

STAFF REPORT

May 8, 2014

No. 14PD009 - Final Planned Development Overlay to allow a communication tower with an equipment shelter in the General Agriculture District **ITEM 7**

GENERAL INFORMATION:

APPLICANT	Andrew Bobrytzke - Cellular Inc. Network Corporation,
AGENT	John M. Rowe - Buell Consulting, Inc.
PROPERTY OWNER	JD Muth Investments LLC
REQUEST	No. 14PD009 - Final Planned Development Overlay to allow a communication tower with an equipment shelter in the General Agriculture District
EXISTING LEGAL DESCRIPTION	Lot A of Lot 3 of Silver Strike Subdivision located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1 acre
LOCATION	2520 Distribution Lane
EXISTING ZONING	General Agricultural District
FUTURE LAND USE DESIGNATION	Industrial
SURROUNDING ZONING	
North:	General Agricultural District
South:	Light Industrial District
East:	Light Industrial District
West:	General Agricultural District
PUBLIC UTILITIES	Private water and septic
DATE OF APPLICATION	March 14, 2014
REVIEWED BY	Fletcher Lacock / Bob Reiss

RECOMMENDATION:

Staff recommends that the Final Planned Development Overlay to allow a communication tower with an equipment shelter in the General Agriculture District be approved with the following stipulations:

1. An Exception is hereby granted to reduce the minimum required circulation aisle width from 26 feet to 24 feet;
2. An Exception is hereby granted to reduce the minimum required side yard setback from

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- 35 feet to eight feet;
3. A minimum 45 foot front yard setback shall be maintained from the current property line. A reduction in the front yard setback shall require a Major Amendment;
4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
5. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
6. A minimum of two parking spaces shall continually be provided. One of the parking spaces shall be handicap "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
7. All provisions of the General Agriculture District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development or a subsequent Major Amendment;
8. 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;
9. All signage shall conform to the Sign Code. No electronic signs are being approved as a part of this Final Planned Development. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment. 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 all signs;
10. All applicable provisions of the adopted International Fire Code shall continually be met; and,
11. The Conditional Use Permit shall allow a 100 foot high monopole cellular communications tower with an associated equipment shed. Changes to the proposed tower or equipment shelter that do not meet the criteria of Chapter 17.50.050(G) of the Rapid City Municipal Code shall require a Major Amendment. Permitted uses within the General Agriculture District in compliance with the Parking Ordinance shall be allowed with a building permit. Any conditional use shall require the review and approval of a Major Amendment to the Conditional Use Permit.

GENERAL COMMENTS:

The applicant has submitted a Final Planned Development Overlay to allow a 100 foot high cellular communications tower with a 12 foot wide by 30 foot long equipment shelter in the General Agriculture District. The applicant is also requesting the following Exceptions:

- An Exception to reduce the minimum required parking aisle width from 26 feet to 24 feet; and,
- An Exception to reduce the minimum required side yard setback from 35 feet to eight feet.

The property is located on the north side of Distribution Lane approximately 850 northwest of the intersection of East Mall Drive and Dyess Avenue. Currently, a single-family dwelling and a detached garage are located on the property.

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STAFF REVIEW:

Staff has reviewed the Final Planned Development Overlay with respect to Chapter 17.50.050(F)5 and has noted the following considerations:

1. *There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:*

The property is approximately 45,560 square feet in size and is zoned General Agriculture District. There is a septic drainfield which serves the existing dwelling located on the west side of the property that necessitates that the tower and equipment shelter be located on the south side of the property.

2. *The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:*

The property is currently zoned General Agriculture District. The future land use designation of the property is Industrial. This is an area in the City that this type of use should be located. There is an existing communications tower located approximately 630 feet to the south west. However, the applicant has indicated that they could not collocate on that existing tower due to the tower not being able to structurally handle the applicant's antenna.

The applicant is requesting the following Exceptions:

- An Exception to reduce the minimum required parking aisle width from 26 feet to 24 feet; and,
- An Exception to reduce the minimum required side yard setback from 35 feet to eight feet.

The proposed communications tower requires that two parking spaces be provided with one parking space being handicap "van accessible". The parking area is accessed from the south by Distribution Lane. The site plan shows a 24 foot wide parking aisle to access the proposed parking spaces. It is not expected that the proposed communications tower will generate much traffic other than for maintenance. The proposed 24 foot aisle width is suitable for maintenance vehicles to enter and exit the parking area. As such, staff recommends that the Exception be granted to reduce the parking aisle width from 26 feet to 24 feet.

