

added that Alltel feels that they have met the requirement.

Brewer moved, Brown seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a cellular tower to the December 18, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

40. No. 08SR063 - McMahon Industrial Park No. 2

A request by Quinn Kayser-Cochran for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow the expansion of an existing cellular communication tower** on Lot 2 of Block 9 of McMahon Industrial Park No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3060 Haines Avenue.

Ball presented the staff recommendation to continue the SDCL 11-6-19 Review request to the December 18, 2008 Planning Commission meeting.

Gregg moved, Anderson seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow a telecommunication tower to the December 18, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

41. No. 08SR083 - McMahon 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 McMahon 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 deny the SDCL 11-6-19 Review request. Ball reviewed his typographic error in the staff report regarding the ground elevation of the two towers.

Gregg moved to deny SDCL 11-6-19 Review to allow a telecommunications tower.

John Rowe, Buell Consulting, agent for the applicant, requested that the SDCL 11-6-19 Review request be approved. Rowe reviewed the applicant's policy to enter into an agreement with a property owner of a proposed location to install a cellular tower. Rowe stated that Alltel has been unable to reach an agreement with the property owner to resolve the issues. Rowe identified the proposed cellular coverage resulting from the location of the tower.

In response to Waltman's questions, Schad stated that there would be no conflict of interest with Waltman participating in the discussion and vote on the item.

Elkins corrected the comments made by the applicant's representative regarding staff discussions with the property owner. Elkins reviewed the staff's recommendation to deny the SDCL 11-6-19 Review request. Discussion followed.

Gregg moved, Landguth seconded and carried to deny the SDCL 11-6-19 Review to allow a telecommunications tower. (6 to 2 with Anderson, Gregg, Landguth, Marchand, Scull and Waltman voting yes and Brewer and Brown voting no)

42. 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 the staff recommendation to continue the SDCL 11-6-19 Review request to the January 22, 2009 Planning Commission meeting.

Anderson moved, Marchand seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of Minnesota Street to the January 22, 2009 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

43. Discussion Items

A. City's legal position regarding Cellular Communication Towers.

Commissioner Waltman noted that the City's position had already been discussed.

44. Staff Items

45. Planning Commission Items

46. Committee Reports

- A. City Council Report (November 17, 2008)
The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:
- B. Sign Code Board of Appeals
 - C. Zoning Board of Adjustment
 - D. Parks and Recreation Subcommittee
 - E. Capital Improvements Subcommittee
 - F. Americans With Disabilities Act Compliance Committee
 - G. Drinking Water Protection Committee