

Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no and Anderson abstaining.)

57. No. 08SR076 - Sections 16 and 21, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Minnesota Street** on right-of-way located in the NW1/4 of the SW1/4 and in the S1/2 of the S1/2, Section 16, T1N, R8E, also in the NE1/4 of the NW1/4 and in the N1/2 of the NE1/4 of Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and south of the Existing Plum Creek Development.

Fisher presented staff recommendation to continue the SDCL 11-6-19 Review request to the November 6, 2008 Planning Commission meeting.

Brewer moved, Etter seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Minnesota Street to the November 6, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

58. No. 08SR083 - McMahan Industrial Park No. 2

A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation d/b/a Verizon Wireless to consider an application for a **SDCL 11-6-19 Review to allow a telecommunications tower** on Lot 1 of Block 10 of McMahan Industrial Park No. 2, located in the SW1/4 SE1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2870 Haines Avenue.

Ball presented the staff recommendation to continue the SDCL 11-6-19 Review request to the November 20, 2008 Planning Commission meeting.

Rolinger moved, Hennies seconded to continue the SDCL 11-6-19 Review to allow a telecommunications tower to the November 20, 2008 Planning Commission meeting.

John Rowe, Buell Consulting, Inc. requested that the Planning Commission take action on the SDCL 11-6-19 Review. Rowe reviewed the various difficulties he has had in trying to obtain a lease agreement with the property owner. Discussion followed.

Elkins identified the location of a previously approved and constructed cellular tower a block north of this site where co-location for two additional carriers was required. Elkins added that the site a block or two north of this side should be sufficient to accommodate other carriers. Discussion followed.

In response to Hennie's questions, Elkins stated that a requirement is in place to

require the land owner of the site to the north to allow for co-location with additional providers. Discussion followed.

In response to Scull's questions, Elkins stated that the co-location requirement is in place so that towers are situated to provide service in a specific geographic location without requiring that multiple towers be constructed in the same area. Discussion followed.

Rolinger expressed his opposition to the requirement for providers to co-locate on one tower location. Discussion followed.

Rowe requested that the Planning Commission take action on the SDCL 11-6-19 Review request at this time.

In response to Brewer's question, Elkins stated that the adjacent property owners within 250 feet have been notified. Discussion followed.

In response to Hennies' question, Elkins stated that a Use on Review has been approved for the alternate location and that the tower is constructed. Discussion followed.

Substitute motion by Hennies, seconded by Brown to continue the SDCL 11-6-19 Review to allow a telecommunications tower to the November 20, 2008 Planning Commission meeting and to request that the land owner and other companies attend for discussion purposes. (10 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

59. No. 08SR085 - Marshall Heights Subdivision

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to extend public water** on a strip of land, located in: Lot 2 of Block 1 of East Mall Business Center Subdivision of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat recorded in Book 34 of Plats on Page 176; and in Tract F of Marshall Heights Subdivision No. 2 in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat recorded in Book 23 of Plats on Page 71; and in the unplatted portion of the NE $\frac{1}{4}$ lying north of South Dakota Interstate 90 right-of-way in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and in South Dakota Interstate 90 right-of-way located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and in the unplatted portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$ lying south of SD Interstate 90 right-of-way and north of Eglin Street in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; Said strip of land is twenty-five feet in width, the sides of which are extended and foreshortened to commence on East Mall Drive right-of-way, and the centerline of which strip is more fully described as follows: Beginning at the southeast corner of Lot H1 of Lot 2 of Block 1 of East Mall Business Center Subdivision as shown on the plat recorded in Book 11 of Highway Plats on Page 146 and also coincident with the southwest corner of Lot H5 of the NE $\frac{1}{4}$ of said Section 30, as shown on the plat recorded in Book 11 of Highway Plats on Page 143 and said point being located