

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 18, 2010

MEMBERS PRESENT: Eric Braun, John Brewer, Eric Christianson, Julie Gregg, Doug Kinniburgh, Dennis Popp, Kay Rippentrop, Steve Rolinger. Dave Davis, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Karen Bulman, Jim Flaaen, Tim Behlings, Dale Tech, Mike Schad and Risë Ficken.

Gregg called the meeting to order at 7:00 a.m.

Gregg reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Staff requested that Item 12 be removed from the Consent Agenda for separate consideration.

Brewer requested that Item 17 be removed from the Consent Agenda for separate consideration.

A member of the audience requested that Item 15 be removed from the Consent Agenda for separate consideration.

Motion by Brewer, seconded by Christianson and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 18 in accordance with the staff recommendations with the exception of Items 12, 15 and 17. (8 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Popp, Rippentrop and Rolinger voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved of the November 4, 2010 Planning Commission Meeting Minutes.
2. No. 10AN004 - Section 29, T2N, R7E
A request by D.C. Scott Surveyors, Inc. for Kelly Flannery to consider an application for a **Petition for Annexation** for a parcel of land located in Lot 1 of the SE1/4 SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, said 1.72 acre of land being situated in the northwest corner of and adjoining the west boundary of said Lot 1 and adjoining the south right-of-way line of Sheridan Lake Road, a public road, and being more particularly described by metes and bound as follows: Commencing, for location purposes only at an iron rod with cap marked "FISK 1771" found for corner on the west sixteenth-section line of said SE1/4 SE1/4 of Section 29 at its intersection with the eastern right-of-way line of Croyle Avenue, a 66-foot wide public road, said corner also marking the intersection of the east boundary of Lot A of Lot 1 of Rohrer Subdivision in the SW1/4 SE1/4 of Section 29 and west boundary of Lot B of Lot 1 of the SE1/4 SE1/4 of Section 29 with the eastern right-of-way line of Croyle

Avenue; Thence, N00°03'49"W, along said sixteenth-section line, running within the right-of-way of Croyle Avenue, a distance of 390.92 feet to the Point of Beginning of the herein described tract, said Point of Beginning being located at another intersection with the eastern right-of-way line of Croyle Avenue and also being at the intersection of the east boundary of Lot B of Lot 1 of Rohrer Subdivision in the SW1/4 SE1/4 of Section 29 and west boundary of said Lot 1 of the SE1/4 SE1/4 of Section 29 with the eastern right-of-way line of Croyle Avenue; Thence, N00°03'49"W, along the west sixteenth-section line and west boundary of said Lot 1 of the SE1/4 SE1/4 of Section 29, a distance of 199.93 feet to a point for corner on the southern right-of-way line of Sheridan Lake Road, from which a surveyor's monument marking the northeast corner of Lot 23 of Block 12 of Countryside Subdivision on the west line of Lot 1 of Block 5 of Red Rock Estates bears N00°03'49"W a distance of 237.70 feet; Thence, N69°25'25"E, along the southern right-of-way line of Sheridan Lake Road, running parallel to and 33 feet from the centerline of said Sheridan Lake Road, a distance of 217.80 feet to a point of curvature; Thence, continuing along the southern right-of-way line of Sheridan Lake Road in a curve to the right having a central angle of 01°37'22", a radius of 1399.39 feet, and an arc length of 39.64 feet to a point for corner; Thence, S09°15'00"E, a distance of 246.84 feet to a point for corner; Thence, N87°30'00"E, a distance of 55.33 feet to a point for corner; Thence, S02°30'00"E, a distance of 61.00 feet to a point for corner; Thence, S87°30'00"W, a distance of 335.55 feet to a point for corner on the eastern right-of-way line of said Croyle Avenue; Thence, N07°07'11"W, along the eastern right-of-way line of Croyle Avenue, a distance of 27.13 feet to the Point of Beginning, more generally described as being located at 7887 Sheridan Lake Road.

Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the Whispering Pines Fire Protection District being made by the City of Rapid City.

3. No. 10PL062 - Flannery Subdivision
A request by D.C. Scott Co. Land Surveyors for Kelly Flannery to consider an application for a **Layout Plat** for proposed Lots 2 and 3 of Flannery Subdivision, legally described as a portion of Lot 1 of the SE1/4 SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located on the south side of Sheridan Lake Road between Dunsmore Road and Croyle Avenue.

Planning Commission continued the Layout Plat to the December 9, 2010 Planning Commission meeting.

4. No. 10OA006 - Ordinance Amendment
A request by City of Rapid City to consider an application for an **Ordinance Amendment Regulating General Provisions for Subdivisions within the City of Rapid City by Amending Chapter 16.04 of the Rapid City Municipal Code.**

Planning Commission tabled the Ordinance Amendment.

5. No. 10OA007 - Ordinance Amendment
A request by City of Rapid City to consider an application for an **Ordinance Amendment Regulating Platting Procedure for Subdivisions within the City of Rapid City by Amending Chapter 16.08 of the Rapid City Municipal Code.**

Planning Commission tabled the Ordinance Amendment.

6. No. 10OA008 - Ordinance Amendment
A request by City of Rapid City to consider an application for an **Ordinance Amendment Regulating Design Standards for Subdivisions within the City of Rapid City by Amending Chapter 16.12 of the Rapid City Municipal Code.**

Planning Commission tabled the Ordinance Amendment.

7. No. 10OA009 - Ordinance Amendment
A request by City of Rapid City to consider an application for an **Ordinance Amendment Regulating Required Improvements for Subdivisions within the City or Rapid City by Amending Chapter 16.16 of the Rapid City Municipal Code.**

Planning Commission tabled the Ordinance Amendment.

