

STAFF REPORT

January 10, 2002

No. 01UR056 - Major Amendment to a Use On Review to allow a communications tower in the General Commercial Zoning District

ITEM 38

GENERAL INFORMATION:

PETITIONER	Don Steveson for Kevin Galik
REQUEST	No. 01UR056 - Major Amendment to a Use On Review to allow a communications tower in the General Commercial Zoning District
LEGAL DESCRIPTION	The N1/2 of Lot 4 and all of Lots 5 and 6 of Lot A of the SE1/4 SE1/4 of Section 6, T1N, R8E, BHM, and the east 44 feet of Lots 5, 6, 7 and 8 in Block 1 of Radio Towers Subdivision; together with that part of the alley vacated by a resolution recorded September 14, 1962, in Book 80 of misc. records on Page 442, which adjoins Lots 5, 6, 7 and 8 in Block 1, Radio Towers Subdivision all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .47 acres
LOCATION	1711 Cambell Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/7/2001
REPORT BY	Lisa Seaman

RECOMMENDATION:

Staff recommends that the Major Amendment to a Use On Review to allow a communications tower in the General Commercial Zoning District be approved if the Planning Commission finds that it is appropriate to waive the requirement to provide fencing surrounding the communications tower.

GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This request was continued from the December 6, 2001 Planning Commission meeting to allow the applicant time to consider alternative methods other than fencing for securing the

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existing communications tower located on the subject property. At the December 6, 2001 Planning Commission meeting the owner of the tower indicated that he would work with staff to identify the most effective means of altering the tower to restrict climbing with the least visual impact. On January 2, 2002 the owner contacted staff and noted that he was still investigating alternative methods for securing the tower as well as fencing the tower. On October 15, 2001 the City Council approved a request for a Use On Review to allow a communications tower in the General Commercial Zoning District with eight stipulations. The Use On Review approval allowed the applicant to co-locate three stealth antennas on an existing 105 foot self-supporting lattice tower. Rushmore Electric Power Cooperative, the owner of the subject property, erected the tower in 1991. The tower was used exclusively for communication between Rushmore Electric facilities and their employees and was permitted as an accessory use to the Rushmore Electric offices. The addition of the communication antenna for use by the general public changed the classification of the existing tower from an accessory use to a communications tower triggering the requirement for the Use On Review.

One of the conditions of approval of the Use On Review required that the applicant install a six foot high fence surrounding the tower within 30 days of installation of the antenna. The applicant is now requesting that the fencing requirement be waived.

STAFF REVIEW: The existing communications tower is a self-supporting lattice tower located ten feet north of the existing office building and 115 feet west of Cambell Street. Currently, the tower is not surrounded by fencing and is in plain view of vehicular and pedestrian traffic on Cambell Street. Staff recommended in the original Use On Review that the applicant install a six foot high fence around the tower to restrict access to the lattice tower for safety reasons. Staff found that the lattice design of the tower as well as the highly visible location of the tower warranted the provision of fencing surrounding the communications tower.

In order to remain consistent with past recommendations, staff reviewed Use On Review requests to allow communications tower that have been acted upon by the City Council since 1998. Staff found that in every request the site plan submitted showed that either existing fencing would surround the communications tower or that the applicant intended to install new fencing around the tower. Though not a stipulation of approval in previous reviews, fencing surrounding communications towers has consistently been provided.

Staff acknowledges the importance of the collocation of cellular communication antenna on existing towers. Staff believes that the security provided by the fence outweighs the negative visual impact of the fence. Staff is not aware of any problems associated with the existing tower and the lack of a fence. It should be noted that a six foot wooden fence is located along the rear property line providing separation between the communication tower and the adjoining residential neighborhood. The applicant has noted that if the fencing requirement is not waived, Rushmore Electric will terminate the agreement that allows Qwest to collocate their antennae on the Rushmore Electric tower. The Planning Commission may wish to recommend that the fencing requirement be deleted, if the collocation of the tower is a higher priority than the fencing requirement.

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As of this writing, the receipts from the certified mailings have been returned and the Use On Review sign has been posted on the property.