

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 10, 2011

MEMBERS PRESENT: Erik Braun, John Brewer, Eric Christianson, Julie Gregg, Linda Marchand, Dennis Popp, and Andrew Scull. Dave Davis, Council Liaison was also present

MEMBERS ABSENT: Doug Kinniburgh, Dennis Landguth, Kay Rippentrop, Steve Rolinger and Pat Wyss.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Patsy Horton, Ted Johnson, Tim Behlings, Joel Landeen 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 Items 5 and 6 be removed from the Consent Agenda for separate consideration.

Motion by Brewer, Seconded by Braun and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations with the exception of Items 5 and 6. (7 to 0 with Braun, Brewer, Christianson, Gregg, Marchand, Popp and Scull voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the February 24, 2011 Planning Commission Meeting Minutes.
2. No. 05TI020 - Farrar Business Park
Resolution No. 2011-026 to Dissolve Tax Increment Financing District No. 59 generally described as being located between Interstate 90 and Deadwood Avenue.

Planning Commission recommended that the Resolution Dissolving Tax Increment District No. 59 be approved.

3. No. 11CA002 - Section 11, T1N, R7E
A request by CETEC Engineering Services for City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Park Forest to Low Density Residential** for Tract J in the SW1/4 NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Skyline Drive at Flormann Street.

Planning Commission recommended that the Amendment to the adopted

Comprehensive Plan to change the future land use designation from Park Forest to Low Density Residential be approved.

4. No. 11RZ001 - Section 11, T1N, R7E

A request by CETEC Engineering Services for City of Rapid City to consider an application for a **Rezoning from Park Forest District to Low Density Residential District** for Tract J in the SW1/4 NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Skyline Drive at Flormann Street.

Planning Commission recommended that the Rezoning from Park Forest District to Low Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*5. No. 11PD009 - Section 11, T1N, R7E

A request by CETEC Engineering Services for City of Rapid City to consider an application for an **Initial and Final Planned Residential Development to allow a Municipal Facility** for Tract J in the SW1/4 NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Skyline Drive at Flormann Street.

Elkins advised that staff recommends that the request be continued to the March 24, 2011 Planning Commission meeting to allow the applicant to meet the stipulations of approval.

Brewer moved, Marchand seconded and unanimously carried to continue the Initial and Final Planned Residential Development to allow a municipal facility to the March 24, 2011 Planning Commission meeting. (7 to 0 with Braun, Brewer, Christianson, Gregg, Marchand, Popp and Scull voting yes and none voting no)

6. No. 11PL008 - GLM Subdivision

A request by Dream Design International, Inc. for Jim Scull to consider an application for a **Preliminary Plat** for Lots 4, 5 and 6 and dedicated Lowery Lane right-of-way of GLM Subdivision No. 2, legally described as the unplatted balance located north of Mall Drive in the N1/2 of the SW1/4 of Section 28, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the north side of East Mall Drive approximately 1/2 mile west of the intersection of Elk Vale Road and East Mall Drive.

Elkins advised that staff recommends that the request be continued to the March 24, 2011 Planning Commission meeting to allow the applicant to meet the stipulations of approval.

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

Marchand moved, Brewer seconded and carried to continue the Preliminary Plat to the March 24, 2011 Planning Commission meeting. (6 to 0 to 1 with Braun, Brewer, Christianson, Gregg, Marchand, Popp voting yes, with none voting no, and with Scull abstaining)

Fisher requested that Items 7 and 8 be considered concurrently.

*7. No. 10PD052 - Section 28, 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 $\frac{1}{4}$ of the SE $\frac{1}{4}$, and a portion of Lot E of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 28, 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 94.80 feet; 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 25.63 feet; 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.

8. No. 10PL061 - Gateway Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for 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.

Fisher stated that the stipulations of approval have not been met and indicated that staff recommends that the requests be continued to the March 24, 2011 Planning Commission meeting.

