

STAFF REPORT  
June 7, 2007

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**No. 07SR022 - SDCL 11-6-19 Review to allow the construction of a communication tower on public property**      **ITEM 9**

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GENERAL INFORMATION:

PETITIONER	David R. Jeffries for Black Hills Chapter, American Red Cross
REQUEST	<b>No. 07SR022 - SDCL 11-6-19 Review to allow the construction of a communication tower on public property</b>
EXISTING LEGAL DESCRIPTION	Tract A of Lot C of Lot S-1, Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .71 acres
LOCATION	1221 North Maple Avenue
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Public District
South:	Medium Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/26/2007
REVIEWED BY	Travis Tegethoff / Todd Peckosh

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review request to allow the construction of a communication tower on public property be continued to the **June 21, 2007** Planning Commission meeting to allow the applicant to submit additional information.

GENERAL COMMENTS:

**This staff report has been revised as of May 29, 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 62 foot high antenna structure on City of Rapid City property to support Red Cross disaster and administrative communications. The subject property is located north of Anamosa Street and west of North Maple Avenue. The subject property is currently zoned Office Commercial District. The property to the north of the subject property is zoned Public District. The properties to the south are zoned Medium Density Residential District. The properties to the east and west of the subject property are currently zoned Low Density Residential District. Currently, the America Red

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Cross office building 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 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 publicly 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 completion shall be obtained upon completion. Staff also noted that plans for the tower shall be stamped by a Registered Professional Engineer or Architect per SDCL 36.

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.

Parking: Staff noted that the proposed site plan appears to meet all the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code.

Service Area: Staff noted that the applicant has not submitted information demonstrating the service area the proposed tower will serve. As such, staff recommends that this item be continued to the May 10, 2007 Planning Commission meeting to allow the applicant to submit the information on the service area for the proposed tower.

Design Features: The submitted elevation drawings show the proposed tower to be a metal frame structure 62 feet in height. There is no accessory structure or fencing associated with the proposed tower. The necessary equipment will be located inside the existing Red Cross building.

The subject property is located adjacent to Anamosa Street and North Maple Avenue. Anamosa Street is a minor arterial street utilized by many residents. The subject property is located at the top of a hill in the area. No substantial topographic features buffer the proposed communication tower from the surrounding area. As such, the viewsheds around the public and residential uses are negatively impacted. A school is located north of the subject property and Bethel Assembly of God Church is located directly across the street from the site with no buffer between the proposed tower and the church. In addition, residential areas are located approximately 250 feet south of the proposed tower.

Staff understands the necessity for the Red Cross to provide adequate emergency and

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administrative communication services and in the past Planning Commission has allow the construction of flagpole antenna structures within Rapid City. Unfortunately, the proposed metal frame structure is not a compatible use within the area and does not integrate well with the existing use(s). As such, staff recommends that the SDCL 11-6-19 Review to allow the construction of a communication tower on public property be continued to the May 10, 2007 Planning Commission meeting to allow the applicant to submit a revised tower design for a flagpole tower or a more appropriate location for 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.

This item was continued to the May 10, 2007 Planning Commission meeting to allow the applicant to submit the required information. This item was continued to the May 24, 2007 Planning Commission meeting to allow the applicant to submit the required information. **This item was continued to the June 7, 2007 Planning Commission meeting to allow the applicant to submit the required information. As of May 29, 2007 the required information has not been submitted. Staff recommends that this item be continued to the June 21, 2007 Planning Commission meeting to allow the applicant to submit the required information.**