

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 13, 2005
(continued from January 6, 2005)

MEMBERS PRESENT: Gary Brown, Debra Hadcock, Ida Fast Wolf, Mike Lemay, Peter Anderson, Mel Prairie Chicken and Ethan Schmidt

STAFF PRESENT: Marcia Elkins, Karen Bulman, Barb Garcia, Dave Johnson, and Joel Landeen

Lemay moved, Prairie Chicken seconded and unanimously carried to reconvene the meeting at 7:03 a.m.

Bulman requested that Items 56 and 57 be considered concurrently.

56. No. 04TI011 - East Anamosa Street

A request by Centerline to consider a **Resolution Creating Tax Increment District #49** on Lot 1 – 28 and all adjacent rights-of-way, Block 11, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 – 14 and all adjacent rights-of-way, Tract A (formerly lots 15A thru 25A) and all adjacent rights-of-way, Lot 15-28 less lot 15A -25A and all adjacent rights-of-way, all located in Block 12, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted balance of SW1/4SE1/4 and the unplatted balance of SE1/4SE1/4 and all adjacent rights-of-way, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 3 and Lot 4 and all adjacent rights-of-way, Tract A & S1/2 vacated part of alley adjacent to Tract A and all adjacent rights-of-way, Lot A of Lot 1, Lot 2 and the S1/2 vacated Watertown St adjacent to said lot, Lot B of Lot 1, all located in Block 2, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract I and the N1/2 vacated portion of alley adjacent to Tract I and the S1/2 vacated Watertown St adjacent to Tract I and all adjacent rights-of-way, Block 2, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Block 3 and W375' of N1/2 vacated Watertown Street adjacent to Block 3 less W150' & less Lot 1-2 and the S1/2 vacated Madison Street adjacent to E475' Block 3 and the vacated alley in Block 3 less portion between Lots 1 & 2 and all adjacent rights-of-way, all located in Block 3, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1-2 and the S1/2 vacated Madison St adjacent to Lot 1 and the N1/2 vacated Watertown Street adjacent to Lot 2 and the vacated alley between Lots 1-2, Block 3 and all adjacent rights-of-way, all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of Block 1 and all adjacent rights-of-way, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 -2 and the balance of Block 4 and all adjacent rights-of-way, all located in Block 4, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4NE1/4 including Meadowlark Hills Sub & all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A & E1/2 vacated Cherry Ave of NE1/4NE1/4 and all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract B, C, D, F, G,

and H and all adjacent rights-of-way, all of Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract E & E15' of vacated Cherry St adjacent to said Tract E, Block 1 and all adjacent rights-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, E100' of Tract A, Block 1 and adjacent right-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A less the E100' and the E15' of vacated Cherry St adjacent to said Tract A and adjacent right-of-way, Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of the 90' wide East Anamosa Street right-of-way located in the NE1/4 of Section 31 and the SE1/4 of Section 30, and the East Anamosa Street right-of-way located in the NW1/4 of Section 31 and the SW1/4 of Section 30 all adjacent to LaCrosse Street, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Railroad Right-of-Way located in the NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A and Lot B and all adjacent rights-of-way, West Century Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N170' of S313.96' of Lot 2 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 and Lot 2 and all adjacent rights-of-way, Buckingham Rental Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot B of Lot 1 of SW1/4NW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A, B, C, and D of Lot 1 of NW1/4SW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 1, Century "21" and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A in NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract D in NE1/4NW1/4 including Lot 1 of Tract D of Heubner Subdivision and all adjacent rights-of-way, all located in Heubner Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N16.04' of Lot 2 of SW1/4NW1/4 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 and Lot H3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Lot H1 of Lot A of the SE1/4NW1/4, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of Lot B of Lot 1 in the NW1/4SW1/4, Lot H1 of Lot B of Lot 1 of the NW1/4SW1/4, Lot 2 of the NW1/4SW1/4, Lot H1 of Lots 7 & 8 of the NW1/4SW1/4, Lot H1 and Lot H2 of the NW1/4SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located west of Century Road, east of LaCrosse Street and south of US 1-90.

