

STAFF REPORT
August 25, 2005

No. 05SR041 - 11-6-19 SDCL Review to allow the construction of an emergency generator in conjunction with a cellular communications tower **ITEM 9**

GENERAL INFORMATION:

PETITIONER	Buell Consulting for Cellular Inc. Network Corporation
REQUEST	No. 05SR041 - 11-6-19 SDCL Review to allow the construction of an emergency generator in conjunction with a cellular communications tower
EXISTING LEGAL DESCRIPTION	Utility Lot 1 of Lot B, Olson Subdivision, Section 31, T2N, R9E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .2 acres
LOCATION	Northwest of Radar Hill Road between Morning View Drive and Bus Barn Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Box Elder
South:	Box Elder
East:	Box Elder
West:	Box Elder
DATE OF APPLICATION	7/11/2005
REVIEWED BY	Todd Tucker / Michelle Horkey / Marcia Elkins

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review be denied without prejudice to allow the applicant to complete the FAA review of the proposed tower alteration.

GENERAL COMMENTS: (August 19, 2005 Update) The Growth Management staff in conjunction with the Rapid City Regional Airport staff completed the review of the tower site and determined that the facility extends into the 100 to 1 slope surrounding the Rapid City Regional Airport. This encroachment triggers a closer review by the FAA to determine if the alterations to the site will encroach into any protected areas surrounding the Airport. The applicant is in the process of submitting the required application to the FAA. As the time frame for the completion of the FAA review is difficult to predict, staff is recommending that this item be denied without prejudice to allow the applicant to complete the FAA review. Once that review is completed, the item can be resubmitted. Alternatively, the item could be continued to a future Planning Commission meeting; however, the item could appear on the Commission's

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agenda a number of times before action can be taken. If the applicant wishes to have the item continued to a date specific, a time waiver must be signed by the applicant prior to the August 25, 2005 Planning Commission meeting.

The subject property is located west of Radar Hill Road and north of Morning View Drive. The subject property currently has a 70 foot high cellular communications tower located on it. The existing cellular communications tower was constructed in 1988 and is a non-conforming structure as it is located within the flight path of the airport. The subject property is located in Pennington County. However, it is located within the three mile platting jurisdiction of Rapid City. On July 11, 2005 the Pennington County Planning Commission approved a Conditional Use Permit (CU 05-21) to allow the construction of a back-up generator to be placed on the subject property. The Conditional Use Permit had six stipulations of approval. Those stipulations of approval are as follows:

1. That the applicant submits an application for a SDCL 11-6-19 Review with the Rapid City Growth Management Department;
2. The applicant applies for a Building Permit for the proposed generator once an approved SDCL 11-6-19 Review has been obtained;
3. That the security fence continue to be maintained around the tower, equipment shelter and proposed generator;
4. That two parking spaces on the site continue to be maintained in a dust free manner;
5. That future additions of equipment to the site or tower require this Conditional Use Permit to be reviewed by the Pennington County Planning Department; and,
6. That this Conditional Use Permit be reviewed in two years or on a complaint basis to insure that all conditions are being met.

The applicant is now requesting approval of an SDCL 11-6-19 Review to allow the construction of an emergency generator in conjunction with an existing cellular communications tower.

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 construction is for a private purpose and is located on public property within the City of Rapid City's three mile platting jurisdiction which is covered by the Comprehensive Plan, requiring that the proposed construction and use be reviewed and approved by the Rapid City Planning Commission as a part of an SDCL 11-6-19 Review.

STAFF REVIEW: Staff has reviewed the SDCL 11-6-19 Review and has noted the following issues:

Design Features: The proposed emergency generator is approximately 22 square feet in size

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and is approximately four feet in height. The proposed emergency generator will be powered by a diesel engine and will not be enclosed within a structure.

Height: The proposed emergency generator may encroach into the conical zone air space surrounding the airport property. Staff is continuing to evaluate the height of the proposed generator in relation to the flight path of the airport runway. If the height of the proposed emergency generator encroaches into any of the encroachment areas of the airport which would extend the life of the current non-conforming cellular tower than staff could not support the SDCL 11-6-19 Request.

Staff is recommending that the SDCL 11-6-19 Review to allow the construction of an emergency generator for a public utility be approved with the above stated stipulation.