

STAFF REPORT
October 21, 2010

No. 10UR034 - Conditional Use Permit to allow a Cellular Communications Tower in the General Commercial Zoning District **ITEM 16**

GENERAL INFORMATION:

APPLICANT	AT&T Mobility
AGENT	Stephen Parker, Senior Acquisition Manager for General Dynamics
PROPERTY OWNER	John Duffield
REQUEST	No. 10UR034 - Conditional Use Permit to allow a Cellular Communications Tower in the General Commercial Zoning District
EXISTING LEGAL DESCRIPTION	Lot 2 of Block 9 of McMahon Industrial Park No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1 acre
LOCATION	3060 Haines Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Agriculture District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/24/2010
REVIEWED BY	Jim Flaaen / Karley Halsted

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a Cellular Communications 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 equipment shelter as per the approved plan;

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4. All applicable provisions of the currently adopted International Fire Code shall be continually met;
5. All provisions of the General Commercial Zoning District shall be continually met;
6. 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;
7. The tower shall remain 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;
8. No commercial advertising signage shall be allowed on the tower;
9. Landscaping in compliance with the adopted Landscape Ordinance shall be provided at which time a cumulative 20% expansion of gross square footage 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;
10. That all requirements of the Off-Street Parking Ordinance shall be continually met; and,
11. 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 Conditional Use Permit to allow a cellular communications tower and accessory structures on the property located at 3060 Haines Avenue. In particular, the applicant has proposed to remove and replace 6 cellular communications antennas on the existing 100 foot tall monopole cellular communications tower.

On August 6, 2001, the City Council approved a Conditional Use Permit (#01UR025) to allow a cellular communications tower to be located on the property with the following stipulations:

1. Prior to issuance of a Building Permit, a detailed geotechnical study shall be submitted for review and approval;
2. Prior to issuance of a Building Permit, a detailed drainage study shall be submitted for review and approval;
3. A Building Permit shall be obtained prior to any construction;
4. Prior to issuance of a Building Permit, three sets of Architectural/Engineer stamped plans shall be provided for review and approval;
5. A Certificate of Completion shall be obtained prior to any use of the tower;
6. The tower shall be designed to allow for the co-location of a minimum of two additional antennas (for a total of three antennae) except where the additional antennas would interfere or impact the applicant's proposed antenna(s);
7. 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;

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8. The tower shall remain 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;
9. No commercial advertising signage shall be allowed on the tower;
10. That all requirements of the Off-Street Parking Ordinance shall be continually met; and,
11. The Use on Review shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council or if the use as approved has ceased for a period of two years.

On October 6, 2005, the Planning Commission approved a SDCL 11-6-19 Review (#05SR046) for the property to allow for the authorization of twelve existing antennas and the addition of 4 new antennas to be located on the existing tower.

On January 22, 2009, the Planning Commission approved a SDCL 11-6-19 Review (#08SR063) to allow the collocation of additional antennas to the existing tower and construct a 120 square foot concrete pad at the base of the tower for associated equipment.

The property is located on the east side of Haines Avenue, south of the intersection of Haines Avenue and Kathryn Avenue and north of the intersection of Haines Avenue and Lodgepole Street. An existing communications tower and accessory structures and a commercial structure are located on the property.

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

South Dakota Codified Law 11-6-19: Previously, the installation, operation and modification of wireless cellular communication facilities was governed by the SDCL 11-6-19 review process. Previous modifications to the cellular communications tower were approved by the Planning Commission on October 6, 2005 (#05SR046) and on January 22, 2009 (#08SR063) 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, a Conditional Use Permit (#01UR026) for the existing cellular communications tower was previously approved by the City Council on August 6, 2001. As such, this application could have been a Major Amendment to the previously approved Conditional Use Permit. This Conditional Use Permit request shall allow the property to be 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 100 feet; however, the existing and proposed antennas projects above the tower pole approximately an additional 3 feet. Staff recommends that the tower shall remain 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.

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Antenna Design Features: The proposed antennas are to be located on the existing cellular tower centered 100 feet above ground level. The antennas will be secured to the tower by using the existing brackets currently on the tower. The antenna color will match the antennas currently located on the tower.

Equipment Shelter: A 200 square foot equipment shelter is located on the ground near the communications tower to house mechanical equipment associated with the tower. The applicant has identified that two equipment cabinets, totaling 11.25 square feet, will be added to the existing shelter. Staff recommends that the proposed accessory equipment be installed within the existing equipment shelter as per the approved plan.

Parking: The previously approved SDCL 11-6-19 for the property required that 2 off-street parking spaces, including one handicap "van" accessible space was required for the cellular communications tower. 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: The previously approved SDCL 11-6-19 Review identified that the proposed changes to the cellular communications tower and equipment shelter was not a twenty percent expansion of the structure or parking lot and was not a twenty percent increase in the occupant load. As such, the applicant was not required to bring the property into compliance with the landscaping regulations at that time. The proposed changes as a part of this Conditional Use Permit request also do not make up that 20% increase. 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.

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 in the General Commercial Zoning District be approved with the stipulations as identified above.