

STAFF REPORT
May 5, 2005

No. 05SR016 - SDCL 11-6-19 Review to allow the removal of an existing cell tower and allow the construction of a new cell tower on private property **ITEM 22**

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers for Verizon Wireless
REQUEST	No. 05SR016 - SDCL 11-6-19 Review to allow the removal of an existing cell tower and allow the construction of a new cell tower on private property
EXISTING LEGAL DESCRIPTION	Lot 2, Block 2, Rapps Addition and South half of the vacated alley adjacent to and North of Lot 2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .65 acres
LOCATION	640 Farnwood Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/6/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the removal of an existing cell tower and allow the construction of a new cell tower on private property be continued to the May 26, 2005 Planning Commission meeting.

GENERAL COMMENTS:

The subject property is located at the northwest corner of Farnwood Avenue and Pine Street. Currently there is a 3,148 square foot one story commercial building located on the subject property. There is also an existing 80 foot high cellular communications tower without any equipment shelter located on the subject property. The existing cellular communications tower was approved by the City Council on May 21, 2001. The applicant is now proposing to remove the existing tower and construct a new 90 foot high stealth flag pole cellular communications tower with an accessory 360 square foot

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equipment shelter.

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 construction is located on private property; however, the construction will serve a public utility requiring that the Planning Commission review and approve the proposed construction.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Building Permit: Staff noted that a Building Permit must be obtained prior to initiation of construction and that a Certificate of Occupancy must be obtained prior to occupying the new equipment shelter. The applicant has indicated that the proposed equipment building will be a prefabricated structure. As such, a copy of a third party inspection of the structure must be provided prior to issuance of a Building Permit.

Design Features: The submitted elevation drawings show the proposed cellular tower to be 90 feet in height and designed with a stealth flag pole appearance. The accessory equipment building is 360 square feet in size and has a height of approximately nine feet. The exterior of the equipment building is proposed to be constructed of concrete material with a flat roof. Staff is recommending that if approved, a United States of America Flag be displayed on the proposed stealth flag pole cellular tower and the flag appropriately lit or removed at sunset each day.

Setbacks: The General Commercial Zoning District requires that a 25 foot front yard setback be provided with a zero side and rear yard setback when the adjacent properties are also zoned General Commercial. The adjacent properties located north and west of the subject property are also zoned General Commercial. As such, no side and rear yard setback must be provided. The proposed cellular communications tower and equipment shelter are set back from the front property line along Farnwood Avenue approximately 115 feet and from Pine Street approximately 165 feet. The proposed cellular communications tower is set back from the west property line 13.5 feet and from the north property line 21 feet two inches. The proposed equipment shelter is set back from the west property line 10 feet five inches and from the north property line 27.5 feet. The proposed cellular communications tower and equipment shelter meets the minimum setbacks of the General Commercial Zoning District.

Parking: The staff report for the previously approved Conditional Use Permit (01UR012) stated that the existing 3,200 square foot structure was constructed in 1940 and currently has no paved parking. The property was annexed by the City of Rapid City on September 12, 1986

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and is considered a legal nonconforming property because no paved parking has been provided. The City's Off-Street Parking Ordinance is triggered whenever a building or structure is erected. The construction of the new tower requires that two paved parking stalls, one being handicapped accessible, and paved circulation be provided for this new use. The addition of the tower represents only a 6.5 percent expansion of the structures on this property. The Ordinance states that buildings or structures with parking facilities must conform to the provisions of the Parking Ordinance when an existing building or structure is enlarged by twenty percent or more with respect to square feet of gross floor area. Therefore, this expansion will not trigger compliance with the Parking Ordinance for the existing structure. Staff has requested that the applicant submit a revised site plan identifying the location of two paved parking stalls and paved circulation to the paved parking area. The applicant has submitted a revised site plan identifying the location of the two paved parking stalls and showing paved circulation to the stalls. However, the site plan requires further revisions with regard to circulation and aisle width.

The two submitted site plans do not match. One site plan shows that the parking area located in the southeast corner of the subject property is paved. Another site plan shows a portion of the parking area to be paved with the majority of it as gravel with a proposed gravel parking area to be provided for the new tower and equipment shelter. Staff is recommending that the applicant submit a revised site plan showing the proposed site layout and two paved parking stalls for the cellular communications tower and equipment shelter with a paved access to those parking stalls or a variance shall be obtained.

Fencing: The submitted plans for the proposed development indicate that a six foot high chain link fence topped by approximately one foot of barbed wire will enclose the facility. Section 15.40.090 of the Rapid City Municipal Code states that barbed wire fencing materials may be used in the General Commercial Zoning District when such material is located not less than six feet above the ground. However, the subject property is located in an area of numerous hotels frequently visited by tourists. Staff recommends that the fencing provided not have barbed wire associated with it. Staff noted that a Building Permit is required for all fencing in excess of six feet in height. As such, a Building Permit must be obtained prior to initiation of construction of the proposed fence if it exceeds six feet in height.

Grading: Staff noted that a grading plan must be provided if additional parking is provided on the subject property.

Fire Safety: Staff noted that access for Fire Department apparatus appears adequate. Staff also noted that the proposed structure must be addressed with 12 inch high numbers that are readily seen from the street or access point.

Staff is recommending that the SDCL 11-6-19 Review be continued to the May 26, 2005 Planning Commission meeting to allow time for the applicant to revise the site plan and submit the additional required information.