

STAFF REPORT
March 5, 2009

No. 09SR007 - SDCL 11-6-19 Review to allow co-location on an ITEM 21 existing communication tower

GENERAL INFORMATION:

APPLICANT	SWS, LLC
AGENT	Rick Holpp
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR007 - SDCL 11-6-19 Review to allow co-location on an existing communication tower
EXISTING LEGAL DESCRIPTION	Lot 2 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.38 acres
LOCATION	1930 Promise Road
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Business Park District
South:	Office Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	Office Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/22/2009
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

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

GENERAL COMMENTS: (Update, February 25, 2009. All revised and/or added text is shown in bold print.) This item was continued to the March 5, 2009 Planning Commission meeting to allow the applicant to submit the required information. On February 23, 2009, the applicant submitted a revised site plan in compliance with the Rapid City Municipal Code. As such, staff recommends that this item be approved.

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The property is located on the north side of Promise Road which is north of Golden Eagle Drive and west of South Highway 16. The property is owned by the City of Rapid City and currently a fire station and a communication tower are located on the property.

On September 23, 2004 the Planning Commission approved a SDCL 11-6-19 Review to allow the construction of an equipment shelter and additional antennas on public property with the following stipulations:

1. Prior to initiation of construction of the equipment shelter or installation of the directional antennas, a Building Permit shall be obtained;
2. Prior to issuance of a Building Permit, drainage and grading plans shall be submitted showing the extents of grading, drainage and surface restoration; and,
3. Prior to Planning Commission approval, a revised site plan shall be submitted showing the proposed structure located outside of the public utility easement or that portion of the easement to be encroached upon shall be vacated.

The applicant is now seeking an SDCL 11-6-19 Review to allow the co-location of six antennas on the existing communication tower.

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". As previously indicated the proposed construction is on publicly owned land requiring that the Planning Commission review and approve the proposed construction.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Building Permit: Staff noted that a Building Permit was issued in 2004 for the equipment shelter and additional antennas but final corrections were never completed. As such, staff recommends that this item be continued to the March 5, 2009 Planning Commission meeting to allow the applicant to resolve the outstanding building permit issues. In addition, a building permit must be obtained prior to any installation of the proposed additional directional antennas.

On February 19, 2009, staff met with the applicant and it was determined that outstanding building permit issues are on a structure that is not being utilized by this applicant and it is not their responsibility to make those corrections. In addition, on February 23, 2009, the applicant submitted a revised site plan providing paved access to the proposed structures in compliance with the Rapid City Municipal Code. As such, staff recommends that the SDCL 11-6-19 Review to allow co-location on an existing communication tower be approved.

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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: Staff noted that the landscaping was previously reviewed and approved as part of the construction of the fire station on the property. In addition, the site plan identifies 11 existing evergreen trees along the south and west sides of the existing tower that screens the existing and proposed equipment from the adjacent properties and right-of-way. 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 180 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.

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 co-location on an existing cellular communication tower be approved.