

STAFF REPORT

October 9, 2003

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**No. 03SR033 - 11-6-19 SDCL Review of a public utility structure**

**ITEM 30**

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GENERAL INFORMATION:

PETITIONER	Faulk and Foster for Western Wireless
REQUEST	<b>No. 03SR033 - 11-6-19 SDCL Review of a public utility</b>
EXISTING LEGAL DESCRIPTION	Tract A of Lot 1 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.10 acres
LOCATION	636 Cathedral Drive
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Commercial District
East:	Low Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	08/29/2003
REPORT BY	Karen Bulman

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review of a public utility structure be approved with the following stipulations:

Fire Department Recommendations:

1. The equipment room shall have a 2ABC rated fire extinguisher provided;
2. The equipment room shall be clearly identified;
3. A key for the equipment room shall be **kept** in the knox box for Fire Department access **at all times**;

Urban Planning Division Recommendations:

4. The color of the antenna panels shall match the existing color of the building at all times so as to be inconspicuous as possible;
5. No more than four antennas shall be placed on the subject property;
6. The antennas shall be no more than eight feet in length and one foot in width; and,
7. All codes and requirements of the Rapid City Municipal Code shall be met at all times.

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**GENERAL COMMENTS:** **This staff report has been revised as of September 30, 2003. All revised and/or added text is shown in bold print.** The applicant is proposing to locate four telecommunication antennas at the top of the Pennington County High Rise Apartment building located at 636 Cathedral Drive. The applicant initially submitted a similar request on January 8, 2003. The applicant withdrew that application on March 27, 2003 to address issues of incompatibility with an existing ventilation system on the structure. In addition, "Microcell" cellular communication towers were not allowed in residential zoning districts. Subsequently, the applicant submitted a request to amend the ordinance to allow cellular communications in High Density Residential Zoning Districts subject to specific limitations. An ordinance amendment became effective on September 12, 2003 allowing a limited number of cellular communication facilities in the High Density Residential Zoning District as a Conditional Use.

The current use of the building is elderly housing. The applicant is proposing to construct four panel antennas eight feet in length and one foot in width to be mounted near the top of the structure as per plans submitted. The plans submitted also indicate that the proposed antennas will project outward from the wall of the building less than 15 inches. Each antenna will hang over the roof of the building mounted on a pipe that is two and one half inches thick. Two panels will be located on the east side of the building and two panels will be located on the north side of the building. In addition, the applicant is proposing to locate an equipment room on the top floor of the building within the penthouse.

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 use is a public utility and incorporates structural improvements. 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. **This request was continued to allow the notification to residents of the subject property and the properties within 250 feet of the subject property.**

**STAFF REVIEW:** An Ordinance Amendment to allow cellular communication facilities in the High Density Residential Zoning District as a Conditional Use was approved by the City Council and became effective on September 12, 2003. This Ordinance Amendment (03OA003) revises Sections 17.14.020 and 17.14.03 and allows "Cellular communication antenna panels on the sides of buildings greater than or equal to 45 feet or five stories provided such panels do not exceed building height or project more than eighteen inches from the side of the building" as a Conditional Use.

Staff has reviewed the proposed 11-6-19 SDCL Review as it relates to the applicable

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provisions of the Rapid City Municipal Code and has noted the following issues:

Size: Section 17.14.030 of the Rapid City Municipal Code states, "Cellular communication antennas, no larger than eight feet in height or one foot in width....". The applicant has agreed with this stipulation and the plans submitted show that the panel antennas will meet these requirements.

Color: Section 17.04.483 (G) of the Rapid City Municipal Code states, "Façade mounted antenna and supporting electrical and mechanical equipment must be the same color as the supporting structure so as to make the antenna and related equipment as unobtrusive as possible". The applicant has stated that the panel antennas will be painted the same color as the building.

Number of antennas: The four proposed antennas will extend over the side of the structure. This may be allowed as a Conditional Use in the High Density Residential Zoning District and may be allowed through the 11-6-19 SDCL Review.

The equipment shelter associated with this microcell site will be located in the existing penthouse. A sign will be placed on the door to the equipment room advising of the microcell communication equipment. Staff suggests that alternative designs, such as flagpole antennas, should be considered for any future locations of antenna.

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. **Although not required by law, this 11-6-19 Review was continued at the September 25, 2003 Planning Commission meeting to allow the residents of the elderly housing and the properties within 250 feet to be notified by first class mail of the 11-6-19 Review of a public utility structure. These notices were mailed on October 1, 2003. Staff has not received any comments or questions as of this writing.** Staff is recommending that the proposed request be approved with the previously stated stipulations.