

STAFF REPORT
October 21, 2010

No. 10UR032 - Conditional Use Permit to allow a Cellular Communications Tower and Accessory Structures in a Light Industrial Zoning District **ITEM 14**

GENERAL INFORMATION:

APPLICANT	AT&T Mobility
AGENT	Stephen Parker, Senior Acquisition Manager for General Dynamics
PROPERTY OWNER	STAG III Rapid City, LLC
REQUEST	No. 10UR032 - Conditional Use Permit to allow a Cellular Communications Tower and Accessory Structures in a Light Industrial Zoning District
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 3 of Rushmore Regional Industrial Park, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.270 acres
LOCATION	1400 Turbine Drive
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District - General Commercial District
East:	General Commercial District
West:	Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/17/2010
REVIEWED BY	Jim Flaaen / Karley Halsted

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a Cellular Communications Tower and Accessory Structures in a Light Industrial Zoning District be approve 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;

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3. The proposed accessory equipment shall be installed within the existing equipment shelter as per the approved plan;
4. A minimum of 241 parking spaces shall be continually provided. Off-street parking facilities shall be installed, striped and maintained in compliance with the adopted Off-Street Parking Ordinance;
5. A minimum of 422,564 landscape points shall be provided. 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;
7. All applicable provisions of the currently adopted International Fire Code shall be continually met;
8. All provisions of the Light Industrial 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 and accessories on the property located at 1400 Turbine Drive. In particular, the applicant has proposed to remove 3 existing cellular communications antennas and replace them with 6 cellular communications antennas located on top of an existing 149 foot 2 inch tall cellular communications tower.

The property is located on the east side of Turbine Drive, south of Jet Drive and west of Elk Vale Road. An existing cellular communications tower and accessory structures and a Light Industrial building 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. The previous installation and operation of the cellular communications tower was approved (#07SR018) by the Planning Commission on April 5, 2007, through the SDCL process. However, SDCL 11-6-19 was repealed by the South Dakota Legislature effective July 1, 2010. Consequently, the installation, operation and modification of cellular communication facilities is now governed by the provisions of the Zoning Ordinance and subject to the Conditional Use Permit requirements.

Use: As noted above, the existing cellular communications tower was previously approved by the Planning Commission on April 5, 2007, through the SDCL 11-6-19 Review process. 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 steel monopole. The overall height of the tower is 149 feet 2 inches; however, an existing satellite dish projects above the tower pole. Staff recommends that the tower shall remain

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unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority.

Antenna Design Features: The proposed antennas are to be located on the existing cellular tower centered 140 feet above ground level. The antennas will be secured to the tower by using the existing brackets currently on the tower. The antennas will match the antennas currently located on the tower.

Equipment Shelter: Two equipment shelters are located on the ground near the communications tower to house mechanical equipment associated with the tower. The equipment shelters are approximately 90 square feet and 183 square feet in area. The applicant has identified that three equipment cabinets, totaling 16.25 square feet, will be added to the existing 183 square foot shelter. Staff recommends that the proposed accessory equipment be installed within the existing equipment shelter as per the approved plan.

Parking: The submitted parking plan identifies that 741 parking spaces are provided on the property including 20 handicap accessible spaces. The previously approved SDCL 11-6-19 for the property required that 241 parking spaces were required for the existing businesses located on the property. The provided parking exceeds the required parking. The proposed replacement of cellular antennas will not lead to an increase in the required number of parking spaces for the property nor will the installation of any antennas remove any existing parking spaces. Staff recommends that the parking be continually maintained as per the approved parking plan and continually comply will all requirements of the Off-Street Parking Ordinance.

Landscaping: Landscaping is required on all properties within the Light Industrial Zoning District. As currently constructed, the property requires that 422,564 landscape points be provided. The submitted landscape plan indicates that 583,880 points are being provided made up of many trees, shrubs and grassed areas, exceeded the required number of landscape points required for the property. The proposed changes to the antennas will not lead to an increase in the required number of landscape points for the property nor will the installation of any antennas remove any of the existing landscaping on the property. Staff recommends that the landscaping be continually maintained as per the approved landscape plan and kept in a live vegetative state and replaced as necessary.

Building Permit: A Building Permit must be obtained prior to the installation of any antennas on the cellular communications tower.

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 21, 2010 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections to the proposed request at the time of this writing.

Staff recommends that the Conditional Use Permit to allow a cellular communication tower

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in the Light Industrial Zoning District be approved with the stipulations as identified above.