

STAFF REPORT
February 19, 2009

No. 09SR006 - SDCL 11-6-19 Review to allow the construction of one additional cellular communication antenna **ITEM 32**

GENERAL INFORMATION:

APPLICANT	SWS, LLC
AGENT	Rick Holpp
PROPERTY OWNER	Turnbac IB, LLC
REQUEST	No. 09SR006 - SDCL 11-6-19 Review to allow the construction of one additional cellular communication antenna
EXISTING LEGAL DESCRIPTION	Lots 1 thru 16 of Block 91 of Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.29 acres
LOCATION	909 St. Joseph Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/22/2009
REVIEWED BY	Jared Ball / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the construction of one additional cellular communication antenna be approved.

GENERAL COMMENTS: The property is located at 909 Saint Joseph Street south of Saint Joseph Street, east of West Boulevard, west of Ninth Street and north of Kansas City Street. The property is currently zoned Central Business District. The adjacent properties to the north, south, east and west are all currently zoned Central Business District. Currently, a high rise bank building is located on the property. Several wireless communications antennas are currently located on the penthouse walls. The applicant has submitted an application for an SDCL 11-6-19 Review to allow three additional antennas on the north, south, and west sides of the building.

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On January 17, 2003 a building permit was issued to allow the construction of three cellular antennas on the side of the building located at 909 Saint Joseph Street. On February 6, 2009 the Building Inspection staff contacted the owner of the property and set up a final inspection. A final inspection of the previously constructed antennas was completed and approved on February 12, 2009.

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 location of the telecommunications antenna 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 proposed SDCL 11-6-19 Review request and noted the following issues:

Site Plan: The plan that was submitted was drawn to scale and includes dimensions for the property, the existing structures and the existing parking. The site plan meets the submittal requirements and allowed for a complete review.

Building Inspection: As previously noted, on January 17, 2003 a building permit was issued to allow the construction of three cellular communications antennas on the side of the building located at 909 Saint Joseph Street. The final inspection was never completed for that building permit. On February 6, 2009, Building Inspection staff contacted the owner of the property and set a date for the final inspection. On February 12, 2009 a final inspection was completed and approved for the site. As such, staff recommends that the SDCL 11-6-19 Review to allow the construction of one additional antenna be approved.

Service Area Maps: 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 additional communications facilities at this site.

Parking Plan: The property is zoned Central Business District and does not require off-street parking. However, a parking plan identifying 70 off-street parking stalls was submitted with the application. The addition of the proposed antenna will not increase the need for parking at the site.

Landscaping Plan: The property is zoned Central Business District and does not require landscaping. However, the plans that were submitted with this application identify a landscape buffer zone along the east side of the building adjacent to Ninth Street and along the north side of the parking area adjacent to Saint Joseph Street. The addition of the proposed antenna will not increase the number of required landscaping points at the site.

Elevations: The elevations that were submitted for this project identify three proposed antennas

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and a proposed equipment cabinet along with existing antennas and equipment. However, the proposed equipment cabinet is identified as being beige in color. Staff met with the applicant on February 6, 2009 to discuss the color of the proposed equipment cabinet. During that conversation, the applicant indicated that he would be submitting revised elevations demonstrating that all of the proposed equipment will match the color of the existing building. On February 11, 2009, the applicant submitted a revised set of plans indicating that all of the proposed equipment will match the color of the existing building. As such, staff recommends that the SDCL 11-6-19 Review to allow the construction of one additional cellular communication antenna be approved.

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