

STAFF REPORT  
February 5, 2009

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**No. 09SR002 - SDCL 11-6-19 Review to allow co-location on an ITEM 21 existing cellular communication tower**

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GENERAL INFORMATION:

APPLICANT	SWS, LLC
AGENT	Rick Holpp
PROPERTY OWNER	Golden West Telecommunications
REQUEST	<b>No. 09SR002 - SDCL 11-6-19 Review to allow co-location on an existing cellular communication tower</b>
EXISTING LEGAL DESCRIPTION	The balance of Lot B of Lot C of the NW1/4 less right-of-way and less portion of Thompson Tower Tract, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.86 acres
LOCATION	3850 Tower Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Commercial District
East:	Low Density Residential District (Planned Residential Development)
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/8/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow co-location on an existing cellular communication tower be approved.

GENERAL COMMENTS: The applicant is requesting approval of a SDCL 11-6-19 Review to allow co-location on an existing 180 foot communication tower. The property is located on the east side of Tower Road. Currently, Golden West has a building and existing tower on the property.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has

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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 and has noted the following issues:

Site Plan: The applicant has submitted a site plan showing the proposed antennas to be located on an existing tower with the equipment to be installed within the existing building.

Parking: Section 17.50.270 of the Rapid City Municipal Code requires two off-street parking spaces be provided. Section 17.50.270(G) (3) states that parking areas shall be paved and maintained so as to eliminate dust or mud. Staff noted that one standard parking space and one van accessible handicap space shall be provided per Section 17.50.270 of the Rapid City Municipal Code. The proposed site plan provides three paved parking spaces and meets the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code.

Landscaping: Section 17.50.300 of the Rapid City Municipal Code requires that 34,469 landscaping points be provided. Staff noted that the site plan identifies 37,585 landscaping points on the property. The proposed site plan appears to meet the minimum requirements of Section 17.50.300 of the Rapid City Municipal Code.

Design Features: The submitted elevation drawings show the existing tower to be 180 feet in height with the proposed antenna panels to be located approximately 170 feet high. The tower shall not be illuminated by artificial means or strobe lights. No advertising is allowed on the 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.

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 6 antennas on an existing 180 foot high 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 and staff has received no comments.

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Staff finds that the location and extent of the proposed co-location is in compliance with the adopted Comprehensive Plan and adopted regulations. As such, staff recommends that the SDCL 11-6-19 Review to allow allow co-location on an existing cellular communication tower be approved.