

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
January 5, 2012

MEMBERS PRESENT: Erik Braun, John Brewer, Patrick Fink, Linda Marchand, Kay Rippentrop, Steve Rolinger, Andrew Scull, Josh Snyder, Jan Swank and Len Weimer. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Dennis Popp and Sandra Beshara

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Karen Bulman, Patsy Horton, Dale Tech, Ted Johnson, Joel Landeen and Risë Ficken.

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

**Brewer 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 8 and 9 be removed from the Consent Agenda for separate consideration.**

**Members of the audience requested that Items 6, 7 and 14 be removed from the Consent Agenda for separate consideration.**

**Motion by Rolinger, seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 16 in accordance with the staff recommendations with the exception of Items 6, 7, 8, 9 and 14. (10 to 0 with Braun, Brewer, Fink, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Planning Commission approved the December 8, 2011 Planning Commission Meeting Minutes.
2. No. 04TI015 – Tax Increment District No. 51  
Resolution No. 2011-163 to Dissolve Tax Increment Financing District No. 51 generally described as being located north of Country Road and west of Haines Avenue.

**Planning Commission recommended approval of the Resolution Dissolving Tax Increment District #51.**

3. No. 10OA015 - Ordinance Amendment  
A request by City of Rapid City to consider an application for an **Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code.**

**Planning Commission continued the Ordinance Amendment to require the**

**construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code to the March 22, 2012 Planning Commission meeting.**

4. No. 11CA015 - Section 20, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to Commercial** for W1/2W1/2SE1/4SW1/4 less the North 8/10ths of the W1/2W1/2SE1/4SW1/4 also recorded as the W1/4SE1/4SW1/4 less the North 8/10ths of the W1/4SE1/4SW1/4 located in Section 20, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 1700 Seger Drive.

**Planning Commission recommended approval of the Amendment to the Comprehensive Plan to change the land use designation from Residential to Commercial.**

5. No. 11RZ025 - Section 20, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** for the W1/2W1/2SE1/4SW1/4 less the North 8/10ths of the W1/2W1/2SE1/4SW1/4 also recorded as the W1/4SE1/4SW1/4 less the North 8/10ths of the W1/4SE1/4SW1/4 located in Section 20, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 1700 Seger Drive.

**Planning Commission recommended approval of the Rezoning from No Use District to General Commercial District in conjunction with the associated Comprehensive Plan Amendment.**

10. No. 11PL068 - Menard Subdivision

A request by Sperlich Consulting, Inc. for Century Resources, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 8 of Block 1 of Menard Subdivision, legally described as a portion of the NE1/4 of the SW1/4 of Section 32, and a portion of the NW1/4 of the SE1/4 of Section 32 located in the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the south side of East Anamosa Street southeast of the intersection East Anamosa Street and North Creek Drive.

**Planning Commission recommended approval of the Preliminary Plat with the following stipulations:**

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Community Planning and Development Services Department;**
2. **Prior to Preliminary Plat approval by the City Council, the E. Anamosa Street construction plans shall be revised to show a sidewalk along the east side of the street and street light conduit or a Variance to the Subdivision Regulations shall be obtained;**

3. Prior to Preliminary Plat approval by the City Council, the E. Anamosa Street construction plans shall be redesigned to accommodate a design speed of 50 miles per hour or an Exception shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a 16 inch water main along the east side of E. Anamosa Street in conformance with the City's Master Utility Plan;
5. Prior to Preliminary Plat approval by the City Council, water plans demonstrating that adequate fire and domestic flows are being provided shall be submitted for review and approval;
6. Prior to Preliminary Plat approval by the City Council, sewer plans demonstrating that sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity shall be submitted for review and approval;
7. Prior to Preliminary Plat approval by the City Council, a drainage plan in compliance with the Drainage Design Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or adequate detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as necessary;
8. Prior to Preliminary Plat approval by the City Council, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;
9. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
10. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement 158 feet along E. Anamosa Street and 203 feet along E. Philadelphia Street in compliance with the Street Design Criteria Manual or an Exception shall be obtained;
11. Prior to submittal of a Final Plat application, the plat document shall be revised to show the correct spelling of "Menard" Subdivision;
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 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.**

11. No. 11PL069 - Strato Rim Estates II

A request by Fisk Land Surveying & Consulting Engineers for Larry Patterson to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Strato Rim Estates II, legally described as Tract 2 of Tract A of the SW1/4 less well lot and right-of-way located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 23648 Strato Rim Drive.

