

COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Rapid City
 300 Sixth Street, Rapid City, SD 57701-2724
 Phone: (605) 394-4120 Fax: (605) 394-6636 Web: www.rcgov.org

APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
 - Designation
 - Initial Plan Final Plan
 - Major Amendment
 - Minimal Amendment
- Subdivision
 - Layout Plan
 - Preliminary Subdivision Plan
 - Development Engineering Plans
 - Lot Line Adjustment/Consolidation Plat
 - Final Plat
 - Minor Plat
- Rezoning
- Road Name Change

- Conditional Use Permit
 - Major Amendment
 - Minimal Amendment
- Vacation
 - Utility / Drainage Easement
 - R.O.W. / Section Line Highway
 - Access / Non-Access
 - Planting Screen Easement
- OTHER Ordinance Amendment**

LEGAL DESCRIPTION (Attach additional sheets as necessary)

EXISTING	Zoning Ordinance Section: 17.08.030 Conditional Use Permit. G. Cellular communication and radio television station transmission towers, and minor accessory structures, subject to the following; The uses described in this subdivision shall be permitted on the west side of Skyline Drive in the SW1/4 of Section 2, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota;		
PROPOSED	Zoning Ordinance Section: 17.08.030 Conditional Use Permit. G. 1. Camouflaged cellular communications antenna structures and associated utility buildings 2. Radio and television station transmission towers, and minor accessory structures, subject to the following; The uses described in this subdivision shall be permitted on the west side of Skyline Drive in the SW1/4 of Section 2, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota;		
LOCATION	Park District		
Size of Site—Acres	TBD	Square Footage	TBD
Proposed Zoning	Park Forest		
DESCRIPTION OF REQUEST: Applicant proposes the City consider amending Ordinance Section 17.08.30.G by adding the six words displayed above, as such, <u>underlined</u> in blue including the numbering displayed above, as such, <u>underlined</u> in blue.	Utilities:		
	Water	N/A	
	Sewer	N/A	

APPLICANT

Name Cellular Inc. Network Corporation, d/b/a Verizon Wireless Phone 507-385-2361 (Office)
 Address Attn: Andrew Bobrytzke, 2000 Technology Drive \ PO Box 4069 E-mail Andrew.Bobrytzke@verizonwireless.com
 City, State, Zip Mankato, MN 56002

PROJECT PLANNER – AGENT

Name John M. Rowe Phone 303-220-9100 (Office)
Buell Consulting, Inc. 303-618-4615 (Cell Phone)
 Address P.O. Box 2523 E-mail jrowe@buellconsulting.com
 City, State, Zip Littleton, CO 80161-2523

OWNER OF RECORD (If different from applicant)

Name TBD Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

Buell Consulting, Inc.

MAR 27 2014

Project Planner John M Rowe Date 3/25/2014
 Signature _____ Date _____
 Print Name: John M. Rowe
 Title*: Agent

Property Owner Signature _____ Date _____
 Signature _____ Date _____
 Print Name: _____
 Title*: _____

RAPID CITY COMMUNITY PLANNING & DEVELOPMENT SERVICES

*required for Corporations, Partnerships, etc.

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APPLICATION FOR DEVELOPMENT REVIEW

FOR STAFF USE ONLY

ZONING
Current
North
South
East
West
Planner <i>FL/BR</i>
File No. <i>140A004</i>
Comp Plan

- Public Works/Engineering
- Fire Department
- Transportation Planning
- Building Inspection
- Air Quality
- Police
- City Attorney
- City Code Enforcement
- SD DOT

- BHP&L
- ESCC
- Register of Deeds
- County - Planning
- County - Fire
- County - Highway
- County - Code Enforcement
- Auditor - Annexation
- Drainage

- RV Sanitary District
- Green Valley Sanitary District
- Finance
- GIS
- Historic Preservation
- Parks & Recreation
- School District
- Other: _____

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MAR 27 2014

RAPID CITY COMMUNITY PLANNING
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Buell Consulting, Inc.
 7970 South Cook Way
 Centennial, CO 80122
 (303) 220-9100
 www.buellconsulting.com
*Site Acquisition
 Permitting
 Established 1991*

