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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 16, 2005

MEMBERS PRESENT: Peter Anderson, Doug Andrews, Gary Brown, Ida Marie Fast Wolf, Debra Hadcock, Scott Nash, Mel Prairie Chicken and Ethan Schmidt. Karen Olson, Council Liaison, was also present.

STAFF PRESENT: Marcia Elkins, Karen Bulman, Don Seten, Bill Knight, Joel Landeen, and Carol Bjornstad.

Nash called the meeting to order at 7:00 p.m.

1. No. 05OA003 - Ordinance Amendment

A request by Faulk & Foster for Western Wireless to consider an application for an **Ordinance Amendment to the Rapid City Municipal Code, Chapter 17 Zoning, to allow microcell antennas on existing utility poles and facilities.**

Elkins presented the Ordinance Amendment outline distributed to the Planning Commission for review. Elkins stated that two issues would be addressed: antennas attached to structures; and, antennas attached to poles.

Bulman presented the Staff recommendation to allow microcell antennas on buildings in the Light Industrial, Heavy Industrial, and Mining/Extraction Zoning Districts as a Permitted Use.

In response to Schmidt's question, Elkins stated that the Mining/Extraction Zoning District is primarily located in the area surrounding the cement plant. Discussion followed.

Talbot Wieczorek, representing Western Wireless advised that the applicant had no objection to staff's recommendation on item number one.

In response to Anderson's question, Wieczorek clarified the definition of "microcell" versus "cellular" antennas. Discussion followed.

Motion by Andrews, seconded by Brown and unanimously carried to direct staff to draft ordinance amendments to allow microcell antennas on buildings in the Light Industrial, Heavy Industrial and Mining/Extraction Zoning Districts as a permitted use.

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

Elkins advised the Planning Commission that Ordinances would be drafted by Staff and approved by the City Attorney's office prior to being presented to the Planning Commission at a formal public hearing.

Bulman presented the staff recommendation to not amend the ordinance to allow microcell antennas on buildings in the Office Commercial or Medium Density Residential Districts as either a Permitted Use or a Conditional Use Permit.

In response to Nash's questions, Elkins advised that there are concerns with commercial antennas in residential zoning districts. Discussion followed.

Wieczorek expressed his opinion that antennas attached to buildings are preferred by the public to pole antennas. Wieczorek stated that the industry preference would be the construction of large towers. Discussion followed.

In response to Andrew's question, Elkins advised that the United States Federal Telecommunications Act of 1996 does not allow local governments to consider health hazards relative to radio frequency when reviewing the location of cellular antennas.

In response to Prairie Chicken's question, Ralph Wyngarden, representative of Faulk & Foster for Western Wireless, explained capacity limitations. He expressed his opinion that the neighborhood surrounding the Food Bank and a location near the Meadowbrook Golf Course are areas with capacity limitations needing antennas. Discussion followed.

In response to Schmidt's question, Bulman reviewed the criteria for antennas on structures. Discussion followed.

In response to Nash's question, Elkins advised that the Conditional Use Permit and a Use on Review are the same. Elkins commented that the Planning Commission has the option to allow microcell antennas in the Medium Density Residential District as a Permitted Use or as a Conditional Use Permit. Discussion followed.

Wieczorek stated that the United States Congress gave the FCC power to set standards regarding health issues associated with microcell antennas to prevent multiple standards being used by individual cities.

In response to Brown's questions, Elkins advised that the Planning Commission could direct staff to draft an ordinance to allow antennas in the Office Commercial District on commercial structures only.

Motion by Brown, to direct staff to draft amendments to allow microcell antennas with a Conditional Use Permit in Office Commercial District on commercial structures only. The motion died for lack of a second.

In response to Anderson's question, Elkins stated that locating antennas in the Medium Density Residential Zoning District would be addressed on Item 5. Discussion followed.

In response to the Planning Commission's request that Item 5 be taken in conjunction with Item 2, Elkins stated that Item 5 addresses antennas attached to existing poles and facilities and recommends stipulations. Elkins advised that staff does not object to the location of antennas on existing poles; however, staff

has concerns with the dimension of the ground boxes associated with the facilities. Elkins reviewed the proposed standards for antennas on existing poles. Discussion followed.

Andrews moved to direct staff to draft ordinance amendments to allow microcell antennae on buildings in the Office Commercial and Medium Density Residential Zoning Districts as a Conditional Use Permit. The motion died for lack of a second.

