

MINUTES OF THE  
RAPID CITY CONTINUED PLANNING COMMISSION  
August 21, 2008  
(Continued to August 28, 2008)

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Mike Derby, Julie Gregg, Thomas Hennies, Linda Marchand, Andrew Scull and Karen Waltman. Ron Weifenbach, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Monica Heller, Vicki Fisher, Travis Tegethoff, Jared Ball, Ted Johnson, Karley Halsted, Bill Knight, Mike Schad, Carol Campbell and Risë Ficken.

Waltman called the meeting to order at 7:00 a.m. Waltman turned the Chair back to Derby.

\*48. No. 08PD038 - Marlin Industrial Park

A request by Henricksen, Inc. for Dennis and Darcy Torres to consider an application for a **Planned Industrial Development - Initial and Final Development Plan** on Lot 8 of Marlin Industrial Park, located in the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2011 Marlin Drive.

Tegethoff presented the staff's recommendation to approve the Planned Industrial Development request with stipulations.

**Brown moved, Gregg seconded and unanimously carried to approve the Planned Industrial Development - Initial and Final Development Plan with the following stipulations:**

- 1. Prior to Planning Commission approval, revised elevations for the building shall be submitted for review and approval. In particular, the north, east and west side elevations of the building shall be revised to include architectural features be added to the structure such as wood, timber, decorative brick, decorative cornices, or decorative metal work;**
- 2. Prior to Planning Commission approval, a revised landscape plan shall be submitted for review and approval. In particular, some trees shall be relocated to the north side of the property to provide a buffer between the development and the public right-of-way;**
- 3. Prior to Planning Commission approval, construction plans must be submitted for review and approval identifying the location of the proposed water and sewer service lines;**
- 4. Prior to Planning Commission approval, a revised plan shall be submitted for review and approval demonstrating the screening of the air handling units and trash receptacles;**
- 5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 6. A complete Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more. In particular, the Air Quality Permit shall include the owner's signature, identify the local contractor,**

- describe the location of the work area and include a site plan;
7. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
  8. A minimum of 7 parking spaces shall be provided and one of the parking spaces shall be a handicap "van accessible" space. All provisions of the Off-Street Parking Ordinance shall be continually met;
  9. The lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
  10. The currently adopted International Fire Code shall be continually met;
  11. Prior to issuance of a building permit, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department;
  12. Prior to issuance of a building permit, a revised grading and drainage plan shall be submitted for review and approval;
  13. All provisions of the Heavy Industrial Zoning District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Industrial Development Plan application or a subsequent Major Amendment; and,
  14. The Planned Industrial Development shall expire if the use is not undertaken 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. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (8 to 0 with Anderson, Brown, Brewer, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)

***The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.***

\*49. No. 08PD042 - Autumn Hills Plaza Subdivision

A request by Les Larson for Security First Bank to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 3 of Autumn Hills Plaza Subdivision, located in the NW1/4 and the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5430 Sheridan Lake Road.

Fisher presented the staff's recommendation to approve the Planned Commercial Development request with stipulations.

**Hennies moved, Marchand seconded and unanimously carried to approve the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:**

1. **Prior to Planning Commission approval, a complete sign package shall be submitted for review and approval. In particular, the sign package shall show tenants advertised on the campus sign currently located at the entrance of the property to determine if the sign meets the requirements of the Sign Code Ordinance. Additional detail and design of the proposed 10 foot wide by 5 foot high wall sign, including any illumination of the sign, shall also be submitted for review;**
2. **Prior to Planning Commission approval, the location, size and noise rating of all exterior mechanical equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties;**
3. **Prior to Planning Commission approval, the site plan shall be revised to show an opaque ornamental screening fence not less than 5 nor more than 6 feet along the east lot line of the property to meet the screening requirement between a commercial use and a residential district. In addition, an elevation of the screening fence shall be submitted for review and approval;**
4. **Authorization is hereby granted to allow the opaque ornamental screening fence to be located directly west of the 50 foot major drainage easement along the east lot line in lieu of along the east lot line;**
5. **Prior to Planning Commission approval, the site plan shall be revised to show pedestrian access from the building to Sheridan Lake Road;**
6. **Prior to Planning Commission approval, elevations showing screening around all four sides of the dumpster shall be submitted for review and approval;**
7. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
8. **Prior to issuance of a building permit or the start of construction, the design details and construction plans for the retaining walls in excess of four feet in height shall be sealed and signed by a Professional Engineer;**
9. **Prior to issuance of a building permit, construction plans sealed and signed by a Professional Engineer showing water and sewer service lines shall be submitted for review and approval;**
10. **Prior to issuance of a building permit, an Erosion and Sediment**