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MAR 27 2014

March 25, 2014

Mr. Fletcher Lacock
 Planning Department
 City of Rapid City
 300 Sixth Street, 2nd Floor
 Rapid City, South Dakota 57701

**RAPID CITY COMMUNITY PLANNING
 & DEVELOPMENT SERVICES**

Re: Verizon Wireless Park Forest Zoning Ordinance Text Amendment Request
 Camouflage Cellular Communications Antenna Structures and Associated Utility Buildings

As we have discussed, Verizon Wireless proposes that language in the Park Forest District Conditional Use Permit Section (Chapter 17.08.030) be revised. As such, enclosed is an Application for an Amendment Ordinance along with a check for the \$250 Zoning Ordinance Amendment Application Fee and photographic simulations of camouflaged facilities Verizon Wireless would like to propose as Conditional Uses in the Park Forest District in Rapid City.

Park Forest District properties in Rapid City represent areas where additional wireless capacity is badly needed in Rapid City and where a property in the Park Forest District is so large that surrounding properties zoned otherwise won't solve the looming capacity issue and are primarily residentially zoned, anyway. Park Forest, while permitting single family residential dwellings, already allows uses that typically include no residential dwellings, such as utility substations, tree & plant nurseries, golf courses, country clubs, recreational facilities, cemeteries, and churches, not to mention those towers on Skyline Drive.

The purpose of this application is to provide the opportunity for needed wireless capacity relief in Rapid City without sacrificing the ability to regulate visual impact through the Conditional Use Permit process already in place. We propose the following revision:

Existing Language:

17.08.030 Conditional use permit.

G. Cellular communication and radio television station transmission towers, and minor accessory structures, subject to the following; The uses described in this subdivision shall be permitted on the west side of Skyline Drive in the SW1/4 of Section 2, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota;

Proposed Language

17.08.030 Conditional use permit.

G. 1. Camouflaged Cellular communications antenna structures and associated utility buildings

2. Radio and television station transmission towers, and minor accessory structures, subject to the following; The uses described in this subdivision shall be permitted on the west side of Skyline Drive in the SW1/4 of Section 2, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota;

We believe the City should encourage stealth cell sites on Park Forest properties where there is lots of trees & acreage. Upon your review, please confirm the acceptance of this Application & what additional items of information are needed.

Sincerely,

 John M. Rowe
 JRowe@BuellConsulting.com
 Agents for Verizon Wireless

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Ordinance Amendment Request
Park Forest Zoning District
Rapid City, South Dakota

MAR 27 2014

**RAPID CITY COMMUNITY PLANNING
& DEVELOPMENT SERVICES**

March 27, 2014

Cellular Inc. Network Corporation d/b/a Verizon Wireless is requesting the City amend Section 17.08.030.G of its Zoning Ordinance to include the possibility for Camouflaged Cellular Communications antenna structures and associated equipment buildings to be allowed, if approved on review, with a Conditional Use Permit in the PF Zone District. Currently the Code seems to say Cellular Communications Towers are allowed on review with a Conditional Use Permit, but only in one subdivision in town on Skyline Drive.

This is curious language that certainly opens up the Park Forest District to consideration for Cellular Communications Towers. It's also odd that Cellular towers are linked to Radio & Television towers, more predominantly located on Skyline Drive, since Radio and Television station tower locations differ significantly from that of Cellular Towers, today. For instance, broadcasters can get by with just one transmitter facility in a market while cellular services cannot. Two general types of wireless cell sites exist: Coverage & Capacity. Most new cell sites in cities are needed to provide critical service capacity.

Broadcasters operate from one location with line of site to as much of the entire market as physically possible. By contrast, 4th generation wireless services are matured into systems that serve separate activity centers/neighborhoods each with a separate tower that may see the next adjacent activity center/neighborhood tower in multiple directions but not an entire market. While Broadcast Towers typically transmit high power from very tall towers and/or high elevations, cellular tower heights are being reduced in metro areas in order to better serve local neighborhoods.

In fact, due to the popularity and proliferation of cell phone users throughout the local market, the state, the country and, indeed, the world, the necessary infrastructure for cell antenna structures is reaching into populated neighborhoods everywhere. This should not be at all surprising considering the trend of many to give up their land line in favor of their wireless service, not just for traditional voice usage but ever increasingly for emails, data transfers, live face to face conversations, internet searches, satellite applications, music downloads, broadcast reception, video downloads & many other applications.