Marchand moved, Christianson seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan (10PD052) and the Preliminary Plat (10PL061) to the March 24, 2011 Planning Commission meeting. (7 to 0 with Braun, Brewer, Christianson, Gregg, Marchand, Popp and Scull voting yes and none voting no)

Fisher requested that Items 9 and 10 be considered concurrently.

9. No. 10PL028 - White Eagle Ranch

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for Lots A and B of White Eagle Ranch, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 14870 East Highway 44.

10. No. 10SV007 - White Eagle Ranch

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code** for Lots A and B of White Eagle Ranch, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 14870 East Highway 44.

Fisher presented staff's recommendation for denial of the requests noting that the applications have been continued since April of 2010 and the requested additional information has not been submitted to date. Fisher stated that the applicant has submitted a letter requesting an additional 60 day continuance of the requests.

Hani Shafai stated that legal issues associated with obtaining access to Airport Road and winter weather conditions have delayed the project. Shafai requested a continuation for 60 days so that accurate percolation tests can be performed on the property.

Discussion followed concerning the delay in the project resulting from the need to resolve issues associated with obtaining access to the property from Airport Road.

Scull moved, Brewer seconded and unanimously carried to continue the Preliminary Plat (10PL028) and the Variance to the Subdivision Regulations (10SV007) to the May 5, 2011 Planning Commission meeting. (7 to 0 with Braun, Brewer, Christianson, Gregg, Marchand, Popp and Scull voting yes and none voting no)

*11. No. 10SW001 - Original Town of Rapid City

A request by John W. Ashley to consider an application for a **Sidewalk Vendor Permit** for Sidewalk Vendor Location 5 located in the right-of-way adjacent to Tract A of Block 95 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the Saint Joseph Street right-of-way east of the intersection of Sixth Street and Saint Joseph Street.

Elkins advised that the request was continued at the February 24, 2011 Planning Commission meeting. She stated that a menu outlining items to be served was distributed on the dais noting that the applicant has applied for the necessary permit from the State Department of Health. Elkins noted that staff recommends approval of the Sidewalk Vendor Permit with the revised stipulations as distributed to the Planning Commission, including the requirement that the copy of the State Department of Health permit(s) shall be provided to the Growth Management Department prior to the initiation of the use.

Christianson moved, Scull seconded and unanimously carried to approve the Sidewalk Vendor Permit request with the following stipulations:

- 1. Prior to the initiation of the use a copy of the permit(s) issued by the State Department of Health for food related establishments shall be obtained and copies submitted to the Growth Management office. The permit(s) shall be renewed annually, or as required;**
- 2. A minimum 5 foot wide clear pedestrian path shall be maintained at all times;**
- 3. A maximum of 60 square feet of space shall be occupied by the vendor and no permanent hardware shall be affixed to the sidewalk or adjacent buildings;**
- 4. The vendor must have an approved 2A10BC minimum rated fire extinguisher maintained in an accessible location at all times;**
- 5. Commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability shall be continually 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 the sidewalk vendor. 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. A valid sidewalk vendor license approved by the Rapid City Council per Chapter 5.56 of the Rapid City Municipal Code shall be provided and renewed yearly. The Sidewalk Vendor Permit shall automatically expire if the Sidewalk Vendor License is suspended, revoked or expired;
 7. The proposed sidewalk vendor shall conform to the plans and design criteria submitted as part of this Sidewalk Vendor Permit and shall be continuously operated in compliance with Chapter 12.20.020(F) of the Rapid City Municipal Code at all times; and,
 8. The Sidewalk Vendor Permit may be revoked for cause, consisting of failure to maintain the standards required for this permit as per Chapter 12.20.020(F).11. (7 to 0 with Braun, Brewer, Christianson, Gregg, Marchand, Popp and Scull 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.

*12. No. 11PD005 - Burson Subdivision

A request by Corean Construction LLC for Fresh Start Convenience Stores to consider an application for an **Initial and Final Planned Commercial Development to allow an On-Sale Liquor Establishment** for Lot 1B of Lot M and Lot 2 of Lot M of Burson Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3800 and 3887 East Highway 44.

