

STAFF REPORT  
March 5, 2009

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**No. 08SR089 - SDCL 11-6-19 Review to allow a co-location on an existing cellular tower**      **ITEM 10**

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GENERAL INFORMATION:

APPLICANT	SWS, LLC
AGENT	Quinn Kayser-Cochran
PROPERTY OWNER	Verizon Wireless
REQUEST	<b>No. 08SR089 - SDCL 11-6-19 Review to allow a co-location on an existing cellular tower</b>
EXISTING LEGAL DESCRIPTION	Lot 2A of Block 2 of Rapps Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.52 acres
LOCATION	640 Eglin Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	12/4/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow a co-location on an existing cellular tower be continued to the **March 26, 2009** Planning Commission meeting.

GENERAL COMMENTS: **(Updated February 27, 2009. All revised and/or added text is shown in bold print.)** This item was continued at the February 19, 2009 Planning Commission meeting because the plans that were submitted with the application did not identify paved access to the tower as required and the applicant did not submit a landscaping plan for review and approval. On February 16, 2009, the applicant submitted a revised site plan identifying landscaping. However, the landscaping that was shown on the plan was located on the adjacent property. On February 19, 2009

STAFF REPORT  
March 5, 2009

---

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---

**staff spoke with the applicant about the requirements for landscaping on the property. On February 20, 2009 the applicant submitted a letter requesting that the landscaping requirements be waived for the site. In addition, on February 20, 2009 the property owner submitted a revised site plan that identified the proposed paving boundary. In particular, the paving boundary included the driveway and one parking space. Staff reviewed the plan and returned the comments to the property owner noting that the paving boundary must be extended to include the second required parking space. The applicant has indicated that he will be submitting a revised plan that extends the paving boundary to include the additional required parking space as required. To date, the revised parking plan has not been submitted for review and approval. As such, staff recommends that the SDCL 11-6-19 Review to allow a co-location on an existing cellular tower be continued to the March 26, 2009 Planning Commission meeting.**

(Updated February 6, 2009. All revised and/or added text is shown in bold print.) This item was continued at the February 5, 2009 Planning Commission meeting because the boundaries of the lot as identified on the site plan that was submitted with the application did not match the boundaries of the current lot, the plans that were submitted with the application did not identify paved access to the tower as required, and the applicant did not submit a landscaping plan for review and approval. As of this writing, the applicant has not submitted a revised site plan identifying the correct property boundaries, paved access, or a complete landscaping plan. As such, staff recommends that the SDCL 11-6-19 Review to allow the co-location on an existing cellular tower be continued to the March 5, 2009 Planning Commission meeting.

The property is located at 610 Eglin Street. The property is currently zoned General Commercial District. The adjacent properties to the north east and west are currently zoned General Commercial District. The adjacent property to the south is currently zoned General Commercial District with a Planned Commercial Development. A flag pole style cellular communications tower currently is located on the property. The applicant is proposing to co-locate additional cellular facilities on the existing tower.

On May 5, 2005, the Rapid City Planning Commission approved an SDCL 11-6-19 Review to allow a cellular communications tower on the property with stipulations. (File #05SR016) One of the stipulations was that the tower be constructed to allow co-location of two additional providers on the site.

On December 6, 200, the City Council approved a Preliminary Plat of the property with stipulations subdividing two parcels into three lots. (File #07PL121)

On December 19, 2008, a Final Plat for the property was approved with stipulations subdividing two parcels into three lots. (File#08PL171)

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

STAFF REPORT  
March 5, 2009

---

**No. 08SR089 - SDCL 11-6-19 Review to allow a co-location on an existing cellular tower** **ITEM 10**

---

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 co-location on the cellular communications tower 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 SDCL 11-6-19 Review to allow the expansion of an existing telecommunications tower and noted the following considerations.

Site Plan: The boundaries of the lot as identified on the site plan that was submitted with this application do not match the boundaries of the current lot. On January 26, 2009, the applicant indicated that he is in the process of revising the site plan to correct the site plan to reflect the current property lines. As such, prior to Planning Commission approval, the applicant must submit a revised site plan identifying the correct property boundaries.

(Update: February 6, 2009. All revised and/or added text is shown in bold.) This item was continued at the February 5, 2009 Planning Commission meeting because the boundaries of the lot as identified on the site plan that was submitted with the application did not match the boundaries of the current lot. As of this writing, no additional information has been submitted.

**(Update: February 27, 2009. All revised and/or added text is shown in bold.) On February 16, 2009 the applicant submitted a revised site plan that identified the boundaries of the current lot.**

Access and Parking: The site plan that was submitted with this application identifies gravel access to the existing cellular communications tower and two graveled off-street parking stalls. Section 17.50.270.G.1.b. of the Rapid City Municipal code states; "Unpaved access to parking facilities is not permitted except for single-family and duplex uses". Section 17.50.270.3 of the Rapid City Municipal Code states, "Off-street parking areas shall be paved and maintained so as to eliminate dust or mud". As mentioned above, a Preliminary Plat was approved by the City Council on December 6, 2007. During the platting process staff notified the applicant that further development of the site would require that access to the site meet the adopted zoning ordinances. As such, prior to Planning Commission approval of the SDCL 11-6-19 Review to allow a co-location on an existing cellular communications tower, the applicant must submit revised plans identifying paved access and parking for the site. In addition, the applicant must post surety for the access and paving improvements to correct the outstanding zoning violations prior to Planning Commission approval of the request.

