

STAFF REPORT
April 24, 2008

No. 08SR013 - SDCL 11-6-19 Review to allow the construction of accessory utility structures **ITEM 37**

GENERAL INFORMATION:

APPLICANT	Kari Nelson for d/b/a Verizon Wireless
AGENT	John M. Rowe for Buell Consulting, Inc.
PROPERTY OWNER	Robert E. Fuchs
REQUEST	No. 08SR013 - SDCL 11-6-19 Review to allow the construction of accessory utility structures
EXISTING LEGAL DESCRIPTION	A portion of the SW1/4 SE1/4, less east 424.2 feet, Section 8, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 27.145 acres
LOCATION	2200 E. Fairmont Blvd.
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Light Industrial District
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	2/10/2008
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the construction of accessory utility structures be approved.

GENERAL COMMENTS: **(Update: April 14, 2008. All revised and/or added text is shown in bold.)** This item was continued to the April 24, 2008 Planning Commission meeting at the applicant's request. The applicant is requesting approval of a SDCL 11-6-19 Review allow the installation of panel antennas on an existing 140 foot high monopole structure and the construction of an additional equipment shelter for an existing cellular tower. The property is located north of East Fairmont Boulevard and east of Creek Drive at 2200 East Fairmont Boulevard. The property is currently zoned Suburban Residential District in Pennington County.

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In 2000, a Conditional Use Permit (#CU00-52) was approved by Pennington County to allow the Construction of a communication facility on the property. The applicant is now proposing to add additional antennas and an additional equipment shelter to the facility.

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. It should be noted that because the proposed utility structure is located outside of the City limits, the property is not subject to the City's zoning regulations. Staff has noted the following issues:

Parking: Staff noted that the parking plan was previously approved as part of Conditional Use Permit in Pennington County. Pennington County staff has indicated that the proposed plan is in compliance with the previously approved Conditional Use Permit.

Landscaping: Staff noted that Pennington County does not require landscaping for the proposed structure.

Design Features: The submitted elevation drawings show the existing tower to be 140 feet in height with the proposed antenna panels to be located approximately 110 feet high. 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. The proposed equipment shelter will be constructed of exposed aggregate concrete.

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.

Co-Location: A major issue associated with towers is the visual impact the structure will have on the surrounding area and the City in general. As previously indicated, the applicant is proposing to install additional panel antennas on an existing 140 foot high monopole structure to reduce visual impact of the antennas on the area. This co-location is consistent with what the City has required for communication towers.

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

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and staff has received no comments.

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