

STAFF REPORT
October 7, 2010

No. 10UR029 - Conditional Use Permit to allow a cellular communication tower in the General Commercial Zoning District **ITEM 20**

GENERAL INFORMATION:

APPLICANT	General Dynamics
AGENT	Stephen Parker for General Dynamics
PROPERTY OWNER	Midcontinent Communications
REQUEST	No. 10UR029 - Conditional Use Permit to allow a cellular communication tower in the General Commercial Zoning District
EXISTING LEGAL DESCRIPTION	Lot 1 of Huffman Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1 acre
LOCATION	East of Cambell Street at the current eastern terminus of East Philadelphia Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District - Heavy Industrial District
East:	General Commercial District
West:	Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/13/2010
REVIEWED BY	Jim Flaaen / Ted Johnson

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a cellular communication tower in the General Commercial Zoning District be approved with the following stipulations:

1. The antennas shall be located and installed as per the specifications on the approved construction plans;
2. A Building Permit shall be obtained prior to the start of construction or installation of any antennas;
3. The proposed accessory equipment shall be installed within the existing penthouse as per the approved plan;
4. Off-street parking in compliance with the adopted Off-Street Parking Ordinance shall be

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- provided at which time a cumulative 20% expansion of gross square footage from existing conditions is achieved. Off-street parking facilities shall be installed, striped and maintained in compliance with the adopted Off-Street Parking Ordinance;
5. Landscaping in compliance with the adopted Landscape Ordinance shall be provided at which time a cumulative 20% expansion of gross square footage from existing conditions is achieved. Landscape shall be installed in compliance with the adopted Landscape Ordinance and continually maintained in a live vegetative state, kept free of refuse and debris and replaced when necessary;
 6. The two driveway approaches onto the property from East Philadelphia Street shall be combined into one approach at the time East Philadelphia Street is constructed;
 7. All applicable provisions of the currently adopted International Fire Code shall be continually met;
 8. All provisions of the General Commercial Zoning District shall be continually met; and,
 9. The Conditional Use Permit shall expire if the use as approved 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 Conditional Use Permit to allow a cellular communications tower on the property located at 1520 East Philadelphia Street. In particular, the applicant has proposed to remove and replace 14 existing cellular communications antennas located on top of an existing cellular communications tower.

The property is located at the eastern terminus of East Philadelphia Street, on the north side of East Philadelphia Street and east of Cambell Street. An existing communications station, tower and accessory structures are located on the property.

STAFF REVIEW: Staff has reviewed the Conditional Use Permit and has noted the following considerations:

South Dakota Codified Law 11-6-19: Previously, the installation and operation of wireless cellular communication facilities was governed by the SDCL 11-6-19 review process. However, SDCL 11-6-19 was repealed by the South Dakota Legislature effective July 1, 2010. Consequently, the installation and operation of cellular communication facilities is now governed by the provisions of the Zoning Ordinance and subject to the Conditional Use Permit requirements.

Use: The property was annexed into the City of Rapid City effective August 7, 2001. The existing cellular communications tower was legally constructed in 1992 under the jurisdiction of Pennington County. Upon annexation into the City limits, the structure became legal non-conforming as to its use. This Conditional Use Permit request shall allow the property to be legally used for a cellular communication tower and accessory structures.

Tower Design Features: The existing cellular communications tower is constructed of a lattice style steel frame. The overall height of the tower is approximately 117 feet; however, several existing antennas project above the tower frame to a maximum height of approximately 137 feet. Two approximately 11 foot tall satellite dishes are located on the

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south face of the tower located 70 feet and 111 feet above ground level. There are several existing cellular communications antennas located on the tower centered at 102 feet above ground level.

Antenna Design Features: The proposed antennas are to be located on the existing cellular tower centered 102 feet above ground level. The antennas will be secured to the tower leg by using the existing brackets currently on the tower. The antennas will be a light tan in color that will match the antennas currently located on the tower.

Equipment Shelter: All accessory equipment for the proposed cellular communications tower is within an enclosed building located on the ground. The existing building is approximately 265 square feet and is located east of the tower base. The applicant has indicated that a 6.25 square foot cabinet will be added to the equipment shelter to support the new antennas. Staff recommends that the proposed accessory equipment be installed within the existing penthouse as per the approved plan.

Parking: The existing use on the property as a public utility requires that 5 parking spaces including 1 handicap space be provided on the property. The submitted site plan identifies that there are no defined off-street parking spaces located on the property. However, Chapter 17.50.270.B of the Rapid City Municipal Code states that parking facilities not in compliance with the off-street parking regulations must be brought into compliance when a use is initiated or expanded by a cumulative 20% or more of gross square footage. The proposed addition is not an increase of more than 20% and as such, compliance with the current parking regulations is not required. However, the applicant should be aware that at such time a cumulative increase of more than 20% in gross square footage is reached, the parking lot must be paved and striped in accordance with the adopted off-street parking regulations.

Landscaping: Landscaping is required in the General Commercial Zoning District. As it is currently constructed, a minimum of 41,779 landscape points are required on the property. The submitted site plan indicates that 21,522 landscape points are being provided, a shortage of 20,257 points. However, Chapter 17.50.300.F of the Rapid City Municipal Code states that properties not in compliance with the landscape regulations that are legal non-conforming shall be allowed to continue as such until such time a building permit is granted to increase the structure by a cumulative 20% or more of gross square footage. The property was annexed into the City limits on August 7, 2001 and the cellular communications tower was legal non-conforming as to its use. The proposed addition is not an increase of more than 20% and as such, compliance with the current landscape regulations is not required. However, the applicant should be aware that at such time a cumulative increase of more than 20% in gross square footage is reached, the required landscaping must be installed and maintained as required in the adopted landscape ordinance.

Access: The submitted site plan identifies two driveway accesses off of East Philadelphia Street. East Philadelphia Street is a collector street on the City's adopted Major Street Plan. The current lot width of the lot does not provide adequate spacing for two driveway

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approaches. The applicant should be aware that at such time that East Philadelphia Street is constructed, the existing two driveway approaches must be consolidated in one approach.

Notification Requirement: As of this writing, the required sign has not been posted on the property and the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 7, 2010 Planning Commission meeting if this requirement has not been met. Staff has received one inquiry but no objections to the proposed request at the time of this writing.

Staff recommends that the Conditional Use Permit to allow a cellular communication tower in the General Commercial Zoning District be approved with the stipulations as identified above.