**Planning Commission recommended approval of the Preliminary Plat with the following stipulations:**

1. **Prior to submittal of a Final Plat application, the “Easements for Access” and “Access Easement Maintenance Agreement” shall be recorded at the Register of Deed’s Office. In addition, a copy of the recorded documents shall be submitted to the Community Planning and Development Services Department with the Final Plat application;**
2. **Prior to submittal of a Final Plat application, the plat title shall be revised to read “Formerly Tract 2 of Tract A of the SW1/4 of Section 7, T1S, R7E less Well Lot and dedicated ROW all located in the SW1/4”;**
3. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page of the recording information for the Access Easement; and,**
4. **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.**

12. No. 11RZ026 - Section 34, T2N, R8E

A request by Fisk Land Surveying & Consulting Engineers for Pennington County / Rapid City 911 Dispatch to consider an application for a **Rezoning from Office Commercial District to General Commercial District** for the W1/2 NW1/4 SW1/4 and the NW1/4 SW1/4 SW1/4 located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the east side of Elk Vale Road approximately 1,000 feet north of the intersection of East Anamosa Street and Elk Vale Road.

**Planning Commission recommended approval of the Rezoning from Office Commercial District to General Commercial District.**

13. No. 11SV022 - John Roberts Subdivision

A request by Britton Engineering and Land Surveying, Inc. for John Roberts Trust to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water and sidewalk along Cherry Avenue, to construct a minimum 26 foot wide paved surface and a sidewalk along the north side of East St. Francis Street and to dedicate 17 additional feet of right-of-way along East St. Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1 and Lot 2 of John Roberts Subdivision,

legally described as Tract A of NW1/4 of the NE1/4 located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of East Saint Patrick Street and Cherry Avenue.

**Planning Commission recommended approval of the Variance to the Subdivision Regulations to waive the requirement to install water along Cherry Avenue, to construct a minimum 26 foot wide paved surface along East St. Francis Street and to dedicate 17 additional feet of right-of-way along East St. Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code with the following stipulations:**

1. **Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the street improvements;**
2. **Prior to submittal of a Final Plat application, the applicant shall enter into a Covenant Agreement securing the commitment to dedicate 17 additional feet of right-of-way along East St. Patrick Street and to remove the existing encroaching buildings should the property be further subdivided, redeveloped or if necessitated by corridor growth; and,**
3. **Prior to submittal of a Preliminary Plat application, the plat document shall be revised to dedicate a usable access easement for the existing manhole located on proposed Lot 1; and,**

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Cherry Avenue and a sidewalk along the north side of East St. Francis Street be denied.**

\*15. No. 11UR030 - Section 29, T2N, R7E

A request by James Taylor with Morton Buildings for Randy Hildebrant to consider an application for a **Conditional Use Permit to allow an Oversized Garage** for the unplatted balance of the SE1/4 of the SE1/4 less right-of-way located in Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1580 Kingswood Drive.

**Planning Commission recommended approval of the Conditional Use Permit to allow an Oversized Garage with the following stipulations:**

1. **A Building Permit shall be obtained prior to any construction;**
2. **Prior to issuance of a Building Permit, a wildfire mitigations plan shall be submitted to the Rapid City Fire Department for review and approval;**
3. **Prior to issuance of a Building Permit, the applicant shall submit a Covenant Agreement to the Register of Deeds indicating that the garage shall only be used for residential purposes. A copy of the Covenant Agreement shall be submitted to Community Planning and Development Services for review and approval;**
4. **Prior to issuance of a Building Permit, the applicant shall submit final stamped and sealed construction drawings to Community Planning and Development Services for review and approval, and;**
5. **The structure shall conform to the design and color palette submitted as a part of this Conditional Use Permit. Any changes to the design and color palette which the Director of Community Planning and**

**Development determines are consistent with the original approved plans may be allowed as a Minimal Amendment to the Conditional Use Permit.**

***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 Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***

16. No. 11VR008 - Original Townsite of the City of Rapid City  
A request by Chamberlin Architects for Destination Rapid City to consider an application for a **Vacation of Right-of-Way** for the alley right-of-way adjacent to Lots 10-23 of Block 75 of the Original Townsite of the City of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Rapid Street and north of Main Street.

