

On August 21, 2008, the Planning Commission approved a Major Amendment to the Planned Residential Development (File #08PD022) to allow additional communication antennas for Alltel Communications, LLC to be constructed within the existing flagpole communication tower located on the property. In addition, an 11 foot 5 inch by 16 foot equipment shelter was approved to be constructed west of the existing equipment shelter currently located on the 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. Alltel Communications, LLC has also co-located on the tower and constructed an equipment shelter west of the Verizon Wireless shelter.

STAFF REVIEW:

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

Fence: A 9 foot high cedar fence currently exists around the communication facility. The

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applicant has indicated that a portion of the existing fence along the north side of the site will be removed to allow the placement of the cabinets. Additional fencing will then be constructed around the cabinets to match the existing 9 foot high cedar fence. The applicant's site plan shows the existing facility and the area of the proposed expansion located within the Verizon lease area.

On June 15, 2009, the City Council approved a Fence Height Exception for the existing and proposed 9 foot high fence in lieu of a maximum 6 foot high fence around the cellular facilities. As such, staff recommends that the fence be constructed to conform architecturally to the elevation and color palette submitted as part of this Major Amendment to the Planned Development and as per the approved Fence Height Exception (File #09FV007).

Violations: During the review of the Fence Height Exception, the property owner noted that the original tenant, Verizon Wireless, has failed to plant one of the required trees as per the approved Landscape Plan and that erosion control issues exist along the access road. Since these are outstanding violations, they must be addressed prior to Planning Commission approval of this Major Amendment to allow the expansion of the communication facility. As such, prior to Planning Commission approval, a medium sized deciduous tree must be planted northeast of the communication facility site as per the previously approved Landscaping Plan for Verizon Wireless. In addition, the existing minor erosion control issues located north of the access road must be corrected.

Site Plan: The applicant has submitted a site plan showing a detailed layout of the existing communication tower, the two existing equipment buildings and the proposed equipment cabinets. In addition, the site plan shows the previously approved residence and photography studio. Staff has reviewed the plan and noted that the proposed expansion does not conflict with the location of the proposed residence and photography studio that will be constructed as a part of Phase Two of the development. As such, staff recommends that the site be constructed in compliance with the site plan submitted with this application.

Parking: Two parking spaces have been constructed for the existing communication facilities located on the property as required. The parking spaces are located directly south of the tower site within the Verizon Wireless lease area. The proposed co-location on the existing tower will not require that any additional parking be provided. The future construction of the residence and photography studio will require that seven parking spaces be provided, shown on the plan as a future phase of development.

Staff recommends that a minimum of seven parking spaces be provided for the photography studio and residence. One of the spaces must be "van accessible". In addition, a minimum of two parking spaces must be provided for the communication facility. One of the spaces must be "van accessible". All provisions of the Off-Street Parking Ordinance must be continually met.

Service Area Map: The applicant has submitted a service area map showing existing coverage

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for SWS, LLC within west Rapid City. In particular, the service area map shows 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. 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.

Tower Design: The existing communication tower is designed as a 150 foot high flagpole tower. A stipulation of approval for the flagpole tower required that it be designed to allow a minimum of two co-locaters. Allowing the co-location on the existing tower is in compliance with the original Planned Development for the tower. Staff also recommends that the American flag be flown on the flagpole tower and lighted as needed.

Notification Requirement: The receipts from the certified mailings have been returned. In addition, the sign has been posted on the property. Staff has had two inquiries regarding this item.