

STAFF REPORT
March 22, 2007

No. 06SR077 - SDCL 11-6-19 Review to allow the construction of a communication facility **ITEM 3**

GENERAL INFORMATION:

PETITIONER	Buell Consulting, Inc. for Cellular Inc. Network Corporation
REQUEST	No. 06SR077 - SDCL 11-6-19 Review to allow the construction of a communication facility
EXISTING LEGAL DESCRIPTION	Government Lot 4, except the east 410 feet, Section 4, T1S, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.08 acres
LOCATION	9200 South Highway 79
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Commercial District (Pennington County)
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	10/26/2006
REVIEWED BY	Travis Tegethoff / Todd Peckosh

RECOMMENDATION: Staff recommends that the SDCL 11-6-19 Review to allow the construction of a communication facility be approved.

GENERAL COMMENTS: This staff report has been revised as of March 12, 2007. All revised and/or added text is shown in bold print. The applicant is requesting approval of a SDCL 11-6-19 Review to allow the construction of a 120 foot high antenna structure and equipment shelter. The applicant has also submitted a Conditional Use Permit application with the Pennington County Planning Department to allow a 120 foot communication tower in accordance with Sections 210-C-9 and 510 of the Pennington County Zoning Ordinance.

The subject property is located east of South Highway 79 and north of Black Gap Road. The subject property is currently zoned General Agricultural District in Pennington County. The property located west of the subject property is zoned General Commercial District in Pennington County. The property located north of the subject property is zoned General Agricultural District in Pennington County. The property located east of the subject property is zoned General Agricultural District in Pennington County with a trap shooting range on the

STAFF REPORT
March 22, 2007

No. 06SR077 - SDCL 11-6-19 Review to allow the construction of a communication facility **ITEM 3**

subject property. The property located south of the subject property is zoned Limited Agricultural District in Pennington County with a single family residence and accessory structures located on the property. Currently, the area for the proposed structure is void of development.

A Conditional Use Permit application has also been submitted to the Pennington County Planning Department for their review of this proposed communication facility.

On November 27, 2006 the Pennington County Planning Commission approved a Conditional Use Permit for the proposed communication facility on the subject property.

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:

Site Plan: The applicant has submitted a site plan showing the proposed cellular tower with an equipment shed. However, the site plan does not include the existing structures on the property. As such, a revised site plan must be submitted showing the entire property and the locations of the existing and proposed structures. Staff recommends that this item be continued to allow the applicant to submit a revised site plan for review and approval.

On February 2, 2007 the applicant submitted a revised site plan showing the entire property and the locations of the existing and proposed structures.

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. The site plan indicates a gravel surface and does not indicate any parking. 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. Staff recommends that this item be continued to allow the applicant to submit a revised site plan for review and approval.

On December 1, 2006 the applicant submitted a revised site plan meeting the minimum requirements of Section 17.50.270 of the Rapid City Municipal Code.

Landscaping: Section 17.50.300 of the Rapid City Municipal Code requires landscaping to be

STAFF REPORT
March 22, 2007

No. 06SR077 - SDCL 11-6-19 Review to allow the construction of a communication facility **ITEM 3**

provided. Staff noted that no landscape information was indicated on the plan. Staff recommends that this item be continued to allow the applicant to submit a revised site plan for review and approval.

On December 1, 2006 the applicant submitted a landscape plan meeting the minimum requirements of Section 17.50.300 of the Rapid City Municipal Code.

Design Features: The submitted elevation drawings show the proposed tower to be 124 feet in height. The tower shall not be illuminated by artificial means or strobe lights. No advertising will be allowed on the tower. The tower shall 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.

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.

Engineering: Staff noted that commercial properties are required to have a reinforced concrete approach and driveway openings shall not be less than 16 feet in width. Staff also noted that a detail of the reinforced concrete approach and a pavement section for the access road and parking area must be provided. Staff recommends that this item be continued to allow the applicant to submit a revised site plan for review and approval as identified.

On December 1, 2006 the applicant submitted a revised site plan but the plan did not provide paved access to Highway 79. Staff recommends that this item be continued to allow the applicant to submit a revised site plan for review and approval as identified.

On February 2, 2007 the applicant submitted a revised site plan providing paved access to Highway 79.

Drainage and Grading: Staff noted that the drainage and grading plans submitted must be designed in compliance with the Rapid City Drainage Criteria Manual and City of Rapid City Standard Specifications for Public Works Construction, 2004 Edition. Staff noted that flow arrows and contour elevations must be shown and plans must be signed by a Registered Engineer in the State of South Dakota. Staff recommends that this item be continued to allow the applicant to submit a revised grading and drainage plan for review and approval.

On December 1, 2006 the applicant submitted drainage and grading plans addressing the issues as identified.

Co-Location: A major issue associated with cellular towers is the visual impact the structure will have on the surrounding area and the City in general. In order to reduce visual impact, the City in recent years has consistently required that new towers be constructed with the ability to co-locate other antennae in the future. To date the applicant has not provided justification for constructing the proposed tower. As such, staff recommends that this item be continued to allow the applicant to identify the locations of existing cellular towers in the area for

STAFF REPORT
March 22, 2007

No. 06SR077 - SDCL 11-6-19 Review to allow the construction of a communication facility **ITEM 3**

possible co-location of the proposed antennas.

On December 1, 2006 the applicant submitted a "Search Area Map" showing the location of the proposed cellular tower and a limited area along Highway 79. However, the applicant must submit a Service Area Map showing all facilities within the area, a service boundary for each facility and demonstrate that the existing facilities (towers, antennas, etc.) will not allow co-location due to capacity issues or that the location of the facility is outside of the service coverage area needed by the applicant. Staff is recommending that this item be continued to allow the applicant to submit a complete Service Area Map.

On March 2, 2007, the applicant submitted a "Technical Report" identifying current system capacity and design issues and identifying additional proposed facilities within our community. In particular, the report states that additional flagpole tower(s) are being proposed to maintain adequate system capacity while reducing interference within the system and to enable new, enhanced wireless data services available in other markets, but not currently available in Rapid City. The report also states that certain variables must be considered in the design and location of communication facilities such as terrain, the number of possible users, the concentration of users in a given area, the types of wireless products available to the users and the proximities of wireless communication facilities to other wireless communication facilities.

The report states that the purpose of the communication tower at this site is to offload many customers serviced from the existing cellular tower at Box Elder and to provide improved coverage to properties located within this area. This site is over eight miles from the existing cellular tower at Box Elder and there is only one existing cellular tower within five miles of this site located on U.S. Highway 16. The existing tower would not eliminate the Box Elder tower from serving this area.

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 recommends that the SDCL 11-6-19 Review to allow the construction of a communication facility be continued to the December 7, 2006 Planning Commission Meeting to allow the applicant time to submit the required information as outlined above.

This item was continued to the December 7, 2006 Planning Commission meeting to allow the applicant to submit the required information. This item was continued to the January 4, 2007 Planning Commission meeting to allow the applicant to submit the required information. As of December 21, 2006 the required information has not been submitted. **This item was continued to the March 22, 2007 Planning Commission meeting at the applicant's request.**

Staff recommends that the SDCL 11-6-19 Review to allow the construction of a communication facility be approved.