While the Park Forest District permits single family residences, it also already allows the following non-residential uses as Conditional Uses upon review: Utility Substations, Golf Courses, Country Clubs, Tree & Plant nurseries, Recreational Facilities, Cemeteries, and Churches, not to mention those Towers on Skyline Drive. In a culture where the trend is toward swapping one's land line for a cell phone or smart phone and tablets substitute for personal computers each cellular communications facility is certainly a Utility Substation of the Information Age. The demand on wireless facility capacities is rapidly growing.

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This is not a time to stand by archaic limitations to the development of wireless capacity in any community. This is not either to say that development of this use should proceed helter-skelter. More to the point, logic and reason should prevail. A rethinking of criteria for the orderly fostering of this valuable wireless utility may well be in order.

Visually discriminating communities can be creative to allow wireless to grow without detrimental visual impact thru wireless facility owners/operators designing cell sites into the landscape without choking off supply of this scarce resource. Demand for wireless is as vital in neighborhoods today as is electrical power, water, streets and sewers.

Text Amendment requested

Existing Language: Section 17.08.030 Conditional use permit.

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Proposed Language: 17.08.030 Conditional use permit.

G. **1. Camouflaged** Cellular communications **antenna structures** and **associated utility buildings**

2. Radio and television station transmission towers, and minor accessory structures, subject to the following; The uses described in this subdivision shall be permitted on the west side of Skyline Drive in the SW1/4 of Section 2, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota;

Area Regulations

In the Park Forest (PF) Zoning District up to a 35' front setback is required with setback requirements of 40' in side yards and up to 50' in rear yards. The project proposed has property line setbacks in all directions in excess 500 feet. No setback requirements exist for flag poles, and cellular communications towers are exempt from height limitations (17.50.260).

Section 17.54.040.D.1 specifies criteria as a guide for judging amendments on merit. For Text Amendments, the following conditions shall be met for all amendments:

- a. The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected, or in the city generally.

The communications climate has changed. Wireless companies now seek more smaller towers in populated areas at lower elevations, as opposed to mountaintops, in order to serve specific neighborhoods & associated activity centers (because of the increasing demands being placed upon wireless capacity & its dramatically increased applications). Cellular companies are increasing more willing to design camouflaged towers in order to obtain permits in Districts where cell sites might not otherwise be allowed.

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Park Forest Zoning District Ordinance Amendment Request
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- b. The proposed amendments shall be consistent with the intent and purposes of this title.

The proposed amendment requires that new cell sites in the Park Forest District be of a camouflage nature and only allowed on review with a Conditional Use Permit. Utility Substations to provide essential services to the public are already allowed in this District on review with a Conditional Use Permit. Given, the populace trend to disconnect land lines in favor of cell sites and the dramatically increased applications wireless technology offers, cell sites are synonymous with Utility Substations for essential communications.

- c. The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from the amendment.

With the new proposed language the City will retain rights to approve or disapprove applications and specify standards for visual impact, site plan review, etc. on any specific property in any area of town. Each case can be judged on its own individual merit. In contrast to being detrimental, this Amendment will prove to be beneficial to other areas of the City that might otherwise be in dead spots without wireless service availability (either due to lack of coverage or eroded capacity).

- d. The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan and others.

Rapid City plans for all forms of community infrastructure within its realm of local responsibility in order to allow for growth. While telecommunications varies from other forms of utility provision with regard to city ownership, planning for adequate wireless communications infrastructure is no different than allowing for adequate streets, sewer lines, and available clean water.

Summary

Sound logic has gone into the request for the Ordinance Amendment taking into account the needs and best future interests of the City, its population and visitors, and the wireless companies that attempt to serve them all. This Amendment request meets the guidelines specified above for approval of a Text Amendment as specified in the Zoning Ordinance. Verizon Wireless will comply with all regulations of Rapid City and the conditions of any permit granted in connection with this application.

Questions about this application should be directed to:

John Rowe- Agent for Verizon Wireless
Buell Consulting, Inc.,
P. O. Box 2523, Centennial, CO 80161-2523
jrowe@buellconsulting.com
303-220-9100 (Office), 303-618-4615 (Portable), 651-225-0795 (Fax)