



October 17, 2003

Karen Bulman  
City of Rapid City Planning Department  
300 Sixth Street  
Rapid City, South Dakota 7701

Re: Parking Requirement Waiver Request for Planning Commission Hearing

Dear Ms. Bulman:

Western Wireless Corporation is hereby requesting a waiver for parking requirements outlined in the Rapid City Municipal Code Chapter 17.50.270 "Off-street Parking Ordinance". The City of Rapid City Planning Department is requiring that Western Wireless Corporation install two (2) paved parking stalls (including one (1) handicapped accessible stall) at the existing unmanned telecommunication facility located at 1625 Skyline Drive for the addition of one (1) microwave dish. Additionally, the City of Rapid City Planning Department is requiring that Western Wireless pave the existing access driveway to meet applicable road requirements outlined in Chapter 17.50.270. More particularly, Western Wireless is requesting the waiver for the following reasons:

- According to Chapter 17.50.270.B in the Rapid City Municipal Code:

Initiation and Expansion of Use. Every building, structure or use with parking facilities which does not conform to the requirements of this title shall conform with the provisions of this section when a use is initiated or expanded.

1. A use is initiated when:

- a. A building or structure is erected;
- b. An existing property, structure, or portion thereof, changes from one standard industrial classification (SIC) two-digit code classification to another; or
- c. An existing property, structure or portion thereof, other than a single-family or duplex structure, is occupied after an intervening vacancy of at least one year.

2. A use is expanded when:

- a. An existing building or structure is enlarged by twenty percent or more with respect to square feet of gross floor area (SFGFA);
- b. An existing building or structure is modified internally to accommodate an increased occupant load of twenty percent or more, as determined by the Uniform Building Code adopted in Chapter 15.12 of this code;
- c. A use is expanded by twenty percent or more as measured by area, employees, rooms, seats, dwelling units or occupants; or
- d. A garage or carport is added to the structure.

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The addition of one (1) microwave dish to this existing facility does not constitute enlarging the existing structure by twenty percent (20%) or more. Additionally subsequent to the original approval, Western Wireless has actually removed three (3) antennas from this facility. Western Wireless is not enlarging and/or altering the existing structure's square feet of gross floor area. Therefore, the status quo parking approved with the telecommunication facility in 1992 would still be applicable to this site. Based on the zoning code, Western Wireless's proposed microwave dish would not necessitate the requirement to add paved parking at this facility.

- According to Chapter 17054.020 Variances in the Rapid City Municipal Code:

The purpose of the variance is to modify the strict application of the specific requirements of this title in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property as the zoning ordinance intended.

This facility has already been granted a variance to construct the telecommunication facility without requiring a paved access by the Zoning Board of Adjustment on October 20, 1992 (Appeal No. 3011). This variance approval provides this site the authority to have an unpaved access to the unmanned facility. Specifically, the board granted the variance based on the following:

The board finds that there are special conditions applicable to the property which do not apply generally to other property owners in the district, whereby a strict application of the requirements of this ordinance will result in deprivation of reasonable use of the property; that such conditions were not self-imposed; and that the variance will not be a grant of special privilege to the applicant; and substantial justice will be done. Because of the small lot, the topography and steepness of the property, the board finds no reasonable use can be made of the property without this variance; that the variance granted is the minimum adjustment necessary; the variance will not be injurious to the neighborhood; that it will be in keeping with the public welfare; will be in compliance with the comprehensive plan; and the spirit of the zoning ordinance will be observed.

This property is still utilized as an unmanned facility and none of the site conditions and/or reasoning outlined in the decision for originally granting the variance has changed. Therefore, the original variance decision would still be applicable.



- Western Wireless Corporation is not the owner and/or operator of this facility. Western Wireless merely leases tower and shelter space for their wireless telecommunication equipment. Western Wireless does not have the authority to provide the additional paved parking spaces required by the City of Rapid City Planning Department.
- This tower and associated building located at 1625 Skyline Drive is an unmanned facility. Therefore, no traffic impacts can be associated with these types of facilities as they are unmanned and require infrequent maintenance.
- According to the 1991 Uniform Building Code (UBC) Chapter 31 “Accessibility” Section 3103A “Building Accessibility” under Exceptions 1 and 3:

“Floors or portions of floors not customarily occupied, including, but not limited to, elevator pits, piping and equipment catwalks, and machinery rooms” and “Building portions or buildings used exclusively for storage or warehousing which are not intended for public use and where persons are not employed...”

This facility under the UBC is exempted regarding accessibility. This telecommunication facility is unmanned and has areas that are both not customarily occupied, not intended for public use, and does not have any employees employed at this location. Therefore, the accessibility regulations should be waived.

If you have any questions and/or concerns regarding this waiver request, please feel free to contact me at work (206) 490-3811, by cellular (206) 979-6268, or via e-mail [stelschow@realcomassoc.com](mailto:stelschow@realcomassoc.com).

Respectfully,

Sarah A. Telschow