

STAFF REPORT  
October 6, 2005

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**No. 05SR046 - SDCL 11-6-19 Review to allow the installation of twelve existing antennas and four new antennas on an existing 100 foot tower** **ITEM 8**

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GENERAL INFORMATION:

PETITIONER	Realcom Assoc. for Alltel (formerly Western Wireless)
REQUEST	<b>No. 05SR046 - SDCL 11-6-19 Review to allow the installation of twelve existing antennas and four new antennas on an existing 100 foot tower</b>
EXISTING LEGAL DESCRIPTION	Lot 2, Block 9, McMahon Industrial Park No. 2, located in the NW1/4 SE1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.0 acre
LOCATION	3060 Haines Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Agriculture District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	8/5/2005
REVIEWED BY	Karen Bulman / Michelle Horkey

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the installation of twelve existing antennas and four new antennas on an existing 100 foot tower **be approved with the following stipulation:**

- 1. The existing off-street parking space shall be paved with a curb stop and identified as van handicapped parking.**
- 2. A Building Permit shall be obtained prior to any construction;**
- 3. A Certificate of Completion shall be obtained prior to any use of tower;**
- 4. That all requirements of the Off-Street Parking Ordinance shall be continually met;**
- 5. 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;**

STAFF REPORT  
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---

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---

6. **No commercial advertising signage shall be allowed on the tower;**
7. **Prior to issuance of a Building Permit, three sets of Architectural/Engineer stamped plans shall be provided for review and approval;**
8. **The tower shall remain unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority; and,**
9. **A maximum of 17 antennas will be allowed with this 11-6-19 SDCL Review. Any additional antennas require a new 11-6-19 SDCL Review.**

**GENERAL COMMENTS: This staff report has been revised as of September 29, 2005.**

**All revised and/or added text is shown in bold print.** The subject property is located at east of Haines Avenue and north of U.S. Interstate 90. The subject property is currently zoned General Commercial District. The properties located north and south of the subject property are zoned General Commercial District. The property located west of the subject property is zoned General Commercial District with a Planned Commercial Development. The property east of the subject property is zoned General Agriculture District. The applicant is requesting approval of a SDCL 11-6-19 Review to allow the installation of twelve existing antennas and four new antennas on an existing 100 foot telecommunication tower. The existing tower is located at 3060 Haines Avenue. In August 2001 the City Council approved a Use on Review (01UR026) for the existing telecommunication tower with a maximum of three antennas. Since then, additional antenna panels have been added to the tower resulting in a total of 15 antennas being located on the tower in violation of the previously granted approvals. The applicant proposes to remove two panel antennas, leaving 13 panel antennas on the telecommunication tower. The applicant then proposes to add four whip or Omni antennas to the tower to make a total of 17 antennas. This 11-6-19 Review is a request to allow the existing 13 antennas plus an additional four Omni antennas on the existing telecommunication 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". This is a public utility located on privately owned land requiring that the Planning Commission review and approve of the proposed installation.

**STAFF REVIEW:**

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

On August 6, 2001, the City Council approved a Use on Review for this use with eleven stipulations. Those stipulations of approval are as follows:

1. Prior to issuance of a Building Permit, a detailed geotechnical study shall be submitted for review and approval;

STAFF REPORT  
October 6, 2005

---

**No. 05SR046 - SDCL 11-6-19 Review to allow the installation of twelve existing antennas and four new antennas on an existing 100 foot tower** **ITEM 8**

---

2. Prior to issuance of a Building Permit, a detailed drainage study shall be submitted for review and approval;
3. A Building Permit shall be obtained prior to any construction;
4. Prior to issuance of a Building Permit, three sets of Architectural/Engineer stamped plans shall be provided for review and approval;
5. A Certificate of Completion shall be obtained prior to any use of the tower;
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 painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;
9. No commercial advertising signage shall be allowed on the tower;
10. That all requirements of the Off-Street Parking Ordinance shall be continually met; and,
11. 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.

Design Features: The submitted elevation drawings show the existing telecommunication tower to be 100 feet in height. The accessory equipment building is 200 square feet in size. No new equipment or towers are proposed at the subject property.

Parking: Staff noted that the applicant's site plan indicates the location of an existing handicap parking space for the facility. This handicapped stall shall be paved as per Section 17.50.270 of the Rapid City Municipal Code and identified as van handicapped parking.

Site Plan: As previously indicated, a Conditional Use Permit was approved with eleven stipulations on August 6, 2001 by the City Council. The site plan submitted with this SDCL 11-6-19 Review shows the fenced area of the existing telecommunication tower and the equipment shelter. The site plan indicates that the property is in compliance with the stipulations of approval for the Use on Review.

Co-Location: A major issue associated with 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 co-location of the 17 antennas be allowed on the tower.

Notification: The City Council has requested that notification is sent by first class mail to property owners within 250 feet of a requested cellular tower. This has been accomplished and staff has received no comments.

STAFF REPORT  
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This application was continued at the September 8, 2005 Planning Commission meeting at the applicant's request to allow the applicant to submit additional information. The applicant has requested that this item be continued to the October 6, 2005 Planning Commission meeting to allow this information to be submitted. (Revised 9-14-05). **The applicant has now submitted the additional information. Therefore, staff recommends that the 11-6-19 SDCL Review be approved with the above stated stipulations. (Revised 9-29-05)**