



Rapid City Planning Commission Planned Development Project Report

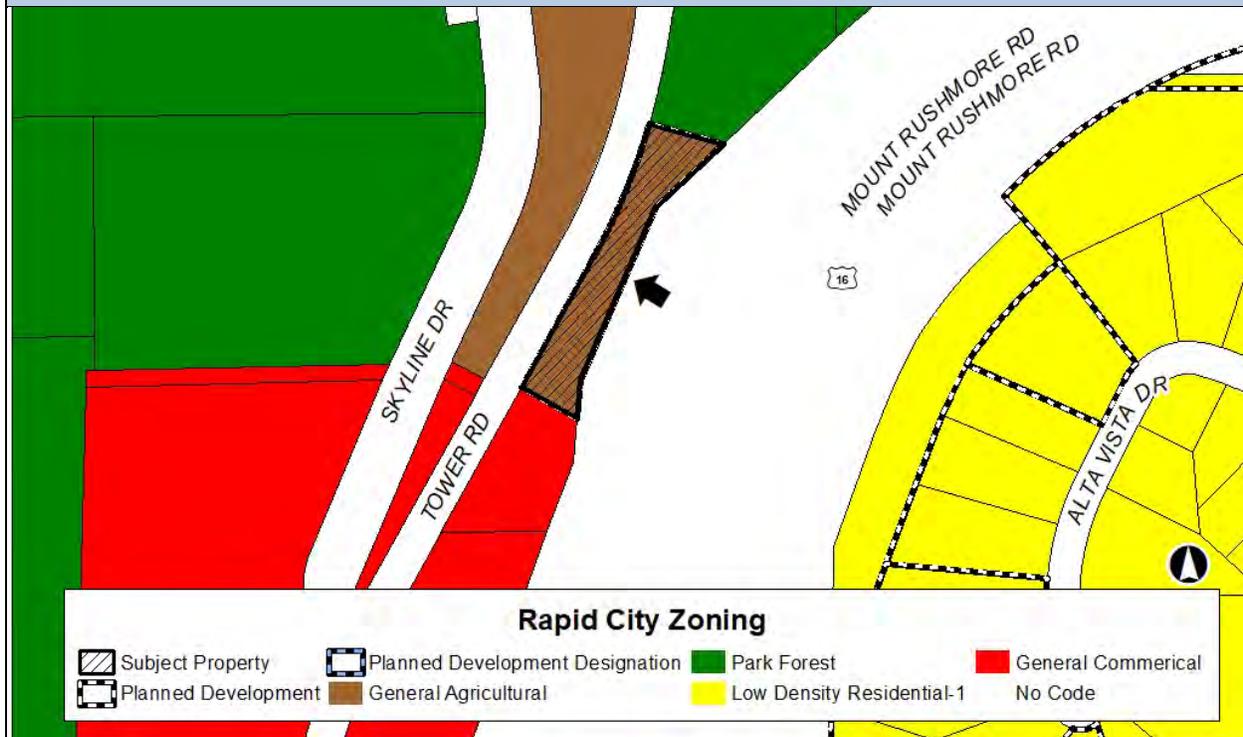
October 24, 2019

Item #7	
Applicant Request(s)	
Case #19PD040 – Major Amendment to a Planned Development Overlay to expand an existing communications facility	
Companion Case(s) N/A	
Development Review Team Recommendation(s)	
Staff recommends approval of the Major Amendment to a Planned Development Overlay with the stipulations as noted below.	
Project Summary Brief	
The applicant has submitted a Major Amendment to a Planned Development Overlay to expand an existing communications facility located at 3840 Tower Road. Specifically, the applicant is proposing to construct a 43.5-foot high antenna dish, 34.6 feet in diameter, for Hughes Network Systems, LLC, a satellite internet company. The subject property is 1.01 acres in size and is zoned General Agricultural District. The property is located within an existing Planned Development Overlay, which was approved in 2011 to allow a communications facility. As part of this application, the applicant is requesting Exceptions to allow reduced setbacks requirements for the proposed antenna.	
Applicant Information	Development Review Team Contacts
Applicant: Hughes Network Systems, LLC	Planner: John Green
Property Owner: Golden West Telecommunications Company	Engineer: Todd Peckosh
Architect: N/A	Fire District: Tim Behlings
Engineer: Fisk Land Surveying	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Todd Peckosh
Other	DOT: Stacy Bartlett
Subject Property Information	
Address/Location	3840 Tower Road
Neighborhood	US Highway 16 Neighborhood Area
Subdivision	Thompson Tower Subdivision
Land Area	1.01 acres or 43,996 square feet
Existing Buildings	288 square-foot generator
Topography	Rises in elevation approximately 84 feet from northeast to southwest
Access	Tower Road
Water / Sewer	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	N/A

Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GA-PD	LDN	Communications Facility
Adjacent North	PF	FC	Single-family Dwelling
Adjacent South	GC	MUC	Communications Facility
Adjacent East	LDR	LDN	Single-family dwelling
Adjacent West	GA	LDN	Vacant

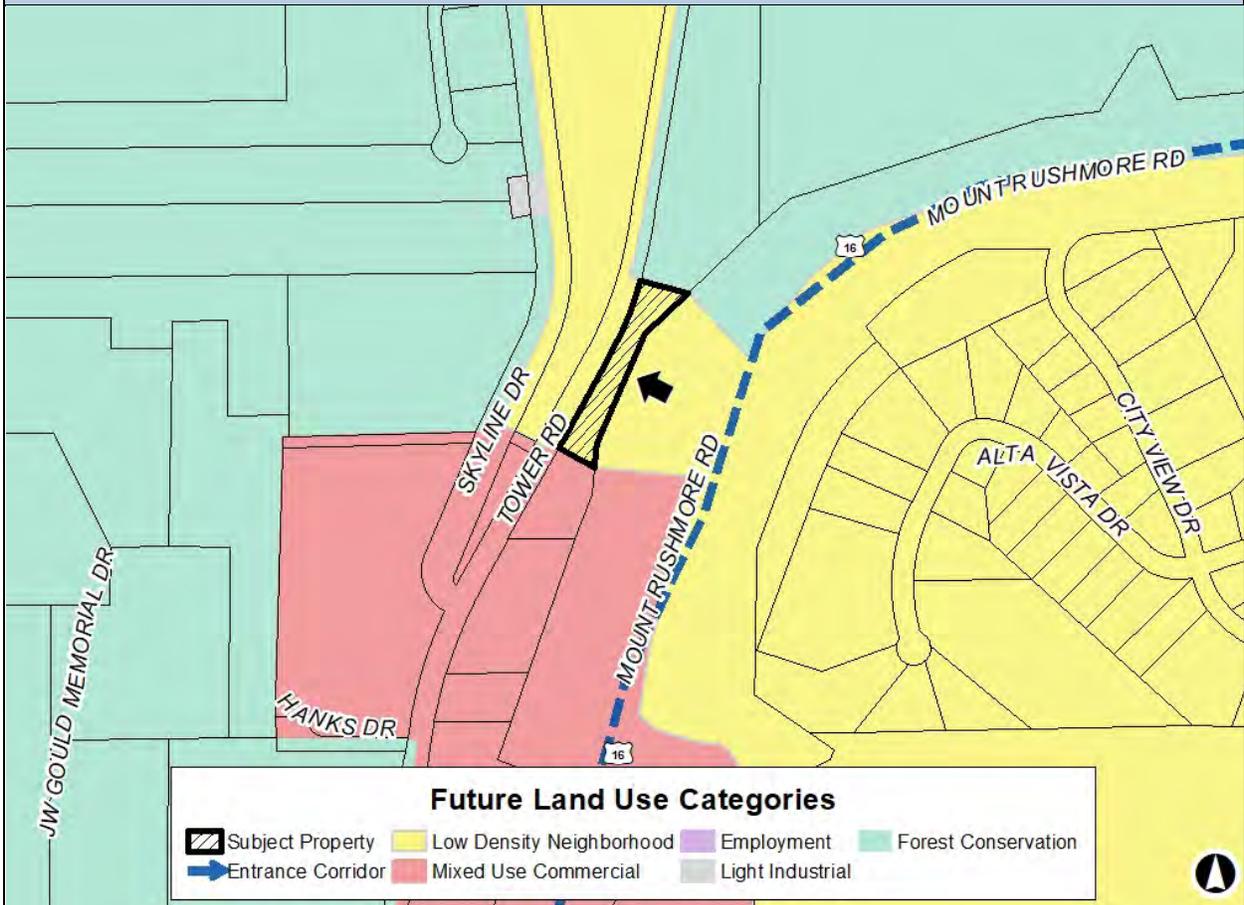
Zoning Map



Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan



Relevant Case History			
Case/File#	Date	Request	Action
11PD041	11/23/2011	Initial and Final Planned Development Overlay to allow a transmission facility in the General Agricultural District	PC approved 1/5/2012 CC approved 2/6/2012
Relevant Zoning District Regulations			
General Agricultural District		Required	Proposed
Lot Area		N/A	1.01 acres or 43,996 square feet
Lot Width		25 feet	Approximately 1,104 feet of frontage
Maximum Building Heights		No maximum height for radio/television structures as per RCMC 17.50.260(B)	43.5 feet
Maximum Density		25%	0.65%
Minimum Building Setback:			
• Front		35 feet	Requesting an Exception to allow a 3-foot setback in lieu of the 35-foot setback required
• Rear		35 feet (abutting aa street)	Requesting an Exception to allow a 30-foot setback in lieu of the 35-foot setback required
• Side		8 feet	408 feet / 5 feet
• Street Side		35 feet	
Minimum Landscape Requirements:		N/A	N/A
• # of landscape points		43,708 points	75,750 points
• # of landscape islands		N/A	N/A
Minimum Parking Requirements:			
• # of parking spaces		1	2
• # of ADA spaces		N/A	1 (1 "Van Accessible")
Signage		As per RCMC	None proposed
Fencing		As per RCMC	None proposed

Pursuant to Section 17.50.050(F)5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a Major Amendment to a Planned Development Overlay:

Criteria	Findings
1. There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:	The subject property is approximately 1.01 acres in size and is zoned General Agricultural District. The property rises in elevation 84 feet from northeast to southwest and is accessed via Tower Road. Currently, the property is developed with an existing antenna dish and a 288 square-foot generator, which was reviewed and approved as part of an Initial and Final Planned Development Overlay application in 2011 (File# 11PD041). As part of that application, Exceptions were granted for reduced setbacks for the generator and dish antenna along the eastern and western lot line of the property.

	<p>This application has been submitted to allow an additional antenna dish located north of the existing facility. The proposed antenna is intended to be used by “Hughes Network Systems, LLC”, a national satellite internet company. As part of this application, the applicant has requested reduced setback requirements along the east and west lot lines due to the size of the antenna and the narrow nature of the lot.</p>
