

STAFF REPORT
July 3, 2013

No. 13UR009 - Major Amendment to a Conditional Use Permit to allow a co-location on a Communication Facility **ITEM 4**

GENERAL INFORMATION:

APPLICANT	John Rowe - Buell Consulting, Inc.
AGENT	Cellular Inc. Network Corporation
PROPERTY OWNER	Golden West Technologies, Inc.
REQUEST	No. 13UR009 - Major Amendment to a Conditional Use Permit to allow a co-location on a Communication Facility
EXISTING LEGAL DESCRIPTION	Tract E of Fountain Springs Business Park, located in the NW1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.364 acres
LOCATION	2727 North Plaza Drive
EXISTING ZONING	Light Industrial District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Agricultural District
South:	General Agricultural District
East:	General Agricultural District
West:	Light Industrial District
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	May 24, 2013
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Major Amendment to a Conditional Use Permit to allow a co-location on a communication facility be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction;
2. Prior to issuance of a building permit, an erosion and sediment control plan shall be submitted for the expanded parking area;
3. Prior to issuance of a building permit, a stormwater report shall be submitted which addresses quality and quantity control;
4. A minimum of 47,587 landscaping points shall be provided. All provisions of Section

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- 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
5. A minimum of 60 parking spaces shall be provided. Three of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met. In addition, additional parking shall be provided in compliance with Chapter 17.50.270 of the Rapid City Municipal Code when the storage use is changed;
 6. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 7. All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code shall require a Variance or a Planned Development Overlay. Any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 8. All provisions of the Light Industrial District shall be met;
 9. All applicable provisions of the adopted International Fire Code shall continually be met; and,
 10. The Major Amendment to the Conditional Use Permit shall allow a co-location on a communication facility. Any change in use that is a permitted use in the Light Industrial District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Light Industrial District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS:

The applicant has submitted a Major Amendment to a Conditional Use Permit to allow a co-location on a communication facility. In particular, the applicant is proposing to add 6 antennas and a 12 foot by 20 foot wireless equipment shelter. In addition, the applicant is proposing to realign the existing access approach on the north side of the property and to add eight parking spaces.

On April 24, 2003, the Planning Commission approved an 11-6-19 South Dakota Codified Law review of a public utility in the Light Industrial District (File #02SR028) on the above legally described property.

On February 5, 2009, the Planning Commission approved an 11-6-19 South Dakota Codified Law review to allow co-location on an existing communication tower (File #09SR003) on the above legally described property.

The property is located in the southeast corner of the intersection of North Plaza Drive and Rand Road. Currently, a one story office building and a 120 foot tall communication tower

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are located on the property.

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 in the southeast corner of the intersection of North Plaza Drive and Rand Road. Currently, a one story structure and a 120 foot high communication tower are located on the property.

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

Properties located to the south, east and north are zoned General Agriculture District and are part of the Fountain Springs golf course. The properties located to the northeast, northwest and west are zoned Light Industrial District. Located on the property to the northwest is a one-story bank. Located on the property to the northwest is a one-story industrial building. Located on the property to the west are one-story storage buildings.

3. *Proposed fencing, screening and landscaping:*

The applicant is proposing to remove a landscaped island from the north access approach and to pave additional parking on the north side of the property. A minimum of 47,587 landscaping points must be provided for the proposed development. The applicant has submitted a landscaping plan that shows a total of 65,650 landscaping points to be provided. The proposed landscaping is in compliance with Chapter 17.50.300 of the Rapid City Municipal Code. All landscaping must be continually maintained in a live vegetative state and replaced as necessary. The applicant is not proposing any fencing or screening.

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

The applicant is proposing to realign the north access approach to the property and to pave an additional eight parking spaces. As such, prior to issuance of a building permit, an erosion and sediment control plan must be submitted for the expanded parking area and a stormwater report addressing quality and quantity control.

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

North Plaza Drive and Rand Road provide vehicular access to the property. There are no sidewalks on North Plaza Drive or Rand Road. The existing office use and communication tower require that a minimum of 60 parking spaces be provided. In addition, three of the parking spaces must be handicap accessible. One of the handicap spaces must be "van accessible." The applicant has submitted a parking plan showing a

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total of 64 parking stalls. In addition, three of the parking spaces are handicap accessible with one of the spaces being "van accessible". The parking plan is in compliance with Chapter 17.50.270 of the Rapid City Municipal Code. All provisions of the Off-Street Parking Ordinance must be continually met.

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

The existing single-tenant office building generates approximately 22 trips per weekday peak hour.

7. *Proposed signs and lighting:*

The applicant has submitted a sign package identifying the existing sign located on the property. The signage is in compliance with Chapter 17.50.080 of the Rapid City Municipal Code. The applicant is not proposing any new signage.

All signage must continually conform to the Sign Code. No electronic signs are being approved as a part of this Major Amendment to a Conditional Use Permit. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, will be allowed as a Minimal Amendment to the Conditional Use Permit. All signage not in conformance with the Sign Code will require a Variance or a Planned Development Overlay. Any electronic reader board signs will require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign.

The applicant is not proposing any additional outdoor lighting. All outdoor lighting must continue to be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind.

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

The property is currently served by public utilities including Rapid City sewer and water.

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

The Zoning Ordinance is the tool that implements the Comprehensive Plan. A cellular communication facility is a conditional use in the Light Industrial District. The Major Amendment to a Conditional Use Permit will allow a co-location on a communication facility. Any change in use that is a permitted use in the Light Industrial District will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Light Industrial District will require the review and approval of a Major Amendment to the Conditional Use Permit.

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

The existing development on the property is in compliance with the density, yard and height requirements of the Light Industrial District. All provisions of the Light Industrial District must be met.

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

The applicant is proposing to realign the north access approach to the property and to pave an additional eight parking spaces. As such, prior to issuance of a building permit, an erosion and sediment control plan must be submitted for the expanded parking area and a stormwater report addressing quality and quantity control.

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

The stipulations of approval of the Conditional Use Permit will serve as a tool to insure that the currently adopted International Fire Codes are continually met and that the proposed expansion is in compliance with the Rapid City Municipal Code. In addition, the stipulations will ensure that parking, landscaping and signage will comply with the Zoning Ordinance.

Notification: The first class mailings have been returned to Community Planning and Development Services for mailing. The sign has been picked up; however, as of this writing, staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the July 3, 2013 Planning Commission meeting if this requirement has not been met.