

STAFF REPORT

July 10, 2014

No. 14UR016 - Conditional Use Permit to allow a communication tower in the General Agricultural District **ITEM 10**

GENERAL INFORMATION:

APPLICANT	Andrew Bobrytzke - Cellular Inc. Network Corporation,
AGENT	John M. Rowe - Buell Consulting, Inc.
PROPERTY OWNER	Arrowhead Country Club
REQUEST	No. 14UR016 - Conditional Use Permit to allow a communication tower in the General Agricultural District
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

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West:	Low Density Residential District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	May 23, 2014
REVIEWED BY	Fletcher Lacock / Bob Reiss

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a communication tower in the General Agricultural District be approved in conjunction with the associated Rezoning (File #14RZ006) and the following stipulations:

1. A Building Permit shall be obtained prior to start of construction;
2. A minimum of two parking spaces shall continually be provided. One of the parking spaces shall be handicap "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
3. Landscaping shall be provided as shown on the submitted plans. In particular, 12 Black Hills Spruce shall be planted to provide additional screening as proposed;
4. All provisions of the General Agricultural District shall be met;
5. 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;
6. No signage shall be allowed on the stealth flagpole communication tower. All other signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment. 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 all signs;
7. All applicable provisions of the adopted International Fire Code shall continually be met; and,
8. The Conditional Use Permit shall allow for a 60 foot high, stealth flagpole communication tower. A flag shall be flown on the flagpole. The tower shall be designed to allow for two co-locations. Any change in use that is a permitted use in the General Agricultural District and is in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Agricultural District shall require the review and approval of a Major Amendment.

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 Conditional Use Permit to construct a 60 foot high, stealth flagpole communication tower located on the Arrowhead Country Club golf course. In addition, there will be two paved parking spaces and an equipment shelter approximately 425 square feet in size. The tower is designed with three cabinets to allow for the co-location of additional carriers. The applicant has stated that the proposed tower will

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increase coverage capacity and help offload demand from existing towers serving the southwest part of City. The applicant has also submitted a Rezoning request (File #14RZ006) to change the land use designation of the lease area for the tower from Park Forest District to General Agricultural District.

The proposed 7,000 square foot lease area that the Conditional Use Permit entails 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 the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

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

The proposed flagpole communication tower will be located in an approximately 7,000 square foot leased area in the middle of the Arrowhead Country Club golf course. The proposed tower will be located on a heavily wooded hill which is located approximately 500 feet from the closest dwelling located to the east along Flint Drive and approximately 1,230 feet west of Sheridan Lake Road and Country Club Drive.

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

The lease area for the proposed stealth flagpole communication tower is approximately 7,000 square feet in size and is located on a hill in the middle of the Arrowhead Country Club golf course. The property to the south is zoned Park Forest District as is the land surrounding the proposed lease area. Properties bordering the golf course to the north, east and west are zoned Low Density Residential District and are developed with single-family dwellings. The closest dwelling is located approximately 500 feet to the east of the proposed stealth flagpole tower lease area.

3. *Proposed fencing, screening and landscaping:*

The applicant has also submitted a Rezoning request to change the land use designation for an approximately 7,000 square feet in size lease area for the communication tower from Park Forest District to General Agricultural District. The General Agricultural District does not require that landscaping be provided. However, the proposed location of the stealth flagpole communication tower is located on a heavily wooded hill in the middle of the Arrowhead Country Club golf course. In addition, the applicant is proposing to plant 12 Black Hills Spruce outside of the area for the Conditional Use Permit to provide additional screening. The applicant has submitted photo simulations of the proposed stealth flagpole communication tower with a 12 foot by 18 foot flag with the Arrowhead Country Club logo. The photos show the view that residential properties to the north, east and west will have of the flagpole. Currently, a flagpole is a permitted use in the Park Forest District and would be exempt from any height limitations. Based on the proposed design of the stealth flagpole communication tower, the tower will have a minimal visual impact on the adjacent properties.

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The site plan identifies a six foot high, black wrought iron fence barricade on the north and the south sides of the tower lease area where proposed retaining walls are located. The proposed fencing is located on top of the retaining walls. In addition, the wrought iron fencing is proposed around the tower. The applicant should be aware that the General Agricultural District allows a fence six feet in height or a Variance from Chapter 17.50.340 of the Rapid City Municipal Code must be obtained.

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

Public Works staff has indicated that the proposed development will not have a negative impact on natural drainage. The site plan identifies that some existing trees will need to be pruned or removed as a part of construction. However, the applicant is also proposing to plant 12 Black Hills Spruce outside of the boundary of the Conditional Use Permit to provide additional screening.

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

There is an existing paved service road/ golf cart path accessing the proposed lease area. The applicant is proposing to extend the paved path up to the proposed tower. The proposed tower requires that two parking spaces be provided with one parking space being "van handicap" accessible. The applicant has submitted a parking plan in compliance with Chapter 17.50.270 of the Rapid City Municipal Code.

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

It is not anticipated that the proposed communication tower will generate an increase in traffic other than for maintenance.

7. *Proposed signs and lighting:*

The applicant is not proposing any signage for the proposed tower location. The plans and photo simulations identify that the flagpole will fly a 12 foot by 18 foot flag with the words "Arrowhead Country Club" and the club logo. Currently, a flagpole is a permitted use in the Park Forest District and is exempt from height limitations. The applicant should be aware that no signage will be allowed on the proposed tower.

8. *The availability of public utilities and services.*

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

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

The Zoning Ordinance is the tool that implements the Comprehensive Plan. The Park Forest District does not allow a communication tower as a Permitted Use or a

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Conditional Use. Subsequently, the applicant has also submitted the associated Rezoning request to change the land use designation for the approximate 7,000 square foot lease area for the proposed flagpole communication tower from Park Forest District to General Agricultural District. The applicant has stated that the proposed flagpole communication tower is needed to add coverage capacity and to offload demand from existing towers serving the southwest side of the City. Currently, there is a 280 foot high lattice tower located on Dinosaur Hill and a 60 foot high flagpole tower located adjacent to Canyon Lake Park that also serve the southwest part of the City. The applicant has indicated that the proposed tower will offload demand from the existing tower along Dinosaur Hill precluding the need to construct another tower along Skyline Drive at this time.

The applicant has requested the Conditional Use Permit and the associated Rezoning for the approximately 7,000 square foot lease area. The limited area prevents more incompatible uses allowed in the General Agricultural District from having a negative impact on the adjacent neighbors and prevents additional future communication towers from being proposed elsewhere on the golf course. In addition, the proposed flagpole communications tower contains three cabinets to allow for co-location of additional antenna. The Historic Preservation Commission has reviewed a Cultural Resource Assessment for the proposed tower and equipment shed and has indicated no concerns.

Approval of the Conditional Use Permit shall allow for a 60 foot high, stealth flagpole communication tower. Any change in use that is a permitted use in the General Agricultural District and is in compliance with the Parking Ordinance shall require the review and approval of a Building Permit. Any change in use that is a Conditional Use in the General Agricultural District shall require the review and approval of a Major Amendment.

A Building Permit must be obtained prior to any construction.

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

All provisions of the General Agricultural District must be met.

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:*

The proposed lease area is approximately 500 feet from the closest single-family dwelling and is located in the middle of the Arrowhead Country Club golf course. It does not appear that the proposed stealth flagpole communication tower will have a negative effect on the surrounding area by causing noise, odor, smoke, dust, air or water pollution.

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

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The stipulations of approval of the Conditional Use Permit will serve as a tool to insure that adequate parking is being provided and that no signage will be allowed on the tower.

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