- Control Plan shall be submitted for review and approval. The Erosion and Sediment Control Plan shall include a complete Erosion and Sediment Control Permit Application with narrative in the plan set and incorporating the Erosion and Sediment Control measures into the site plan;**
- 11. The proposed structure shall conform architecturally to the plans, elevations and color palette submitted as part of this Planned Commercial Development Plan;**
  - 12. A minimum of 45,861 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
  - 13. All signage shall conform to the design, color and location as reviewed and approved in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be insignificant in nature, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
  - 14. A minimum of 43 parking spaces shall be provided. Two of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met. Any change in use may require that additional parking be provided;**
  - 15. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
  - 16. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
  - 17. The currently adopted International Fire Code shall be continually met;**
  - 18. The structures shall be used as a 6,500 square foot medical and research center and a 6,500 square foot medical and dental office with 2,660 square foot storage area unless otherwise specifically authorized through subsequent Major Amendment to the Planned Commercial Development;**
  - 19. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment; and,**
  - 20. The Planned Commercial Development 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. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final**

**Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (8 to 0 with Anderson, Brown, Brewer, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)**

***The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.***

Fisher requested that items 50 and 51 be taken concurrently.

50. No. 08PL111 - Overlook Subdivision  
A request by Phillip S. Olsen for Olsen Development, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 8 of Overlook Subdivision, legally described as the balance of Lot 5 of Overlook Subdivision, located in the SW1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of West Fulton Street and west of Skyline Drive.

51. No. 08SV039 - Overlook Subdivision  
A request by Phillip S. Olsen for Olsen Development, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to provide sidewalk along both sides of West Fulton Street; to waive the requirement that each lot shall be provided with access from a public street and to waive the requirement to improve the access from a public street with a minimum 59 foot wide access easement or right-of-way and to construct the access with a minimum 26 foot wide paved surface, curb, gutter sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 8 of Overlook Subdivision, legally described as the balance of Lot 5 of Overlook Subdivision, located in the SW1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of West Fulton Street and west of Skyline Drive.

Fisher presented the staff's recommendation to approve the Preliminary Plat and the Variance to the Subdivision Regulations requests with stipulations.

**Brown moved, Waltman seconded and unanimously carried that the Preliminary Plat be approved with the following stipulations:**

- 1. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval providing a sidewalk along the north side of Fulton Street or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide access to Lot 7, Overlook Subdivision. In addition, construction plans shall be submitted for**

review and approval showing the access within a minimum 59 foot wide access easement or right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. In addition, a Variance to the Subdivision Regulations shall be obtained to waive the requirement that each lot shall be provided with access from a public street;

3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a utility easement along the north lot line of the property for the future extension of a water main from the Palo Verde Water Zone. In particular, the utility easement shall be a minimum width of 20 feet for the first 50 feet, starting in the northwest corner of the property, a minimum width of 12 feet for the next 146.01 feet and a minimum width of 20 feet for the last 100 feet;
4. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow West Fulton Street, a private drive and utility easement, to serve as access to nine lots in lieu of four lots as per the Street Design Criteria Manual;
5. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow City utility mains within the private drive and utility easement in lieu of right-of-way;
6. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
10. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council; and,

That the Variance to the Subdivision Regulations to waive the requirement that each lot shall be provided with access from a public street and to waive the requirement to improve the access from a public street with a minimum 59 foot wide access easement or right-of-way and to construct the access with a minimum 26 foot wide paved surface, curb, gutter sidewalk, street light conduit, sewer and water be approved; and that the Variance to the Subdivision Regulations to waive the requirement to provide sidewalk along both sides of West Fulton Street be approved with the following stipulation:

1. A sidewalk shall be provided along the south side of West Fulton Street. (8 to 0 with Anderson, Brown, Brewer, Derby, Gregg, Hennies,

**Marchand and Waltman voting yes and none voting no)**

Fisher requested that items 52 and 53 be taken concurrently.