Elkins stated that the request was continued at the February 24, 2011 Planning Commission meeting to allow additional information to be submitted. She advised that the additional information has been submitted, reviewed and approved noting staff's recommendation for approval of the request with stipulations.

Brewer moved, Popp seconded and unanimously carried to approve the Initial and Final Planned Commercial Development to allow an On-Sale Liquor Establishment with the following stipulations:

1. The approved uses for the property shall be limited to a gas station and convenience store, an on-sale liquor establishment and car wash. Any other use shall require a Major Amendment to the Planned Commercial Development;
2. Prior to initiation of construction, a building permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structure;
3. The structures shall conform architecturally to the plans, elevations and color palette submitted as a part of the Planned Commercial Development Plan;
4. 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 motorists;
5. All signage shall conform to the design, color and location as identified as a part of the Planned Commercial Development Plan. 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. The addition of electronic signage will required a Major 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 b designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 6. An exception is hereby granted to allow only two stacking spaces for the two eastern wash bays. The parking shall be installed as per the approved parking plan and continually maintained as such;
 7. All applicable provisions of the currently adopted International Fire Code shall be continually met;
 8. The landscaping shall be installed as per the approved landscape plan and continually maintained in a live vegetative state, kept free of refuse and debris and replaced when necessary;
 9. All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Initial and Final Commercial Development Plan or a subsequent Major Amendment; and,
 10. The Planned Commercial Development shall expire if the use is not undertake 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. (7 to 0 with Braun, Brewer, Christianson, Gregg, Marchand, Popp and Scull 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.

*13. No. 11PD008 - Section 1, T1N, R7E

A request by Doug Meiron for Black Hills Workshop Foundation to consider an application for an **Initial and Final Planned Residential Development** for that portion of the unplatted portion of the SE1/4 NE1/4 (formerly known as Lots 16-26 and Lot 16A of Block 3 of Morgans Addition) lying east of East Boulevard, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 802 East Boulevard.

Fisher indicated that staff recommends that the request be continued to the March 24, 2011 Planning Commission meeting to allow the stipulations of approval to be met.

Marchand moved, Braun seconded and unanimously carried to continue the Initial and Final Planned Residential Development to the March 24, 2011 Planning Commission meeting. (7 to 0 with Braun, Brewer, Christianson, Gregg, Marchand, Popp and Scull voting yes and none voting no)

Bulman requested that Items 14 and 15 be considered concurrently.

14. No. 11TI001 - South Robbinsdale Tax Increment

A request by Dream Design International, Inc. for Stoneridge, LLC to consider an application for a **Resolution Creating Tax Increment District No. 71** for Lot H2 in Government Lot 2 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 10, Page 136; Lot H2R in the NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 10, Page 137; A portion of Lot H1 & all of Lot H2 in Parcel A of MJK Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 9, Page 85, and in amended plat as recorded in Highway Plat Book 9, Page 97; Lot H2 in the SE1/4 of the SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6 Page 7; A portion of Section Line Right-of-Way located along the Section Line common to Sections 18 and 19, in the SE1/4 of the SE1/4 of Section 18, and in the N1/2 of the NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot H2 in the E1/2 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 11, Page 168; Lot H1 in the NW1/4 of the SW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 16; Lot H1 in the E1/2 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 5; Lot H1 in the SW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 15; Lot H5 in the N1/2 of the NE1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 10, Page 120; Lot H1 in the NW1/4 of the NE1/4 and Lot H2 of the NE1/4 of the NE1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 6; A portion of Lot H4 in Lot H3 in the NE1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 10, Page 109; Lot H2 in the SW1/4 of the SW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 11, Page 129; Lot H2 in the NE1/4 of the SE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 12, Page 32; Lot H2 in the NW1/4 of the SE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 12, Page 31; Lot H1 in the SW1/4 of the SW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 22; Lot H1 in the N1/2 of the SW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 11; Lot H1 in the N1/2 of the SE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 14; Lot H1 in the SE1/4 of the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington

County, South Dakota, as recorded in Highway Plat Book 6, Page 12; Lot H1 in the S1/2 of the NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 13; A portion of Section Line Right-of-Way located along the Section Line common to Sections 19 and 24, in the SW1/4 of the NW1/4 and the NW1/4 of the SE1/4 of Section 19, T1N, R8E, and in the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; A portion of Section Line Right-of-Way located along the Section Line common to Sections 23 and 24, in the W1/2 of the SW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Stumer Road public right-of-way located in the S1/2 NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as recorded in Plat Book 34 Page 86 (1&2) and Stumer Road, Black Hills Boulevard, and Bald Eagle Lane public right-of-way located in the SW1/4 NE1/4 and the SE1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as recorded in Plat Book 33 Page 146 (1&2), The unplatted portion of the NE1/4 and the unplatted portion of the E1/2 of the NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lots 1 and 3 of Block 1, Lots 1-4 of Block 2, Fifth Street Office Plaza, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; The unplatted portion of the S1/2 of the N1/2 of the NE1/4, and the unplatted portion of the S1/2 of the NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Lots 1, 2A, 3, and 4, Block 1, Lots 7 and 8 of Block 2, and Lot 1, Block 3, Black Hill Center, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of U.S. Highway 16, west of S.D. Highway 79 and north and south of Catron Boulevard.

15. No. 11TI002 - South Robbinsdale Tax Increment

A request by Dream Design International, Inc. for Stoneridge, LLC to consider an application for a **Tax Increment District No. 71 Project Plan** for Lot H2 in Government Lot 2 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 10, Page 136; Lot H2R in the NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 10, Page 137; A portion of Lot H1 & all of Lot H2 in Parcel A of MJK Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 9, Page 85, and in amended plat as recorded in Highway Plat Book 9, Page 97; Lot H2 in the SE1/4 of the SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6 Page 7; A portion of Section Line Right-of-Way located along the Section Line common to Sections 18 and 19, in the SE1/4 of the SE1/4 of Section 18, and in the N1/2 of the NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot H2 in the E1/2 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 11, Page 168; Lot H1 in the NW1/4 of the SW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 16; Lot H1 in the E1/2 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 5; Lot H1 in the SW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book

6, Page 15; Lot H5 in the N1/2 of the NE1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 10, Page 120; Lot H1 in the NW1/4 of the NE1/4 and Lot H2 of the NE1/4 of the NE1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 6; A portion of Lot H4 in Lot H3 in the NE1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 10, Page 109; Lot H2 in the SW1/4 of the SW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 11, Page 129; Lot H2 in the NE1/4 of the SE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 12, Page 32; Lot H2 in the NW1/4 of the SE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 12, Page 31; Lot H1 in the SW1/4 of the SW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 22; Lot H1 in the N1/2 of the SW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 11; Lot H1 in the N1/2 of the SE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 14; Lot H1 in the SE1/4 of the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 12; Lot H1 in the S1/2 of the NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, as recorded in Highway Plat Book 6, Page 13; A portion of Section Line Right-of-Way located along the Section Line common to Sections 19 and 24, in the SW1/4 of the NW1/4 and the NW1/4 of the SE1/4 of Section 19, T1N, R8E, and in the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; A portion of Section Line Right-of-Way located along the Section Line common to Sections 23 and 24, in the W1/2 of the SW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Stumer Road public right-of-way located in the S1/2 NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as recorded in Plat Book 34 Page 86 (1&2) and Stumer Road, Black Hills Boulevard, and Bald Eagle Lane public right-of-way located in the SW1/4 NE1/4 and the SE1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as recorded in Plat Book 33 Page 146 (1&2), The unplatted portion of the NE1/4 and the unplatted portion of the E1/2 of the NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lots 1 and 3 of Block 1, Lots 1-4 of Block 2, Fifth Street Office Plaza, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; The unplatted portion of the S1/2 of the N1/2 of the NE1/4, and the unplatted portion of the S1/2 of the NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Lots 1, 2A, 3, and 4, Block 1, Lots 7 and 8 of Block 2, and Lot 1, Block 3, Black Hill Center, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of U.S. Highway 16, west of S.D. Highway 79 and north and south of Catron Boulevard.