In response to Hadcock's question, Wieczorek stated that there are approximately fourteen microcell antennas are currently within Rapid City, and approximately five are located on buildings and the remaining antennas are on poles. Discussion followed.

In response to Nash's question, Elkins advised that the land owner would determine if an antenna would be located on a structure. Discussion followed.

Motion by Hadcock, seconded by Brown to direct staff to draft ordinance amendments to allow microcell antennas as a Conditional Use in Office Commercial District on commercial structures only.

(8 to 0 with Anderson, Brown, Fast Wolf, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and Andrews voting no)

Bulman presented the staff recommendation to not to approve a reduction in the minimum height requirement from 45 feet to 30 feet on buildings.

Discussion continued.

In response to Nash's question, Elkins advised that the Historic Preservation Committee would need to review the location of antennas on structures in the Downtown Historic District through a separate review process. Discussion followed.

In response to Schmidt's question, Bulman advised that High Density Residential Zoning district allows "high rise structures." Discussion followed.

Motion by Brown, seconded by Andrews and unanimously carried to not amend the minimum height requirement.

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

Bulman indicated that staff has reviewed the applicant's request to increase the maximum antenna size and increase the maximum number of antennae allowed. She indicated that staff believes the applicant should provide additional information to demonstrate the need to increase the maximum size and increase the maximum number of antennae allowed.

Wynyarden expressed his opinions on the reasons that the size of the antennae

should be increased and why the number of antennae should be increased. Discussion followed.

Motion by Brown, seconded by Anderson and unanimously carried to direct staff to draft amendments to Ordinances to a). Increase the size of the antenna from six square feet to eight and one-half square feet; Increase the projection of the antennas from 18" to 24" on poles only; and to Increase the number of antennas allowed on a building or pole from two to six.

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

Bulman presented the recommendation to allow microcell antennas on existing utility poles, existing telephone poles, existing utility facilities, and existing light poles on a trial basis with the following stipulations:

- a. An 11-6-19 Review or Conditional Use Permit must be approved;
- b. Antennas are not allowed in a street right-of-way or front yard setback;
- c. And they be allowed only in General Commercial, Central Business, Light Industrial, Heavy Industrial, Public or General Agriculture Districts.

Motion by Brown, seconded by Anderson to direct staff to draft amendments to allow recommend that Item number five to allow microcell wireless antennas on existing utility poles, existing telephone poles, existing utility facilities, and existing light poles on a trial basis with the following stipulations: An 11-6-19 Review or Conditional Use Permit must be approved; Antennas are not allowed in a street right-of-way or front yard setback; And they be allowed only in General Commercial, Central Business, Light Industrial, Heavy Industrial, Public or General Agriculture Districts.

Discussion followed on whether or not to allow antennas on poles within the Medium Density Residential District.

Brown and Anderson accepted a friendly amendment to direct staff to draft amendments to allow microcell wireless antennas on existing utility poles, existing telephone poles, existing utility facilities, and existing light poles in the General Commercial, Central Business, Light Industrial, Heavy Industrial, Public, General Agriculture, Office Commercial, Neighborhood Commercial, Shopping Center 1, Shopping Center 2, Business Park and Medium Density Residential Districts provided an 11-6-19 SDCL Review or a Conditional Use Permit is obtained and the antennas are not located in street right-of-way or front yard setbacks.

In response to Elkins questions, Wieczorek advised that the applicant would not be interested in putting antennas in the Downtown Business District. Discussion followed.

Rod Gunn West River Electric Association, expressed concern with antennas attached to utility poles. Gunn advised that pole permits are required to mount antennas to utility poles. Gunn expressed concern with the methods used for

installation of antennas to existing poles.

In response to the Gunn comments, Elkins advised that the suggestions presented would be addressed by staff in the draft ordinance.

The Motion as amended was approved unanimously.

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

Nash suggested that provisions be incorporated into the draft ordinance to allow exceptions to the size, minimum height and location requirements.

Motion by Brown, seconded by Anderson and unanimously carried to direct staff to draft language to allow exceptions to the standards, i.e. size of the facility, locations and height requirements for the Ordinance requirements.

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

There being no further business, Schmidt moved, Brown seconded and unanimously carried to adjourn the meeting at 8:40 p.m.

VOTE (8 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, Nash, Prairie Chicken and Schmidt voting yes and none voting no)