

STAFF REPORT
March 26, 2009

No. 09SR014 - SDCL 11-6-19 Review to allow the construction of three cellular antennas **ITEM 24**

GENERAL INFORMATION:

APPLICANT	Bethany Wilson for WWC License LLC d/b/a Alltel
AGENT	Ralph Wyngarden for Faulk & Foster
PROPERTY OWNER	Barbara Forbes
REQUEST	No. 09SR014 - SDCL 11-6-19 Review to allow the construction of a cellular tower
EXISTING LEGAL DESCRIPTION	Lots 1 thru 5 and Lots 19 and 20 in Block 15 of Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.94 acres
LOCATION	115 East North Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Low Density Residential District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	2/19/2009
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow the construction of a cellular tower be approved if the Planning Commission approves the Exception request to allow a 192 square foot equipment shelter associated with a microcell wireless site in lieu of the maximum allowed 100 square feet.

GENERAL COMMENTS: The property is located at 115 East North Street which is south of East North Street, north of east Denver Street and west of North Maple Street. The property is currently zoned General Commercial. One structure is located on the property and is currently being used as a pawn shop. The applicant is proposing to construct a communication facility within the existing building and attach 3 antennas on the roof of the building. The proposed antennas will be covered with brick façade that resembles an

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existing chimney on the roof.

On December 18, 2008 the Rapid City Planning Commission denied an SDCL 11-6-19 Review to allow the construction of a cellular tower (File # 08SR042) because the applicant had not provided a complete landscaping plan.

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 cellular antennas 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 as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following considerations:

Parking Plan: A complete parking plan was submitted with this application. The parking plan that was submitted identifies 24 parking stalls including 2 handicap accessible stalls that meet City standards. The 24 parking stalls identified on the plan exceed the required 19 parking stalls, per minimum requirements of Section 17.50.270 of the Rapid City municipal Code.

Landscaping Plan: A complete landscaping plan was submitted with this application. The landscaping plan that was submitted identifies 25,952 landscaping points and exceeds the required 25,045 landscaping points for the property.

Elevations: The elevations that were submitted with this application identify three false chimneys on the roof of the existing building that will be 40 feet in height. The false chimneys will conceal the proposed communications antennas and will be constructed to match the existing brick building. Staff has reviewed the elevations that were submitted and noted that the proposed false chimneys will be consistent with the color and style of the existing building and chimneys.

Equipment Shelter: The plans that were submitted for this project identify an equipment shelter that has a floor area of 192 square feet. Section 17.50.400 of the Rapid City Code states that an equipment shelter associated with a microcell wireless site may not exceed 100 square feet in floor area. The applicant is requesting that the Planning Commission approve an exception to allow an equipment shelter associated with a microcell wireless site to exceed the maximum allowed 100 square feet in floor area.

Roofing: Prior to the issuance of a building permit, a structural engineer must analyze the rooftop to insure that the building can support the addition weight of cell equipment as well

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as the two 3-ton HVAC units. This information must be submitted for review and approval as part of the building permit application.

Fire Code: All provisions of the currently adopted International Fire Code must be continually met.

Building Permit: The applicant must obtain a building permit prior to any construction and a Certificate of Occupancy prior to occupancy.

The location and extent of the proposed cellular communications antennas is consistent with the adopted Comprehensive Plan and the related regulations. As such, staff recommends that the SDCL 11-6-19 Review to allow the construction of three cellular antennas be approved.