

STAFF REPORT

March 27, 2003

No. 03SR003 - 11-6-19 SDCL Review of a public utility

ITEM 34

GENERAL INFORMATION:

PETITIONER	MegaCom for Verizon Wireless
REQUEST	No. 03SR003 - 11-6-19 SDCL Review of a public utility
EXISTING LEGAL DESCRIPTION	Lots 1 thru 16 of Block 91; Lots 21 thru 24 of Block 91; and, Lots 12 and 13 of Block 101; all located in Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.77 acres
LOCATION	East of West Boulevard between St. Joseph Street and Quincy Street
EXISTING ZONING	Commercial Business District
SURROUNDING ZONING	
North:	Commercial Business District
South:	Commercial Business District
East:	Commercial Business District
West:	Neighborhood Commercial District/High Density Residential District/Low Density Residential District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	01/10/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the 11-6-19 South Dakota Codified Law Review of a public utility be approved with the following stipulations:

Fire Department Recommendations:

- 1. The equipment room shall have the same fire protection as remainder of the building (i.e. fire sprinklers, fire alarms, etc.);**
- 2. The equipment room shall be clearly identified;**

Engineering Division Recommendations:

- 3. If installation requires placement of equipment or staging area to be located in the City of Rapid City right of way, then a right of way work permit must be obtained;**

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Urban Planning Division Recommendations:

4. There shall be no lighting constructed in conjunction with the proposed antennas at any time;
5. The only type of communication antenna mounted at the proposed location shall be flush with the face of the building, and they shall not exceed 24 inches above the highest point of the roof line; and
6. The color of all structures and antennas shall match the existing color of the building at all times.

GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This request was continued from the **February 20, 2003** Planning Commission meeting. At the February 6, 2003 Planning Commission meeting, the Commission identified additional information that would need to be submitted prior to a decision being made. The Commission requested that design information for the alternatives be submitted to allow the Commission to review the impacts of the alternatives on the surrounding land uses. **The applicant has submitted an alternative design proposal with the proposed antennas being mounted in the air above the building. The applicant's initial proposal identified the location of the antennae on the façade of the building near the roofline. The applicant has stated that a monopole antenna will not be able to be constructed on the building due to the load bearing design of the roof. The roof was not designed to support the weight of one monopole with the required antennas mounted on it; therefore three poles with antennas mounted to them must be utilized. The applicant has stated that the owner of the building does not approve of the alternate antennas design. For this reason the applicant is requesting if the application cannot be supported as originally proposed, that the request be denied without prejudice.**

The applicant is proposing to construct telecommunication antennas on the existing building at 909 Saint Joseph Street. The property is zoned Central Business Density. The building is currently used by First National Bank and other various offices. The applicant is proposing nine antennas which are six feet in length. Each antenna appears to be one foot in width. Each antenna is mounted on the roof of the building, 134 feet high. The proposed antennas appear to hang over the roof of the building mounted on pipes that are eight feet, six inches off the top of the mounting. In addition, the applicant is proposing to construct equipment cabinets on the roof of the building. The proposed antennas appear to be located on three sides of the building.

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 antennae are part of the infrastructure for a utility. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan

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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 the proposed 11-6-19 SDCL Review with Section 17.04.083 of the City of Rapid City Municipal Code concerning "Microcell" cellular communications facilities and has noted the following major issues:

Color: The proposed site plan says "Contractor shall paint wall-mounted items (exposed conduits, cables, mounting brackets, etc.) to match color of existing building walls. Contractor shall submit color to Architect for approval prior to painting." The proposed site plans states that the color of the proposed antennas will be consistent with the color of the existing building to reduce the visual impacts of the antennas on the surrounding land uses. It does not appear that there will be any lighting constructed with the proposed antennas, which will also reduce the visual impacts of the antennas with the surrounding land uses.

Number of Antenna: Section 17.04.483 (I) of the Rapid City Municipal Code states, "No more than two microcell antenna and related accessory structures shall be located on any single building rooftop". The proposed antenna will extend over the side of the structure rather than complying with the rooftop installation requirements. This may be allowed as a Conditional Use in the Central Business District. Thus the wall mounted antenna may be allowed through the 11-6-19 SDCL Review.

It appears that the structural and aesthetic impacts of these antennas will be minimal in nature due to the minimal size of the proposed antennas in relation to the size of the building, the distance above ground to the mounting and the proposed paint scheme.

Equipment Shelter: Section 17.04.483 (D) of the City of Rapid City Municipal Code states, "The equipment shelter associated with a microcell site may not exceed one hundred square feet in floor area unless a Conditional Use Permit is obtained". It appears the cabinet used for the antennas will be seven feet six inches by fifteen feet. This dimension totals 112.5 square feet for the equipment cabinet exceeding the maximum square footage allowed by the City of Rapid City Municipal Code. This increase can be approved through the 11-6-19 SDCL review in lieu of the Conditional Use Permit process.

Staff is recommending that the proposed request be **approved with the previously 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.