

STAFF REPORT  
January 22, 2009

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**No. 08SR063 - SDCL 11-6-19 Review to allow the expansion of an existing cellular communication tower**

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**ITEM 40**

GENERAL INFORMATION:

APPLICANT	SWS, LLC
AGENT	Quinn Kayser-Cochran
PROPERTY OWNER	John Duffield
REQUEST	<b>No. 08SR063 - SDCL 11-6-19 Review to allow a telecommunication tower</b>
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 recommends that the SDCL 11-6-19 Review to allow the expansion of an existing communications tower be approved.**

GENERAL COMMENTS: (Updated January 10, 2009. All revised and/or added text is shown in bold.) This item was continued to the January 22, 2009 Planning Commission meeting because the required site plan, the parking plan, and elevations had not been submitted for review and approval. On December 11, 2008 the applicant submitted the required site plan, the required parking plan and elevations for review and approval. Staff has reviewed the information and noted that the required

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**information has been submitted and complies with all of the applicable requirements. As such, staff recommends that the SDCL 11-6-19 Review to allow the expansion of an existing cellular tower be approved.**

(Updated December 8, 2008. All revised and/or added text is shown in bold.) This item was continued at the December 4, 2008 Planning Commission meeting because the required site plan the parking plan and elevations had not been submitted for review and approval. Staff spoke with the applicant about the required site plan, parking plan and elevations on December 8, 2008. During the conversation, the applicant indicated that the required information will be submitted for review and approval prior to the December 18, 2008 Planning Commission meeting. However, as of this writing, the required information has not been submitted. As such, staff recommends that the SDCL 11-6-19 Review to allow the expansion of an existing cellular communication tower be continued to the January 22, 2009 planning Commission meeting.

(Updated November 24, 2008. All revised and/or added text is shown in bold.) On November 24, 2008 the Planning Commission continued this item because a complete site plan, landscaping plan and parking plan drawn to scale had not been submitted. As of this writing, the required plans drawn to scale have not been submitted.

(Update: November 7, 2008. All revised and/or added text is shown in bold.) This item was continued at the September 25, 2008 Planning Commission meeting because all of the required information had not been submitted. In addition, discussion occurred at the October 23, 2008 Planning Commission meeting regarding the co-location of a third cellular provider on this site. Staff has left a message for the owner of the property to discuss the issue further. Staff will provide an update at the November 20, 2008 Planning Commission meeting as to the status of those discussions.

The property 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. The applicant is proposing to construct a 10 foot by 12 foot concrete equipment pad at the base of the existing monopole communications tower.

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

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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.

**(Updated January 10, 2009.) On December 11, 2008 the applicant submitted the required site plan for review and approval. In particular, the site plan identifies the structures, parking and landscaping located on the property. Staff has reviewed the site plan and noted that it demonstrates compliance with the zoning ordinance.**

(Updated December 8, 2008.) On December 8, 2008 Staff spoke with the applicant about the required site plan. During that conversation, the applicant indicated that the required site plan will be submitted for review and approval prior to the December 18, 2008 Planning Commission meeting.

(Updated November 24, 2008.) On November 21, 2008 the applicant submitted a revised site plan. However, the plan is not drawn to scale and the plan does not identify the proposed communications equipment shelter. The applicant must submit a complete site plan drawn to scale that includes all existing and proposed structures to allow for a review of the proposed use.

(Updated November 7, 2008.) As of this writing, a complete site plan including property boundaries, landscaping, parking and signage has not been submitted for review and approval.

(Updated October 14, 2008.) As of this writing, a complete site plan including property boundaries, landscaping, parking and signage has not been submitted for review and approval.

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 August 21, 2008 Planning Commission meeting.

**(Updated January 10, 2009.) On December 11, 2008 the applicant submitted a complete parking plan. Staff has reviewed the parking plan and noted that it meets the parking requirements.**

(Updated December 8, 2008.) On December 8, 2008 staff spoke with the applicant about

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the required parking plan. During that conversation, the applicant indicated that the required parking plan would be submitted for review and approval prior to the December 18, 2008 Planning Commission meeting.

(Updated November 24, 2008.) On November 21, 2008 the applicant submitted a parking plan that identified the two required off street parking stalls including one handicap accessible stall. However, the plan that was submitted was not drawn to scale.

