

STAFF REPORT

July 10, 2014

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**No. 14RZ006 - Rezoning from Park Forest District to General Agricultural District**      **ITEM 9**

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GENERAL INFORMATION:

APPLICANT	Andrew Bobrytzke - Cellular Inc. Network Corporation,
AGENT	John M. Rowe - Buell Consulting, Inc.
PROPERTY OWNER	Arrowhead Country Club
REQUEST	<b>No. 14RZ006 - Rezoning from Park Forest District to General Agricultural District</b>
EXISTING LEGAL DESCRIPTION	A portion of Valley Tract commencing at the southeast corner of Lot 5, Block 8, Country Club Heights Subdivision, Rapid City, Pennington County, South Dakota, located in the SW ¼ of Section 10, T1N, R7E, B.H.M. Rapid City, Pennington County, South Dakota more fully described as follows; a rebar with aluminum cap marked "LS 1019"; whence the southeast corner of Lot 2, Block 8 of the aforescribed County Club Heights Subdivision a ½" rebar bears N20°16'39"W 304.07'; thence S40°51'02"E 1168.18' in Valley Tract as previously described to a rebar with plastic cap marked "RW FISK 6565"; the point of beginning, the northwest corner of a Proposed Land Space; thence N90°00'00"E 90.33' to a rebar with plastic cap marked "RW FISK 6565"; thence S33°19'01"E 79.91' to a rebar with plastic cap marked "RW FISK 6565"; thence S45°00'00"W 20.00' to a rebar with plastic cap marked "RW FISK 6565"; thence N72°20'21"W 126.03' to a rebar with plastic cap marked "RW FISK6565"; thence N0°00'00"E 42.68' to the point of beginning.
PARCEL ACREAGE	Approximately 7,000 square feet
LOCATION	3015 Tomahawk Drive
EXISTING ZONING	Park Forest District
FUTURE LAND USE DESIGNATION	Residential
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Park Forest District
East:	Low Density Residential District
West:	Low Density Residential District

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PUBLIC UTILITIES                      Rapid City water and sewer  
DATE OF APPLICATION                May 23, 2014  
REVIEWED BY                          Fletcher Lacock / Bob Reiss

RECOMMENDATION:

Staff recommends that the Rezoning from Park Forest District to General Agricultural District be approved.

GENERAL COMMENTS:

**(Update, July 1, 2014. All revised and/or added text is shown in bold print.) This item was continued at the June 19, 2014 Planning Commission meeting since the paper failed to post the required publication notice for this item.**

The applicant has submitted a Rezoning request to change the zoning designation of the above legally described property from Park Forest District to General Agricultural District. The applicant has also submitted a Conditional Use Permit (File #14UR016) to allow a communication tower on the property. The proposed Rezoning is specific to the lease area for the proposed tower at approximately 7,000 square feet in size. The applicant is proposing to construct a 60 foot high stealth flagpole communication tower, an equipment shed and associated parking. The small area of the Rezoning request will prevent incompatible uses or additional communication towers from being located on the Arrowhead Country Club property. The applicant has submitted coverage maps that show that the proposed tower will increase coverage capacity and offload demand from existing towers on Dinosaur Hill to the north and a tower located adjacent to Canyon Lake Park to the west.

The area to be rezoned is located approximately 1,230 feet west of the intersection of Sheridan Lake Road and Country Club Drive. The property is located on the Arrowhead Country Club golf course.

STAFF REVIEW:

Staff has reviewed this proposed rezoning request for conformance with the four criteria for review of zoning map amendments established in Section 17.54.040(D)(1). A summary of Staff findings are outlined below:

1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected, or in the city generally.*

The applicant has also submitted a Conditional Use Permit (File #14UR016) to allow a communication tower. A communication tower is not a Permitted Use or Conditional Use in the Park Forest District. The existing golf course would be a Permitted Use in the General Agricultural District. The applicant has indicated that the proposed 60 foot high stealth flagpole tower is needed to increase coverage capacity in the southwest part of the City.

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---

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2. The proposed amendments shall be consistent with the intent and purposes of this title.

The applicant has also submitted a Conditional Use Permit to allow a communication tower to be located on the property. The proposed tower is a Conditional Use in the General Agricultural District. The proposed Rezoning is for the specific lease area for the communication tower. The lease area is located on the Arrowhead Country Club golf course approximately 500 feet from the closest dwelling. The applicant has indicated that the proposed communication tower is needed to add capacity and to offload demand from existing towers. It appears that the Rezoning request is consistent with the intent and purpose of the Zoning Ordinance.

3. *The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from the amendment.*

The property is currently zoned Park Forest District and is located on the Arrowhead Country Club golf course. The Park Forest District does not allow for a communication tower as either a Permitted Use or a Conditional Use. The Rezoning request is specific to the 7,000 square foot lease area for the proposed communication tower. The smaller area of the proposed Rezoning will prevent any incompatible uses, such as the raising of farm animals, from being a nuisance to the residential area surrounding the golf course. In addition, Rezoning just the proposed lease area will prevent any additional towers being proposed on the property without also requesting a Rezoning. The proposed communication tower will be a 60 foot high stealth flagpole with three cabinets to allow for co-location. Currently, a flagpole is a Permitted Use in the Park Forest District and is exempt from height limitations. It does not appear that the Rezoning will have an adverse affect on any other part of the City.

4. *The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan and others.*

The property is served by Rapid City water and sewer. The applicant has also submitted a Conditional Use Permit to allow a communication tower. The property is currently used as golf course. The proposed Rezoning is not in conflict with the Major Street Plan or the Future Land Use Plan.

Summary: The applicant is requesting to rezone a portion of the Arrowhead Country Club to General Agricultural District and has also submitted a Conditional Use Permit to allow a communication tower. The Rezoning request is for the proposed lease area for the 60 foot high stealth flagpole tower at approximately 7,000 square feet in size. The small area of the proposed Rezoning will prevent any further towers from being proposed on the golf course. Currently, a flagpole is a Permitted Use in the Park Forest District and is exempt from any height limitations. In addition, the proposed area to be rezoned is approximately 500 feet from the nearest dwelling. The applicant has provided coverage maps and has stated that the proposed tower will increase capacity and offload current demands on existing towers. Staff recommends that the rezoning request be approved.

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Notification: **The notification requirement has been met and the sign has been posted on the property.**