

STAFF REPORT  
March 22, 2007

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**No. 06SR084 - SDCL 11-6-19 Review to allow the construction of a cellular tower and accessory structures**      **ITEM 4**

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GENERAL INFORMATION:

PETITIONER	John M. Rowe, Buell Consulting, Inc. for Cellular Inc. Network Corporation d/b/a Verizon Wireless
REQUEST	<b>No. 06SR084 - SDCL 11-6-19 Review to allow the construction of a cellular tower and accessory structures</b>
EXISTING LEGAL DESCRIPTION	NW1/4 of the SE1/4, including Lot X, except the Highway Right-of-Way and except Lot 1R of Wooded Acres Subdivision (including Wooded Acres Road), Section 8, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 35 Acres
LOCATION	13752 South Highway 16
EXISTING ZONING	Highway Service (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture (Pennington County)
South:	Highway Service (Pennington County)
East:	Highway Service (Pennington County)
West:	Highway Service (Pennington County)
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	November 21, 2006
REVIEWED BY	Travis Tegethoff / Todd Peckosh

**RECOMMENDATION: Staff recommends that the SDCL 11-6-19 Review to allow the construction of a cellular tower and accessory structures be approved.**

**GENERAL COMMENTS: This staff report has been revised as of March 12, 2007. All revised and/or added text is shown in bold print.** The applicant is requesting approval of a SDCL 11-6-19 Review to allow the construction of a 150 foot high antenna structure and equipment shelter. The subject property is located on the north side of South Highway 16 and east of Wilderness Canyon Road. The subject property is currently zoned Highway Service District in Pennington County. The properties located south, east and west of the subject property are zoned Highway Service District in Pennington County. The property

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located north of the subject property is zoned General Agricultural District in Pennington County. Currently, a campground is located on the subject property.

On December 12, 2006 a Conditional Use Permit was approved by the Pennington County Board of Commissioners to allow a 150-foot communication tower in a Highway Service District.

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 the proposed installation.

**STAFF REVIEW:** Staff has reviewed the proposed SDCL 11-6-19 Review request as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

**Site Plan:** The applicant has submitted a site plan showing the proposed cellular tower with an equipment shed. However, the site plan does not include the existing structures on the property. As such, a revised site plan must be submitted showing the entire property and the locations of the existing and proposed structures. Staff recommends that this item be continued to allow the applicant to submit a revised site plan for review and approval.

**On February 2, 2007 the applicant submitted a revised site plan showing the entire property and the locations of the existing and proposed structures.**

**Parking:** Section 17.50.270 of the Rapid City Municipal Code requires two off-street parking spaces be provided. Section 17.50.270(G) (3) states that parking areas shall be paved and maintained so as to eliminate dust or mud. Staff noted that one standard parking space and one van accessible handicap space shall be provided per Section 17.50.270 of the Rapid City Municipal Code. The proposed site plan meets the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code.

**Landscaping:** Section 17.50.300 of the Rapid City Municipal Code requires landscaping to be provided. Staff noted that the proposed site plan meets the minimum requirements of Section 17.50.300 of the Rapid City Municipal Code.

**Design Features:** The submitted elevation drawings show the proposed tower to be 150 feet in height. The tower shall not be illuminated by artificial means or strobe lights. No advertising will be allowed on the tower. 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.

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**On February 2, 2007 the applicant submitted a revised site plan showing the proposed structure to be located approximately 150 feet north of the property line in an area of existing trees and maintenance building. This location will aid in screening the structure from U.S. Highway 16 and the existing campground facilities.**

Fire Safety: Staff noted addressing of the structure shall be in compliance with the 2003 International Fire Code. Staff also noted that fire apparatus access appears to be in compliance with the 2003 International Fire Code.

Engineering: Staff noted that commercial properties are required to have a reinforced concrete approach and driveway openings shall not be less than 16 feet in width. Staff also noted that a detail of the reinforced concrete approach and a pavement section for the access road and parking area must be provided. Staff recommends that this item be continued to allow the applicant to submit a revised site plan for review and approval as identified.

**On February 2, 2007 the applicant submitted a revised site plan addressing the issues as identified.**

Drainage and Grading: Staff noted that the drainage and grading plans submitted must be designed in compliance with the Rapid City Drainage Criteria Manual and City of Rapid City Standard Specifications for Public Works Construction, 2004 Edition. Staff noted that flow arrows and contour elevations must be shown and plans must be signed by a Registered Engineer in the State of South Dakota. Staff recommends that this item be continued to allow the applicant to submit a revised grading and drainage plan for review and approval.

**On February 2, 2007 the applicant submitted a revised site plan addressing the issues as identified.**

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. To date the applicant has not provided justification for constructing the proposed tower. As such, staff recommends that this item be continued to allow the applicant to identify the locations of existing cellular towers in the area for possible co-location of the proposed antennas.

**On March 2, 2007, the applicant submitted a "Technical Report" identifying current system capacity and design issues and identifying additional proposed facilities within our community. In particular, the report states that additional tower(s) are being proposed to maintain adequate system capacity while reducing interference within the system and to enable new, enhanced wireless data services available in other markets, but not currently available in Rapid City. The report also states that certain variables must be considered in the design and location of communication facilities such as terrain, the number of possible users, the concentration of users in a given area, the types of wireless products available to the users and the proximities of wireless communication facilities to other wireless communication facilities.**

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The report states that the purpose of the communication tower at this site is to offload some of the usage from the existing cellular tower at Dinosaur Park and to provide improved coverage to properties located within this area that currently have marginal service. This site is over seven miles from the existing cellular tower at Dinosaur Park and there are no towers within four miles of this site.

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 as of the writing of this report staff has received no comments.

**This item was continued to the March 22, 2007 Planning Commission meeting at the applicant's request.**

**Staff recommends that the SDCL 11-6-19 Review to allow the construction of a communication facility be approved.**