

STAFF REPORT

November 21, 2002

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**No. 02SR025 - 11-6-19 SDCL Review to allow a public communication tower** **ITEM 17**

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GENERAL INFORMATION:

PETITIONER	Rick Deer for Action Communications
REQUEST	<b>No. 02SR025 - 11-6-19 SDCL Review to allow a public communication tower</b>
EXISTING LEGAL DESCRIPTION	Tract A of Pfisterer Subdivision, Section 2, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 48.154 acres
LOCATION	8875 Schroeder Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District/Limited Agriculture District/Low Density Residential District
South:	General Agriculture District
East:	General Agriculture District
West:	Low Density Residential District/General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/23/2002
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the 11-6-19 South Dakota Codified Law Review to allow a communication tower be approved with the following stipulations:

Urban Planning Division Recommendations:

1. A site plan showing the location of the parking areas shall be submitted prior to Planning Commission for review and approval;
2. The applicant shall provide a site plan showing all access points to the proposed structure for review and approval prior to Planning Commission approval;
3. The applicant shall submit a site plan showing the location of all accessory structures for review and approval prior to Planning Commission approval; and
4. That an anti-climbing guard be erected at the base of the tower.

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GENERAL COMMENTS: The applicant is proposing to construct a 25 foot tower at the Knutson property off of Schroeder Rd. The property is located outside the City Limits in the County, and is a 48 acre parcel with a single-family residence and pole barn located on the property. The tower will be located on the southwest portion of the property approximately one-quarter (1/4) mile from the single-family residence. To the south and east of the property is National Forest Service Land.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The proposed site is publicly owned property. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission as a part of an 11-6-19 SDCL Review.

STAFF REVIEW: Staff has reviewed this proposed development and has noted the following considerations:

Parking – The submitted site plan does not show any parking spaces. A revised site plan showing the location of the proposed parking spaces needs to be submitted prior to Planning Commission approval. A minimum of two parking spaces must be provided with one of the spaces being "van" handicap accessible.

Structure – The engineering division has requested additional information for the proposed structure showing how it is going to be constructed and the type of footings and foundation it will have.

Access – Information regarding the type of access to the structure will need to be submitted prior to Planning Commission approval. The revised site plan will need to show how they are going to access the site once they are on the property. If there is going to be any type of path to the structure, a revised site plan must show this information. In addition, a revised site plan must show the anticipated usage for the proposed access whether the access is pedestrian access, vehicle access, or some other type of access.

Since the communications tower is in the County, the County reviewed the proposed tower on November 12, 2002. The recommendation was to approve the proposed tower with four stipulations as follows:

1. That a building permit be obtained for any structure exceeding 144 square feet or located on a permanent foundation which requires a site plan to be reviewed and approved by the Planning Director;
2. That an anti-climbing guard be erected at the base of the tower and any necessary

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supports;

3. That the applicant submits a revised site plan showing all structures located on the property and the location of two parking spaces; and
4. That this Conditional Use Permit be reviewed in two years on a complaint basis.

Staff is recommending that the proposed request be approved with the stated stipulations. Staff notes that 11-6-19 South Dakota Codified Law Reviews do not require direct notification of neighboring property owners. In addition, South Dakota Codified Law does not require that 11-6-19 South Dakota Codified Law reviews be advertised in a local newspaper.