

STAFF REPORT  
March 24, 2005

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**No. 05SR002 - 11-6-19 SDCL Review to allow the construction of a cellular communications tower and equipment building on public property**

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**ITEM 21**

GENERAL INFORMATION:

PETITIONER	Faulk & Foster for Western Wireless Corp.
REQUEST	<b>No. 05SR002 - 11-6-19 SDCL Review to allow the construction of a cellular communications tower and equipment building on public property</b>
EXISTING LEGAL DESCRIPTION	A tract of land that is located in a portion of the NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the Southeast corner of Lot 3 as recorded in Page 62 of the Chambers records of the Pennington County Register of Deeds; thence North along the east line of said Lot 3, 789.81 feet to the south line of Tract 4 of the Greenway tracts as recorded in Book 17 of Plats on Page 106 of the records of the Pennington County Register of Deeds; thence S74°32'00"W along the said south line of Tract 4 of the Greenway tracts, 194.76 feet; thence S36°00'00"W along the said south line of Tract 4 of the Greenway tracts, 459.84 feet; thence South, 363.83 feet to the south line of said Lot 3; thence S89°44'48"E along the said south line of Lot 3, 458.00 feet to the point of beginning; all located in NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.71 acres
LOCATION	At the northern terminus of Player Drive
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Park Forest District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/10/2005

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REVIEWED BY

Todd Tucker / David L. Johnson

RECOMMENDATION:

Staff recommends that the **Planning Commission acknowledge the applicant's request to withdraw the 11-6-19 SDCL Review** to allow the construction of a cellular communications tower and equipment building on public property.

GENERAL COMMENTS: **(This Staff Report was revised on March 11, 2005. All revised and/or added text is shown in bold text.) This item was continued at the February 24, 2005 Planning Commission meeting to allow time for the applicant to revise the site plan and submit the required additional information. On March 7, 2005 the City Council denied the associated Rezoning and Comprehensive Plan amendment request to change the zoning and future land use designation on the subject property to Public District. Subsequently the applicant has submitted a written request to withdraw the application. As such, staff recommends that the Planning Commission acknowledge the applicant's request to withdraw the SDCL 11-6-19 Review request.**

The subject property is located at the northern terminus of Player Drive between Sheridan Lake Road and Park Drive. The subject property is currently zoned Park Forest and is owned by the City of Rapid City. The property is located adjacent to Park Forest properties to the north and west. The properties located east and south of the subject property are zoned Low Density Residential. The applicant is requesting approval of an SDCL 11-6-19 Review to allow the construction of a cellular communications tower and equipment building on public property.

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, the proposed construction is located on publicly owned land requiring that the Planning Commission review and approve 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:

Building Permit: Staff noted that a Building Permit must be obtained prior to initiation of construction, and that a Certificate of Occupancy must be obtained prior to occupying the buildings. Staff also noted that if the equipment building is a prefabricated structure than a copy of a third party inspection of the structure must be provided prior to issuance of a Building Permit.

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Air Quality Permit: Staff noted that if the area of disturbance exceeds one acre, an Air Quality Permit must be obtained.

Design Features: The submitted elevation drawings show the proposed cellular tower to be 100 feet in height and designed with a stealth flag pole appearance. The accessory equipment building is 200 square feet in size and has a height of approximately nine feet. The exterior of the equipment building is proposed to be constructed of concrete material. Staff is recommending that if approved, a United States of America Flag be displayed on the proposed stealth flag pole cellular tower.

Setbacks: The Public Zoning District requires that a 25 foot front, side and rear yard setback be provided for all buildings. The applicant's site plan does not show the existing property boundary, only the proposed location of the structures in relation to the existing street. As such, a revised site plan must be submitted showing the existing property boundaries and the proposed cellular tower and equipment shelter to insure that the minimum setback requirements are met. This will also allow the Planning Commission to evaluate the potential impacts of the tower on the surrounding property and land uses.

