

STAFF REPORT
February 5, 2009

No. 09SR003 - SDCL 11-6-19 Review to allow co-location on an existing ITEM 22 communication tower

GENERAL INFORMATION:

APPLICANT	SWS, LLC
AGENT	Rick Holpp
PROPERTY OWNER	Golden West Telecommunications
REQUEST	No. 09SR003 - SDCL 11-6-19 Review to allow co-location on an existing communication tower
EXISTING LEGAL DESCRIPTION	Tract E of Fountain Springs Business Park, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.364 acres
LOCATION	2727 North Plaza Drive
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/8/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

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

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to allow co-location on an existing communication tower currently located on the property. SDCL 11-6-19 Review #02SR028 was approved on April 24, 2003 to allow the construction of a 120 foot high monopole tower on the property. The applicant is now proposing to add six antenna panels to the top of the existing tower and to provide four 30 inch deep by 31 inch wide by 77 inches high cabinets to house the equipment for the communication antennas.

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The property is located in the southeast corner of the intersection of N. Plaza Drive and Rand Road. Currently, the Golden West Telecommunications building and the communication tower are located on the property. The property is currently zoned Light Industrial District. The properties to the east and west are also currently zoned Light Industrial District. The properties to the north and south are currently zoned General Agriculture District.

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 and has noted the following issues:

Building Permits: Staff has noted that a building permit must be obtained prior to any construction and a certificate of occupancy must be obtained prior to occupancy.

Setbacks: Staff has noted that the applicant's site plan identifies that all of the setback requirements as per Chapter 17.22.040 of the Rapid City Municipal Code are being met.

Fencing: The applicant has submitted a site plan and an elevation showing that an eight foot high cedar fence will be constructed around the proposed cabinets to serve as a screen. The fence is in compliance with the City's fence regulations as per Chapter 15.40 of the Rapid City Municipal Code.

Parking: The existing office building and communication tower require that 58 parking spaces be provided. In addition, two of the parking spaces must be handicap accessible with one of the handicap spaces being "van" accessible. The applicant has submitted a parking plan showing 58 parking spaces located on the property. In addition, three of the parking spaces are handicap accessible and one of the handicap spaces is "van" accessible. Adding the antennas onto the existing tower as proposed will not require that any additional parking be provided. As such, the applicant's parking plan meets all of the requirements of Chapter 17.50.270 of the Rapid City Municipal Code.

Landscaping: Section 17.50.300 of the Rapid City Municipal Code requires landscaping to be provided. Staff noted that a landscape plan was previously approved as part of the building permit for the existing facility on the subject property. The proposed site plan appears to meet all the requirements of Section 17.50.300 of the Rapid City Municipal Code.

Design Features: The submitted elevation drawings show the existing tower to be 120 feet in height with the proposed antenna panels to be located flush with the top of the tower. The

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applicant has indicated that the tower will not be illuminated by artificial means or strobe lights. The applicant should be aware that no advertising will be allowed on the tower. In addition, the tower must 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.

Flag: Typically, a flag would be required to be flown on a monopole tower or flagpole tower. However, an existing dish exists on the tower at an elevation of 65 feet. In addition, the six proposed antenna panels will be located flush with the top of the tower and will be located on the outside of the tower. As a result of the existing dish and the proposed antenna panels, a very limited area is available for a flag. As such, a flag is not being required on this tower.

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 six antenna panels on an existing 120 foot high monopole tower. 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.

The location and extent of the proposed project is consistent with the City's adopted Comprehensive Plan. As such, staff recommends that the SDCL 11-6-19 Review to allow the co-location on an existing communication tower be approved.