

STAFF REPORT

April 9, 2009

No. 09SR022 - SDCL 11-6-19 Review for the construction of a cellular communication tower **ITEM 20**

GENERAL INFORMATION:

APPLICANT	SWS, LLC
AGENT	Rick Holpp for Site Dynamics, Inc.
PROPERTY OWNER	Dean R. Hamm Trust/Dean and Chris Hamm
REQUEST	No. 09SR022 - SDCL 11-6-19 Review for the construction of a cellular communication tower
EXISTING LEGAL DESCRIPTION	The E1/2 NE1/4 SE1/4 less Lot H1, less right-of-way, Section 29, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 17.53 acres
LOCATION	7800 Sheridan Lake Road
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Planned Unit Development (Pennington County)
East:	Suburban Residential District
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	Private well and private on-site wastewater system
DATE OF APPLICATION	3/13/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review for the construction of a cellular communication tower be approved.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to construct a communication tower on the property. In particular, the applicant has indicated that the communication tower will be a 100 foot high flagpole tower with three internal antennas. In addition, a ten foot by ten foot equipment ice bridge and equipment cabinets are proposed to be constructed adjacent to the tower.

The property is located north and west of the intersection of Dunsmore Road and Sheridan

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Lake Road. Currently, mini storage units are located on the property. The applicant is proposing to construct the communication tower between two of the existing mini storage units.

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". This is a public utility located on privately owned land requiring that the Planning Commission review and approve the proposed installation.

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 issues:

Design Features: As previously indicated, the applicant is proposing to construct a 100 foot high flagpole tower with equipment cabinets and an ice bridge adjacent to the tower. The applicant should be aware that no advertising will be allowed on the tower. In addition, the tower must remain unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority.

Staff recommends that the communication tower be constructed in compliance with the design plans submitted with this application. In addition, staff recommends that the American flag be flown on the flagpole tower and lighted as needed.

Fencing: The applicant has submitted a site plan and an elevation showing that an eight foot high cedar fence will be constructed around the proposed base of the tower and equipment cabinets to serve as a screen. The proposed fence is in compliance with Pennington County's land use regulations. Staff recommends that the fence be constructed in compliance with the elevations submitted with this application.

Parking: The applicant has submitted a site plan showing two parking spaces. In addition, one of the parking spaces is "van" handicap accessible. The site plan also identifies a 20 foot wide access easement extending from Dunsmore Road to the proposed parking area. The proposed parking and access is in compliance with Pennington County's parking regulations.

Service Area Map/Co-Location: The applicant has submitted a service area map demonstrating that the tower is needed to provide coverage within this area. The applicant has also indicated that the tower is being designed to allow for the co-location of two additional wireless carriers.

Staff recommends that the tower be constructed as proposed to provide coverage as shown

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on the service area map and to allow for the co-location of two additional wireless carriers.

Pennington County Review: The applicant should be aware that the use may require additional County Planning Commission review as required by SDCL 11-2-24.

Notification: The City Council has requested that notification be sent by first class mail to property owners within 250 feet of a requested cellular tower site. This has been accomplished. As of this writing, staff has not received any calls of inquiry regarding this item.

The location and extent of the proposed project is consistent with the City's adopted Comprehensive Plan. As such, staff recommends that the SDCL 11-6-19 Review to allow for the construction of a cellular communication tower be approved.