(Updated November 7, 2008.) As of this writing, a complete parking plan identifying the required amount of parking for the existing and proposed structures has not been submitted for review and approval.

(Updated October 14, 2008.) As of this writing, a complete parking plan identifying the required amount of parking for the existing and proposed structures has not been submitted for review and approval.

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.

(Updated November 24, 2008.) The proposed expansion on the site is less than a twenty percent increase in the structure or parking lot and less than a twenty percent increase in the occupant load. Thus the applicant is not required to bring the landscaping on the site into compliance with the current landscaping requirements contained in the Municipal Code.

(Updated November 7, 2008.) As of this writing, a complete landscaping plan identifying the required number of landscaping points and the number and species of the plants that will be provided has not been submitted for review and approval.

(Updated October 14, 2008.) As of this writing, a complete landscaping plan identifying the required number of landscaping points and the number and species of the plants that will be provided has not been submitted for review and approval.

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 August 21, 2008 Planning Commission meeting.

**(Updated January 10, 2009.) On December 11, 2008 the applicant submitted the required elevations for the existing and proposed structures. The elevations identify an existing cellular tower that is 100 feet in height, an existing 10 foot by 20 foot**

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**equipment shelter and a new 10 foot by 12 foot equipment shelter that is 5 feet in height. The applicant should be aware that the proposed structures must be constructed in compliance with the approved elevations.**

(Updated December 8, 2008.) On December 8, 2008 staff spoke with the applicant about the required elevations for the existing and proposed structures on the property. During that conversation, the applicant indicated that the required elevations would be submitted for review and approval prior to the December 18, 2008 Planning Commission meeting.

(Updated November 24, 2008.) As of this writing, elevations drawn to scale identifying the color and building materials for the existing and proposed structures have not been submitted. The incomplete site plan that has been submitted shows an equipment shelter, but the required information mentioned above has not been submitted. In addition, the applicant has not submitted plans that identify any screening around proposed equipment shelter.

(Updated November 7, 2008.) As of this writing, elevations drawn to scale identifying the color and building materials for the existing and proposed structures have not been submitted. The incomplete site plan that has been submitted shows a storage shed, but the required information mentioned above has not been submitted. In addition, the applicant has not submitted plans that identify any screening around proposed storage shed.

(Updated October 14, 2008.) As of this writing, elevations drawn to scale identifying the color and building materials for the existing and proposed structures have not been submitted. The incomplete site plan that has been submitted shows a storage shed, but the required information mentioned above has not been submitted. In addition, the applicant has not submitted plans that identify any screening around proposed storage shed.

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 September 12, 2008 the applicant submitted a Service Area Map for review and approval.

(Updated November 7, 2008.) The Service Area Maps that were submitted for this project identify the location of the proposed co-location and other existing towers in the area. In addition, the Service Area Maps demonstrate the need for a communications facility at this site.

(Updated October 17, 2008.) The Service Area Maps that were submitted for this project identify the location of the proposed co-location and other existing towers in the area. In addition, the Service Area Maps demonstrate the need for a communications facility at this site.

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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 recommends that the SDCL 11-6-19 Review to allow a telecommunications tower be continued to the August 21, 2008 Planning Commission meeting.

(Updated November 7, 2008.) On November 20, 2008 the applicant submitted a structural analysis for the existing tower at this location. The structural analysis was reviewed by staff and it was determined that the analysis was complete.

(Updated November 7, 2008.) As of this writing, a structural inspection has not been completed for the existing tower at this location.

(Updated October 14, 2008.) As of this writing, a structural inspection has not been completed for the existing tower at this location.

Staff recommends that the SDCL 11-6-19 Review to allow a telecommunications tower be continued to the December 18, 2008 Planning Commission meeting.

(Updated December 12, 2008.) Staff recommends that the SDCL 11-6-19 Review to allow the expansion of an existing telecommunications tower be continued to the January 22, 2009 Planning Commission meeting.

**(Updated January 10, 2009.) On December 11, 2008 the applicant submitted the required site plan, parking plan and elevations for review and approval. Staff has reviewed the information and noted that the required information has been submitted and complies with all of the applicable requirements. As such, staff recommends that the SDCL 11-6-19 Review to allow the expansion of an existing cellular tower be approved.**