A request by Centerline to consider an application for a **Tax Increment District #49 - Project Plan** on Lot 1 – 28 and all adjacent rights-of-way, Block 11, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 – 14 and all adjacent rights-of-way, Tract A (formerly lots 15A thru 25A) and all adjacent rights-of-way, Lot 15-28 less lot 15A -25A and all adjacent rights-of-way, all located in Block 12, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted balance of SW1/4SE1/4 and the unplatted balance of SE1/4SE1/4 and all adjacent rights-of-way, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 3 and Lot 4 and all adjacent rights-of-way, Tract A & S1/2 vacated part of alley adjacent to Tract A and all adjacent rights-of-way, Lot A of Lot 1, Lot 2 and the S1/2 vacated Watertown St adjacent to said lot, Lot B of Lot 1, all located in Block 2, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract I and the N1/2 vacated portion of alley adjacent to Tract I and the S1/2 vacated Watertown St adjacent to Tract I and all adjacent rights-of-way, Block 2, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Block 3 and W375' of N1/2 vacated Watertown Street adjacent to Block 3 less W150' & less Lot 1-2 and the S1/2 vacated Madison Street adjacent to E475' Block 3 and the vacated alley in Block 3 less portion between Lots 1 & 2 and all adjacent rights-of-way, all located in Block 3, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1-2 and the S1/2 vacated Madison St adjacent to Lot 1 and the N1/2 vacated Watertown Street adjacent to Lot 2 and the vacated alley between Lots 1-2, Block 3 and all adjacent rights-of-way, all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of Block 1 and all adjacent rights-of-way, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 -2 and the balance of Block 4 and all adjacent rights-of-way, all located in Block 4, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4NE1/4 including Meadowlark Hills Sub & all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A & E1/2 vacated Cherry Ave of NE1/4NE1/4 and all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract B, C, D, F, G, and H and all adjacent rights-of-way, all of Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract E & E15' of vacated Cherry St adjacent to said Tract E, Block 1 and all adjacent rights-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, E100' of Tract A, Block 1 and adjacent right-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A less the E100' and the E15' of vacated Cherry St adjacent to said Tract A and adjacent right-of-way, Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of the 90' wide East Anamosa Street right-of-way located in the NE1/4 of Section 31 and the SE1/4 of Section 30, and the East Anamosa Street right-of-way located in the NW1/4 of Section 31 and the SW1/4 of Section 30 all adjacent to LaCrosse Street, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Railroad Right-of-Way located in the NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A and Lot B and all adjacent rights-of-way, West Century Sub,

Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N170' of S313.96' of Lot 2 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 and Lot 2 and all adjacent rights-of-way, Buckingham Rental Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot B of Lot 1 of SW1/4NW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A, B, C, and D of Lot 1 of NW1/4SW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 1, Century "21" and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A in NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract D in NE1/4NW1/4 including Lot 1 of Tract D of Heubner Subdivision and all adjacent rights-of-way, all located in Heubner Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N16.04' of Lot 2 of SW1/4NW1/4 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 and Lot H3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Lot H1 of Lot A of the SE1/4NW1/4, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of Lot B of Lot 1 in the NW1/4SW1/4, Lot H1 of Lot B of Lot 1 of the NW1/4SW1/4, Lot 2 of the NW1/4SW1/4, Lot H1 of Lots 7 & 8 of the NW1/4SW1/4, Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4SW1/4, Lot H1 and Lot H2 of the NW1/4SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located west of Century Road, east of LaCrosse Street and south of US 1-90.

Bulman presented the request and reviewed the recommendation from the Tax Increment Financing Committee noting that as of this date there is no funding source available or identified. Bulman reviewed the slides and discussed the proposed boundaries of the Tax Increment District and the proposed improvements.

Anderson asked what recourse is available to the City if project costs exceed the projected Tax Increment District funding. Bulman responded that an analysis has been completed to determine the costs of the improvements for this Tax Increment District. Bulman added that Tax Increment Financing Committee recommended that the developer pay their portion of all public improvements. Elkins commented that the proposed Tax Increment District addresses only the City's costs for the proposed improvements noting that if there is a shortfall the City will not recoup the funds. Bulman stated that a contingency is included in the proposed district of approximately \$640,000 that can be used in the event the projected improvement costs are exceeded.

Anderson requested clarification concerning how the applicant has shown that

the project would not be feasible without the Tax Increment Financing District. Elkins stated that the developer has asked how the City will pay for it's obligation to construct the bridge noting that if the developer moves forward with this project, the City has no funding source available for over-sizing costs or to construct the bridge. Elkins added that the applicant has requested that the funding source for the proposed Tax Increment District be the 2012 fund noting that once the increment has been repaid to the 2012 fund those funds can be reallocated for other projects. Anderson noted that the Tower Ridge Tax Increment District also had no funding source. Elkins explained that the City Council approved the creation of the Tower Ridge Tax Increment District, but did not approve the Project Plan.

Discussion followed concerning how tax increments are accumulated. Elkins stated that the Planning Commission has the option to approve the creation of the Tax Increment District and table the Project Plan until a funding source is identified. Schmidt noted that the proposed Tax Increment District is strictly for the City's costs for these improvements, noting that he has some concern over the lack of a funding source.