**Planning Commission recommended approval of the Vacation of Right-of-Way.**

**---END OF CONSENT CALENDAR---**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

Brewer requested that Items 6 and 7 be considered concurrently.

6. No. 11CA016 - Section 21, T2N, R8E  
A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to Industrial** for a portion of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the Section Corner common to Sections 20, 21, 28, and 29, T2N, R8E, BHM, thence N00°02'15"W, a distance of 661.35 feet to the point of beginning; Thence, first course: N00°02'15"W, along the section line common to Sections 20 and 21, a distance of 1989.41 feet, to a the Section ¼ Corner common to Sections 20 and 21; Thence, second course: N00°00'41"W, along the section line common to Sections 20 and 21, a distance of 423.05 feet; Thence, third course: S89°56'10"E, a distance of 1331.07 feet; Thence, fourth course: S00°03'50"W, a distance of 2410.10 feet; Thence, fifth course: S89°57'45"W, a distance of 1326.99 feet, to a point on the section line common to Sections 20 and 21, and the point of beginning, more generally described as being located northeast of the intersection of Seger Drive and Dyess Avenue.
7. No. 11RZ027 - Section 21, T2N, R8E  
A request by Dream Design International, Inc. to consider an application for a **Rezoning from Mobile Home Residential District to Light Industrial District** for a portion of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the Section Corner common to Sections 20, 21, 28, and 29, T2N, R8E, BHM, thence

N00°02'15"W, a distance of 661.35 feet to the point of beginning; Thence, first course: N00°02'15"W, along the section line common to Sections 20 and 21, a distance of 1989.41 feet, to a the Section ¼ Corner common to Sections 20 and 21; Thence, second course: N00°00'41"W, along the section line common to Sections 20 and 21, a distance of 423.05 feet; Thence, third course: S89°56'10"E, a distance of 1331.07 feet; Thence, fourth course: S00°03'50"W, a distance of 2410.10 feet; Thence, fifth course: S89°57'45"W, a distance of 1326.99 feet, to a point on the section line common to Sections 20 and 21, and the point of beginning, more generally described as being located northeast of the intersection of Seger Drive and Dyess Avenue.

Rick Wulf stated that he owns a residence located across the street from the property. Wulf requested clarification concerning what types of uses can occur with industrial zoning.

Fisher identified the property and advised that a potential buyer for the property has expressed an interest in locating a wood-working business on the site that would include truck traffic activities. Fisher clarified that the zoning change request is for the Light Industrial District noting that outdoor storage and trucking activities are permitted uses. Fisher indicated that the streets are appropriate for Light Industrial truck activity. Fisher added that Heavy Industrial zoning is not appropriate for this location.

Wulf requested clarification concerning whether the county road will be improved to accommodate the additional truck traffic. Wulf expressed concern that the original future land use study for this property designated this land as low density residential noting that he relied on that designation when he developed his residential property.

In response to a question from Brewer, Fisher stated that staff review of a building permit will be required after the property is rezoned. Fisher indicated that street improvements will be required if the property is subdivided.

**Snyder moved, Braun seconded and unanimously carried to recommend approval of the Amendment to the Comprehensive Plan to change the land use designation from Residential to Industrial (11CA016); and, to recommend approval of the Rezoning request from Mobile Home Residential District to Light Industrial District (11RZ027) in conjunction with the associated Comprehensive Plan Amendment. (10 to 0 with Braun, Brewer, Fink, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)**

Fisher requested that items 8 and 9 be considered concurrently.