8. No. 10OA010 - Ordinance Amendment
A request by City of Rapid City to consider an application for an **Ordinance Amendment Regulating the Information required on Plats within the City of Rapid City by Amending Chapter 16.20 of the Rapid City Municipal Code.**

Planning Commission tabled the Ordinance Amendment.

9. No. 10OA011 - Ordinance Amendment
A request by City of Rapid City to consider an application for an **Ordinance Amendment Regulating Variances for Subdivision Requirements within the City of Rapid City by Amending Chapter 16.24 of the Rapid City Municipal Code.**

Planning Commission tabled the Ordinance Amendment.

10. No. 10OA012 - Ordinance Amendment
A request by City of Rapid City to consider an application for an **Ordinance Amendment Regulating Rural Subdivision Requirements within the City of Rapid City by Amending Chapter 16.28 of the Rapid City Municipal Code.**

Planning Commission tabled the Ordinance Amendment.

- *11. No. 10PD067 - Section 16, T1N, R8E
A request by Dream Design International, Inc. to consider an application for a **Initial and Final Planned Residential Development** for a portion of the E½ of the SW¼ of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northwesterly corner of Lot 3 of Block 3 of Plum Creek Subdivision, common to the southwesterly

corner of Fieldstone Drive right-of-way, and the point of beginning; Thence, first course: S24°46'42"E, along the westerly boundary of said Lot 3, a distance 59.75 feet; Thence, second course: S58°43'01"W, a distance 131.94 feet; Thence third course: southeasterly, curving to the left, on a curve with a radius of 134.00 feet, a delta angle of 01°58'02", a length of 4.60 feet, a chord bearing of S32°15'57"E, and chord distance of 4.60 feet; Thence, fourth course: S56°44'59"W, a distance of 52.00 feet; Thence, fifth course: S56°50'47"W, a distance of 133.87 feet; Thence, sixth course: S38°04'13"E, a distance of 70.85 feet; Thence, seventh course: S15°32'37"W, a distance of 191.10 feet; Thence, eighth course: S00°06'48"W, a distance of 800.03 feet; Thence, ninth course: N89°53'12"W, a distance of 110.00 feet; Thence, tenth course: S00°06'48"W, a distance of 1.15 feet; Thence, eleventh course: N89°53'12"W, a distance of 52.00 feet; Thence, twelfth course: N00°06'48"E, a distance of 23.98 feet; Thence, thirteenth course: N89°53'12"W, a distance of 90.00 feet; Thence, fourteenth course: N45°26'31"W, a distance of 51.07 feet; Thence, fifteenth course: N44°33'29"E, a distance of 37.79 feet; Thence, sixteenth course: N00°06'48"E, a distance of 32.01 feet; Thence, seventeenth course: N51°19'22"W, a distance of 225.90 feet; Thence, eighteenth course: N11°51'25"E, a distance of 72.79 feet; Thence, nineteenth course: N00°00'22"E, a distance of 279.93 feet; Thence, twentieth course: N19°33'30"E, a distance of 153.36 feet; Thence, twenty-first course: N34°10'56"E, a distance of 142.46 feet; Thence, twenty-second course: N20°06'13"E, a distance of 84.35 feet; Thence, twenty-third course: N01°41'11"E, a distance of 207.65 feet; Thence, twenty-fourth course: N11°26'54"E, a distance of 92.64 feet; Thence, twenty-fifth course: N32°11'51"E, a distance of 29.60 feet, to a corner on the southern boundary of Drainage Lot 1 of Elks Crossing; Thence, twenty-sixth course: N32°11'51"E, along the southern boundary of said Drainage Lot 1, a distance of 69.98 feet; Thence, twenty-seventh course: N51°17'37"E, along the southern boundary of said Drainage Lot 1, a distance of 98.89 feet; Thence, twenty-eighth course: N69°56'22"E, along the southern boundary of said Drainage Lot 1, a distance of 100.33 feet; Thence, twenty-ninth course: S89°53'12"E, along the southern boundary of said Drainage Lot 1, a distance of 165.61 feet; Thence, thirtieth course: S00°01'51"W, along the southern boundary of said Drainage Lot 1, a distance of 110.17 feet; Thence, thirty-first course: S89°56'25"E, along the southern boundary of said Drainage Lot 1, a distance of 98.23 feet, to the northwesterly corner of said Fieldstone Drive right-of-way; Thence, thirty-second course: S00°03'35"W, along the westerly edge of said Fieldstone Drive right-of-way, a distance of 52.00 feet, the northwesterly corner of said Lot 3, common to the southwesterly corner of said Fieldstone Drive right-of-way, and the point of beginning, more generally described as being located east of Elk Vale Road on Fieldstone Drive.

Planning Commission approved the Initial and Final Planned Residential Development with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Minimum standard fire flows in compliance with the International Fire Code shall be met and any Covenant Agreements;**
- 3. All provisions of the Low Density Residential District II shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major**

Amendment;

4. **The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development; and,**
5. **The Planned Residential Development shall allow for the construction of single family residence(s). However, the Planned Residential 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 two years.**

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.

13. No. 10PL075 - Heavlin No. 2 Addition

A request by Dream Design International to consider an application for a **Preliminary Plat** for proposed Lot 1R and Lot 2 of Heavlin No. 2 Addition, legally described as Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23299 South Airport Road.

Planning Commission continued the Preliminary Plat to the December 9, 2010 Planning Commission meeting.

14. No. 10SV022 - Heavlin No. 2 Addition

A request by Dream Design International to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1R and Lot 2 of Heavlin No. 2 Addition, legally described as Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23299 South Airport Road.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code to the December 9, 2010, Planning Commission meeting.

16. No. 10RD004 - Section 32, T2N, R8E

A request by City of Rapid City to consider an application for a **Resolution for Road Name Change from Century Road to Camden Drive** for the portion of the Century Road right-of-way lying within Anamosa Crossing Subdivision and Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the

intersection of East North Street and East Anamosa Street.

