

STAFF REPORT

February 6, 2003

No. 03SR004 - 11-6-19 SDCL Review of a public utility

ITEM 36

GENERAL INFORMATION:

PETITIONER	MegaCom for Verizon Wireless
REQUEST	No. 03SR004 - 11-6-19 SDCL Review of a public utility
EXISTING LEGAL DESCRIPTION	Tract A of Lot 1 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.10 acres
LOCATION	636 Cathedral Drive
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Commercial District
East:	Low Density Residential District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	01/10/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the 11-6-19 South Dakota Codified Law Review be denied.

GENERAL COMMENTS: The applicant is proposing to locate telecommunication antennas at the top of the Pennington County High Rise Apartment building located at 636 Cathedral Drive. The property is zoned High Density Residential. The proposed site was rezoned from Low Density Residential to High Density Residential in 1973 to allow the Pennington County Public Housing Authority to construct the high-rise apartment for the elderly.

The current use of the building is elderly housing. The applicant is proposing to construct nine antennas six feet in length each. It appears that each antenna is approximately one foot in width. Each antenna is mounted near the top of the structure. The plans submitted indicate that the proposed antennas will hang over the roof of the building eight feet, six inches off the top of the mounting. The proposed antenna appears to be mounted on a two and seven-eighths inches thick pipe. In addition, the applicant is proposing to locate an equipment room on the top floor of the building. The antennas appear to be proposed for location on three sides of the building.

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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". The proposed use is a public utility. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission as a part of an 11-6-19 SDCL Review.

STAFF REVIEW: Section 17.04.483 defines "Microcell" cellular communications facilities as cellular communications facilities providing communications coverage to a geographically limited and specifically defined area (e.g. a topographically constrained area due to natural or urban built environment). "Microcell" cellular communication facilities are allowed as a permitted use or a conditional use in the Central Business Zoning District, the General Agriculture Zoning District, the General Commercial District, the Public Zoning District, the Motel-Hotel Zoning District, and the Business-Park Zoning District. However, Microcell cellular communication facilities are not a permitted or conditional use in the High Density Residential Zoning District.

Staff is recommending that the proposed request be denied as the proposed use is not permitted in the High Density Residential Zoning District. Staff notes that 11-6-19 South Dakota Codified Law Reviews do not require direct notification of neighboring property owners. In addition, South Dakota Codified Law does not require that 11-6-19 South Dakota Codified Law reviews be advertised in a local newspaper.