

STAFF REPORT
April 5, 2007

No. 06SR075 - SDCL 11-6-19 Review to allow the construction of a communication facility **ITEM 6**

GENERAL INFORMATION:

PETITIONER	Buell Consulting, Inc. for Cellular Inc. Network Corporation
REQUEST	No. 06SR075 - SDCL 11-6-19 Review to allow the construction of a communication facility
EXISTING LEGAL DESCRIPTION	Lot 1, located in the SE1/4 SW1/4, less Lot H1 and less Right-of-way, Section 29, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .06 acres
LOCATION	7800 Albertta Drive
EXISTING ZONING	Highway Service District (Pennington County)
SURROUNDING ZONING	
North:	Planned Unit Development (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Highway Service District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	10/26/2006
REVIEWED BY	Travis Tegethoff / Todd Peckosh

RECOMMENDATION: Staff recommends that the SDCL 11-6-19 Review to allow the construction of a communication facility be continued to the April 26, 2007 Planning Commission Meeting to allow the Pennington County Board of Commissioners to take action on the request.

GENERAL COMMENTS: This staff report has been revised as of March 27, 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 flagpole antenna structure and equipment shelter. The applicant has also submitted a Conditional Use Permit application with the Pennington County Planning Department to allow a 150 foot communication tower in accordance with Sections 210-C-9 and 510 of the Pennington County Zoning Ordinance. The subject property is located south of Sheridan Lake Road and east of Albertta Drive. The subject property is currently zoned Highway Service District in Pennington County. The properties located west and south of the subject property are zoned Suburban Residential District in Pennington County with existing single family homes.

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The properties located north of the subject property are zoned Planned Unit Development in Pennington County with single family homes. The property to the east of the subject property is zoned Highway Service District in Pennington County with the Tennis Center of the Black Hills located on the property. Currently, a portion of the parking lot for the Tennis Center of the Black Hills is located on the subject property.

On March 12, 2007, the Pennington County Planning Commission continued the request to allow the construction of a communication facility on the subject property to the March 26, 2007 Pennington County Planning Commission meeting to obtain additional information.

On March 26, 2007, the Pennington County Planning Commission sent the request to allow the construction of a communication facility to the Pennington County Board of Commissioners without recommendation. The Pennington County Board of Commissioners will take action on the request at the April 3, 2007 meeting.

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:

Parking: Section 17.50.270 of the Rapid City Municipal Code requires that one standard parking space and one van accessible handicap space shall be provided for the proposed structure. Staff also noted that the proposed structure shall not interfere with the existing use on the subject property and that adequate parking shall be demonstrated for the existing use on the adjacent property. Staff recommends that this item be continued to allow the applicant to submit a revised site plan for review and approval indicating the required parking for the existing and proposed uses.

On February 2, 2007 the applicant submitted a revised site plan indentifying the required parking for the existing and proposed uses.

Landscaping: Section 17.50.300 of the Rapid City Municipal Code requires landscaping to be provided. Staff noted that no landscape information was indicated on the plan. 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 landscape plan meeting the minimum requirements of Section 17.50.300 of the Rapid City Municipal Code.

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Design Features: The submitted elevation drawings show a 345 square foot equipment shelter and a flagpole tower 150 feet in height with an eight foot high cedar slat fence surrounding the tower base. There is an 18 foot by 12 foot U.S. flag proposed to be located on the tower. The tower shall not be illuminated by artificial means or strobe lights except to illuminate the flag. 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.

On March 5, 2007, the applicant submitted revised structural elevations for the cellular facility for review. In particular, the elevations identify a 120 flagpole tower and an 11.5 foot by 30 foot equipment building. The building is a one story structure and constructed with four inch face brick look finish that is dark walnut in color and a peaked shingled roof. A ten foot high cedar security fence is proposed around the equipment shed. However, the revised plans removed the lighting and flag from the proposed tower.

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.

Sheridan Lake Road: Sheridan Lake Road is classified as a principal arterial on the Major Street Plan requiring a 100 foot right-of-way. Currently, there is approximately 66 feet of dedicated right-of-way along the subject property. The applicant would be required to dedicate an additional 17 feet of right-of-way when the property is replatted. Pennington County Highway Department staff indicated that the structure should be located further to the south to allow the future expansion of Sheridan Lake Road. 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 increasing the setback distance to Sheridan Lake Road from approximately 53 feet to approximately 70 feet to the tower.

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. Prior to Planning Commission approval, a revised grading and drainage plan must be submitted for review and approval.

On February 2, 2007, the applicant submitted a revised site plan meeting the minimum drainage and grading requirements.

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

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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 flagpole 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.

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 five miles from the existing cellular tower at Dinosaur Park and there are no towers within two miles of this site.

On February 23, 2007, Alltel submitted a letter of support for approval of Verizon's application with a tower height of at least 120 feet and confirming Alltel's willingness to co-locate on Verizon's proposed 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 three calls and one letter with 61 signatures opposing the proposed cellular tower.

This item was continued to the January 4, 2007 Planning Commission meeting to allow the applicant to submit the required information. As of December 20, 2006 the required information has not been submitted and staff is recommending that this item be continued to the January 25, 2007 Planning Commission Meeting. **This item was continued to the April 5, 2007 Planning Commission meeting to allow the Pennington County Planning Commission to take action on the request.**

Staff recommends that the SDCL 11-6-19 Review to allow the construction of a communication facility be continued to the April 26, 2007 Planning Commission meeting to allow the Pennington County Board of Commissioners to take action on the request.