

STAFF REPORT
May 26, 2011

No. 11UR011 - Major Amendment to a Conditional Use Permit

ITEM 19

GENERAL INFORMATION:

APPLICANT	Alexander Wilson-Desbois for General Dynamics
PROPERTY OWNER	City of Rapid City
REQUEST	No. 11UR011 - Major Amendment to a Conditional Use Permit
EXISTING LEGAL DESCRIPTION	Lot 2 of Owen Hibbard Subdivision located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.38 acres
LOCATION	1930 Promise Road
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Business Park District
South:	Office Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	Office Commercial District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/14/2011
REVIEWED BY	Karen Bulman / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit be approved with the following stipulations:

1. The Major Amendment to a Conditional Use Permit shall allow six antennas to be replaced on the existing tower and the relocation of the equipment shelter. In addition, expansions to facilities and other changes on the existing tower shall be allowed as a Minimal Amendment to the Conditional Use Permit;
2. The tower shall have a maximum height of 180 feet;
3. The tower shall not be illuminated by artificial means or strobe lights unless such lighting is specifically required by the Federal Aviation Administration;
4. All provisions of the Parking and Landscaping Ordinances shall be continually met;
5. A Building Permit shall be obtained prior to construction or installation of any equipment; and,

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6. Prior to obtaining a building permit, all plans shall be signed and stamped by a professional engineer licensed in the State of South Dakota.

GENERAL COMMENTS: The applicant has submitted a Major Amendment to a Conditional Use Permit request to allow replacing six antennas and relocating the equipment shelter at 1930 Promise Road. The property is located in the Public Zoning District adjacent to Fire Station #6 and is owned by the City of Rapid City.

On September 23, 2004, the Planning Commission approved a SDCL 11-6-19 Review to allow the construction of an equipment shelter and additional antennas on public property with the following stipulations:

1. Prior to initiation of construction of the equipment shelter or installation of the directional antennas, a Building Permit shall be obtained;
2. Prior to issuance of a Building Permit, drainage and grading plans shall be submitted showing the extents of grading, drainage and surface restoration; and,
3. Prior to Planning Commission approval, a revised site plan shall be submitted showing the proposed structure located outside of the public utility easement or that portion of the easement to be encroached upon shall be vacated.

On March 5, 2009, a SDCL 11-6-19 Review to allow co-location on an existing communication tower was approved by the Planning Commission.

The applicant has submitted this Major Amendment to a Conditional Use Permit to allow six antennas to be removed and replaced and the equipment shelter relocated due to a change in the wireless provider.

STAFF REVIEW: Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

1. *The location, character and natural features of the property:*

The property is located within the Public District at 1930 Promise Road, west of U.S. Highway 16 and north of Golden Eagle Drive. The existing elevation of the tower is 180 feet. The applicant's plans include removing the six existing antennas and replacing them with six antennas, two of which will be located at each of the three corners of the tower. The height of the tower and antennas will not exceed 180 feet. Future expansions to the facilities or other changes may be allowed through a Minimal Amendment to a Conditional Use Permit.

2. *The location, character and design of adjacent buildings:*

Rapid City Fire Station #6 is located adjacent to the tower and has no impact on the tower.

3. *Proposed fencing, screening and landscaping:*

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Currently, evergreen trees are located around the existing tower to screen existing and proposed equipment from the adjacent properties and right-of-way. The applicant has not proposed any additional fencing, screening and/or landscaping with this Major Amendment to a Conditional Use Permit request.

4. *Proposed vegetation, topography and natural drainage:*

No additional natural or proposed vegetation exists on the property.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

Two off-street parking spaces are provided and no additional parking is required.

6. *Existing traffic and traffic to be generated by the proposed use:*

No increased traffic should be generated by the proposed change in equipment for the existing communication tower.

7. *Proposed signs and lighting:*

No advertising is allowed on the tower and the tower is not to be illuminated by artificial means or display strobe lights.

8. *The availability of public utilities and services:*

The property is served by City water and sewer services. There are no proposed changes to utility services with this Conditional Use Permit.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

The property is zoned Public District allowing microcell cellular communications facilities not meeting the standards as defined in Section 17.04.483 with a Conditional Use Permit.

10. *The overall density, yard, height and other requirements of the zone in which it is located:*

The property is located within the Public Zoning District and is allowed through a Conditional Use Permit. The existing tower is in place and no setback encroachments are requested. A building permit will be required prior to construction or installation of the equipment. Prior to obtaining a building permit, all plans must be signed and stamped by a professional engineer licensed in the State of South Dakota.

11. *The effects of noise, odor, smoke, dust, air and water pollution and the degree of control through which clarifiers, screening, setbacks and orientation:*

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The proposed use for the property is a communication tower. No pollution has been identified that requires mitigation.

12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:

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. Staff has not identified any adverse impacts on adjacent uses that require mitigation.

Notification Requirement: As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the May 26, 2011 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

Staff recommends that the Major Amendment to a Conditional Use Permit be approved with the stipulations as identified above.