Planning Commission recommended that the proposed street located in the previously dedicated right-of-way named Century Road in Menard Subdivision be named Camden Drive and the portion of Century Road in Anamosa Crossing Subdivision be changed to Camden Drive.

18. No. 10VE013 - Wildwood Subdivision

A request by Joe and Shelby Keeton to consider an application for a **Vacation of a note on a Plat** for Lot 7 of Block 3 of Wildwood Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5480 Pine Tree Drive.

Planning Commission recommended that the Vacation of a note on a Plat be approved.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*12. No. 10PD068 - Rushmore Crossing

A request by Stewart Sanderson for Black Hills BBQ, Inc. to consider an application for an **Initial and Final Planned Commercial Development to allow an on-sale liquor establishment** for Lot 5 of Block 3 of Rushmore Crossing, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1718 Eglin Street.

Elkins advised that the applicant has requested that the Initial and Final Development Plan be continued to the February 24, 2011 Planning Commission meeting.

Kinniburgh moved, Brewer seconded and unanimously carried to continue the Initial and Final Planned Commercial Development to allow an on-sale liquor establishment to the February 24, 2011 Planning Commission meeting. (8 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Popp, Rippentrop and Rolinger voting yes and none voting no)

15. No. 10PL079 - Mahoney Addition

A request by D.C. Scott Surveyors, Inc. for Northern Development, LLC to consider an application for a **Layout Plat** for proposed Lot A, Lot B and Lot C of Block 11 and Lot A, Lot B, and Lot C of Block 22 of Mahoney Addition, legally described as Block 11 and Block 22 of Mahoney Addition, located in the SW1/4 SE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Wood Avenue between Lindbergh Avenue and Patton Street.

Kara Hatch, area resident, objected to the Layout Plat noting that the 55 foot by 133 foot lots as proposed do not meet code requirements. Hatch indicated that she feels the number of lots proposed is excessive.

Elkins presented the request and reviewed the slides noting that an exception must be submitted with the Preliminary Plat application to allow the lot dimensions as proposed. Elkins stated that staff recommends approval of the Layout Plat with stipulations.

In response to a question from Brewer, Elkins reviewed the aerial photograph and explained that some of the lots near the subject property had been developed with larger multi-family structures while other lots were subdivided into smaller lots for single family structures. Discussion followed.

Rolinger moved, Popp seconded and unanimously carried to recommend approval of the Layout Plat with the following stipulations:

- 1. Upon submittal of a Preliminary Plat application, a site plan shall be submitted for review and approval showing the location of the existing driveway approaches across the street in relation to the proposed driveway locations on the proposed lots to insure that the location of the driveways align and/or provide minimum separation as per the Street Design Criteria Manual. In addition, the plat document shall be revised to show non-access easements in compliance with the Street Design Criteria Manual or an Exception shall be obtained as needed;**
- 2. Upon submittal of a Preliminary Plat application, an Exception shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;**
- 3. Upon submittal of a Preliminary Plat application, construction plans for Lindbergh Avenue shall be submitted for review and approval showing a sidewalk along the south side of the street and three additional feet of pavement, for a minimum pavement width of 27 feet, or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Upon submittal of a Preliminary Plat application, construction plans for Patton Street shall be submitted for review and approval showing three additional feet of pavement, for a minimum pavement width of 27 feet, and a sidewalk along the north side of the street or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the existing sanitary sewer mains and the proposed service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed;**
- 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the existing water mains and the proposed service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of utility easements as needed;**
- 7. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the drainage plan shall identify if any areas of the property are located**

- within the 100 year federally designated floodplain. Pursuant to Chapter 16.20.040.H of the Rapid City Municipal Code, the plat document shall be revised to show the areas of periodic inundation;
8. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required;
 9. Upon submittal of a Preliminary Plat application, a grading plan shall be submitted for review and approval if subdivision improvements are required;
 10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 11. Upon submittal of a Preliminary Plat application, the plat title shall be revised to read “Lots A, B and C of Block 11, and Lots A, B and C of Block 22 of Mahoney Addition and dedicated Patton Street Right-of-way (formerly Block 11 and Block 22 of the Amended Plat of Mahoney Addition) located in....”;
 12. 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;
 13. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 14. The approved Layout 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. (8 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Popp, Rippentrop and Rolinger voting yes and none voting no)
17. No. 10SC004 - Original Town of Rapid City
A request by Raymond Graff for Dublin Square, Inc. to consider an application for a **Sidewalk Café Permit** for the Main Street right-of-way adjacent to Lots 15 and 16 of Block 83 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 504 Mt. Rushmore Road.

Brewer stated that he would abstain from voting on this item due to a conflict of interest.

Kinniburgh moved, Rolinger seconded and carried to approve the Sidewalk Café Permit request with the following stipulations:

1. Prior to Planning Commission approval, a revised site plan must be submitted identifying the location of street signs, utility structures and monuments, the required 2 foot wide barrier to the curb face, and accurately reflect the width of the sidewalk where the proposed sidewalk café will be located;