Anderson requested clarification concerning how overlapping Tax Increment Districts function. Elkins explained that Tax Increment District 39 Project Plan was approved to create the opportunity to extend Anamosa Street from Menards to Century Road and to relocate power lines. Elkins indicated that the applicant has not moved forward with the actual construction and building at this time pending a determination as to whether Anamosa Street can be continued to the west. Elkins noted that once Tax Increment District 39 is paid off, those tax increment dollars will be available to pay for the Tax Increment District 49 improvements. Anderson asked for clarification of the anticipated time schedule for repayment of the proposed Tax Increment District. Bulman responded that the amortization schedule provides that it will take approximately 18 years to pay both Tax Increment Districts off, once the increment is brought forward. Elkins added that all project expenditures must be made within the first five years.

In response to a question from Fast Wolf, Bulman reviewed boundaries of the established Tax Increment District #39 and identified the overlap with Tax Increment District #49.

Bulman stated that the City must find a funding source for their portion of over-sizing costs for the project. Lemay requested clarification concerning the City's responsibilities for improvements. Discussion followed concerning over-sizing costs and the criteria for approval of Tax Increment Districts.

Prairie Chicken indicated that the Commission could approve the creation of the Tax Increment District at this time and reconsider the Project Plan once a funding source has been identified.

Fast Wolf moved and Anderson seconded to recommend approval of the Resolution Creating Tax Increment District #49.

In response to a question from Lemay, Elkins explained that once the Project

Plan is identified it must be followed. She added that items can be shifted within the Project Plan, but new items cannot be introduced, unless they fall under the other necessary and convenient costs line items.

Discussion followed concerning how parcels are identified to be included within the Tax Increment District, the decreased time period for repayment of the increment if all monies are not spent, and the ability for others to request Tax Increment Districts to pay for public improvements traditionally funded by developers.

The motion unanimously carried to recommend approval of the Resolution Creating Tax Increment District #49 (04TI011). (7 to 0 with Brown, Hadcock, Fast Wolf, Lemay, Anderson, Prairie Chicken and Schmidt voting yes and with none voting no)

Anderson moved, Prairie Chicken seconded and unanimously carried to recommend that the Project Plan (04TI012) be tabled until such time as a funding source is identified. (7 to 0 with Brown, Hadcock, Fast Wolf, Lemay, Anderson, Prairie Chicken and Schmidt voting yes and with none voting no)

Bulman requested that Items 58 and 59 be considered concurrently.

58. No. 04TI015 - Kateland Subdivision

A request by Bill Freytag to consider a **Resolution Creating Tax Increment District #51** on Lots 12 thru 13, Madison's Subdivision in the E1/2 SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and the unplatted balance of the NE1/4, NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Country Road and west of Haines Avenue.

59. No. 04TI016 - Kateland Subdivision

A request by Bill Freytag to consider an application for a **Tax Increment District #51 - Project Plan** on Lots 12 thru 13, Madison's Subdivision in the E1/2 SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and the unplatted balance of the NE1/4, NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Country Road and west of Haines Avenue.

Bulman presented the request and stated that the Tax Increment District is proposed to finance approximately \$500,000 for road, sewer and drainage improvements. Bulman indicated that the Tax Increment Financing Committee recommended that the maximum median income for residents of this project be increased to 80% as opposed to 60%. Bulman identified the proposed Tax Increment District boundaries.

Fast Wolf expressed concern that the 80% median income appears too high. Elkins stated that these are single family homes as opposed to rental

apartments. Elkins commented that the South Dakota Housing Authority will be providing assistance for those who qualify to purchase the homes. Elkins added that eligibility under the South Dakota Housing guidelines allow up to an 80% median income. She indicated that by raising the maximum median income from 60% to 80% additional people can qualify to purchase the homes.

Anderson asked if there is a precedent for the Tax Increment Financing Committee to increase the 60% median income to 80% median income. Elkins responded that the original Tax Increment Financing Guidelines did not include affordable housing. Elkins stated that the only other affordable housing that has received Tax Increment Financing is the Gandolf project located at the intersection of Cambell Street and Fairmont Boulevard. Elkins clarified that the Gandolf project is a rental project as opposed to a single family owner-occupied project.

Anderson commented that the developer for this project has stated that the City encourages low income development. Elkins noted that the City's housing plan has identified affordable housing as one of the highest needs. Discussion followed concerning the status of the low income and homeless population in Rapid City. Elkins added that the City can monitor the success of this project to determine if it is a viable tool for developing affordable housing.