Access: The applicant's site plan shows the existing gravel turn around at the end of Player Drive and the proposed single track access to the proposed cellular tower site to be gravel. Staff noted that the existing gravel turn around and access road to the proposed cellular tower site must be paved and improvements installed in compliance with the Rapid City Municipal Code and the Street Design Criteria Manual.

Parking: Staff noted that the applicant's site plan does not indicate the location, size and type of any parking for the facility. As such, a revised site plan must be submitted showing a minimum of two paved parking stalls, one being a "van accessible" handicapped stall as per Section 17.50.270 of the Rapid City Municipal Code for review and approval.

Landscaping: The applicant's site plan does not indicate the location or type of any existing or proposed landscaping on the subject property. As such, a landscaping plan showing the location and type of all existing and/or proposed landscaping on the subject property must be submitted for review and approval. In particular, landscaping and screening of the equipment building should be identified.

Fencing: The submitted plans for the proposed development indicate that a six foot high chain link fence topped by approximately one foot of barbed wire will enclose the facility. Section 15.40.090 of the Rapid City Municipal Code states that, no barbed wire fencing shall be permitted in any public zoning district, except in association with hazardous utility substations. Previously fencing has been required at cellular tower facilities to prevent individuals from climbing the tower. Staff noted that the cellular tower proposed with this request is a non-climbable stealth flag pole. As such, staff recommends that a revised site plan be submitted showing the proposed fence removed.

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Fire Safety: Staff noted that an approved fire apparatus access road must be provided to the facility. Staff also noted that the facility must have the address posted on the structure and at the driveway entrance.

Drainage and Geotechnical Reports: Staff noted that a sediment and erosion control plan was not submitted with the application. Staff also noted that a geotechnical analysis for the tower was not submitted. Prior to issuance of a Building Permit, a sediment and erosion control plan and a geotechnical analysis for the tower must be submitted for review and approval.

Co-Location: A major issue associated with new cellular towers is the visual impact the structure will have on the surrounding area and the City in general. In order to reduce visual impact, the City in recent years has consistently required that new towers be constructed with the ability to co-locate other antennae in the future. As such, staff recommends that the proposed cellular tower be constructed with the ability to co-locate other antennae in the future and that co-location will be allowed on the tower.

Project Site Name: The submitted plans for the proposed cellular tower title the project name with the site name "Sioux Park / City of Rapid City". Staff noted that the subject property is located adjacent to the Meadowbrook Golf Course and not at Sioux Park. As such, staff recommends that the site name of the project be changed from "Sioux Park" to "Meadowbrook Golf Course" to eliminate confusion.

Park Use: As previously indicated, the subject property is owned by the City of Rapid City. The applicant has requested that the City Council determine if the use of the subject property is appropriate for the requested use. The item will be heard at the March 7, 2005 City Council meeting.

Future Golf Course Expansion: Staff noted that the Meadowbrook Golf Course is proposing future expansion of the golf course in the area. However, Parks Department staff noted that the location of the proposed cellular tower will not effect the possible future expansion of the golf course.

Neighborhood Impacts: As previously indicated, the subject property is located adjacent to numerous residential properties. Staff has received numerous calls from concerned property owners relating to the possible adverse impacts that the proposed cellular tower may have on their properties.

Coverage Rings: Staff noted that no justification has been submitted indicating the need for a cellular tower at this location. Staff noted that a copy of the coverage rings for the area must be submitted for review to determine if a new cellular tower is needed in this area of the city.

Notification Requirement: Staff noted that SDCL 11-6-19 Review applications do not require that any notification be sent to the surrounding property owners. However, the Planning Commission and City Council have asked that City staff send notification to the surrounding

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property owners within 250 feet of the subject property for cellular tower requests. Staff noted that the notifications were mailed on February 16, 2005 as the Planning Commission has requested.

Staff recommends that the SDCL 11-6-19 Review be continued to the March 24, 2005 Planning Commission meeting to allow time for the applicant to address the previously indicated issues and provide the required information.

**As previously indicated staff recommends that the Planning Commission acknowledge the applicant's request to withdraw the SDCL 11-6-19 Review.**