8. No. 11CA017 - Section 32, T2N, R8E

A request by Sperlich Consulting, Inc. for Century Resources, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Commercial to Industrial** for a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the southeasterly

corner of Lot 5 of Block 1 of Menard Subdivision, common to a point on the westerly edge of the right-of-way of East Anamosa Street, and the Point of Beginning; Thence, first course: southeasterly, curving to the right on a curve with a radius of 800.00 feet, a delta angle of 15°14'35", an arc length of 212.83 feet, a chord bearing of S07°44'51"E, and a chord distance of 212.21 feet, to a point of tangency; Thence, second course: S00°07'33"E, a distance of 414.06 feet, Thence, third course: S44°59'57"W, a distance of 14.11 feet; Thence, fourth course: N89°52'32"W, a distance of 476.45 feet; Thence, fifth course: N00°07'28"E, a distance of 497.46 feet, to the southwesterly corner of said Lot 5 of Block 1 of Menard Subdivision; Thence, sixth course: S89°52'32"E, along the southerly boundary of said Lot 5 of Block 1 of Menard Subdivision, a distance of 317.97 feet, to an angle point on the southerly boundary of said Lot 5 of Block 1 of Menard Subdivision; Thence, seventh course: N45°16'55"E, along the southerly boundary of said Lot 5 of Block 1 of Menard Subdivision, a distance of 194.01 feet, to the southeasterly corner of Lot 5 of Block 1 of Menard Subdivision, common to a point on the westerly edge of the right-of-way of East Anamosa Street, and the Point of Beginning, more generally described as being located on the south side of East Anamosa Street southeast of the intersection East Anamosa Street and North Creek Drive.

9. No. 11RZ028 - Section 32, T2N, R8E

A request by Sperlich Consulting, Inc. for Century Resources, Inc. to consider an application for a **Rezoning from General Agriculture District to Light Industrial District** for a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the southeasterly corner of Lot 5 of Block 1 of Menard Subdivision, common to a point on the westerly edge of the right-of-way of East Anamosa Street, and the Point of Beginning; Thence, first course: southeasterly, curving to the right on a curve with a radius of 800.00 feet, a delta angle of 15°14'35", an arc length of 212.83 feet, a chord bearing of S07°44'51"E, and a chord distance of 212.21 feet, to a point of tangency; Thence, second course: S00°07'33"E, a distance of 414.06 feet, Thence, third course: S44°59'57"W, a distance of 14.11 feet; Thence, fourth course: N89°52'32"W, a distance of 476.45 feet; Thence, fifth course: N00°07'28"E, a distance of 497.46 feet, to the southwesterly corner of said Lot 5 of Block 1 of Menard Subdivision; Thence, sixth course: S89°52'32"E, along the southerly boundary of said Lot 5 of Block 1 of Menard Subdivision, a distance of 317.97 feet, to an angle point on the southerly boundary of said Lot 5 of Block 1 of Menard Subdivision; Thence, seventh course: N45°16'55"E, along the southerly boundary of said Lot 5 of Block 1 of Menard Subdivision, a distance of 194.01 feet, to the southeasterly corner of Lot 5 of Block 1 of Menard Subdivision, common to a point on the westerly edge of the right-of-way of East Anamosa Street, and the Point of Beginning, more generally described as being located on the south side of East Anamosa Street southeast of the intersection East Anamosa Street and North Creek Drive.

Fisher advised that Items 8 and 9 were removed from the consent agenda in order to clarify staff's recommendation to continue the applications to the January 26, 2012 Planning Commission meeting.



**Swank moved, Scull seconded and unanimously carried to continue the Amendment to the Comprehensive Plan to change the land use designation from Commercial to Industrial (11CA017) and the Rezoning from General Agriculture District to Light Industrial District (11RZ028) to the January 26, 2012 Planning Commission meeting. (10 to 0 with Braun, Brewer, Fink, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)**

\*14. No. 11PD041 - Thompson Tower Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Hughes Network Systems, LLC to consider an application for an **Initial and Final Commercial Development Plan to allow a Transmission Facility in the General Agriculture District** for Lot 1 of Thomson Tower Subdivision located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3840 Tower Road.

Daniel Tackett, area resident, noted that the property where the proposed satellite facility is to be located is currently zoned agricultural. Tackett indicated that he does not feel the reduction of the setback from U.S. Highway 16 is an issue due to the steep topography on the site. Tackett expressed concern that the reduction in the setback from Tower Road to accommodate the proposed use may preclude the potential for the development of a sidewalk or bike lane along Tower Road. Tackett discussed the increasing residential development that has occurred and is anticipated to occur in the area. Tackett expressed concern that the reduced setback may impede the expansion of Tower Road in the future. Tackett objected to the placement of an unattractive industrial object in an area that has become increasingly residential and suggested that the structure be screened with landscaping and plantings. Tackett identified the approximate number of developed and undeveloped residential lots within a one-half mile radius of the property. Tackett asked the Commission to consider the concerns of the residents that use the area for residential and pedestrian use.