2. A minimum 5 foot wide clear pedestrian path shall be maintained at all times;
 3. Physical barricades shall be provided around the sidewalk café since alcoholic beverages will be served. In particular, the barricade shall consist of a black wrought iron railing in compliance with the submitted design details. The barricades shall not be attached permanently to the sidewalk and shall not exceed four feet in height;
 4. No portion of the sidewalk café shall be located within the Mount Rushmore Road right-of-way;
 5. Commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability shall continually be provided. The City of Rapid City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In addition, the insurance shall be renewed yearly and a copy of the insurance document submitted to the City for review and approval. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked;
 6. The proposed sidewalk café shall conform to the plans and design criteria submitted as part of this Sidewalk Café Permit and shall be operated in compliance with Chapter 12.20.020(E) of the Rapid City Municipal Code;
 7. The sidewalk shall continually be kept free of snow and ice in compliance with Section 12.20.070 of the Rapid City Municipal Code;
 8. The City reserves the right to require revisions or to revoke the approved sidewalk café in the right-of-way as needed to accommodate public infrastructure improvements, including and not limited to sewer, water, storm drainage, private and public utilities, and pedestrian and vehicle access; and,
 9. The Sidewalk Café Permit may be revoked for cause, consisting of failure to maintain the standards required for this permit as per Chapter 12.20.020(E).12. (7 to 0 to 1 with Braun, Christianson, Gregg, Kinniburgh, Popp, Rippentrop and Rolinger voting yes, none voting no and with Brewer abstaining)
19. No. 10OA004 - Ordinance Amendment
A request by City of Rapid City to consider an application for an **Ordinance Amendment revising the supplementary regulations applicable to Mobile Home Parks by amending Section 17.50.110 of the Rapid City Municipal Code.**

Elkins advised that the proposed Ordinance is the first major rewrite of the manufactured home regulations since the 1968 and 1974 revisions. Elkins indicated that the proposed revisions will coordinate the regulations contained within Chapter 15 (construction regulations) and Chapter 17 (zoning regulations) of the Rapid City Municipal Code. Elkins stated that several open houses were held to receive comments on the draft Ordinance and subsequent revisions noting that the staff worked closely with the Mobile Home Park owners and other interested parties to address the issues that were identified.

Elkins reviewed the key components of the proposed revisions including the reduction in the number of manufactured homes constituting a mobile home park, separation requirements, fees for permits and re-inspection, minimum spacing requirements for mobile home replacement, manufacture date requirements for new and replacement units, fire protection options, and the options for review of exceptions to the regulations. Elkins noted that there is general agreement by the Mobile Home Park Owners with the Ordinance Amendments as currently proposed.

In response to a question from Brewer, Behlings stated that regulations addressing skirting materials and the extension of porches into the required separation distance between units are addressed in the proposed Ordinance Amendment.

Elkins advised that regulations allowing the construction of additional rooms to existing units were requested and were not included in the draft Ordinance. Elkins explained that many structural alterations invalidate the 1976 HUD certification under Federal law. Discussion followed.

In response to a question from Brewer, Elkins indicated that manufactured homes constructed prior to 1976 are not currently accepted by mobile home park owners in Rapid City noting that pre-1976 units can be moved into Pennington County or Meade County as they do not regulate manufacture date. Discussion followed.

In response to a question from Brewer, Behlings indicated that the landfill accepts materials from manufactured homes. Discussion followed.

In response to a question from Braun, Elkins indicated that concerns related to the reduction of number of manufactured homes constituting a mobile home park were primarily received from individuals having two units on one property. Elkins indicated that staff addressed this concern as the new regulations apply to properties with more than two units per lot.

In response to a question from Braun, Elkins stated that a building permit is required for any addition to a manufactured home. Discussion followed.

Discussion followed concerning the potential for the construction of two-story fire-sprinkled manufactured homes that will be permitted under the proposed regulations.

Rolinger moved, Braun seconded and unanimously carried to recommend approval of the Ordinance Amendment revising the supplementary regulations applicable to Mobile Home Parks by amending Section 17.50.110 of the Rapid City Municipal Code. (8 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Popp, Rippentrop and Rolinger voting yes and none voting no)

Elkins requested that Items 20 and 21 be considered concurrently.

20. No. 10PL061 - Gateway Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Block 1 of Gateway Business Park Subdivision, legally described as a portion of the NW1/4 of the SE1/4 and a portion of Lot E of the S1/2 of the SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between East Mall Drive and Interstate 90 at the southern terminus of Dakota Craft Drive.

*21. No. 10PD052 - Section 8, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for a portion of the NW ¼ of the SE ¼, and a portion of Lot E of the S ½ of the SE ¼ of Section 8, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at; the southeasterly corner of Lot 3 of Forefather Flats Subdivision, common to a point on the northerly edge of Interstate 90 right-of-way, and the point of beginning; Thence, first course: N00°02'40"W, along the easterly boundary of said Lot 3, a distance of 359.70 feet; Thence, second course: N89°56'14"E, a distance of 86.82 feet; Thence, third course: S00°10'04"E, a distance of 190.75 feet; Thence, fourth course: S25°39'15"E, a distance of 9.14 feet; Thence, fifth course: S56°22'25"E, a distance of 10.96 feet; Thence, sixth course: N89°46'53"E, a distance of 73.64 feet; Thence, seventh course: N00°00'00"E, a distance of 94.80feet; Thence, eighth course: N90°00'00"E, a distance of 8.23 feet; Thence, ninth course: N00°00'00"E, a distance of 77.18 feet; Thence, tenth course: S89°23'24"E, a distance of 44.24 feet; Thence, eleventh course: N19°08'40"E, a distance of 32.41 feet; Thence, twelfth course: northwesterly, curving to the right, on a curve with a radius of 23.54 feet, a delta angle of 63°55'08", a length of 26.26 feet, a chord bearing of N36°17'51"W, and chord distance of 24.92 feet; Thence, thirteenth course: N02°40'34"E, a distance of 25.63feet; Thence, fourteenth course: N90°00'00"E, a distance of 241.53 feet; Thence, fifteenth course: N00°00'00"E, a distance of 192.44 feet; Thence, sixteenth course: N36°20'19"W, a distance of 3.75 feet; Thence, seventeenth course: N06°05'08"W, a distance of 41.12 feet; Thence, eighteenth course: N00°00'00"E, a distance of 1.34 feet; Thence, nineteenth course: N90°00'00"E, a distance of 3.69 feet; Thence, twentieth course: N45°00'00"E, a distance of 28.28 feet; Thence, twenty-first course: S00°00'00"E, a distance of 115.69 feet; Thence, twenty-second course: southeasterly, curving to the left, on a curve with a radius of 160.00 feet, a delta angle of 62°30'13", a length of 174.54 feet, a chord bearing of S31°15'06"E, and chord distance of 166.02 feet; Thence, twenty-third course: S60°32'23"W, a distance of 19.67 feet; Thence, twenty-fourth course: S00°00'00"E, a distance of 390.94 feet, to a point on the northerly edge of said Interstate 90 right-of-way; Thence, twenty-fifth course: S79°07'35"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 20.25 feet; Thence, twenty-sixth course: N89°50'05"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 531.10 feet, to the southeasterly corner of said Lot 3, and the point of beginning, more generally described as being located south of the intersection of East Mall Drive and Dakota Craft Drive and north of Interstate 90.

