

STAFF REPORT  
February 19, 2009

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**No. 09SR008 - SDCL 11-6-19 Review to allow the construction of three additional cellular communication antennas**

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**ITEM 23**

GENERAL INFORMATION:

APPLICANT	SWS, LLC
AGENT	Rick Holpp
PROPERTY OWNER	Pennington County Housing and Redevelopment Authority
REQUEST	<b>No. 09SR008 - SDCL 11-6-19 Review to allow the construction of three additional cellular communication antennas</b>
EXISTING LEGAL DESCRIPTION	Tract A of Lot 2, Section 12, T1N, R7E, platted, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.1 acres
LOCATION	636 Cathedral Drive
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	General Commercial District - Low Density Residential 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	1/22/2009
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow the construction of three additional cellular communications antennas be approved if the final building inspection for the antennas that were previously constructed is completed and approved and if the applicant obtains the required exceptions prior to Planning Commission approval.

GENERAL COMMENTS: The property is located at 636 Cathedral Drive north of Cathedral Drive, south of Oakland Street, east of Mount Rushmore Road and west of Fifth Street. The property is currently zoned High Density Residential District. The adjacent properties to the north are currently zoned General Commercial District and Low Density Residential District. The adjacent property to the south is currently zoned General Commercial District. The

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adjacent property to the east is currently zoned Low Density Residential District with a Planned Residential Development and the adjacent property to the west is currently zoned General Commercial District. Currently, a high rise apartment building owned by the Pennington County Housing Authority 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 to be mounted on the north, east and west facing sides of the penthouse. Upon approval of this application, there will be a total of 13 antennas located on the building.

On November 6, 2003, the Rapid City Planning Commission approved an SDCL 11-6-19 Review to allow four cellular antennas to be attached to the penthouse of the building located at 636 Cathedral Drive with stipulations. (File #03SR033)

On July 7, 2005 the Rapid City Planning Commission approved an SDCL 11-6-19 Review to allow six cellular antennas to be attached to the penthouse of the building located at 636 Cathedral Drive with Stipulations. (File # 05SR033)

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 communications 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 and has noted the following issues:

**Building Inspections:** The final inspection for the antennas that were installed in 2003 was never completed. On February 12, 2009 the applicant set up a final inspection for the antennas that were previously constructed. The final inspection is set to be completed on February 13, 2009. Staff will notify the Planning Commission at the February 19, 2009 Planning Commission meeting if the final inspection has not been completed and 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 a communications facility at this site.

**Number of Antennas:** Section 17.50.400.A.9. of the Rapid City Municipal Code states that "no more than 6 microcell antennas and related accessory structures shall be located on a single building rooftop". The applicant has indicated that he will be applying for an exception to Section 17.50.400.A.9. of the Rapid City Municipal Code. Staff will be supporting the exception request when it is submitted. The proposed location of the additional antennas will not have a negative impact on the surrounding area and will decrease the need for

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additional towers in the area. Staff recommends that prior to Planning Commission approval, the exception be obtained as required.

Equipment shelter: Section 17.50.400.A.4 of the Rapid City Municipal Code states that “the equipment shelter associated with a microcell wireless site may not exceed 100 square feet in floor area. The plans that were submitted with this application indicate that the proposed 19 square foot enclosed equipment cabinet is located within an open area of the penthouse which exceeds the maximum allowed 100 square feet. Staff met with the applicant on February 6, 2009 to discuss the issue. During that meeting, the applicant indicated that they will be applying for an exception to Section 17.50.400 of the Rapid City Municipal Code. Staff will be in support of the exception. The existing penthouse house currently has five exiting telecommunications equipment areas that are located within an area that exceeds 100 square feet. The exception will allow the proposed equipment to be located within that same area. Staff will recommend that the SDCL 11-6-19 Review to allow the construction of three additional communications antennas be approved, if the final building inspection for the antennas that were previously constructed is completed and approved and if the required exceptions are obtained prior to Planning Commission approval.

Landscaping Plan: The landscaping plan that was submitted with this application exceeds the amount of landscaping that was approved in 2005. (File #05SR033). The proposed landscaping plan appears to meet all of the requirements of Section 17.50.300 of the Rapid City Municipal Code.

Parking Plan: The parking plan that was submitted with this application identifies the required 77 off-street parking spaces including 16 handicap accessible parking spaces. As such, the applicant’s parking plan meets all of the requirements of Section 17.50.270 of the Rapid City Municipal Code.

The location and design of the proposed antennas meet the requirements set forth in the Rapid City Municipal Code. Allowing multiple cellular communications antennas at a site reduces the need for additional towers in the area while providing the needed service to the citizens of the community. As such, Staff will recommend that the SDCL 11-6-19 Review to allow the construction of three additional cellular communications antennas be approved, if the final building inspection for the antennas that were previously constructed is completed and approved and if the applicant obtains the required exceptions prior to Planning Commission approval.