

STAFF REPORT  
October 7, 2010

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**No. 10UR018 - Conditional Use Permit to allow a Cellular ITEM 18  
Communication Tower in a High Density Residential Zoning District**

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GENERAL INFORMATION:

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| APPLICANT/AGENT            | Curt Walter for Verizon Wireless   |
| PROPERTY OWNER             | Pennington County Housing and Redevelopment  |
| REQUEST                    | No. 10UR018 - Conditional Use Permit to allow a Cellular Communication Tower in a High Density Residential Zoning District |
| EXISTING LEGAL DESCRIPTION | Tract A of Lot 2 of the NW1/4 SW1/4, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota                |
| PARCEL ACREAGE             | Approximately 3.1 acres  |
| LOCATION                   | 636 Cathedral Drive  |
| EXISTING ZONING            | High Density Residential District  |
| SURROUNDING ZONING         |  |
| North:                     | Low Density Residential District - General Commercial District   |
| South:                     | General Commercial District  |
| East:                      | Low Density Residential District   |
| West:                      | General Commercial District  |
| PUBLIC UTILITIES           | City water and sewer   |
| DATE OF APPLICATION        | 6/28/2010  |
| REVIEWED BY                | Jim Flaaen / Ted Johnson   |

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a cellular communication tower in a High Density Residential Zoning District be **approved with the following stipulations:**

- 1. The antennas shall be located and installed as per the specifications on the approved construction plans;**
- 2. A Building Permit shall be obtained prior to the start of construction or installation of any antennas;**
- 3. All applicable provisions of the currently adopted International Fire Code shall be continually met. In addition, the microcell wireless facilities and related structures shall be situated in a way as to not interfere with fire-fighting apparatus, emergency access or exits;**
- 4. The antennas shall be painted a color to match the façade of the existing building;**

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5. The proposed accessory equipment shall be installed within the existing penthouse as per the approved plan;
6. The parking shall be continually maintained as per the approved parking plan and shall continually comply will all requirements of the Off-Street Parking Ordinance;
7. The landscaping shall be continually maintained as per the approved landscape plan and kept in a live vegetative state and replaced as necessary; and,
8. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

GENERAL COMMENTS: (Updated September 27, 2010. All revised and/or added text is shown in bold print.) This item was continued to the October 7, 2010 Planning Commission to allow the City to consider an ordinance amendment (#10OA003) to Section 17.50.400.A of the Rapid City Municipal Code. The ordinance amendment became effective on October 1, 2010.

(Updated July 28, 2010. All revised and/or added text is shown in bold print.) This item was continued to the August 5, 2010 Planning Commission meeting to allow the applicant to complete the notification requirements and to allow the City to consider an ordinance amendment (#10OA003) to Section 17.50.400.A of the Rapid City Municipal Code. As of this writing, the ordinance amendment has not yet been approved. As such, staff recommends that this item be continued to the August 26, 2010 Planning Commission meeting.

The applicant has submitted a Conditional Use Permit application to allow the installation of six cellular communication antennas on top of an existing building. In particular, the applicant is proposing to remove six existing cellular communication antennas and replace them with six new antennas on top of the building located at 636 Cathedral Drive.

The property is located on the north side of Cathedral Drive, west of 5<sup>th</sup> Street and east of Mount Rushmore Road. The property is zoned High Density Residential District. A high rise apartment building owned by the Pennington County Housing Authority is currently located on the property.

STAFF REVIEW: Staff has reviewed the Conditional Use Permit request to allow cellular communication antennae in a High Density Residential Zoning District and has noted the following considerations:

Section 17.50.400.A: (Updated September 27, 2010.) Chapter 17.50.400.A of the Rapid City Municipal Code outlines the requirements for microcell wireless communications facilities on existing buildings. The City Council recently considered an ordinance amendment (#10OA003) to change the requirements of Chapter 17.50.400.A. The ordinance amendment became effective on October 1, 2010. Staff review has identified that the proposed and existing antennas currently on the building meet the requirements for microcell wireless communications facilities on existing buildings as set forth in Section 17.50.400.A as amended.

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(Updated July 28, 2010.) An ordinance amendment (#10OA003) has been submitted to revise the requirements of Section 17.50.400.A. However, as of this writing, the ordinance amendment has not yet been approved. As such, staff recommends that this item be continued to the August 26, 2010 Planning Commission meeting.

Staff review has identified that the proposed antennas and existing antennas currently located on the building do not meet the requirements for microcell wireless communications facilities as set forth in Section 17.50.400.A. As such, staff recommends that this item be continued to the August 5, 2010 Planning Commission meeting to allow the City to consider an ordinance amendment to Section 17.50.400.A of the Rapid City Municipal Code.

**South Dakota Codified Law 11-6-19:** Previously, the installation and operation of wireless cellular communication facilities was governed by the SDCL 11-6-19 review process. However, SDCL 11-6-19 was repealed by the South Dakota Legislature effective July 1, 2010. Consequently, the installation and operation of cellular communication facilities is now governed by the provisions of the Zoning Ordinance and subject to the Conditional Use Permit requirements.

**Antenna locations:** The antennas are proposed to be located on the side of the penthouse located on top of the Pennington County Housing building located at 636 Cathedral Drive. The antennas are proposed to be located on all four sides of the existing penthouse, two on the north side, two on the east side, one on the south side and one on the west side. The roof of the existing penthouse is 104 feet in height resulting in the proposed antennas not extending beyond the roofline of the building.

**Antenna Design Features:** The antennas are proposed to be between 96 inches and 98 inches in length with the tip of the antennas to be located 94 feet above ground level. The proposed antennas will be painted a light tan color to match the façade of the existing building. The proposed antennas will project out from the side of the penthouse approximately 2 feet at the outside edge of the antenna.

**Equipment Shelter:** The existing penthouse located on top of the existing building is 3,380 square feet in floor area. The submitted floor plan identifies that the applicant leases approximately 156 square feet of the penthouse to house mechanical equipment associated with the proposed antennas. The applicant has indicated that an additional approximately 6.5 square foot cabinet will be added to the penthouse. The penthouse is completely enclosed as to not be viewable to the general public located on the ground. Staff recommends that the proposed accessory equipment be installed within the existing penthouse as per the approved plan.

**Parking:** The previously approved parking plan required that 77 parking spaces be provided on the property. The proposed replacement of cellular antennas will not lead to an increase in the required number of parking spaces for the property nor will the installation of any antennas remove any existing parking spaces. Staff recommends that the parking be continually maintained as per the approved parking plan and continually comply with all requirements of the Off-Street Parking Ordinance.

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**Landscaping:** The previously approved landscape plan required that 126,666 landscape points be provided on the property. The previously approved landscape plan made up of many large trees and grassed areas, exceeded the required number of landscape points required for the property. The proposed changes to the antennas will not lead to an increase in the required number of landscape points for the property nor will the installation of any antennas remove any of the existing landscaping on the property. Staff recommends that the landscaping be continually maintained as per the approved landscape plan and kept in a live vegetative state and replaced as necessary.

**Notification Requirement:** (Updated September 27, 2010.) As of this writing, the required sign has not been posted on the property and the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 7, 2010 Planning Commission meeting if this requirement has not been met. Staff has not received any inquiries or objections to the proposed request at the time of this writing.

In addition, the applicant has indicated that he would be unable to complete the notification requirement by the required date. As such, the applicant has asked that this item be continued to the August 5, 2010 Planning Commission meeting so that the notification requirements may be met.

Staff recommends that the Conditional Use Permit to allow microcell wireless communication facilities on an existing building be **approved with the stipulations as identified above.**