Elkins requested that Items 20 and 21 be continued to the December 9, 2010

Planning Commission meeting to allow additional information to be submitted.

Brewer moved, Christianson seconded and unanimously carried to continue the Preliminary Plat (10PL061) and the Planned Commercial Development - Initial and Final Development Plan (10PD052) to the December 9, 2010 Planning Commission meeting. (8 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Popp, Rippentrop and Rolinger voting yes and none voting no)

22. No. 10RZ049 - Section 9, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from General Agriculture District to Flood Hazard District** for a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 2 of Orchard Subdivision, common to the northeasterly corner of Lot 3J of Melody Acres Subdivision and Lot 3H less the W79' of Lot 3H of Melody Acres Subdivision, the point of beginning; Thence N0°2'0"W, a distance of 20.46 feet; Thence S42°52'31"E, a distance of 71.67 feet; Thence S70°36'47"E, a distance of 47.38 feet; Thence S59°13'5"E, a distance of 94.02 feet; Thence S39°3'44"E, a distance of 32.73 feet; Thence S39°3'44"E, a distance of 6.03 feet; Thence S39°3'49"E, a distance of 106.07 feet; Thence S89°57'39"E, a distance of 110.25 feet; Thence S2°42'7"W, a distance of 10.38 feet; Thence S6°13'1"W, a distance of 220.86 feet; Thence S10°26'34"W, a distance of 306.60 feet; Thence S10°38'44"W, a distance of 700.48 feet; Thence N32°24'43"W, a distance of 185.04 feet; Thence N31°59'11"W, a distance of 89.30 feet; Thence N37°37'20"W, a distance of 26.43 feet; Thence N0°19'21"W, a distance of 105.75 feet; Thence N0°3'57"W, a distance of 24.01 feet; Thence N0°3'43"W, a distance of 31.89 feet; Thence N0°18'0"W, a distance of 464.35 feet; Thence N0°18'0"W, a distance of 21.15 feet; Thence N0°1'50"W, a distance of 21.51 feet; Thence N88°47'11"E, a distance of 0.03 feet; Thence N88°30'38"E, a distance of 12.10 feet; Thence N88°28'10"E, a distance of 8.62 feet; Thence N88°28'16"E, a distance of 48.97 feet; Thence N62°1'23"E, a distance of 45.14 feet; Thence N77°49'38"E, a distance of 15.17 feet; Thence N85°50'11"E, a distance of 20.69 feet; Thence S87°17'27"E, a distance of 15.59 feet; Thence N79°6'18"E, a distance of 10.37 feet; Thence N62°16'26"E, a distance of 15.34 feet; Thence N47°25'53"E, a distance of 15.50 feet; Thence N41°3'14"E, a distance of 11.36 feet; Thence N7°38'34"E, a distance of 65.81 feet; Thence N24°20'41"W, a distance of 19.19 feet; Thence N29°55'23"W, a distance of 15.91 feet; Thence N36°0'45"W, a distance of 15.58 feet; Thence N23°44'37"W, a distance of 15.70 feet; Thence N8°50'50"W, a distance of 15.50 feet; Thence N1°22'58"W, a distance of 25.76 feet; Thence N1°51'59"E, a distance of 51.28 feet; Thence N5°38'59"E, a distance of 37.97 feet; Thence N59°6'53"W, a distance of 213.86 feet; Thence N0°1'46"W, a distance of 26.4 feet; Thence N0°2'1"W, a distance of 61.87 feet, to the Point of Beginning, more generally described as being located south of Orchard Lane, east of Melody Lane and west of Elk Vale Road.

Bulman advised that Items 22 through 26 are related and she provided an overview of the proposed Rezoning applications. Bulman stated that the majority of these properties are located within the Hydraulic Floodway. Bulman indicated

that an open house was held to discuss the proposed zoning with the property owners noting that several property owners expressed concern with the proposed Flood Hazard District zoning. Bulman explained that no improvements may be made to the residential structures and no new structures may be constructed on the properties upon zoning the property to Flood Hazard. Bulman stated that some property owners expressed interest in having the City of Rapid City purchase their property or trade other property for their property.

In response to a question from Bulman, the Planning Commission elected to consider Items 22 through 26 individually.

Bulman presented request 10RZ049 noting that the property is owned by the City of Rapid City through a life estate and was zoned Public District upon annexation in 2003.

In response to a question from Davis, Elkins identified the Wally Bynum property. Discussion followed.

Kinniburgh stated that Pennington County did not allow improvements to those properties located within the hydraulic floodway. Kinniburgh spoke in favor of the rezoning noting that some of these properties are still damaged from the 1972 flood.

In response to a question from Kinniburgh, Elkins indicated that the boundaries for the areas to be zoned Flood Hazard District were derived from the Federal Emergency Management Agency (FEMA) hydraulic study map data. Discussion followed.

In response to a question from Kinniburgh, Elkins briefly reviewed the process for obtaining a Letter of Map Amendment or a Conditional Letter of Map Amendment if someone believes the FEMA map boundaries are in error. Discussion followed.

