

STAFF REPORT  
February 22, 2007

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**No. 07OA003 - Ordinance Amendment to add communication towers and antennas as a Conditional Use in the Heavy Industrial and Light Industrial Zoning District by amending Chapter 17.24.030 and Chapter 17.22.030 of the Rapid City Municipal Code** **ITEM 23**

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GENERAL INFORMATION:

PETITIONER	Faulk & Foster for WWC License LLC, d/b/a Alltel
REQUEST	<b>No. 07OA003 - Ordinance Amendment to add communication towers and antennas as a Conditional Use in the Heavy Industrial and Light Industrial Zoning District by amending Chapter 17.24.030 and Chapter 17.22.030 of the Rapid City Municipal Code</b>
DATE OF APPLICATION	1/12/2007
REVIEWED BY	Karen Bulman / Emily Fisher

RECOMMENDATION: Staff recommends that the Ordinance Amendment to add communication towers and antennas as a Conditional Use in the Heavy Industrial and Light Industrial Zoning District by amending Chapter 17.24.030 and Chapter 17.22.030 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS: Section 17.24.030 and Section 17.22.030 of the Rapid City Municipal Code lists Conditional Uses allowed in the Heavy Industrial and Light Industrial Zoning Districts. Faulk & Foster for Western Wireless submitted an application to amend the Rapid City Municipal Code, Chapter 17.24.030 and Chapter 17.22.030, to allow communication towers and antennas as a Conditional Use in Heavy Industrial and Light Industrial Zoning Districts.

STAFF REVIEW: Staff has reviewed the request to amend Section 17.24.030 and Section 17.22.030 of the Rapid City Municipal Code. In November 2001, an ordinance amendment, listed as item J, was approved by the City Council allowing cellular communication and radio and television station transmission towers and minor accessory structures as a Conditional Use in the Light Industrial Zoning District. However, the item does not appear in the Rapid City Municipal Code.

Staff review indicates that in May 2002, a separate ordinance amendment was processed for off premise signs and was also approved as item J under Conditional Uses in the Light Industrial Zoning District. Staff reviewed the issue with the City Attorney's staff. They have determined that both amendments are currently valid regulations. As such, there is no need to amend the Rapid City Municipal Code to add this item and staff recommends that this application be denied. Staff contacted the applicant and they have agreed with the staff's recommendation to deny the application.