The applicant is also requesting an Exception to reduce the minimum required side yard setback from 35 feet to 8 feet. The applicant is proposing a 45 foot front yard setback which exceeds the minimum required 35 feet. The larger setback is proposed to accommodate the future right-of-way which may be needed for Distribution Lane should the area develop into a more heavily trafficked industrial area. As such, staff recommends that a 45 foot front yard setback be provided from the current property line. Any reduction in the setback will require a Major Amendment. It does not appear that the proposed eight foot side yard setback will have a negative impact on the area. As

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such, staff recommends that the Exception be granted to reduce the minimum required side yard setback from 35 feet to eight feet.

3. *Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:*

The future land use designation of the property is Industrial. The property is currently zoned General Agriculture District. A communications tower is a conditional use in the district. This is the area of the City where communications towers should be located due to the industrial uses identified within this area pursuant to the City's Future Land Use Map. It does not appear that the requested Exceptions will cause undue hardship to the public good or impair the purposes and intent of the Zoning Ordinance.

4. *A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:*

The literal interpretation of the Zoning Ordinance would not deprive the applicant of rights that others in the same district are allowed.

5. *Any adverse impacts will be reasonably mitigated:*

The proposed front yard setback of 45 feet will allow for the future expansion of Distribution Lane should the area develop into an industrial area of the City. In addition, the stipulations of approval will ensure that the development of the property is in compliance with the Building Code.

6. *The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:*

The applicant is proposing to construct a 100 foot high communications tower and an equipment shelter in the General Agriculture District. The proposed communications tower is a conditional use in the district. The proposed setbacks accommodate any future expansion of Distribution Lane for industrial traffic.

Staff has also 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 approximately 45,560 square feet in size and is zoned General Agriculture District. There is an existing dwelling located on the property with a septic drainfield located on the west side of the property that necessitates that the tower and equipment shelter be located on the southwest side of the property.

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

Properties to the south is zoned Light Industrial District and is developed with a one story structure. The property to the east is zoned Light Industrial District and is currently undeveloped. The property to the north and west is zoned General Agriculture District and is the location of another communications tower.

3. *Proposed fencing, screening and landscaping:*

The applicant is proposing to construct a six foot high fence around the proposed communications tower. The proposed fence is in compliance with Chapter 17.50.340 of the Rapid City Municipal Code regarding fences and walls. The General Agriculture District does not require that landscaping be provided.

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

It does not appear that the proposed communications tower and equipment shelter will have a negative impact on natural drainage.

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

The proposed communications tower will be accessed from Distribution Lane which is accessed from Dyess Avenue to the east. The minimum required parking for a communications tower is two parking spaces with one being handicap "van accessible" which is shown on the site plan. As noted above, staff recommends that the Exception to reduce the minimum required circulation aisle width from 26 feet to 24 feet be granted.

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

It is not expected that the site will generate traffic other than regular maintenance.

7. *Proposed signs and lighting:*

The applicant has not indicated that any signage or additional lighting will be provided. The stipulations of approval address any future proposed signage or lighting on the property.

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

The property is served by private water and on-site wastewater. The septic drainfield for the existing dwelling on the property is located directly north of the proposed tower location.

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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. The proposed communications tower is a conditional use in the General Agriculture District. The Conditional Use Permit will allow a 100 foot high monopole cellular communications tower with an associated equipment shed. Changes to the proposed tower or equipment shelter that do not meet the criteria of Chapter 17.50.050(G) of the Rapid City Municipal Code will require a Major Amendment. Permitted uses within the General Agriculture District in compliance with the Parking Ordinance will be allowed with a building permit. Any conditional use will require the review and approval of a Major Amendment to the Conditional Use Permit. All provisions of the General Agriculture District must be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment.

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

As noted above, the applicant is requesting Exceptions to reduce the minimum required side yard setback and the minimum required circulation aisle width. Based on reasons as noted above, staff recommends that the Exceptions be granted.

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 proposed communications tower does not appear to generate any additional noise, odor, smoke, dust, air or water pollution that would negatively impact the neighborhood.

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 will serve as the tool to ensure that the proposed development is in compliance with the Zoning Ordinance, building code and International Fire Code.

Building Permit: A Building Permit must be obtained prior to any structural construction and a Certificate of Occupancy must be obtained prior to occupancy. Upon submittal of a Building Permit, plans must be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A.

Notification: The mailings and sign have been picked up. The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the May 8, 2014 Planning Commission meeting if this requirement has not been met.