Brewer moved, Braun seconded and unanimously carried to recommend that the Rezoning from General Agriculture District to Flood Hazard District be approved. (8 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Popp, Rippentrop and Rolinger voting yes and none voting no)

23. No. 10RZ051 - Sections 8 and 9, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Flood Hazard District** for Lot A, Watco Subdivision, located in Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeast corner of Lot 5 of Melody Acres Subdivision, Thence N00°00'43"E, a distance of 57.45 feet, Thence N89°49'47"E, a distance of 267.39 feet, to the Point of Beginning; Thence N27°19'59"W, a distance of 41.2 feet; Thence N48°37'18"W, a distance of 52.63 feet; Thence N45°34'10"W, a distance of 46.47 feet; Thence N50°3'48"W, a distance of 45.39 feet; Thence N50°3'48"W, a distance of 8.88 feet; Thence N57°6'52"W, a distance of 32.34 feet; Thence N49°19'19"W, a distance of 48.49 feet; Thence N49°19'19"W, a distance of

28.29 feet; Thence N46°0'51"W, a distance of 37.48 feet; Thence N50°3'44"W, a distance of 67.83 feet; Thence N56°26'49"W, a distance of 47.61 feet; Thence N70°17'17"W, a distance of 60.3 feet; Thence N77°50'13"W, a distance of 32.62 feet; Thence N77°50'13"W, a distance of 23.48 feet; Thence N71°11'49"W, a distance of 18.64 feet; Thence N71°11'49"W, a distance of 23.58 feet; Thence N67°41'4"W, a distance of 16.94 feet; Thence N67°41'4"W, a distance of 3.95 feet; Thence N67°41'4"W, a distance of 8.62 feet; Thence N47°5'21"W, a distance of 1.68 feet; Thence N0°2'51"E, a distance of 21.56 feet; Thence N0°3'8"E, a distance of 145.14 feet; Thence N0°3'6"E, a distance of 29.28 feet; Thence N0°3'5"E, a distance of 116.19 feet; Thence N0°3'5"E, a distance of 116.19 feet; Thence N0°3'25"E, a distance of 14.64 feet; Thence N0°3'0"E, a distance of 14.64 feet; Thence N0°3'3"E, a distance of 80.62 feet; Thence N0°3'9"E, a distance of 31.86 feet; Thence N0°3'7"E, a distance of 35.27 feet; Thence N0°3'7"E, a distance of 140.31 feet; Thence N82°40'40"E, a distance of 8.50 feet; Thence S84°19'25"E, a distance of 119.91 feet; Thence S87°35'57"E, a distance of 117.28 feet; Thence S83°0'42"E, a distance of 92.43 feet; Thence S82°22'58"E, a distance of 62.46 feet; Thence S88°43'21"E, a distance of 48.28 feet; Thence S83°8'37"E, a distance of 84.02 feet; Thence S47°5'22"E, a distance of 61.15 feet; Thence S24°4'7"E, a distance of 106.77 feet; Thence S17°9'25"E, a distance of 32.12 feet; Thence S38°30'23"E, a distance of 37.57 feet; Thence S54°1'34"E, a distance of 36.35 feet; Thence S63°42'22"E, a distance of 38.06 feet; Thence S63°56'50"E, a distance of 32.92 feet; Thence S65°5'37"E, a distance of 40.16 feet; Thence S54°20'28"E, a distance of 52.93 feet; Thence S49°26'2"E, a distance of 65.36 feet; Thence S53°30'18"E, a distance of 47.84 feet; Thence S58°48'44"E, a distance of 48.06 feet; Thence S56°4'38"E, a distance of 46.65 feet; Thence S85°21'20"E, a distance of 42.93 feet; Thence S88°43'21"E, a distance of 57.98 feet; Thence S85°23'5"E, a distance of 47.88 feet; Thence S58°52'1"E, a distance of 75.61 feet; Thence S46°26'55"E, a distance of 36.52 feet; Thence S42°40'43"E, a distance of 33.73 feet; Thence S0°12'24"W, a distance of 17.84 feet; Thence S0°12'23"W, a distance of 60.05 feet; Thence S0°12'38"W, a distance of 25.62 feet; Thence S58°52'29"E, a distance of 207.57 feet; Thence S5°53'23"W, a distance of 36.85 feet; Thence S2°6'23"W, a distance of 49.77 feet; Thence S1°8'34"E, a distance of 25.00 feet; Thence S8°36'26"E, a distance of 15.05 feet; Thence S23°30'13"E, a distance of 15.24 feet; Thence S35°46'21"E, a distance of 15.13 feet; Thence S29°40'59"E, a distance of 15.45 feet; Thence S24°6'17"E, a distance of 18.63 feet; Thence S7°52'58"W, a distance of 63.88 feet; Thence S41°17'38"W, a distance of 11.02 feet; Thence S47°40'17"W, a distance of 15.05 feet; Thence S62°30'50"W, a distance of 14.89 feet; Thence S79°20'42"W, a distance of 10.07 feet; Thence N87°3'3"W, a distance of 15.13 feet; Thence S86°4'35"W, a distance of 20.08 feet; Thence S78°4'2"W, a distance of 14.72 feet; Thence S62°15'47"W, a distance of 43.81 feet; Thence S88°42'40"W, a distance of 47.53 feet; Thence S88°42'34"W, a distance of 8.37 feet; Thence S88°45'2"W, a distance of 11.74 feet; Thence S89°1'36"W, a distance of 0.03 feet; Thence S0°12'34"W, a distance of 20.88 feet; Thence S0°3'36"E, a distance of 471.22 feet; Thence S0°10'41"W, a distance of 30.95 feet; Thence N62°50'7"W, a distance of 265.43 feet; Thence N61°50'6"W, a distance of 22.72 feet; Thence N62°45'12"W, a distance of 166.15 feet; Thence N62°45'27"W, a distance of 41.57 feet; Thence N22°6'51"W, a distance of 44.54 feet; Thence N23°14'16"W, a distance of 87.70 feet; Thence N34°1'57"W, a distance of 7.61 feet; Thence

N34°2'17"W, a distance of 72.57 feet; Thence N34°2'23"W, a distance of 29.20 feet; Thence N34°2'16"W, a distance of 64.17 feet; Thence S89°49'40"W, a distance of 147.14 feet, to the Point of Beginning, more generally described as being located west of Elk Vale Road, east of South Valley Drive between Orchard Lane and Scott Street.