<p>2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:</p>	<p>A transmission tower is identified as a conditional use in the General Agricultural District.</p>
<p>3. Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:</p>	<p>The applicant is requesting to reduce the required front yard setback for the proposed structure from 35 feet to 3 feet along the eastern property line, adjacent to Mount Rushmore Road and to reduce the required rear yard setback abutting a street from 35 feet to 30 feet along the western property line, adjacent to Tower Road. The South Dakota Department of Transportation has indicated that they are in support of the Exceptions as requested and do not anticipate the reduced setback to cause any adverse impacts on adjacent land uses. Additionally, staff has noted that there is a significant rise in elevation between the Mount Rushmore Road grade and the foundation of the proposed antenna, mitigating the visual impact of the structure from adjacent traffic. Existing landscaping also provides screening from adjacent properties and preserves the natural character of the property. As such, staff recommends approval of the Exception request to reduce the required front yard setback from 35 feet to 3 feet and to reduce the required rear yard setback abutting a street from 35 feet to 30 feet.</p>
<p>4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:</p>	<p>The property is zoned General Agricultural District and a communications facility is identified as a conditional use in the district.</p>
<p>5. Any adverse impacts will be reasonably mitigated:</p>	<p>The property is not located near a residential area and is sufficiently screened from adjacent land uses due to the topographical differences in elevation of other properties surrounding the subject property and the existing landscaping within the boundaries of the Planned Development Overlay.</p>
<p>6. The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:</p>	<p>The applicant is requesting to reduce the required front yard setback for the proposed structure from 35 feet to 3 feet along the eastern property line, adjacent to Mount Rushmore Road and to reduce the required rear yard setback abutting a street from 35 feet to 30 feet along the western property line, adjacent to Tower Road. The South Dakota Department of Transportation has indicated that they are in support of the Exceptions as requested and do not anticipate the reduced setbacks to cause any adverse impacts on adjacent land uses. Additionally, staff has noted that there is a significant rise in elevation between the Mount Rushmore Road grade and the foundation of the proposed antenna, mitigating the visual impact of the structure from adjacent traffic. Existing landscaping also</p>

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Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial
In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters

	A Balanced Pattern of Growth
BPG-2.1A	Service Provider Coordination: The proposed communications facility will increase available satellite internet service in the surrounding neighborhood and community.
	A Vibrant, Livable Community
	N/A
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
TI-2.1A	Major Street Plan Integration: The property is accessed via Tower Road, which is identified as a Collector Street on the City’s Major Street Plan. Mount Rushmore Road (U.S. Highway 16) is located along the eastern lot line of the property. The South Dakota Department of Transportation has indicated that they do not anticipate any adverse impacts created by the reduced front yard setback for the communication facility along the Mount Rushmore Road frontage.
	Economic Stability and Growth
	N/A
	Outstanding Recreational and Cultural Opportunities
	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	Public Input Opportunities: The proposed Major Amendment to a Planned Development Overlay requires that public notice be advertised in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Major Amendment to the Planned Development Overlay is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):	Low Density Neighborhood
Design Standards:	
GDP-N1	Preservation of Natural Features: The proposed communications facility will continue to provide landscaping in excess of the minimum requirement for the project, aiding in preserving the natural character of the neighborhood.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	Sheridan Lake Road Neighborhood Area
Neighborhood Goal/Policy:	
US16-NA1.1G	Forest Conservation: The proposed communications facility will be surrounded by natural landscaped vegetation and will exceed the minimum required landscaping for the development, preserving the natural character of the neighborhood.

Findings	
<p>Staff has reviewed the Major Amendment to the Planned Development Overlay to expand an existing communications facility pursuant to Chapter 17.50.050(F)5 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The applicant is proposing to construct a 43.5-foot high satellite internet dish antenna for Hughes Network Systems, LLC, a national satellite internet company. As part of this application, the applicant is requesting an Exception to reduce the required front yard setback from 35 feet to 3 feet along the eastern property line and to reduce the required front yard setback from 35 feet to 30 feet along the western lot line for the dish antenna. Staff has noted that due to the existing vegetation and topography difference between Mount Rushmore Road and the foundation of the proposed tower, the facility should be adequately screened from traffic. As such, staff recommends approval of the Major Amendment to the Planned Development Overlay to expand an existing communications facility.</p>	

Planning Commission Recommendation and Stipulations of Approval	
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Staff recommends approval of the Major Amendment to the Planned Development Overlay to expand an existing communications facility with the following stipulations:	
1.	An Exception is hereby granted to allow a front yard setback of 3 feet in lieu of 35 feet required for an accessory structure;
2.	An Exception is hereby granted to allow a rear yard setback abutting a street of 30 feet in lieu of 35 feet for an accessory structure;
3.	The previously granted exception is hereby acknowledged to reduce the required front yard setback from Tower Road from 35 feet to 28 feet for the existing accessory structure;
4.	The previously granted exception is hereby acknowledged to reduce the required front yard setback from U.S. Highway 16 from 35 feet to 24 feet for the existing accessory structure;
5.	All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. Changes to the proposed sign package, which the Department of Community Development Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Development Overlay. All signage not in conformance with the Sign Code shall require a Major Amendment to the Final Planned Development. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A Sign Permit shall be obtained for each individual sign; and,
6.	The Major Amendment to a Planned Development Overlay shall allow an expansion of a communications facility on the property. Any change in use that is a permitted use in the General Agricultural District shall require a review and approval of a Minimal Amendment to the Planned Development Overlay. 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 Final Planned Development Overlay.
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Rapid City Department of Community Development

Development Review Advisories

*Disclosure: The Development Review Team has created this list of Advisories as a courtesy for your specific application. **This is not a complete list.** All City, District, State, and Federal requirements must be continually met.*

		Applicant Request(s)
Case # 19PD040		Major Amendment to a Planned Development Overlay to expand an existing communications facility
Companion Case(s) N/A		N/A
ADVISORIES: Please read carefully!		
1.	A Building Permit shall be obtained prior to any structural construction and a Certificate of Occupancy shall be obtained prior to occupancy;	
2.	All requirements of the Infrastructure Design Criteria Manual and the Rapid City Standard Specifications shall be met;	
3.	All requirements of the currently adopted Building Code shall be met;	
4.	An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;	
5.	A Right-of-way Permit shall be obtained prior to any work within the right-of-way, including grading;	
6.	ADA accessibility shall be provided throughout the structure and site as necessary;	
7.	All provisions of the underlying zoning district shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development Overlay or a subsequent Major Amendment;	
8.	All outdoor lighting shall continually 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; and,	
9.	All applicable provisions of the adopted International Fire Code shall continually be met.	