52. No. 08PL112 - Regional Hospital Addition

A request by Renner & Associates for Vern Osterloo to consider an application for a **Preliminary Plat** for proposed Tracts H and I of Regional Hospital Addition, legally described as vacated Third Street Right-of-way, Tracts AR-1 thru AR-6, Tract B and Tract E of Regional Hospital Addition, and a part of the unplatted portion of the SE1/4 SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Fifth Street and Fairmont Boulevard.

53. No. 08SV042 - Regional Hospital Addition

A request by Renner & Associates for Vern Osterloo to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Fifth Street and Elk Street and to install sidewalk along Third Street as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Tracts H and I of Regional Hospital Addition, legally described as vacated Third Street Right-of-way, Tracts AR-1 thru AR-6, Tract B and Tract E of Regional Hospital Addition, and a part of the unplatted portion of the SE1/4 SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Fifth Street and Fairmont Boulevard.

Fisher requested that Preliminary Plat and the Variance to the Subdivision Regulations requests be continued to September 25, 2008 Planning Commission meeting.

Waltman abstained from discussion and voting due to a conflict of interest.

**Gregg moved, Brown seconded and carried to continue the Preliminary Plat, the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Fifth Street and Elk Street and the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Third Street to the September 25, 2008 Planning Commission meeting. (7 to 0 to 1 with Anderson, Brown, Brewer, Derby, Gregg, Hennies and Marchand voting yes and none voting no and Waltman abstaining)**

54. No. 08PL113 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Roy Burr to consider an application for a **Preliminary Plat** for proposed Lot 8 of Block 2 of the Villaggio at Golden Eagle, legally described as a portion of the W1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5617 Villaggio Lane.

Fisher presented the staff's recommendation to continue the Preliminary Plat request to the September 25, 2008 Planning Commission meeting.

**Waltman moved, Marchand seconded and unanimously carried to continue the Preliminary Plat to the September 25, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Brewer, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)**

55. No. 08SR059 - Section 34, T2N, R8E

A request by Advanced Engineering and Environmental Services for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow construction of a public water reservoir** on a portion of the SW1/4 NW1/4 and the NW1/4 SW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of North Elk Vale Road and Cheyenne Boulevard.

Fisher presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the September, 25, 2008 Planning Commission meeting.

Anderson stated that he would be abstaining from discussion and voting due to a conflict of interest.

**Hennies moved, Marchand seconded and carried to continue the SDCL 11-6-19 Review to allow construction of a public water reservoir to the September 25, 2008 Planning Commission meeting. (7 to 0 to 1 with Brown, Brewer, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no and Anderson abstaining)**

56. No. 08SR062 - Section 10, T1N, R7E

A request by Rapid City Area School District No. 51/4 to consider an application for a **SDCL 11-6-19 Review to allow the construction of a storage shed on public property** on Lot A of the SW1/4 NW1/4 and the south ten feet of the vacated West Flormann Street, Section 10, unplatted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3125 West Flormann Street.

Ball presented the staff's recommendation to approve the SDCL 11-6-19 Review request.

In response to Anderson's question, Ball identified the proposed location of the structure on the subject property. Discussion followed.

Elkins stated that upon further review, the staff recommends that the SDCL 11-6-19 Review request be continued to the September 4, 2008 Planning Commission meeting.

Hennies requested clarification of the building materials for the proposed structure.

Brewer expressed concern for the placement of the structure on the subject property within the floodway.

**Brown moved, Waltman seconded and unanimously carried to continue the**



**SDCL 11-6-19 Review to allow the construction of a storage shed on public property to the September 4, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, Marchand and Waltman voting yes and none voting no)**

57. No. 08SR069 - Rapid City Greenway Tract

A request by FMG, Inc. for Rushmore Plaza Civic Center to consider an application for a **SDCL 11-6-19 Review request to allow construction of a parking lot on public property** on Tract 24 of Rapid City Greenway Tracts, located in the SE1/4 and SW1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 220 North Fifth Street.

