

STAFF REPORT  
May 22, 2008

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**No. 08SR029 - SDCL 11-6-19 Review to allow construction of a communication facility** **ITEM 36**

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GENERAL INFORMATION:

APPLICANT	Mary Julius for Cellular Inc. Network Corporation
AGENT	John M. Rowe for Buell Consulting, Inc.
PROPERTY OWNER	April Rose Espericueta
REQUEST	<b>No. 08SR029 - SDCL 11-6-19 Review to allow construction of a communication facility</b>
EXISTING LEGAL DESCRIPTION	Lot 10 of Holy Cow Ranch Subdivision, Section 19, T1N, R9E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.0 acres
LOCATION	23264 Radar Hill Road
EXISTING ZONING	Low Density Residential District (Pennington County)
SURROUNDING ZONING	
North:	Low Density Residential District (Pennington County)
South:	Low Density Residential District (Pennington County)
East:	Low Density Residential District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Pennington County
DATE OF APPLICATION	3/27/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow the construction of a community facility be approved:

**GENERAL COMMENTS(Update: May 15, 2008. All revised and/or added text is shown in bold.) This item was continued at the April 24, 2008 Planning Commission meeting because the stipulation of approval had not been met. All of the additional required information has been submitted and reviewed by staff. As such, staff recommends that the 11-6-19 Review to allow construction of a communication tower be approved.**

The applicant has submitted an SDCL 11-6-19 request to allow construction of a communication facility on public property. The property is located at 23264 Radar Hill Road, south of Holly Cow Ranch Road and west of Radar Hill Road. The property is currently

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vacant. The applicant is proposing to construct a 100 foot monopole cell tower site with a 12 foot by 30 foot equipment shelter. The property is currently zoned Low Density Residential in Pennington County. The property to the west is zoned General Agricultural district in Pennington County. The rest of the surrounding properties are zoned Low Density Residential in Pennington County.

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 communications facility is being constructed as a public utility and the property is identified as being 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 issues:

Parking: Section 17.50.270 of the Rapid City Municipal Code requires that one standard parking space and one van accessible handicap space shall be provided for the proposed structure. Staff noted that the submitted site plan meets the requirements of the Rapid City Code of Ordinances for parking.

Landscaping: Section 17.50.300 of the Rapid City Municipal Code requires landscaping to be provided. Staff noted the submitted site plan meets the requirements of the Rapid City Municipal Code for landscaping.

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.

Driveway Spacing: The Rapid City Street Design Criteria Manual sets forth specific requirements for driveway spacing. The submitted site plan does not meet the 200 foot driveway spacing required by the Rapid City Street Design Criteria Manual Section 8.2.2. Prior to Planning Commission approval the applicant must receive an Exception to reduce the driveway spacing from the required 200 feet to 14 feet.

Property Access: The Rapid City Street Design Criteria Manual sets forth specific requirements for accessing property if it has frontage on more than one street. Section 8.2.1 states “If a property has frontage on more than one street, access will be permitted only on the less traveled street frontage”. The property for the proposed communication facility has frontage on Holy Cow Ranch Road and Radar Hill Road. Radar Hill Road is classified as a Principal

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Arterial and Holly Cow Ranch Road is classified as a Lane Place. Prior to Planning Commission Approval the applicant must receive an Exception to allow access from Radar Hill Road, a higher order street.

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