STAFF REPORT

April 10, 2003

No. 02SR028 - 11-6-19 SDCL Review of a public utility in a Light Industrial Zoning District **ITEM 8**

GENERAL INFORMATION:

PETITIONER	Jerry Gyles for Golden West Technologies
REQUEST	**No. 02SR028 - 11-6-19 SDCL Review of a public utility in a Light Industrial Zoning District**
EXISTING LEGAL DESCRIPTION	Tract E of Fountain Springs Business Park, Section 27, T2N, R7E, BHM, Rapid City, Pennington County South Dakota
PARCEL ACREAGE	Approximately 1.364 acres
LOCATION	2727 North Plaza Drive
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	General Agriculture District/Light Industrial District
South:	General Agriculture District
East:	General Agriculture District
West:	Light Industrial District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	11/07/2002
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the 11-6-19 South Dakota Codified Law Review of a public utility be continued to the April 24, 2003 Planning Commission meeting to allow the applicant time to submit additional information.

GENERAL COMMENTS: **(Updates to the staff report are shown in bold.) This request was continued from the March 27, 2003 Planning Commission meeting. Staff met with the applicant and additional representatives from Golden West to discuss the applicant's request. Based on that meeting, the applicant will be providing additional information clarifying the technical requirements of their system as well as the alternatives that they have explored. Staff believes that the additional information may have a significant impact on the staff recommendation regarding the request as well as the Planning Commission's understanding of the applicant's needs. For that reason, staff is recommending that this request be continued to the April 24, 2003**

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Planning Commission meeting.

The applicant is requesting an 11-6-19 SDCL Review approval to locate a communication tower at 2727 North Plaza Drive. The applicant is proposing an 80 foot monopole tower that has the capabilities to extend to 120 feet. The proposed tower would not have any lighting, and the proposed color would be galvanized steel. The proposed location is zoned Light Industrial District. Communication towers are a conditional use in the Light Industrial Zoning District; however, as the applicant is a public utility, the provisions of the 11-6-19 SDCL apply to the proposal instead of the Conditional Use Permit process.

South Dakota Codified Law 11-6-19 states that "…whenever any such municipal council has adopted a comprehensive plan, then no street, park or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The proposed site is publicly owned property. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission as a part of an 11-6-19 SDCL Review.

Currently, there are offices and warehousing at the site. Golden West Technologies Inc. has their offices located here with additional warehousing. There is approximately 10,567 square feet of offices at the site with 1,200 square feet of warehousing. The original structure was built in 1995, and an office addition was built in 2001.

STAFF REVIEW: Staff has reviewed the proposed 11-6-19 SDCL Review and has noted the following major issues:

Co-location – Information regarding the need for the proposed communication tower at this site is required in order to adequately review any proposed tower at the site. The Planning Commission has previously required that information documenting that other existing or approved locations can not provide the necessary service must be provided prior to the approval of a new location. Information regarding possible co-location on other existing towers must also be provided. On December 4, 2002 the applicant submitted a map showing the location of the towers that provide coverage for their company, in addition to the location of the proposed tower. The applicant stated that the proposed tower will provide redundancy to their customers in the Rapid City Area. The applicant stated that there are no other communication towers in the vicinity of the proposed location that will be able to accomplish this task. However, as of this date the applicant has provided no documentation as to why the facility is necessary or why the facility can not be co-located on an existing tower. Staff is recommending that this hearing be continued to allow the applicant to provide this information. As per a phone conversation on January 7, 2003, the applicant stated additional information was being gathered, and the information showing why co-

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location at an existing tower is not feasible will be submitted. As per a phone conversation on January 28, 2003, the applicant stated delays in the collection of information has caused delays in that information being submitted. However, the applicant indicated that additional information will be submitted when it has been obtained.

The applicant submitted additional information on March 14, 2003 addressing the potential for collocation of facilities on adjacent towers. The applicant has addressed three towers in the specific service area associated with the proposed tower. The applicant has stated two of the towers are technically incompatible due to the of broadcast frequencies utilized.

The applicant has indicated that they do not wish to collocate on the third tower due to the cost of extending fiber optic cables to the site. The applicant has stated the cost of constructing their own new tower is $68,466. The applicant has stated that the cost to extend fiber optic cable to the third tower for collocation is $364,140. The applicant has stated there would be an additional annual co-location fee. To this date the City of Rapid City Planning Commission has supported the co-location of cellular towers where ever technically feasible. Information provided by previous applicants indicates that the cost differential is not significant as compared to revenues associated with communication facilities.

Aesthetic Issues – A major issue associated with transmission towers is the visual impact the structures have on the surrounding area and the City in general. It is important to note that the co-location of the use on an existing tower would have the most minimal impact possible. Should documentation be provided that the tower is necessary, three aspects have been identified that will reduce the adverse impacts caused by the proposed development. The petitioner has proposed that the tower is unpainted, which leaves the tower at galvanized steel. Based on past experience with other towers, Staff has found that this color choice has less negative impacts on the general public. Secondly, the applicant has not proposed any lighting on the tower. This will also reduce the negative impacts that the proposed tower will have on the general public. Finally, the petitioner has proposed no signage on the tower which will also reduce the negative impacts on the surrounding land uses.

Fencing – The proposed communications tower is of a monopole design located 30 feet away from the existing building and 75 feet from Rand Road. The proposed site plan does not show any fencing surrounding the proposed tower, and the location is in plain view of vehicular and pedestrian traffic on Rand Road. Staff has concerns with the unobstructed access to the tower and is recommending that the applicant install a six foot fence around the tower. The applicant submitted information showing the proposed tower will be a monopole tower with climbing pegs 12 feet above the ground. In addition, the applicant has stated that the facility is operational 24 hours a day, seven days a week. Staff is recommending a security fence be installed to be consistent with past requirements for communication towers.

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Parking – The site plan the applicant has submitted shows 58 parking spaces at the site. The required number of parking spaces for the square footage of the uses shown as office, office undivided and warehouse is 58 spaces.

Landscaping – The required number of landscaping points for a lot of 59,416 square feet and a structure of 11,767 square feet is 47,649 points. The site plan submitted shows 57,608 landscaping points which exceeds the required minimum landscaping points for the site. Any landscaping that is to be displaced by the proposed tower shall be relocated on the site.

Setbacks – The required setbacks in the Light Industrial Zoning District are twenty-five feet on all sides. The site plan the petitioner has submitted shows all proposed structures being located outside the required setbacks.

Lot Coverage – The lot coverage for a structure of 11,767 square feet with off-street parking improvements of 20,384 square feet on a lot that is 47,649 square feet is 67.4 percent. The maximum lot coverage in a light industrial zoning district is 75 percent. The proposed 67.4 percent is within the 75 percent allowed coverage.

Staff is recommending that the proposed request **be continued to the April 24, 2003 Planning Commission meeting to allow the applicant time to submit additional information.** Staff notes that 11-6-19 South Dakota Codified Law Reviews do not require direct notification of neighboring property owners. In addition, South Dakota Codified Law does not require that 11-6-19 South Dakota Codified Law reviews be advertised in a local newspaper.