Tegethoff identified the proposed location of the parking lot on the subject property. Tegethoff presented the staff's recommendation to approve the SDCL 11-6-19 Review request.

In response to Hennies questions, Tegethoff stated that the skate park will remain in place. Tegethoff further commented the ball park would be relocated further south on the subject property. Tegethoff added that additional trees will be planted and that some large trees will remain.

In response to Hennies question, Elkins stated that the Flood Committee reviewed the policy not specific projects. Discussion followed.

In response to Waltman's questions, Elkins stated that an additional crosswalk is being provided. Discussion followed.

Anderson expressed his concern for the proposed development. Discussion followed.

Jane Kraemer, Assistant General Manager of Civic Center, reviewed the proposed events for the Civic Center plans that would require additional parking. Discussion followed.

In response to Brown's questions, Rod Johnson, Public Works Department identified the proposed new location of the ball field.

In response to Brown's questions, Rod Johnson stated that evaluations for additional parking are being considered by the City.

Brown expressed his concern for pedestrian safety from the additional parking placed on the east side of Fifth Street to the Civic Center. Discussion followed.

Steve McCarthy, Friends of Rapid City Parks, expressed opposition to the expansion of the parking lot on the subject property. McCarthy stated that he was concerned that the City Parks are being reduced to accommodate parking.

Waltman expressed her support for the Civic Center and the contribution to the community. In response to Waltman's questions, Rod Johnson stated that the

City is in the process of reviewing of additional parking to accommodate events at the Civic Center. Discussion followed.

Hennies expressed his concern for pedestrian traffic to the Civic Center. Hennies expressed support for signalization at the crosswalk between the Civic Center and Central High School. Hennies expressed his opposition to the proposed parking lot on the subject property.

Elkins reviewed the request before the Planning Commission as an 11-6-19 Review. Elkins further clarified that the request does not automatically go forward to Council. Elkins stated that the request complies with all adopted Codes with the exception of the landscaping island requirement.

Brewer expressed his concern with the possible negative impact to the greenway and the increased pedestrian traffic from the proposed parking on the subject property.

Kraemer stated that paid parking has been discussed at the Civic Center Board. Discussion followed regarding parking solutions.

Elkins stated that the Planning Commission may want to consider a discussion on whether parking lots should be as a permitted use in the floodway.

Brown expressed opposition to the proposed parking on the subject property.

In response to Derby's question, Johnson stated that Public Works Department staff are opening bids immediately and that the project will be awarded soon. Johnson stated that the project is scheduled for completion by December 1<sup>st</sup>. Discussion followed.

Hennies expressed his concern for the parking lot on the subject property.

In response to Derby's question, Kraemer stated that if the parking lot is not constructed, there will be more problems with parking at future events. Discussion followed.

Lengthy discussion followed regarding pedestrian safety for events at the Civic Center.

Lengthy discussion followed on other possible parking options and the Comprehensive Parking Plan.

**Brewer moved, Brown seconded to continue the SDCL 11-6-19 Review to allow construction of a public parking lot to the September 4, 2008 Planning Commission meeting.**

Johnson requested that the Planning Commission either approve or deny the SDCL 11-6-19 Review request at this time. Lengthy discussion followed.

**Substitute motion by Hennies, seconded by Marchand to continue the**

**SDCL 11-6-19 Review to the September 25, 2008 Planning Commission meeting. Motion carries on a role call vote (5 to 3 with Anderson, Brewer, Hennies, Marchand and Waltman voting yes and Brown, Derby, and Gregg voting no)**

58. Discussion Items

- A. Ordinance Amendment to the Rapid City Municipal Code 17.50.320A Swimming Pools.

Elkins presented the proposed changes to the Ordinance. Elkins stated that staff is requesting that the Planning Commission authorize staff to draft the Ordinance Amendment and proceed with public hearing.

In response to Brewer's questions, Elkins reviewed portions of the Ordinance. Discussion followed.

