

STAFF REPORT

January 22, 2004

No. 03SR046 - 11-6-19 SDCL Review to allow for the construction of a public utility **ITEM 32**

GENERAL INFORMATION:

PETITIONER	Danielle Epp for Mega Com
REQUEST	No. 03SR046 - 11-6-19 SDCL Review to allow for the construction of a public utility
EXISTING LEGAL DESCRIPTION	Tract C, CD Rounds Subdivision, Section 33, T2N, R7E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.00 acres
LOCATION	3401 Sturgis Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Low Density Residential District
East:	General Commercial District
West:	Low Density Residential District w/Planned Residential Development
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/24/2003
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow for the construction of a public utility be **approved with the following stipulations:**

- 1. Prior to issuance of a Building Permit, a Grading/Drain Plan must be submitted for review and approval;**
- 2. Prior to issuance of a Building Permit, a copy of a Geotechnical Analysis for the tower footing must be submitted for review and approval;**
- 3. Prior to issuance of a Certificate of Occupancy, the facility(s) addresses shall be posted. Said numbers shall be a minimum of twelve inches in height, plainly visible and legible from the street or road fronting the property and displayed on a contrasting background;**
- 4. A building permit shall be obtained prior to the initiation of construction, and a Certificate of Occupancy shall be obtained prior to occupancy of the building;**
- 5. Upon submittal of a building permit, Architect/Engineered stamped plans shall be submitted;**

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6. **The tower shall be designed to allow for the co-location of a minimum of two additional antennas (for a total of three antennae) except where the additional antennas would interfere or impact the applicant's proposed antenna(s); and,**
7. **The tower shall be constructed according to the design plans submitted with the tower appearing as a flag pole.**

GENERAL COMMENTS:

(Updates to the staff report are shown in bold.) This item was continued from the December 18, 2003 Planning Commission meeting to allow the applicant time to submit the required information.

The applicant is seeking an 11-6-19 Review approval to erect a one-hundred and fifty foot monopole cell tower accompanied by an eleven feet, six inches by thirty feet (11'6" x 30') equipment shed located in the southwest corner of the subject property. The property is currently zoned General Agriculture and is the location of the Prima School of Dance and a vacant laundry mat. The adjacent properties to the south and to the west are both zoned Low Density Residential.

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". As previously indicated, this is a public utility located on privately owned land requiring that the Planning Commission review and approve of the proposed construction.

STAFF REVIEW:

Staff has reviewed the proposed 11-6-19 SDCL Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Engineering:

The Engineering Division noted that storm water runoff from the site could drain into a residential area. A Grading/Drain Plan should be submitted for review and approval by the Engineering Division prior to issuance of a Building Permit.

Fire Department:

On November 19, 2003 the applicant submitted a revised site plan showing the driveway access to the tower being paved at the required width of 20 feet. The Fire Department has noted that access to the tower is only eighteen feet wide and the Uniform Fire Code requires a twenty foot wide hard surfaced access. Prior to issuance of a Building Permit, plans showing a continuous twenty foot wide paved access to the tower should be provided. The Fire Department also notes that the structure must be addressed with twelve inch numbers plainly visible from the access point.

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Urban Planning:

On December 8, 2003 the applicant submitted copies of the coverage plots for the proposed cell tower accompanied with an explanation. The information provided does not include any data or projections to support their assertions that the tower is necessary.

At the November 20, 2003 Planning Commission meeting the Planning Commission requested documentation of the difference between the coverage rings of the proposed monopole tower versus the coverage rings of a flagpole stealth tower. The applicant has indicated the immediate difference would not be significant for their use. However, the applicant has indicated that the use of a stealth tower could effect the coverage of their future antennae additions and effect the coverage of any carriers who attempt to co-locate on the tower in the future.

At the November 20, 2003 Planning Commission meeting the Planning Commission requested that the applicant provide information regarding the cost difference between the requested monopole tower and a stealth tower. The applicant has indicated that the cost difference between the requested monopole tower and a flagpole stealth tower would not be significant.

At the November 20, 2003 Planning Commission meeting the Planning Commission also requested information regarding the distance of the surrounding residential uses to the proposed cell tower. As of this writing the applicant has not provided that information. **On December 15, 2003 the applicant submitted information regarding the distance from the tower to the nearest residential structure to the south. The distance from the center of the tower to the mid-section of the structure is approximately 180 feet.**

A major issue associated with new cellular towers is the visual impact the structures will have on the surrounding area and the City in general. Staff is making two recommendations that they believe will help to minimize the adverse impacts caused by this tower. In order to reduce visual impact, the City in recent years has consistently required new towers to be constructed with the ability to co-locate other future antennae. Based on previous Planning Commission discussions, the staff is recommending that a stealth tower appearing as a flag pole be utilized to reduce the visual impact caused by the tower. As of this writing a revised site plan showing the tower appearing as a flag pole has not been submitted.

On January 12, 2004 the applicant submitted a new site plan and elevation drawings showing the proposed tower with a stealth flag pole design. The height of the tower appearing as flag pole is 166 feet tall. The applicant also submitted a new site plan and elevation drawings showing the proposed tower as a monopole design with the ability to collocate two additional carriers and antennas. In addition to the new site plan and elevation drawings the applicant also submitted photo simulations of what the site would look like with the tower appearing as a flag pole and as a monopole. Staff is recommending the tower be constructed as it is shown on design plan number two, with the tower appearing as a flag pole.

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Because the adjacent properties to the south and to the west are zoned Low Density Residential, City Ordinance requires an opaque ornamental screening fence be installed along the property lines that are adjacent to those residential districts. As of this writing no revised site plan has been submitted showing the required opaque ornamental screening fence. **On January 12, 2004 the applicant submitted a new site plan and elevation drawings showing the required six foot high ornamental screening fence along the property lines that are adjacent to residential properties.**

Staff recommends the 11-6-19 SDCL Review be **approved with the above stated stipulations.**