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A Professional Association

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Rapid City
Planning Department

VIA UPS

Ms. Vicki Fisher
City of Rapid City
300-6th Street
Rapid City, South Dakota 57701

Re: RCY South Rapid City
Our File No.: 65302.011661

Dear Ms. Fisher:

We are writing this letter in regard to Verizon Wireless's applications at 909 Saint Joseph Street ("DT Rapid City") and 636 Cathedral Drive ("South Rapid City"). As you know, our firm represents Verizon Wireless who provides cellular telephone service to the Rapid City area. We have negotiated leases with both of the landlords for these sites to collocate antennas on their buildings. These sites will help meet the increased demands for cellular telephone service in Rapid City without having to build new towers.

Users of cellular telephone services include farmers, doctors, contractors and other members of the business community, as well as various areas of the public sector. Fire and police departments and other public safety agencies use cellular telephones extensively, as well. The system allows police and other emergency response agencies to conduct private communication in the field. This can be important from the scene of a crime, serious car accident, fire or other emergency. Immediate, direct communication with other specialized agencies is often made using cellular phones when a relay through a dispatcher would be cumbersome and cause dangerous delays.

The cellular mobile phone system operates on a specific set of channels set aside by the Federal Communication Commission (FCC). The filtering of spurious signals is very tightly controlled. Cellular telephones operate within a strictly regulated set of allotted frequencies between 824 and 894 megahertz. Formerly these channels were allocated to certain UHF television frequencies. As a result, there is no radio frequency interference caused by these installations. Additionally, the FCC strictly regulates the transmission of the service in order to ensure the public's safety by regulating the location, type and power of transmitting signals.

The area in which cellular coverage is needed largely defines the location of a given site. We have been working for several months to locate an antenna site in these areas of Rapid City to solve cellular phone service coverage needs. At the present time, owners of cellular phones are unable to use their phones in portions of Rapid City. As a result, static as well as lost connections or "dropped calls" are a problem for subscribers in this area. The proposed sites are designed to solve these very problems.

Many factors go into choosing a location for a cell site. These include zoning and land use compatibility, market factors, technical considerations, the location and coverage provide by neighboring cell sites, landowner willingness to sell or lease, land forms or topography of the surrounding area and accessibility to roads. Taken together, all of these factors create a narrow search area for a location of the cell site. Additionally, Verizon Wireless tries to use existing structures rather than building additional poles or towers when feasible.

Indeed, Verizon Wireless has placed its antennas on public housing apartments, hospitals, and senior citizen housing. For example, we just recently received approval from the City of Minneapolis to place antennas on senior housing owned by the Evangelical Lutheran Good Samaritan Society, a North Dakota non-profit corporation, in a residentially zoned district. We have attached a photo simulation of this site for your information. The City of Minneapolis, acknowledging the public's interest in promoting building collocations instead of tower construction, approves these types of installations administratively without the need for a public hearing at all.

Fortunately, Verizon Wireless has found two landlords in the City of Rapid City that are willing to lease their buildings. The installations will meet or exceed all building and fire code requirements, of course. The sites will be unmanned and will be operated remotely, connected to the rest of the Verizon Wireless system via telephone lines. Because all of the antennas and equipment associated with these facilities are operated remotely, there will be no measurable impact on traffic or other conditions. The sites are electrically powered and produce no noise, smoke, fumes, glare or odor.

In regard to the DT Rapid City site, we understand that City Staff is going to recommend approval of the original site plan. If you believe the City needs additional information that Verizon Wireless has not submitted, please let us know as soon as possible so that Ken Weber, Verizon Wireless's Site Acquisition Consultant, can present this information at the March 27th meeting.

In regard to the South Rapid City site, which is in a High Density Residential District, Verizon Wireless is officially withdrawing its application. Instead, Verizon Wireless will be applying for a text amendment under section 17.54.040 of the City Code along with a new section 11-6-19/conditional use permit application. Verizon Wireless will be asking for an amendment to

section 17.14.030 of the High Density Residential District chapter to add the following text that is shown in bold and as a double underline.

17.14.030 Conditional uses.

The following uses may be allowed as conditional uses by the city council in accordance with provisions contained in Section 17.54.030:

A. Any in an LDR or MDR district;

B. Retail business may be conducted in apartment buildings only, for the convenience of the occupants of the building, provided, there shall be no entrance to such place of business except from the inside of the building;

C. For multiple-family, group homes and assisted living centers, identification signs, not to exceed nine square feet in area, shall be permitted. Such signs shall indicate nothing other than the name and/or address of the premises and the name of the management. Such signs shall be flush with the principal building and may have indirect illumination;

D. Professional offices;

E. Group homes, subject to the following:

1. Provide a detailed program and services plan at time of application,

2. Must meet fire, building and health requirements,

3. The council may or may not wish to add the following conditions:

a. Standard hours of operation, i.e., standard,

b. Supervision, i.e., type and extent,

c. Services program to be provided,

d. Number of persons,

e. Proximity to other group homes,

f. Any other condition the council may deem appropriate,

4. Any significant modification in the program and services plan will require a new application;

F. Parking lots;

1. Such facilities shall be paved,

2. Such facilities shall in no way be exempted from any of the requirements of this zoning district including, but not limited to, screening, landscaping and signage requirements,

3. Such facilities shall be permitted only in conjunction with a contiguous use by right or conditional use permit;

G. Townhouses as regulated in Sections 17.50.020, 17.50.030 and 17.50.040;

H. Planned residential developments as regulated in Sections 17.50.050 through 17.50.100;

I. Planned unit developments as regulated in Sections 17.50.050 through 17.50.100.

J. Microcell cellular communications facilities not meeting the standards as defined in section 17.04.083 on buildings greater than 80 feet in height.

Although Verizon Wireless is officially withdrawing its application for the South Rapid City site, we would greatly appreciate the Planning Commission's informal advice and opinion regarding the proposed amendment at the March 27th meeting. Most importantly, we would like to know what additional information would help the Planning Commission make its decision.

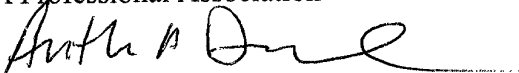
We believe that the proposed amendment meets all of the conditions outlined in section 17.54.040 for amendments: (a) the constantly changing demand for cellular service creates the need for additional cellular sites without the proliferation of additional towers; (b) the proposed amendment is consistent with the intent and purposes of the City's ordinance to protect and to promote the safety, health, morals, convenience and general welfare and to encourage the use of lands in the city in accordance with their character, adaptability, and suitability for particular purposes; (c) the proposed amendment will not result in direct or indirect adverse effects; and (d) the proposed amendment is consistent with the development plan of Rapid City.

Again, municipalities across the Midwest have allowed Verizon Wireless to place its antennas on public housing apartments, hospitals, and senior citizen housing that were in residentially zoned districts, recognizing that these type of buildings are suitable for this particular purpose. We believe that the proposed amendment will promote the public's interest in building collocations instead of new tower construction.

We hope this correspondence will serve to better explain our application for the DT Rapid City site and our proposal for the South Rapid City site. Please place a copy of this correspondence in the public record for each site. If we can be of further assistance, please feel free to contact me. We look forward to working with you to provide better cellular phone service to the Rapid City area.

Sincerely,

MOSS & BARNETT
A Professional Association



Anthony A. Dorland

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Evangelical Lutheran Good Samaritan Society Site