Bulman presented the request and reviewed the slides. Bulman stated that structures could not be built on the property prior to annexation from Pennington County. Bulman indicated that although the property owners understood this issue they were concerned with the proposed rezoning. Bulman added that the Future Land Use Committee felt the Flood Hazard Zoning District is appropriate.

Elkins advised that Pennington County did not participate in the acquisition of flood properties after the 1972 flood event. Elkins stated that at least two of the property owners have indicated that they would like the City to acquire their property. Elkins added that the adopted East Greenway Master Plan and the Flood Plain Development Policy recommends acquisition of these properties. Discussion followed.

In response to a question from Kinniburgh, Elkins stated that there is no funding allocated for the purchase of these properties. Discussion followed.

Kinniburgh encouraged the City to pursue finding a means for purchasing this property.

Brewer stated that the Flood Plain Development Policy recommends a variety of different ways to acquire Flood Plain properties, including trusts and gifting.

Discussion followed.

Brewer moved, Braun seconded and unanimously carried to recommend that the Rezoning from No Use District to Flood Hazard District be approved. (8 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Popp, Rippentrop and Rolinger voting yes and none voting no)

24. No. 10RZ052 - Section 9, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from Mobile Home Residential District to Flood Hazard District** for a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeast corner of Lot 5 of Melody Acres Subdivision, Thence N00°00'43"E, a distance of 57.45 feet, Thence N89°35'42"E, a distance of 275.506 feet, to the Point of Beginning; Thence N89°34'29"E, a distance of 114.623 feet; Thence N89°35'30"E, a distance of 35.008 feet; Thence N89°32'40"E, a distance of 1.957 feet; Thence S34°16'40"E, a distance of 66.118 feet; Thence S34°16'47"E, a distance of 30.08 feet; Thence S34°16'41"E, a distance of 74.766 feet; Thence S34°16'20"E, a distance of 7.841 feet; Thence S23°6'1"E, a distance of 91.574 feet; Thence S23°5'50"E, a distance of 44.668 feet; Thence S62°59'51"E, a distance of 42.824 feet; Thence S62°59'36"E, a distance of 171.187 feet; Thence S63°3'4"E, a distance of 6.733 feet; Thence S62°59'41"E, a distance of 17.66 feet; Thence

S62°59'43"E, a distance of 272.49 feet; Thence S0°3'57"E, a distance of 24.008 feet; Thence S0°18'48"E, a distance of 105.73 feet; Thence N37°37'20"W, a distance of 45.453 feet; Thence N48°21'41"W, a distance of 69.026 feet; Thence N56°19'31"W, a distance of 82.587 feet; Thence N67°6'20"W, a distance of 123.553 feet; Thence N72°27'9"W, a distance of 101.734 feet; Thence N41°48'54"W, a distance of 101.977 feet; Thence N55°26'11"W, a distance of 123.248 feet; Thence N69°45'34"W, a distance of 24.993 feet; Thence N83°51'7"W, a distance of 33.268 feet; Thence N52°11'37"W, a distance of 37.296 feet; Thence N57°37'27"W, a distance of 52.039 feet; Thence N47°17'28"W, a distance of 31.032 feet; Thence N41°43'55"W, a distance of 34.971 feet; Thence N26°10'27"W, a distance of 40.358 feet; Thence N8°9'47"W, a distance of 67.685 feet; Thence N20°43'29"W, a distance of 34.975 feet; Thence N25°31'42"W, a distance of 27.14 feet; Thence N27°34'23"W, a distance of 12.229 feet, to the point of beginning, more generally described as being located west of Elk Vale Road, east of South Valley Drive between Melody Lane and Scott Street.

Bulman presented the slides noting that the property is located within a Planned Residential Development and is currently zoned Mobile Home Residential District. Bulman stated the property owner is aware that some of the mobile homes are partially located within the floodway and is agreeable to rezoning that portion of the property to Flood Hazard District.

Christianson moved, Popp seconded and unanimously carried to recommend that the Rezoning from Mobile Home Residential District to Flood Hazard District be approved. (8 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Popp, Rippentrop and Rolinger voting yes and none voting no)

25. No. 10RZ053 - Section 9, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** for a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeast corner of Lot 5 of Melody Acres Subdivision, Thence N00°00'43"E, a distance of 57.45 feet, the Point of Beginning; Thence N0°0'44"E, a distance of 162.84 feet; Thence N0°0'42"E, a distance of 73.27 feet; Thence N89°58'50"W, a distance of 250.12 feet; Thence N0°2'31"E, a distance of 124.99 feet; Thence S47°5'21"E, a distance of 1.71 feet; Thence S67°41'4"E, a distance of 8.62 feet; Thence S67°41'4"E, a distance of 20.89 feet; Thence S71°11'49"E, a distance of 23.58 feet; Thence S71°11'49"E, a distance of 18.64 feet; Thence S77°50'13"E, a distance of 56.10 feet; Thence S70°17'17"E, a distance of 60.30 feet; Thence S56°26'49"E, a distance of 47.61 feet; Thence S50°3'44"E, a distance of 39.42 feet; Thence S50°3'44"E, a distance of 28.41 feet; Thence S46°0'51"E, a distance of 37.48 feet; Thence S49°19'19"E, a distance of 76.77 feet; Thence S57°6'52"E, a distance of 32.34 feet; Thence S50°3'48"E, a distance of 54.27 feet; Thence S45°34'10"E, a distance of 46.47 feet; Thence S48°37'18"E, a distance of 52.63 feet; Thence S27°19'59"E, a distance of 41.20 feet; Thence S89°49'46"W, a distance of 267.39 feet, to the Point of Beginning, more generally described as being located south of Melody Lane, North of Terra Street

and east of South Valley Drive.

