

# STAFF REPORT

April 22, 2004

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**No. 03SR048 - 11-6-19 SDCL Review**

**ITEM 42**

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GENERAL INFORMATION:

PETITIONER	Realcom Associates for Western Wireless Corporation
REQUEST	<b>No. 03SR048 - 11-6-19 SDCL Review</b>
EXISTING LEGAL DESCRIPTION	Lot CR of Block 12-13(Ordinance #1925, 1945), Block 12, Providence Subdivision, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.18 acres
LOCATION	2449 West Chicago Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/07/2003
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review be continued to the **May 27, 2004** Planning Commission meeting:

GENERAL COMMENTS:

**(Updates to the staff report are shown in bold.) This item was continued from the February 19, 2004 Planning Commission meeting to allow time for the applicant to complete the required stipulations that would bring the nonconforming site into compliance with the approvals previously granted on September 4, 2001 by City Council.**

The applicant is seeking an 11-6-19 Review approval to allow the addition of two four foot microwave dish's to an existing telecommunication tower. The existing telecommunication facility is located at 2449 West Chicago Street. In September 2001 the City Council approved a Use on Review for the existing telecommunication facility with stipulations.

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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 and has noted the following issues:

On July 26, 2001 the Rapid City Planning Commission approved a Use on Review to allow a communication tower for this site with stipulations. The applicants request was to replace an existing 40 foot high monopole with a 150 foot monopole. On August 6, 2001 the Rapid City, City Council denied the request without prejudice. On August 23, 2001 the Rapid City Planning Commission approved a Use on Review to allow a cellular communication tower in at 2449 West Chicago Street with stipulations, and on September 4, 2001 the Rapid City, City Council also approved the request with the following stipulations:

1. Prior to issuance of a Building Permit, a detailed geotechnical study shall be submitted for review and approval;
2. A Building Permit shall be obtained prior to any construction;
3. Prior to issuance of a Building Permit, three sets of Architectural/Engineer stamped plans shall be provided for review and approval;
4. A Certificate of Completion shall be obtained prior to any use of the tower;
5. That a minimum of 20 foot fire lane access shall be continually maintained behind the existing building;
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);
7. The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority;
8. The tower shall remain unpainted allowing the galvanized steel color to show or the tower shall be painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;
9. The existing communications tower shall be removed within thirty days of the issuance of a Certificate of Completion for the new communications tower;
10. No commercial advertising signage shall be allowed on the tower;
11. All requirements of the Off-Street Parking Ordinance shall be continually met;
12. The Use on Review shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council or if the use as approved has ceased for a period of two years.

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Staff has noted that three of the stipulations have not yet been completed.

Engineering:

The Engineering Division noted that a copy of the Geo-Technical Analysis needs to be submitted for the file. **Staff has noted that this information has not been submitted.**

Building Inspection:

The Building Inspection Division noted that a Building Permit was issued but the tower was constructed entirely without any inspections. The Building Inspection Division has also noted that a letter from the engineer of record, for the project, must be filed indicating the pier was poured to his specifications. **Staff has noted that this information has not been submitted.**

Urban Planning:

The existing 40 foot tower is still located on the site. Staff has noted that a demolition application has been submitted to remove the existing 40 foot tower. The permit has been prepared; however, it has not been picked up by the applicant, as such the existing 40 foot tower has not been removed. **Staff has indicated that the 40 foot tower has been removed.**

**Microwave Dish's: Staff noted that the proposed construction is a minor expansion of an existing cell tower. Because this is a minimal expansion and no additional traffic will be generated to the site by this expansion, the existing parking and landscaping may remain; however, any future expansion of the site may require additional parking, and compliance with the landscaping requirements of 17.50.300 of the Rapid City Municipal Code.**

Staff is recommending that this item be continued to the **May 27, 2004** Planning Commission Meeting to allow the applicant time to complete the required stipulations that would bring the nonconforming site into compliance with the approvals previously granted on September 4, 2001 by City Council.