Schmidt stated that the increase in median income to 80% appears to be necessary to allow an adequate number of purchasers to qualify and fulfill the affordable housing requirements.

Discussion followed concerning the percentage of income that can be allocated to housing for people in the 60% median income range and federal guidelines applicable to affordable housing.

In response to a question from Lemay, Elkins advised that the City Attorney has stated his opinion that this project does not meet the blighted criteria identified within the Tax Increment Financing Guidelines. Elkins state that the Tax Increment Financing Committee determined that the project meets the criteria.

Hadcock requested clarification concerning the definition of "affordable housing" for this development. Elkins replied that 51% of the homeowners within the development must meet the income guidelines. Hadcock expressed concern that there will not be an adequate number of low income buyers able to afford these homes. Elkins indicated that the project is an attempt to provide affordable housing in the community and the South Dakota Housing Development Authority is participating in the project. Elkins commented that if enough qualified buyers can't be identified then the conditions of the Tax Increment District may have to be modified. In response to a question from Hadcock, Elkins stated that there are protections in place and a serious interest had been demonstrated on the part of the applicant to make this an affordable housing project.

Fast Wolf expressed concern that the people in real need will not be able to meet the qualification guidelines. She requested that income number be provided for review.

Barb Garcia, Community Development Specialist, presented and reviewed the income requirement guidelines.

Prairie Chicken stated his opinion that the area is appropriate for the use of Tax Increment Financing funds and he indicated his agreement with the plan to develop low income housing. Prairie Chicken added that he has served on a board for the last six years that provides assistance to people that qualify for low income housing. Prairie Chicken discussed the education process provided to people by these groups.

Anderson indicated support for the proposed affordable housing project. Discussion followed concerning how the effectiveness of the proposed project can be measured.

Lemay expressed his concern that the project does not meet the income criteria set forth in the Tax Increment Financing guidelines. He stated that the criteria for the Tax Increment Financing should be changed or applications that do not meet the criteria should not be considered.

Fast Wolf stated that she does not feel the project is designed for low income people.

In response to a question from Prairie Chicken, Elkins indicated that the developer requested the increase in median income from 60% to 80%.

Hadcock noted that there is a significant difference between low income and affordable housing. Hadcock noted that the program may help others in a different group.

In response to a question from Anderson, Elkins advised that the developer will be providing the funding source for the improvements.

Anderson moved, Prairie Chicken seconded and unanimously carried to recommend that the Resolution Creating Tax Increment District #51 (04TI015) and the Tax Increment District #51 Project Plan be approved. (5 to 2 with Brown, Hadcock, Anderson, Prairie Chicken and Schmidt voting yes and with Lemay and Fast Wolf voting no)

Anderson requested that periodic reports on the progress of the development be provided to the Planning Commission. Elkins advised that a report would be provided after approximately six months.

Lemay moved, Anderson seconded and unanimously carried to direct staff to review the criteria used to consider Tax Increment Financing Districts. (7 to 0 with Brown, Hadcock, Fast Wolf, Lemay, Anderson, Prairie Chicken and Schmidt voting yes and with none voting no)

60. No. 05SR001 - Original Town of Rapid City - Rapid City Greenway Tract

A request by Rushmore Plaza Civic Center to consider an application for an **11-6-19 SDCL Review of a use in a public place** on Lot ER less Hotel Lot ER Original Town of Rapid City, Tract 20 less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Memorial Park, 301 North Fifth Street.

Elkins advised that this request is to allow a barn to stall livestock at the Black Hills Stock Show. Elkins thanked Vicki Fisher for providing the staff report on short notice and noted staff's recommendation for approval of the request with five stipulations.

Brown stated that he would abstain from voting on this item.

Schmidt moved, Hadcock seconded and carried to approve the SDCL 11-6-19 Review of a use in a public place with the following stipulations:

- 1. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;**
- 2. All requirements of the Floodplain Development Ordinance shall be met at all times;**
- 3. A Temporary Use Permit shall be obtained prior to initiation of the event;**
- 4. All electrical wiring shall comply with the applicable International Building and Electrical Codes; and,**
- 5. The stalling barn shall be constructed in the location proposed and shall be allowed on the property starting January 24, 2005 through February 11, 2005.**

(6 to 0 and 1 with Hadcock, Anderson, Lemay, Fast Wolf, Prairie Chicken and Schmidt voting yes, with none voting no and with Brown abstaining)

Elkins reminded the Planning Commission of the tour tomorrow of the utility substation on Old Folsom Road.

There being no further business Hadcock moved, Schmidt seconded and unanimously carried to adjourn the meeting at 8:26 a.m.