

STAFF REPORT  
January 5, 2012

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**No. 11PD041 - Initial and Final Commercial Development Plan to  
allow a Transmission Facility in the General Agriculture District**

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**ITEM 14**

GENERAL INFORMATION:

APPLICANT	Jim Muir - Hughes Network Systems, LLC
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Golden West Technologies - Bill Cook
REQUEST	<b>No. 11PD041 - Initial and Final Commercial Development Plan to allow a Transmission Facility in the General Agriculture District</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Thomson Tower Subdivision located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.01 acres
LOCATION	3840 Tower Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Commercial District
East:	Low Density Residential District
West:	General Agriculture District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	11/23/2011
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Initial and Final Commercial Development Plan to allow a Transmission Facility in the General Agriculture District be approved with the following stipulations:

1. An Exception is hereby granted reducing the front yard setback from Tower Road for the proposed structure to a minimum of 28 feet in lieu of the required 35 foot setback;
2. An Exception is hereby granted reducing the front yard setback from US Highway 16 for the proposed structure to a minimum of 24 feet in lieu of the required 35 foot setback;
3. All provisions of the General Agricultural District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment;

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4. A building permit shall be obtained prior to any construction;
5. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Commercial Development;
6. 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;
7. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Initial and Final Planned Commercial Development to allow a Transmission Facility. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Initial and Final Planned Commercial Development. 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;
8. All applicable provisions of the adopted International Fire Code shall continually be met; and,
9. The Initial and Final Planned Commercial Development shall allow the property to be used for a transmission facility. Any change in use that is a permitted use in the General Agricultural District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the General Agricultural District shall require the review and approval of a Major Amendment to the Initial and Final Planned Commercial Development.

GENERAL COMMENTS:

The applicant has submitted an Initial and Final Commercial Development Plan to allow a transmission facility in the General Agricultural District. In particular, the applicant is proposing to install a satellite dish on approximately 15,000 square feet at the southern end of the property. No development is proposed for the approximately 30,000 square feet at the northern end of the property. The applicant is proposing a 17 foot by 22 foot concrete pad for a satellite dish, a 12 foot by 24 foot concrete pad for a standby generator and a concrete pad for an HVAC unit. A 6.3 meter satellite dish will be located on the southern end of the property and oriented to the southern sky. The dish will be illuminated front and back with security lights and cameras to monitor the site. A six foot high chain link fence will surround the compound and attach to the existing fence on the property to the south. The applicant has submitted sample elevations of the satellite dish and generator. In addition, the applicant is requesting that the front yard setback from Tower Road be reduced from 35 feet to 28 feet and the front yard setback from US Highway 16 be reduced from 35 feet to 24 feet.

On July 1, 1985, the City Council approved a Lot Split (File #1243) creating the above legally described property.

The property is located approximately 530 feet northeast of the intersection of Skyline Drive and Tower Road. Currently, the property is void of any structural development.

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STAFF REVIEW:

Staff has reviewed the Initial and Final Commercial Development Plan and the Conditional Use and has noted the following considerations:

1. *The location, character and natural features of the property:*

The property is located at 3840 Tower Road. The property is currently undeveloped.

2. *The location, character and design of adjacent buildings:*

The property to the west of the subject property is undeveloped. There is a single family home on the property to the north. Located to the south of the subject property is a communications tower/facility. To the east of the subject property is US Highway 16.

3. *Proposed fencing, screening and landscaping:*

The applicant is proposing a six foot high chain link fence to surround the proposed compound and attach to the existing fence on the property to the south. The applicant is also proposing to add two large trees on the north side of the proposed satellite dish location for screening purposes between the proposed facility and the single family home to the north. The balance of the property adjacent to the single family home on the north will remain vacant.

4. *Proposed vegetation, topography and natural drainage:*

An erosion and sediment control plan has been submitted identifying flow routes and stockpile areas. Completed construction will not alter historical drainage patterns.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

Vehicular access will be from Tower Road. Two parking stalls are proposed with one stall handicapped accessible.

6. *Existing traffic and traffic to be generated by the proposed use:*

The transmission facility is an automated facility. It is not expected that the site will generate traffic other than regular maintenance.

7. *Proposed signs and lighting:*

The applicant is proposing security lighting to illuminate the front and back of the satellite dish at night. Cameras will be installed in the corners of the compound to monitor activity. All outdoor lighting must 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.

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The applicant has not proposed any signage. All signage must conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Initial and Final Planned Commercial Development to allow a Transmission Facility. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs will require the review and approval of a Major Amendment to the Initial and Final Planned Commercial Development. Lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

8. *The availability of public utilities and service:*

The property is currently served by public utilities including Rapid City sewer and water.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

The General Agricultural Zoning District is intended to provide for land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. Most of these areas will be in close proximity to residential and commercial uses and therefore the agricultural activities conducted in this district should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial or industrial development than is authorized in other districts. The types of uses, area and intensity of use of land which is authorized in this district are designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made. The proposed transmission facility is allowed with approval of a Conditional Use Permit in the General Agricultural Zoning District.

10. *The overall density, yard, height and other requirements of the zone in which it is located:*

The applicant is requesting that the front yard setback from Tower Road be reduced from 35 feet to 28 feet and the front yard setback from US Highway 16 be reduced from 35 feet to 24 feet. The property has frontage along Tower Road, identified as a collector on the City's Major Street Plan, and US Highway 16, identified as a principal arterial on the City's Major Street Plan. The required minimum front yard setback from a collector street and an arterial for a structure located on property zoned General Agricultural District is 35 feet. The location of the proposed satellite dish is within the required front yard setbacks. The property is narrow and has steep terrain limiting the area for development. In addition, there is a significant elevation differential between the subject property and US Highway 16 minimizing the impact of reducing the front yard setback. As such, staff is recommending that the proposed front yard setbacks be allowed as proposed with the stipulation that a minimum 28 foot front yard setback be provided along Tower Road and that a minimum 24 foot front yard setback be provided along US Highway 16. All provisions of the General Agricultural District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment.

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11. *The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation:*

An erosion and sediment control plan has been submitted for the construction phase identifying flow routes and stockpile areas. Sediment control measures will consist of wattles, concrete washout area and stockpile containment.

12. *The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:*

The stipulations of approval of the Initial and Final Planned Commercial Development will serve as a tool to insure that the proposed lighting will be directed on site and that further changes that do not comply with the provisions of the General Agricultural District will require a Major Amendment to the Initial and Final Planned Commercial Development.

Design: The applicant is proposing to install a 6.3 meter satellite dish, HVAC unit and a standby generator. The applicant has attached sample elevations of the satellite dish and generator. The proposed structures must conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Commercial Development.

Notification Requirement: As of this writing, the white slips and green cards from the certified mailing have not been returned and the required sign has not been posted on the property. Staff will notify the Planning Commission at the January 5, 2012 Planning Commission meeting if these requirements have not been met. As of this writing, Staff has received one call in opposition to the proposed development.