

STAFF REPORT

October 4, 2001

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**No. 01UR053 - Use On Review to allow a communication tower in the Light Industrial Zoning District**      **ITEM 33**

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GENERAL INFORMATION:

PETITIONER	M & K Consulting for Western Wireless Corp.
REQUEST	<b>No. 01UR053 - Use On Review to allow a communication tower in the Light Industrial Zoning District</b>
LEGAL DESCRIPTION	Lot 1, MDU Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.73 acres
LOCATION	710 Steele Avenue
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Park Forest District
East:	Flood Hazard District
West:	Flood Hazard District - Light Industrial District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

RECOMMENDATION: Staff recommends that the Use On Review to allow a communication tower in the Light Industrial Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a Building Permit, a Floodplain Development Permit shall be obtained;

Building Inspection Division Recommendations:

2. A Building Permit shall be obtained prior to any construction;
3. Prior to issuance of a Building Permit, three sets of Architectural/Engineer stamped plans shall be provided for review and approval;
4. A Certificate of Completion shall be obtained prior to any use of the tower;

Urban Planning Division Recommendations:

5. The tower shall be designed to allow for the co-location of a minimum of two additional antennas (for a total of three antennae) except where the additional antennas would interfere or impact the applicant's proposed antenna(s);
6. The tower shall not be illuminated by artificial means and shall not display strobe lights

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- unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority;
7. The tower shall remain unpainted allowing the galvanized steel color to show or the tower shall be painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;
  8. No commercial advertising signage shall be allowed on the tower;
  9. Prior to City Council approval of the Use on Review, the petitioner shall submit a parking plan complying with all requirements of the Off-Street Parking Ordinance or obtain a variance waiving the Off-Street Parking requirements;
  10. Prior to issuance of a Certificate of Completion, the petitioner shall either complete the parking lot improvements or post financial surety in the amount necessary to cover the cost of the improvements and then complete the improvements within one paving season;
  11. The Use on Review shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council or if the use as approved has ceased for a period of two years; and,
  12. Prior to City Council approval, if necessary a parking and circulation easement shall be recorded with the Pennington County Register of Deeds.

**GENERAL COMMENTS:** The applicant is seeking Use On Review approval to erect a 100 foot monopole cell tower and 10 foot by 20 foot equipment shed in the northeast corner of the subject property. The property is currently zoned Light Industrial Zoning District and is the location of the Montana-Dakota Utility Company Customer Service Center. The site plan submitted with this request indicates that the tower and storage shed will be located on a paved portion of the site. The site plan also identifies that the proposed tower and shed will be located two feet from the side lot line and within the Rapid Creek 100 year floodplain.

The Planning Commission reviewed a request for a communications tower at this location earlier this summer. However, that request was tabled when staff determined that the application was taken in error because communication towers were not included in Section 17.22.030 of the Rapid City Municipal Code as a use permitted on review in the Light Industrial Zoning District. On July 12, 2001 the applicant submitted a request for an ordinance amendment to allow communication towers in the Light Industrial Zoning District as a Use Permitted On Review. The ordinance amendment was approved by the City Council on September 4, 2001 and becomes effective on September 30, 2001. As such, the applicant has resubmitted a Use On Review to allow a communications tower on the subject property.

**STAFF REVIEW:** Staff has reviewed this proposal and notes the following issues:

**Off-Street Parking:** The site plan provided by the applicant indicates that the tower will be located in an area where paving will exist when the construction of the Montana-Dakota Utility Company Customer Service Center is completed. However, the site plan does not indicate the specific location of the two off-street parking spaces required for the tower use. Therefore staff is requesting that the applicant provide a revised site plan identifying the

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location of two off street parking spaces and a parking and circulation easement recorded to insure that access to the parking spaces is always maintained.

**Setbacks:** The site plan submitted with this request shows the proposed communications tower and equipment building located within two feet of the property boundary and within five feet of a riprap stabilized embankment adjacent to Rapid Creek. The Rapid City Municipal Code requires all structures to be setback from side lot lines a minimum of 25 feet in the Light Industrial Zoning District. The applicant has applied to the Zoning Board of Adjustment for a variance to reduce the required side yard setback from 25 feet to 2 feet. The Zoning Board of Adjustment will consider this request at the October 2, 2001 meeting. Staff will notify the Planning Commission as to the action of the Zoning Board of Adjustment at the October 4, 2001 Planning Commission meeting. Regardless of the Zoning Board of Adjustments action the Engineering Division is concerned that maintenance of the riprap and slope between the communications tower equipment building and Rapid Creek will be very difficult if the tower and building is located within five feet of the embankment. The Engineering Division recommends that the tower location be revised to provide adequate room for maintenance of the riprap and embankment.

**Floodplain Development:** As mentioned previously, the applicant is proposing to erect the tower and shed within the Rapid Creek 100 year hydraulic floodplain but not within the hydraulic floodway. The Engineering Division has noted that prior to issuance of a Building Permit, a Floodplain Development Permit must be obtained and that all requirements of the Floodplain Ordinance must be met.

**Aesthetic Issues:** A major issue associated with new transmission towers is the visual impact the structures will have on the surrounding area and the City in general. Staff is making three recommendations that they believe will help to minimize the adverse impacts caused by this tower. First, Staff is recommending that the tower either be left unpainted or painted white. Based on past experience with other towers, Staff has found that these two color choices are the least noticed by the general public. Second, Staff is recommending that no lighting of the tower be allowed. Exceptions to the color and lighting limitations will be allowed if the Federal Aviation Administration or another federal or state authority requires something different. Thirdly, Staff is recommending that no commercial advertising be allowed on the tower.

**Co-location:** In order to reduce visual clutter and increase the efficiency of transmission towers, the City in recent years has consistently required that new towers be constructed with the ability to co-locate other future antennae. Staff has discussed this matter with Western Wireless representatives who have indicated that this tower will be constructed to accommodate additional antennae.

**Master Plan:** Western Wireless Corporation has submitted four Use On Review requests to allow cellular communication tower to the City Planning Department this spring. Planning Staff has requested that the applicant provide a master plan identifying the location of existing and proposed towers and the service area of each tower to ensure that co-location

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of antennae is occurring when possible.

The required Use on Review sign has been posted on the property. The applicant has not returned the receipts from the certified mailing. Staff will notify the Planning Commission in the event these receipts are not received prior to the October 4, 2001 Planning Commission meeting. Staff has not received any telephone inquiries regarding this request.