

STAFF REPORT
July 23, 2009

No. 09SR064 - SDCL 11-6-19 Review to construct communication structures **ITEM 45**

GENERAL INFORMATION:

APPLICANT	SWS, LLC
AGENT	Scott Goble
PROPERTY OWNER	Montana - Dakota Utilities, Co.
REQUEST	No. 09SR064 - SDCL 11-6-19 Review to construct communication structures
EXISTING LEGAL DESCRIPTION	Block 20 excepting therefrom the south eight and one-half feet thereof in Airport Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.4 acres
LOCATION	232 Wright Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Low Density Residential District
East:	Low Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/26/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to construct communication structures be approved if a Fence Height Exception is obtained prior to Planning Commission approval.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to allow a communication tower with equipment cabinets, an H frame electrical meter and an ice bridge to be constructed on the property. In addition, the applicant has submitted a Fence Height Exception (09FV010) to allow an 8 foot high fence in lieu of a 6 foot high fence and to allow an 8 foot high fence in lieu of a 4 foot high fence in the front yard.

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The property is located in the northeast corner of the intersection of Wright Street and Wood Avenue. Currently, the property is void of any structural development.

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 59 foot high flagpole tower with equipment cabinets, an H frame electrical meter and an ice bridge located 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 shown on the design plans.

Fencing: The applicant is proposing to construct an eight foot high cedar fence, natural brown in color and sealed with a clear water proofing sealer. The applicant has indicated that the fence is being constructed to provide security around the proposed flagpole communication tower and equipment. In particular, the fence is located outside of the 25 foot front yard setbacks with the exception of that portion of the fence located along Wood Avenue, which is located 20 feet from the front lot line. The applicant has also submitted a landscape plan showing a row of existing deciduous streets between Wood Avenue right-of-way and the fence and a row of proposed evergreen trees being planted along the north, east and south sides of the tower.

As previously indicated, the applicant has submitted a Fence Height Exception to allow an 8 foot high fence in lieu of a 6 foot high fence and to allow an 8 foot high fence in lieu of a 4 foot high fence in the front yard for the proposed fence. The Public Works Committee recommended approval of this item at their July 14, 2009, Public Works Committee meeting. The City Council will consider the item at their July 20, 2009 City Council meeting. Staff recommends that prior to Planning Commission approval of the SDCL 11-6-19 Review, the Fence Height Exception be obtained.

Parking: The applicant has submitted a site plan showing two parking spaces. In addition, one

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of the parking spaces is "van" handicap accessible. The proposed parking and access is in compliance with City'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 approved as proposed to provide coverage as shown on the service area map and to allow for the co-location of two additional wireless carriers.

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 will recommend that the SDCL 11-6-19 Review to construct communication structures be approved if a Fence Height Exception is obtained prior to Planning Commission approval.