

STAFF REPORT  
July 23, 2009

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**No. 09UR020 - Major Amendment to a Conditional Use Permit to allow expansion of an existing structure (communication tower)**

**ITEM 27**

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GENERAL INFORMATION:

APPLICANT	SWS, LLC
AGENT	Scott Goble
PROPERTY OWNER	Montana - Dakota Utilities, Co.
REQUEST	<b>No. 09UR020 - Major Amendment to a Conditional Use Permit to allow expansion of an existing structure (communication tower)</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of MDU Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.73 acres
LOCATION	718 Steele Avenue
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Park Forest District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/26/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to allow expansion of an existing structure (communication tower) be approved with the following stipulations:

1. Prior to Planning Commission approval, the applicant shall submit a revised site plan showing two proposed parking spaces for the communication facility with one of the spaces being "van" handicap accessible or the applicant shall demonstrate that the existing parking is sufficient for the office, warehouse and communication facility uses located on the property or a Variance shall be obtained to reduce the parking requirement;
2. A building permit shall be obtained prior to the start of construction of the concrete pad or

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- the placement of the equipment cabinets and antennas;
3. Prior to issuance of a building permit, a Floodplain Development Permit shall be obtained;
4. The tower shall continue to be designed to allow for the location of a minimum of three carriers;
5. 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;
6. The tower shall remain unpainted allowing the galvanized steel color to show or the tower shall be painted white unless alternative colors are required by the Federal Aviation Administration or other Federal or State authority;
7. No commercial advertising signage shall be allowed on the tower; and,
8. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission or if the use as approved has ceased for a period of two years.

**GENERAL COMMENTS:**

The applicant has submitted a Major Amendment to a Conditional Use Permit to allow six additional antennas to be co-located on an existing 100 foot high monopole communication tower currently located on the property. In addition, the applicant is proposing to construct an 8 foot by 8 foot concrete pad for the placement of three equipment cabinets at the base of the tower.

In 2001, a building permit was issued for the customer service center and warehousing currently located on the property. On November 5, 2001, the City Council approved a Use on Review (File #01UR053) to allow a 100 foot high monopole tower with an equipment shed to be located in the northeast corner of the property.

The property is located in the northeast corner of the intersection of Steele Avenue and E. Main Street. Currently, a customer service center and storage yard for Montana Dakota Utilities is located on the property. In addition, an existing 100 foot high monopole communication tower and a 12 foot by 20 foot equipment shelter is located in the northeast corner of the property. The storage yard, the communication tower and the equipment shed are enclosed within a six foot high chain link fence.

**STAFF REVIEW:**

Staff has reviewed the Major Amendment to a Conditional Use Permit and has noted the following considerations:

**Tower:** The existing 100 foot high monopole tower was constructed and designed to allow for two additional carriers to co-locate on the facility. As such, allowing the applicant to co-locate on the existing tower is in compliance with the original stipulations of approval and precludes the need to construct a second tower within the area. In addition, the applicant has submitted a service area map demonstrating the need to provide coverage within this area.

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Staff recommends that the tower continue to be maintained in compliance with the original stipulations of approval. Specifically, that the tower shall continue to be designed to allow for the location of a minimum of three carriers, that 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, that the tower shall remain unpainted allowing the galvanized steel color to show or the tower shall be painted white unless alternative colors are required by the Federal Aviation Administration or other Federal or State authority, and, that no commercial advertising signage shall be allowed on the tower.

Floodplain: A portion of the property is located within the 100 year Federally Designated Floodplain, including the area of the existing communication tower. As such, prior to the start of construction of the concrete pad or the placement of the equipment cabinets, a Floodplain Development Permit must be obtained.

Parking: The site plan approved as a part of the building permit for the customer service center and storage yard identified 88 parking spaces being provided on the property. The Zoning Board of Adjustment granted a Variance to allow graveled parking for large vehicle and equipment parking and storage, which was in addition to the 88 paved parking spaces.

The original Use on Review for the communication tower was approved with two new parking spaces being provided for the tower. However, to date, these two parking spaces have not been constructed.

The existing customer service center, storage yard and communication facility require that a minimum of 84 parking spaces be provided on the property. Four of the parking spaces must be handicap accessible with one of the handicap spaces being "van" accessible. The applicant has submitted a site plan showing 40 paved parking spaces. In addition, the applicant has submitted a written statement indicated that 49 additional parking spaces exist within the fenced area. However, the site plan does not show these parking spaces. As such, prior to Planning Commission approval, the applicant must demonstrate that the existing parking is sufficient for the office, warehouse and communication facility uses located on the property or the applicant must submit a revised site plan showing two additional parking spaces for the communication facility with one of the spaces being "van" handicap accessible or a Variance must be obtained to reduce the parking requirement.

Staff recommends approval of the Conditional Use Permit with the stipulations of approval as identified above.