**Marchand moved, Hennies seconded and unanimously carried to authorize staff to Draft Ordinance Amendment to the Rapid City Municipal Code 17.50.320A "Swimming Pools." (8 to 0 with Anderson, Brown, Brewer, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)**

57. **Anderson moved, Brown seconded to reconsider item 57 the SDCL 11-6-19 Review request to allow construction of a parking lot on public property. (8 to 0 with Anderson, Brown, Brewer, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)**

**Anderson moved, Brown seconded to have further discussion of item 57. (8 to 0 with Anderson, Brown, Brewer, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)**

Mayor Alan Hanks expressed support for the construction of the parking lot expansion on the subject property.

In response to Hennies questions, Hanks stated that he appreciated the Planning Commission's concern with long range plan and safety concerns with regard to the pedestrian traffic on Fifth and the access between Central High School and the Civic Center. Discussion followed.

Hennies expressed his support for the Civic Center. Hennies commented that the SDCL 11-6-19 Review request to allow construction of a parking lot on public property be continued to the September 4, 2008 Planning Commission meeting.

Mayor Hanks requested that the Planning Commission approve the SDCL 11-6-19 Review request to allow construction of a parking lot on public property to enable the project to move forward. Discussion followed.

Hanks asked the Planning Commission to either reconsider or approve so

that the City Council may take action.

Elkins clarified the rules for consideration by the governing body for denial by Planning Commission.

Brown expressed his concerns for the safety of the pedestrian traffic.

Hanks stated that the long term planning for the safety of pedestrian traffic need to be addressed. Discussion followed.

Waltman stated that the Civic Center leadership has reviewed the options available on a long term and short term basis. Waltman commented on the need for an additional committee for review of long term parking solutions for the Civic Center. Discussion followed.

Hanks stated that the Planning Commission could have a separate motion to request that the Mayor appoint a committee to review parking issues for the Civic Center. Discussion followed.

**Waltman moved, Brown seconded to request that the Mayor appoint committee to review a parking plan for the Civic Center. (8 to 0 with Anderson, Brown, Brewer, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)**

**Anderson moved, Hennies seconded to deny the SDCL 11-6-19 Review request to allow construction of a parking lot on public property. Motion failed on a roll call vote (3 to 5 with Anderson, Hennies and Marchand voting yes and Brown, Brewer, Derby, Gregg and Waltman voting no)**

**Brewer moved, Gregg seconded to approve the SDCL 11-6-19 Review request to allow construction of a parking lot on public property. Motion carried on a roll call vote (7 to 1 with Brown, Brewer, Derby, Gregg, Hennies, Marchand and Waltman voting yes and Anderson voting no)**

B. Parkland Land Dedication.

Heller presented the draft Ordinances to require the dedication of parkland and requested authorization to advertise for a public hearing on the draft ordinance amendment. Discussion followed on the draft ordinance.

**Anderson moved, Brown seconded and unanimously carried to authorize staff to advertise a public hearing to consider a draft Ordinance for the dedication of parkland. (8 to 0 with Anderson, Brown, Brewer, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)**

C. Ex-parte Communications Policy – Joel Landeen.

**Brewer moved, Waltman seconded and unanimously carried to continue the Ex-parte Communications Policy to the September 25, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Brewer, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)**

D. Building Height Requirements.

**Brewer moved, Waltman seconded and unanimously carried to continue Building Height Requirements to the September 25, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Brewer, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)**

59. Staff Items

60. Planning Commission Items

Hennies expressed concern with ingress and egress in the Chapel Valley Area. A brief discussion followed.

**Hennies moved, second by Brown to direct staff to look at ingress and egress to chapel valley.**

Elkins noted that staff has identified the project for inclusion in the 2009 Transportation Planning Work Program.

Derby abstained from voting and discussion due to a conflict of interest.

**Hennies moved, second by Brown and carried to direct staff to look at ingress and egress to chapel valley. (7 to 0 to 1 with Anderson, Brown, Brewer, Gregg, Hennies, Marchand and Waltman voting yes and none voting no and Derby abstaining)**

61. Committee Reports

- A. City Council Report (August 4, 2008)  
The City Council concurred with the recommendations of the Planning Commission.
- 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
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee

N. Others

**There being no further business, Brewer moved, Brown seconded and unanimously carried to adjourn the meeting at 8:59 a.m. (8 to 0 with Anderson, Brown, Brewer, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no)**