

STAFF REPORT

October 4, 2001

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**No. 01UR042 - Use on Review to allow a Communication Tower in the Public Zoning District** **ITEM 27**

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GENERAL INFORMATION:

PETITIONER	M & K Consulting for Western Wireless Corp.
REQUEST	<b>No. 01UR042 - Use on Review to allow a Communication Tower in the Public Zoning District</b>
LEGAL DESCRIPTION	a parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T.1N., R.7E., B.H.M., Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at the Northwest Corner of Tract "A", which bears N0°01'49"W a distance of 1516.46 feet from the Southwest Corner of Section 23, T.1N., R.7E., B.H.M., being the POINT OF BEGINNING; Thence S89°59'13"E along the north boundary of said Tract "A" a distance of 527.28 feet; Thence S07°18'58"W a distance of 460.40 feet to the proposed centerline of Tish Drive, Thence N82°32'54"W along said centerline a distance of 9.91 feet to the beginning of a curve concave to the Southwest having a radius of 150.00 feet and a central angle of 54°38'42"; Thence along said centerline and along said curve an arc distance of 143.06 feet; Thence along said centerline S42°48'28"W a distance of 483.98 feet to a point on the west section line of Section 23 and the west boundary of said Tract "A"; thence N0°01'49"W along said section line and along the west boundary of Tract "A" a distance of 857.37 feet to the point of beginning. Containing 6.90 Acres more or less
PARCEL ACREAGE	Approximately 6.90 acres
LOCATION	North of Golden Eagle Drive and adjacent to old Marine Life
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Business Park District
South:	Office Commercial District w/ PCD
East:	General Commercial Distict w/PCD
West:	General Agriculture District
PUBLIC UTILITIES	To be extended

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REPORT BY

Lisa Seaman

RECOMMENDATION: Staff recommends that the Use on Review to allow a Communication Tower in the Public Zoning District be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to issuance of a Building Permit, a detailed geotechnical study shall be submitted for review and approval;

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 unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority and that red strobe lighting will be utilized if lighting is required;
7. The tower shall remain unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;
8. Prior to issuance of a Building Permit, the section line highway right-of-way shall be vacated or the applicant shall obtain a variance to allow structures within the required side yard setback;
9. No commercial advertising signage shall be allowed on the tower;
10. That all requirements of the Off-Street Parking Ordinance shall be continually met; and,
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.

GENERAL COMMENTS: **(Updates to the staff report are shown in bold.) This item was continued from the September 20, 2001 Planning Commission meeting to allow the applicant time to research the possibility of co-locating their communications antenna on an existing radio tower located in the vicinity of the subject property. In addition, the Planning Commission requested that the applicant provide elevation drawings of the proposed communications tower. The applicant has provided this information (see the attachments titled elevations and correspondence).** The applicant is seeking Use On Review approval to locate a 380 foot communications tower and a ten foot by twenty eight foot building in the Public Zoning District. The City of Rapid City has identified this parcel as the location for a fire station and is in the process of platting the

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subject property (see related item 01PL071). The applicant has met with Fire Department staff and discussions are on going regarding the location of the fire station and the communications tower.

STAFF REVIEW: To date the applicant has not submitted a site plan for this request. A complete review of the major issues associated with this request cannot be completed without a site plan. As mentioned previously, the Fire Department is working with consultants to determine the location of the communications tower. A site plan has been submitted and reviewed identifying the location of the proposed fire station and communications tower.

**Tower Design:** Staff is concerned with the visual impact of the tower. The tower will be a 380 foot structure located west of U.S. Highway 16. To reduce the visual impact of the tower, staff recommends that the tower not be lit and shall not display strobe lights unless the Federal Aviation Administration or other federal or state agency specifically requires such lighting. Staff prefers that red strobe lights be utilized if tower lighting is required. Staff is also 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. 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 has 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.

**Vacation of right-of-way:** The west boundary of the subject property is adjacent to a section line highway right-of-way. As mentioned previously, the City of Rapid City is platting the subject property and intends to vacate the east half of the right-of-way adjacent to proposed Lot 2 as a part of the plat. The applicant's site plan shows a fence within the section line highway right-of-way and the tower and accessory buildings within the required 25 foot side yard setback. Staff is recommending that prior to issuance of a Building Permit the section line highway right-of-way be vacated or the applicant shall obtain a variance to allow the structures within the required side yard setback.

**Fencing:** The applicant is proposing to construct an eight foot high security fence around the proposed tower. Staff has noted that the Rapid City Municipal Code does not allow eight foot high fences in the Public Zoning District and that a fence height variance will need to be obtained prior to construction of the fence.

As of this writing, documentation of completion of the certified mailing has been submitted by the petitioner. The required Use On Review sign has been posted on the property.