

STAFF REPORT
July 22, 2004

No. 04SR037 - 11-6-19 SDCL Review to allow three antennas to be attached to an existing 150 foot monopole **ITEM 41**

GENERAL INFORMATION:

PETITIONER	Paul Wozniak for Western Wireless Corp.
REQUEST	No. 04SR037 - 11-6-19 SDCL Review to allow three antennas to be attached to an existing 150 foot monopole
EXISTING LEGAL DESCRIPTION	Lot 1 of Hidden Valley Ranchettes #2 Subdivision, Section 31, T2N, R9E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.02 acres
LOCATION	14885 Morningview Drive
EXISTING ZONING	Limited Agriculture District (County)
SURROUNDING ZONING	
North:	Box Elder
South:	Limited Agriculture District (County)
East:	General Agriculture District (County)
West:	Box Elder
DATE OF APPLICATION	06/04/2004
REVIEWED BY	Todd Tucker / Sig Zvejnieks

RECOMMENDATION: Staff recommends that the 11-6-19 SDCL Review to allow three antennas to be attached to an existing 150 foot monopole be **continued to the August 5, 2004 Planning Commission meeting to allow the applicant time to submit the required additional information.**

GENERAL COMMENTS: **(This Staff Report was revised on July 12, 2004. All revised and/or added text is shown in bold text.) This item was continued at the July 8, 2004 Planning Commission meeting to allow the applicant to submit the required information to meet stipulations one and two of this review.**

On July 7, 2004, the applicant's attorney was notified of the stipulations of approval. As of this writing, the additional required information has not been provided.

The subject property is located in Pennington County but within the City of Rapid City's platting jurisdiction. The property is currently zoned Limited Agriculture. The applicant is seeking an SDCL 11-6-19 Review approval to allow the placement of three additional dish antennas to an existing 150 foot monopole cellular communications tower.

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On May 24, 2004 the Pennington County Planning Commission approved a Conditional Use Permit for this use with seven stipulations. Those stipulations of approval are 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 a Building Permit is obtained for the installation of the three (3) dish antennas to be reviewed and approved by the Planning Director;
3. That the existing tower be limited to a height of 150 feet or obtain a Variance to the Airport Height and Hazard Zoning requirements;
4. That a security fence be maintained around the base of the tower and any necessary supports;
5. That the applicant maintains two (2), nine (9) by eighteen (18) parking spaces in a dust free manor;
6. That the private access to the site be maintained in a dust free manner; and,
7. That this Conditional Use Permit be reviewed in two (2) years or on a complaint basis.

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

Site Plan: As previously indicated, a Conditional Use Permit was approved with seven stipulations on May 24, 2004 by the Pennington County Planning Commission. The site plan submitted with this SDCL 11-6-19 Review shows the fenced area of the existing cellular tower and the equipment shelter. However, a site plan showing the property boundaries and all structures and on-site parking must be provided for review and approval to insure compliance with the stipulations of approval for the Conditional Use Permit.

Tower Height: Rapid City Regional Airport staff noted that the existing tower does not encroach into the Airport Height and Hazard Zoning Areas.

Engineer of Record Signature: The report provided by the applicant regarding the structural analysis for the existing 150 foot high monopole was stamped by a professional engineer. However, the stamp on the report and the letter accompanying were not signed by the professional engineer providing the information. Prior to Planning Commission approval, a stamped and signed report regarding the structural analysis of the existing 150 foot high monopole must be submitted to insure the validity of the documents provided.

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Staff recommends that the 11-6-19 SDCL Review be continued to the August 5, 2004 Planning Commission meeting to allow the applicant time to submit the required additional information.