

STAFF REPORT
September 4, 2008

No. 08SR063 - SDCL 11-6-19 Review to allow a telecommunication tower **ITEM 42**

GENERAL INFORMATION:

APPLICANT	SWS, LLC
AGENT	Quinn Kayser-Cochran
PROPERTY OWNER	John Duffield
REQUEST	No. 08SR063 - SDCL 11-6-19 Review to allow a telecommunication tower
EXISTING LEGAL DESCRIPTION	Lot 2 of Block 9 of McMahon Industrial Park No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.0 acres
LOCATION	3060 Haines Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Agriculture District
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City Water/Sewer
DATE OF APPLICATION	7/11/2008
REVIEWED BY	Jared Ball / Mary Bosworth

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow a telecommunication tower be **continued to the September 25, 2008 Planning Commission meeting.**

GENERAL COMMENTS: (Update: August 27, 2008. All revised and/or added text is shown in bold.) This item was continued at the August 21, 2008 Planning Commission meeting because all of the required information had not been submitted. As of this writing the following required information has not been submitted; the required site plan, the structural inspection for the existing tower, the required elevations, and the required service area maps have not been submitted. Staff recommends that the **SDCL 11-6-19 Review to allow a telecommunications tower be continued.** The property

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is located at 3060 North Haines Avenue. The property is zoned General Commercial District. The adjacent properties to the north and south are zoned General Commercial District. The property to the west is zoned General Commercial District with a Planned Development Designation. The property to the east is zoned General Agricultural District. The applicant is proposing to collocate on an existing monopole communications tower that is 105 feet in height. In addition, the applicant is proposing to construct a 10 foot by 12 foot concrete equipment pad at the base of the existing monopole communications tower.

In 1967, a Building Permit to construct a 30 foot by 40 foot structure on the property was issued. In 1974 a Building Permit was obtained for the construction of a 72 foot by 81 foot building. The property was annexed by the City of Rapid City on March 4, 1985. On September 20, 2001, a Building Permit was issued for acellular tower and equipment building.

South Dakota Codified Law 11-6-19 states that “whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, 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 as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission”. The proposed location for the telecommunications tower is located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW: Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Site Plan: A complete site plan was not submitted for this project. The applicant must submit a complete site plan identifying the property boundaries for review and approval. As such, staff recommends that the SDCL 11-6-19 Review to allow a telecommunications tower be continued to the August 21, 2008 Planning Commission meeting. **On August 26, 2008 the applicant submitted a site plan for the property. However, the site plan was not drawn to scale. In order for staff to make a complete review of the property, the applicant must submit a complete site plan that is drawn to scale.**

Parking: A complete parking plan has not been submitted for review and approval. The applicant must submit a complete parking plan including the number of required parking spaces for the existing and proposed uses for review and approval. As such, staff recommends the SDCL 11-6-19 Review to allow a telecommunications tower be continued to the September 4, 2008 Planning Commission meeting. **Currently, paved parking exists in front of the 30 foot by 40 foot office building located at the front of the lot. This paved area is not striped to identify specific parking stalls and is not of sufficient size to accommodate the 19 stalls required for the current use of the property. Therefore, the property is considered a legal nonconforming property because sufficient paved parking and paved circulation to the 81 foot by 72 foot**

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building has not been provided. The City's Off-Street Parking Ordinance is triggered whenever a building or structure is erected. The addition of the tower represents only a 2.8 percent expansion of the structures on this property. The Ordinance states that buildings or structures with parking facilities must conform to the provisions of the Parking Ordinance when an existing building or structure is enlarged by twenty percent or more with respect to square feet of gross floor area. Therefore this expansion will not trigger compliance of the Parking Ordinance for the existing structures.

Landscaping: The plan that was submitted for this project did not include a landscaping plan. The applicant must submit a complete landscaping plan that includes the size of the structures, the size of the lot and the number and species of plants that will be provided for review and approval. As such, staff recommends that the SDCL 11-6-19 Review to allow a telecommunications tower be continued to the August 21, 2008 Planning Commission meeting. **As of this writing, the required landscaping plan has not been submitted. As such, staff recommends that the SDCL 11-6-19 Review to allow a telecommunications tower be continued to the September 25, 2008 Planning Commission meeting.**

Elevations: The plan that was submitted did not include elevations for the existing or proposed structure. The applicant must submit building elevations that are to scale and include building materials and colors for review and approval by Growth Management staff. As such, staff recommends the SDCL 11-6-19 Review to allow a telecommunications tower be continued to the September 4, 2008 Planning Commission meeting. **On August 26, 2008 the applicant submitted elevations for the proposed co-location on the telecommunications tower. The proposed collocation antenna will be 85 feet in height.**

Service Area Map: The plans that were submitted for this project did not include a Service Area Map showing the location of the proposed cellular tower. The applicant must submit a Service Area Map showing the service area for their facilities and demonstrating the need for collocating on this tower. As such, staff recommends the SDCL 11-6-19 Review to allow a telecommunications tower be continued to the August 21, 2008 Planning Commission meeting. **On August 27, 2008 the applicant submitted service maps for the area around the proposed tower. However, the maps do not identify the existing service area, or the service area that will be provided by the new tower. In order for staff to make a complete review of this project the applicant must provide maps that show the existing area that can be served by the provider, and a map that shows what new areas will be provided with service, if the tower is approved. As such, staff recommends that the SDCL 11-6-19 Review to allow a telecommunications tower be continued to the September 25, 2008 Planning Commission meeting.**

Building Inspection: No structural inspection has been completed for the existing tower at this location. Prior to collocating at this site, a structural inspection must be completed and a structural inspection report must be submitted for review and approval. As such, staff

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recommends the that SDCL 11-6-19 Review to allow a telecommunications tower be continued to the August 21, 2008 Planning Commission meeting. **As mentioned above, the applicant obtained a building permit for the existing tower on September 20, 2001. However, the applicant never submitted a completed structural inspection for the tower. As such, prior to Planning Commission approval, the applicant must submit a structural inspection of the existing tower. The inspection must be signed and sealed by a Registered Professional Engineer.**

As of this writing, the applicant has not submitted a completed structural inspection for the existing tower. Staff recommends that the SDCL 11-6-19 Review to allow a telecommunications tower be continued to the September 25, 2008 Planning Commission meeting.

Structural Drawings: No Structural Engineered drawings have been submitted for this tower to ensure that the existing tower is adequate for the collocation. In order for staff to make a complete review of this project the applicant must submit Structural Engineered drawings for review and approval. As such, staff recommends that the SDCL 11-6-19 Review be continued to the September 25, 2008 Planning Commission meeting.

Notification: As of this writing, the sign has been posted on the property, and the receipts from the certified mailings have been returned. Staff has received one written letter of objection to the collocation at this site.

Staff recommends that the SDCL 11-6-19 Review to allow a telecommunications tower be continued to the September 25, 2008 Planning Commission meeting