

STAFF REPORT
December 4, 2008

No. 08SR065 - SDCL 11-6-19 Review to allow the construction of a telecommunication tower **ITEM 25**

GENERAL INFORMATION:

APPLICANT	Mary Julius for Cellular Inc. Network Corporation
AGENT	John M. Rowe for Buell Consulting, Inc.
PROPERTY OWNER	North Elk Fire Protection District
REQUEST	No. 08SR065 - SDCL 11-6-19 Review to allow the construction of a telecommunication tower
EXISTING LEGAL DESCRIPTION	Lot 1 of North Haines Subdivision, Section 18, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.03 acres
LOCATION	1290 Country Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Development Designation)
South:	Limited Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Medium Density Residential District (Planned Development Designation)
DATE OF APPLICATION	6/30/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the Planning Commission acknowledge the applicants withdrawal of the SDCL 11-6-19 Review to allow the construction of a telecommunications tower.

GENERAL COMMENTS: **(Updated: November 24, 2008. All revised and/or added text is shown in bold.) On November 21, 2008 the applicant withdrew the application. As such, staff recommends that the Planning Commission acknowledge the applicant's withdrawal of the application**

(Update: September 18, 2008. All revised and/or added text is shown in bold.) This item was continued at the September 9, 2008 Planning Commission meeting to allow the applicant to submit additional required information.

STAFF REPORT
December 4, 2008

No. 08SR065 - SDCL 11-6-19 Review to allow the construction of a telecommunication tower **ITEM 25**

The property is located at 1290 Country Road. The property is zoned General Agricultural District in Pennington County. The property to the north is zoned Medium Density Residential District with a Planned Development Designation. The properties to the south and east are zoned Limited Agricultural District in Pennington County and the property to the west is zoned Medium Density Residential District with a Planned Development Designation. The applicant is proposing to construct a monopole communications tower that is 150 feet in height. In addition, the applicant is proposing to construct a 12 foot by 30 foot equipment shelter at the base of the pole. On June 23, 2008 The Pennington County Planning Commission approved a Conditional Use Permit to allow a 150 foot Communications tower and equipment shelter with stipulations. One of the stipulations was that the applicant obtain approval of an SDCL 11-6-19 Review from the City of Rapid City prior to applying for a building permit.

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: The site plan that was submitted for this project was not to scale. In order for staff to review the site, a complete site plan drawn to scale must be submitted. As such, staff recommends the SDCL 11-6-19 Review to allow the construction of a telecommunications tower be continued to the September 25, 2008 Planning Commission meeting. On September 17, 2008 the applicant submitted a complete site plan for review and approval. Staff has reviewed and approved the new site plan.

Elevations: The elevations that were submitted for this project were not to scale. In order for staff to review this application the plan elevations drawn to scale must be submitted. The elevations must include the color and material of the cellular tower. As such, staff recommends the SDCL 11-6-19 Review to allow the construction of a telecommunications tower be continued to the December 4, 2008 Planning Commission meeting with the applicant’s concurrence.

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 this tower. A second Service Area Map must be submitted showing all other providers’ cellular towers in the area, a service boundary for each facility and demonstrate that that the existing facilities (towers, antennas, etc.) will not allow collocation due to capacity issues

STAFF REPORT
December 4, 2008

No. 08SR065 - SDCL 11-6-19 Review to allow the construction of a telecommunication tower **ITEM 25**

or that the location of the facility is outside of the service coverage area needed by the applicant. As such, staff recommends that the SDCL 11-6-19 Review to allow the construction of a telecommunications tower be continued to the December 4, 2008 Planning Commission meeting with the applicant's concurrence.

Septic System: The plans that were submitted for this project did not include As-Built plans for the septic system verifying that the proposed fencing will be clear of all septic appurtenances. The applicant must submit As-Built plans for the septic system in order to ensure that the proposed fencing will not interfere with the septic system appurtenances. As such, staff recommends that the SDCL 11-6-19 Review to allow the construction of a telecommunications tower be continued to the September 25, 2008 Planning Commission meeting. On September 17, 2008 the applicant submitted plans for the septic system verifying that the proposed fencing will be clear of all septic appurtenances.

Staff recommends that the SDCL11-6-19 Review to allow the construction of a telecommunications tower be continued to the December 4, 2008 Planning Commission meeting with the applicant's concurrence.

(Updated November 24, 2008.) Staff recommends that the Planning Commission acknowledge the applicant's withdrawal of the application.