

STAFF REPORT  
October 7, 2010

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**No. 10UR019 - Conditional Use Permit to allow a Cellular Communication Tower in Central Business Zoning District**      **ITEM 19**

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GENERAL INFORMATION:

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|----------------------------|--|
| APPLICANT/AGENT            | Curt Walter for Verizon Wireless   |
| PROPERTY OWNER             | The Turnac Group, LLC  |
| REQUEST                    | <b>No. 10UR019 - Conditional Use Permit to allow a Cellular Communication Tower in Central Business Zoning District</b>              |
| EXISTING LEGAL DESCRIPTION | Lots 1 thru 16 of Block 91 of the Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE             | Approximately 1.29 Acres   |
| LOCATION                   | 909 St. Joseph Street  |
| EXISTING ZONING            | Central Business District  |
| SURROUNDING ZONING         |  |
| North:                     | Central Business District  |
| South:                     | Central Business District  |
| East:                      | Central Business District  |
| West:                      | Central Business 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 Central Business Zoning District be **denied**.

GENERAL COMMENTS: **(Updated October 1, 2010. All revised and/or added text is shown in bold print.) This item was continued to the October 7, 2010 Planning Commission meeting to allow the City to consider an ordinance amendment (#100A003) 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

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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 909 Saint Joseph Street.

The property is located on the south side of Saint Joseph Street, west of 9<sup>th</sup> Street and east of West Boulevard. The property is zoned Central Business District. A high rise office building is currently located on the property.

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

Section 17.50.400.A: **(Updated October 1, 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.**

**“Microcell wireless communications facilities on buildings as defined in Sub-Section 17.50.400A” is a permitted use in the Central Business District. The installation of cellular antennas proposed by the applicant satisfies all the criteria outlined in Sub-Section 17.50.400.A as amended and is therefore a permitted use. Consequently, the Conditional Use Permit application submitted by the applicant is no longer necessary. As such, staff recommends that the Conditional Use Permit be denied.**

(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.

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.