(Update: February 6, 2009. All revised and/or added text is shown in bold.) This item was continued at the February 5, 2009 Planning Commission meeting because the plan that was submitted with this application identified gravel access to the existing cellular communications tower and gravel off-street parking. As of this writing, the applicant has not

STAFF REPORT  
March 5, 2009

---

**No. 08SR089 - SDCL 11-6-19 Review to allow a co-location on an existing cellular tower** **ITEM 10**

---

submitted revised plans identifying the required paved surfaces or posted surety for the required improvements.

**(Update: February 27, 2009. All revised and/or added text is shown in bold.) This item was continued at the February 19, 2009 Planning Commission meeting because the plan that was submitted with this application identified gravel access to the existing cellular communications tower and gravel off-street parking. On February 20, 2009 the applicant submitted a revised site plan that included additional paving. Staff reviewed the plan and returned the comments to the applicant. The applicant has indicated that he will be submitting a revised plan that meets the paving requirements. As of this writing, the applicant has not submitted any additional information. Prior to Planning Commission approval, the applicant must complete the required paving at the site or post surety for the improvements.**

Landscaping Plan: The plans that were submitted for this application did not include a landscaping plan. In order for staff to make a complete review of the application, the applicant must submit a complete landscaping plan for review and approval. The landscaping plan must be drawn to scale and identify all existing and proposed landscaping on the property. In addition, the applicant must provide a chart identifying the number of landscaping points and species of plants that are being provided. As such, prior to Planning Commission approval, the applicant must submit a complete landscaping plan for review and approval.

(Update: February 6, 2009. All revised and/or added text is shown in bold.) This item was continued at the February 5, 2009 Planning Commission meeting because the required landscaping plan had not been submitted. As of this writing, the applicant has not submitted the required landscaping plan for review and approval.

**(Updated February 6, 2009. All revised and/or added text is shown in bold.) This item was continued at the February 19, 2009 planning Commission meeting because the required landscaping plan had not been submitted. On February 16, 2009, the applicant submitted a landscaping plan. However, the landscaping plan identified landscaping on the adjacent property. On February 19, 2009 staff spoke with the applicant about the required landscaping for the site. On February 20, 2009 the applicant submitted a letter requesting that the landscaping requirements be waved for the property.**

Elevations: The applicant submitted a complete set of elevations with this application. The elevations that were submitted identify a flag pole design communications tower that is 86 feet in height and constructed of galvanized steel. The elevations that were submitted identify an existing 12 foot by 30 foot equipment shelter that is 10 feet 6 inches in height and brown in color. In addition, the elevations identify an 8 foot by 12 foot equipment pad with 2 equipment cabinets. The plans that were submitted do not indicate that any additional structures will be constructed on the property.

Service Area Maps: The Service Area Maps that were submitted for this project identify the

STAFF REPORT  
March 5, 2009

---

**No. 08SR089 - SDCL 11-6-19 Review to allow a co-location on an existing cellular tower** **ITEM 10**

---

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.

Staff recommends that the SDCL 11-6-19 Review to allow a co-location on an existing cellular tower be continued to the February 19, 2009 Planning Commission meeting to allow the applicant to submit the required additional information mentioned above.

(Update: February 6, 2009. All revised and/or added text is shown in bold.) This item was continued at the February 5, 2009 Planning Commission meeting because the boundaries of the lot as identified on the site plan that was submitted with the application did not match the boundaries of the current lot, the plans that were submitted with this application did not identify paved access to the tower as required, and the applicant did not submit a landscaping plan for review and approval. As of this writing, the applicant has not submitted a revised site plan identifying the correct property boundaries, paved access, or a complete landscaping plan. As such, staff recommends that the SDCL 11-6-19 Review to allow the co-location on an existing cellular tower be continued to the March 5, 2009 Planning Commission meeting.

**(Update: February 27, 2009. All revised and/or added text is shown in bold.) This item was continued at the February 19, 2009 Planning Commission meeting because the plans that were submitted with this application did not identify paved access to the tower as required, and the applicant did not submit a complete landscaping plan for review and approval. As of this writing, the applicant has not submitted a revised site plan showing the extension of the pavement boundaries to include the second required parking space. In addition, a landscaping plan identifying the landscaping on this property has not been submitted for review and approval. Surety for the paving of the driveway and parking spaces must also be submitted prior to Planning Commission approval. As such, staff recommends that the SDCL 11-6-19 Review to allow the co-location on an existing cellular tower be continued to the March 26, 2009 Planning Commission meeting.**