

STAFF REPORT

April 26, 2007

No. 06SR076 - SDCL 11-6-19 Review to allow the construction of a communication facility **ITEM 41**

GENERAL INFORMATION:

PETITIONER	Buell Consulting, Inc. for Cellular Inc. Network Corporation
REQUEST	No. 06SR076 - SDCL 11-6-19 Review to allow the construction of a communication facility
EXISTING LEGAL DESCRIPTION	Lot 1, Block 10, McMahon Industrial Park No. 2, located in the SW1/4 SE1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.08 acres
LOCATION	2870 Haines Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
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 denied without prejudice.

GENERAL COMMENTS: This staff report has been revised as of April 17, 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 100 foot high flagpole antenna structure and equipment shelter. The subject property is located north of Mall Drive and east of Haines Avenue. The subject property is currently zoned General Commercial District. The surrounding properties are zoned General Commercial District. Currently, several commercial buildings and a parking lot are located on the subject 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

STAFF REPORT

April 26, 2007

No. 06SR076 - SDCL 11-6-19 Review to allow the construction of a communication facility **ITEM 41**

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:

Building Permits: Staff noted that a building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy. Staff also noted that plans for the flagpole tower shall be stamped by a Registered Professional Engineer or Architect per SDCL 36-18A and a third party shall provide inspection of the prefabricated equipment shelter.

Setbacks: Staff noted that the applicant's site plan meets all the setback requirements as per Section 17.18.050 of the Rapid City Municipal Code.

Building Height: Staff noted that the applicant's plans meet all the building height requirements as per Section 17.18.060 and Section 17.50.260(C) of the Rapid City Municipal Code.

Parking: Section 17.50.270 of the Rapid City Municipal Code requires two 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 appears to meet all the 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 no landscape information was indicated on the plan. Staff recommends that this item be continued to allow the applicant to submit a landscape plan for review and approval.

On December 6, 2006 the applicant submitted a landscape plan meeting the minimum requirement of Section 17.50.300 of the Rapid City Municipal Code.

Design Features: The submitted elevation drawings show the proposed tower to be 100 feet in height with a 12 foot by 18 foot U.S. flag. 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.

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.

STAFF REPORT
April 26, 2007

No. 06SR076 - SDCL 11-6-19 Review to allow the construction of a communication facility **ITEM 41**

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 December 6, 2006 the applicant submitted a grading and drainage 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 December 8, 2006 the applicant submitted a letter and search area map for the proposed communication facility addressing co-location of the proposed tower. In particular the applicant has not submitted a Service Area Map showing all telecommunication facilities within the area, a service boundary for each facility and demonstrate that the existing facilities (towers, antennas, etc.) will not allow co-location due to capacity issues or that the location of the facility is outside of the service coverage area needed by the applicant. The information provided identified an existing tower approximately 800 feet to the north of the proposed tower. The letter stated that the existing tower height was less than desired for the proposed tower and that additional ground space was not available for an equipment shelter but did not demonstrate a need for the additional tower in the area. As such, staff would recommend that the SDCL 11-6-19 Review to allow the construction of a communication facility be denied without prejudice.

On February 22, 2007 staff met with the applicant and the applicant indicated that the nearest tower to the proposed location is lacking the ground space needed to place the equipment. The applicant also indicated that the equipment could be placed at an alternate location and a fiber optic line could be used to connect the equipment to the existing tower.

On March 2, 2007 a "Technical Report" was submitted for the proposed tower locations and the applicant stated that they are pursuing alternative options to co-locate on the existing tower at all costs to prevent additional towers in the area.

On April 17, 2007 the applicant requested to proceed with the SDCL 11-6-19 Review as submitted. The applicant previously stated that the existing tower height was less than desired for the proposed tower and that additional ground space was not available for an equipment shelter. However, the applicant has not demonstrated that the existing facilities (towers, antennas, etc.) will not allow co-location due to capacity

STAFF REPORT
April 26, 2007

No. 06SR076 - SDCL 11-6-19 Review to allow the construction of a communication facility **ITEM 41**

issues or that the location of the facility is outside of the service coverage area needed by the applicant. Staff recommends that the SDCL 11-6-19 Review to allow the construction of a communication facility be denied without prejudice.

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 recommends that the SDCL 11-6-19 Review to allow the construction of a communication facility be continued to the December 7, 2006 Planning Commission Meeting to allow the applicant time to submit the required information as outlined above.

This item was continued to the December 7, 2006 Planning Commission meeting to allow the applicant to submit the required information. This item was continued to the January 4, 2007 Planning Commission meeting to allow the applicant to submit the required information. This item was continued to the March 22, 2007 Planning Commission meeting at the applicant's request. This item was continued to the April 5, 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 continued to the April 26, 2007 Planning Commission meeting at the applicant's request so the applicant has additional time to pursue alternative options.

On April 5, 2007 this item was continued to the April 26, 2007 Planning Commission meeting at the applicant's request. On April 17, 2007 the applicant requested to proceed with the SDCL 11-6-19 Review as submitted. As previously stated the applicant has not demonstrated a need for an additional tower in the area; therefore staff recommends that the SDCL 11-6-19 Review to allow the construction of a communication facility be denied without prejudice.