

STAFF REPORT
November 5, 2009

No. 09SR089 - SDCL 11-6-19 Review to construct communication antennas **ITEM 29**

GENERAL INFORMATION:

APPLICANT	Mark Krenn for WWC License LLC d/b/a Alltel
AGENT	Ralph Wyngarden for Faulk & Foster
PROPERTY OWNER	Barbara Forbes
REQUEST	No. 09SR089 - SDCL 11-6-19 Review to construct communication antennas
EXISTING LEGAL DESCRIPTION	Lots 1 thru 5 and Lots 19 and 20 in Block 15 of Schnassee Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.94 acres
LOCATION	115 East North Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Low Density Residential District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/6/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to construct communication antennas be approved, that the Exception request to allow the alley to serve as the primary access be approved, that the Exception request to allow backing into the alley be approved and that the Exception request to allow a 192 square foot equipment shelter in lieu of a maximum 100 square foot equipment shelter be approved.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to construct communication antennas within a false roof top chimney. On March 26, 2009, the Planning Commission approved a SDCL 11-6-19 Review (#09SR014) to allow the construction of a communication facility within the existing building located on the property and to attach 3 antennas on the roof of

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the building. The approved site plan identified that the proposed roof top antennas would be covered with three brick façade(s) that resemble a chimney. However, in lieu of the three false rooftop chimneys to conceal the antennas, the applicant is proposing to consolidate the equipment into one chimney. The location of the chimney is also being moved from the edge of the roof to the middle of the roof. Since the proposed construction plans do not match the approved construction plans, the applicant has submitted this SDCL 11-6-19 Review to consolidate the equipment as identified above.

South Dakota Codified Law 11-6-19 states that “whenever any such Municipal Council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, 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 as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission”. The proposed location for the cellular antennas is located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

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

Parking Plan: A parking plan identifying 24 parking stalls with two handicap accessible spaces was approved as a part of the previously approved SDCL 11-6-19 Review to allow the communication facility to be located on the property. The approved parking plan identified the alley as primary access to the property. In addition, seven of the angled parking spaces are shown to back into the alley. Both of these design standards are not in compliance with the Street Design Criteria Manual and/or the Parking Regulations. Even though the applicant did not request specific Exceptions to these design standards, approval of the parking plan as a part of the original SDCL 11-6-19 Review request resulted in the City granting the Exceptions. As a part of this application, the applicant is proposing to leave the parking lot as previously approved and has submitted an Exception request to allow the alley to serve as primary access and to allow backing into the alley.

Since this proposed revision consolidating the equipment into one chimney will not create any additional parking requirements and since the applicant is not proposing to alter the parking plan at this time, staff recommends that the Exception request to allow the alley to serve as primary access and to allow backing into the alley be approved. The applicant should be aware that any future redevelopment of the property will require that the parking lot be redesigned to comply with the City’s Parking Regulations and the Street Design Criteria Manual.

Developmental Lot Agreement: A portion of the parking lot is located on an adjacent property. Prior to issuance of a building permit, the applicant must enter into a Developmental Lot

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Agreement. In addition, the agreement must be recorded at the Register of Deed's Office and a copy of the recorded document submitted to the Growth Management Department.

Landscaping Plan: A minimum of 25,045 landscape points are required for the property as per the City's adopted Landscape Ordinance. The previously approved landscaping plan identified 25,952 landscaping points, which exceeds the minimum required points. The applicant has indicated that the approved landscaping plan will not be altered as a part of this application. The applicant should be aware that the plant material must be planted in compliance with the approved landscaping plan prior to issuance of a building permit.

Equipment Shelter: The previously approved SDCL 11-6-19 Review to allow the communication facility to be constructed on the property also granted an Exception to allow a 192 square foot equipment shelter in lieu of a maximum 100 square foot equipment shelter as per Chapter 17.50.400 of the Rapid City Code. Submitting this SDCL 11-6-19 Review to alter the rooftop chimney design requires that the applicant also resubmit an Exception request to allow a 192 square foot equipment shelter in lieu of a maximum 100 square foot equipment shelter.

Since the design and location of the previously approved equipment shelter is not being altered, staff recommends that an Exception be granted as a part of this review and approval to allow the proposed 192 square foot equipment shelter in lieu of a maximum 100 square foot equipment shelter.

Rooftop: Prior to the issuance of a building permit, a structural engineer must analyze the rooftop to insure that the building can support the addition weight of cell equipment as well as the two 3-ton HVAC units. This information must be submitted for review and approval as part of the building permit application.

Fire Code: All provisions of the currently adopted International Fire Code must be continually met.

Building Permit: The applicant must obtain a Building Permit prior to any construction and a Certificate of Occupancy prior to occupancy.

The location and extent of the proposed cellular communications antennas is consistent with the adopted Comprehensive Plan and the related regulations. As such, staff recommends that the SDCL 11-6-19 Review to allow the construction of three cellular antennas be approved in conjunction with the Exceptions as noted above.