Bulman presented the requests and reviewed the staff reports. Bulman stated that the Tax Increment Finance Committee has reviewed the requests in detail and recommends approval of the Resolution Creating the District and the Project

Plan.

Scull advised that he would abstain from voting on these items due to a conflict of interest.

Dan Baker, Rapid City resident, requested that the Planning Commission deny the requests. Baker stated that he does not feel the proposed Tax Increment District meets the criteria for a blighted area. He expressed concern that there is currently an existing Tax Increment District on the property. Baker stated his opposition to the use of Tax Increment Financing as proposed.

Hani Shafai stated that the Tax Increment Financing Committee studied the proposed Tax Increment District and Project Plan and recommended approval based on the criteria. Shafai added that the underlying Tax Increment District will be paid off in five years noting that the development of this site will expedite the repayment of that Tax Increment District.

Brewer advised that he serves on the Tax Increment Financing Committee noting that all of the proposed improvements are located in the public right-of-way. Brewer stated that the street improvements and signalization in this area are important to the Rapid City community and its development. Brewer expressed his opinion that Tax Increment Financing is one of the principal ways that the community and private sector share in the development in this community. Discussion followed.

Brewer moved, Popp seconded and carried to recommend that the Resolution Creating Tax Increment District No. 71 (11TI001) and the Tax Increment District No. 71 Project Plan (11TI002) be approved. (6 to 0 to 1 with Braun, Brewer, Christianson, Gregg, Marchand, Popp voting yes, with none voting no, and with Scull abstaining)

*16. No. 11UR002 - Original Town of Rapid City

A request by Riley Cassidy for UGLY, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** for the south 50 feet of Lots 25 to 27, both inclusive, in Block 63 of the Original Town of Rapid City and a strip of land immediately north thereof being 17 feet wide across Lots 25 thru 32, both inclusive, in Block 63 of the Original Town of Rapid City, and having 8 and 5/10 feet of such width on each side of the center line of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's tract as the same was laid and operated across said lots, meaning and intending hereby a portion of the southerly 17 foot wide strips of land formerly conveyed by Rapid City, Black Hills and Western Railroad Company to Chicago, Milwaukee, St. Paul and Pacific Railroad Company which deed was recorded in the Office of the Register of Deeds, Pennington County, South Dakota on July 15, 1948, in Book 81 of Deeds at page 430, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 321 7th Street.

Elkins indicated that staff recommends that the request be continued to the March 24, 2011 Planning Commission meeting to address outstanding issues and to review the legal description submitted with the application.

Braun moved and Marchand seconded to continue the Conditional Use Permit to allow an on-sale liquor establishment to the March 24, 2011 Planning Commission meeting.

In response to a question from Brewer, Elkins advised that staff has had discussions with the Police Department, Fire Department and the adjacent property owner concerning the operation of the use last year. Elkins stated that the applicant has requested that the use be approved on an ongoing basis noting that similar uses have been approved for a three-year period to allow additional opportunity for review and evaluation. Discussion followed.

The motion unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the March 24, 2011 Planning Commission meeting. (7 to 0 with Braun, Brewer, Christianson, Gregg, Marchand, Popp and Scull voting yes and none voting no)

There being no further business, Marchand moved, Brewer seconded and unanimously carried to adjourn the meeting at 7:26 a.m. (7 to 0 with Braun, Brewer, Christianson, Gregg, Marchand, Popp and Scull voting yes and none voting no)