Bulman presented the request noting that these properties will have two zoning designations with Low Density Residential District where the homes are located and Flood Hazard District on the northern portion of the properties.

Kinniburgh advised that there is an emergency spillway for an irrigation ditch on the southern property.

Bulman stated that the home on the southern property was elevated out of the 100 Year Flood Plain. Discussion followed.

Kinniburgh advised that he lives adjacent to the subject property. Kinniburgh stated that he will abstain from voting on this item due to a conflict of interest.

Kinniburgh stated that the house on the southern property was entirely surrounded by water this spring.

In response to a question from Brewer, Bulman indicated that the house on the property is proposed to be zoned Low Density Residential District.

In response to a question from Kinniburgh, Bulman stated that the house on the southern property is classified by the Director of Equalization as a stick built home. Discussion followed.

In response to a question from Braun, Tech advised that irrigation ditches are not considered by the Federal Emergency Management Agency (FEMA). Tech stated that the FEMA analysis looks at the flows in Rapid Creek. Discussion followed.

Braun moved, Christenson seconded and carried to recommend that the Rezoning from No Use District to Low Density Residential District be approved. (6 to 1 to 1 with Braun, Brewer, Christianson, Gregg, Popp and Rippentrop voting yes, with Rolinger voting no and with Kinniburgh abstaining)

26. No. 10RZ054 - Section 9, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** for a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeast corner of Lot 2 of Orchard Subdivision, thence N0°02'00"W, a distance of 469.7 feet, Thence N82°0'00"W, a distance of 175.5 feet, to the point of beginning; Thence S0°1'59"E, a distance of 174.25 feet; Thence S0°0'11"E, a distance of 206.66 feet; Thence N89°6'47"W, a distance of 46.76 feet; Thence N85°44'46"W, a distance of 43.99 feet; Thence N56°28'4"W, a distance of 47.80 feet; Thence N59°12'10"W, a distance of 49.24 feet; Thence N53°53'44"W, a distance of 10.61 feet; Thence N53°53'44"W, a distance of 38.41 feet; Thence N49°49'28"W, a distance of 66.97 feet; Thence N54°43'54"W, a distance of 54.24 feet; Thence N65°29'3"W, a distance of 41.15 feet; Thence N64°20'16"W, a distance of 33.73

feet; Thence N64°5'48"W, a distance of 39.00 feet; Thence N54°25'0"W, a distance of 37.25 feet; Thence N38°53'49"W, a distance of 38.50 feet; Thence N17°32'51"W, a distance of 32.91 feet; Thence N24°27'33"W, a distance of 25.06 feet; Thence N24°27'33"W, a distance of 36.59 feet; Thence N24°27'33"W, a distance of 15.41 feet; Thence N24°27'33"W, a distance of 32.35 feet; Thence N47°28'48"W, a distance of 62.66 feet; Thence N83°32'3"W, a distance of 86.09 feet; Thence N89°6'47"W, a distance of 49.48 feet; Thence N82°46'24"W, a distance of 64.00 feet; Thence N83°24'8"W, a distance of 94.71 feet; Thence N87°59'23"W, a distance of 90.26 feet; Thence N87°59'25"W, a distance of 29.92 feet; Thence N84°42'51"W, a distance of 122.87 feet; Thence S82°21'25"W, a distance of 8.71 feet; Thence N0°27'58"W, a distance of 1.82 feet; Thence N0°20'19"W, a distance of 83.27 feet; Thence N7°47'29"W, a distance of 16.18 feet; Thence S81°32'46"E, a distance of 545.36 feet; Thence S81°36'6"E, a distance of 579.72 feet; Thence S0°15'20"W, a distance of 15.64 feet; Thence S0°1'58"E, a distance of 16.18 feet, to the Point of Beginning, more generally described as being located south of Orchard Lane, east of South Valley Drive, north of Melody Lane and west of Elk Vale Road.

Bulman presented the request noting that this area is not located within the hydraulic floodway.

Brewer moved, Kinniburgh seconded and unanimously carried to recommend that the Rezoning from No Use District to Low Density Residential District be approved. (8 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Popp, Rippentrop and Rolinger voting yes and none voting no)

27. Discussion Items

A. Amendments to the Tax Increment Financing Guidelines

In response to a question from Braun, Schad advised that the Tax Increment Financing Committee discussed the proposed changes to the guidelines in April. Elkins noted that the proposed change is in response to several cases where closing the District was delayed noting that the amendment clarifies when the District must be closed and will help avoid the accrual of additional interest charges. Discussion followed.

In response to a question from Brewer, Elkins stated that a number of amendments have been processed since the implementation of the revised submittal requirements. Elkins added that the first application to create a new District has been submitted and will be considered by the Tax Increment Financing Project Review Committee on November 30, 2010. Discussion followed.

In response to a question from Davis, Elkins briefly described the function of the Developer's Agreement noting that staff works closely with developers to ensure compliance with the regulations applicable to improvements constructed with Tax Increment Financing funds. Discussion followed.

Braun moved, Rolinger seconded and unanimously carried to recommend approval of the Amendments to the Tax Increment Financing Guidelines. (8 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Popp, Rippentrop and Rolinger voting yes and none voting no)

There being no further business, Rolinger moved, Christianson seconded and unanimously carried to adjourn the meeting at 8:01 a.m. (8 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Popp, Rippentrop and Rolinger voting yes and none voting no)