Jim Muir, Hughes Network Systems, stated that the Jupiter satellite will be launched in March or April noting that potential sites for the location of the satellite equipment in the Rapid City area have been evaluated for some time. Muir stated that the proposed satellite structure is one of 15 locations lying west of the Mississippi River. Muir noted that the satellite is anticipated to serve approximately 100,000 individuals including rural subscribers who do not have access to T-1 internet.

Bill Cook, Golden West Telecommunications, discussed efforts to identify other locations for the satellite equipment noting that the proposed site was selected as it consists of two lots with an existing communications building and fiber hub. Cook explained that the dish could not be placed closer to the building due to concerns that disturbing the ground for construction of the concrete pad near the base of the existing tower could possibly compromise the stability of the structure along with issues related to the need for relocation of existing utilities. Cook stated his opinion that the current proposal is the best option for locating the equipment on the site.

In response to a question from Scull, Fisher indicated that sidewalks are required to be constructed in the right-of-way adjacent to the property noting that the development as shown on the site plan is within the property boundary.

Scull clarified that the reduction of the setbacks is not a reduction of the right-of-way. Fisher stated that the setback for a principal structure in the General Agriculture District is 35 feet noting that a 25 foot setback is required on a residential lot.

**Scull moved and Weimer seconded to approve the Initial and Final Commercial Development Plan to allow a Transmission Facility in the General Agriculture District with the following stipulations:**

- 1. An Exception is hereby granted reducing the front yard setback from Tower Road for the proposed structure to a minimum of 28 feet in lieu of the required 35 foot setback;**
- 2. An Exception is hereby granted reducing the front yard setback from US Highway 16 for the proposed structure to a minimum of 24 feet in lieu of the required 35 foot setback;**
- 3. All provisions of the General Agricultural District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment;**
- 4. A building permit shall be obtained prior to any construction;**
- 5. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Commercial Development;**
- 6. 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;**
- 7. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Initial and Final Planned Commercial Development to allow a Transmission Facility. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Initial and Final Planned Commercial Development. 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. All applicable provisions of the adopted International Fire Code shall continually be met; and,**
- 9. The Initial and Final Planned Commercial Development shall allow the property to be used for a transmission facility. Any change in use that is a permitted use in the General Agricultural District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the General Agricultural District shall require the review and approval of a Major Amendment to the Initial and Final Planned Commercial Development.**

Tackett emphasized that the satellite dish is a large structure to be located in close proximity to the road. Tackett suggested that shielding in addition to the trees proposed on the site plan be provided so the satellite dish is not in full view from the road.

Fisher displayed the site plan and identified the two trees proposed to be added on the site. Fisher stated that a sidewalk would be required to be constructed at the time a building permit is issued noting that the City Council would have to approve any request to waive the installation of the sidewalk. Discussion followed.

Brewer requested clarification concerning the number of residences that have direct view of the facility and if the proposed landscape plan will address any of the concerns expressed.

Janelle Finck displayed an aerial photograph and identified the neighboring residences in relationship to the proposed pad location. J. Finck identified the contours and elevations in the area noting that she does not believe that there is a direct view of the facility from Mr. Tackett's residence. J. Finck advised that the two trees to be planted on the property would likely consist of 15 to 20 foot tall pines that would eventually grow to be 30 to 40 feet tall. J. Finck stated that the satellite equipment is not any taller than a two story residence. J. Finck indicated that they feel they have offered the best plan for the property and her client.

In response to a question from Snyder, J. Finck indicated that the fence around the equipment will be a seven foot tall chain link fence topped with barbed wire.

Snyder asked if the fence could be covered with plant material to help the equipment blend better with the neighborhood.

J. Finck suggested that slats could be added to the fence to provide additional screening. Discussion followed.

Snyder suggested that a stipulation could be added to the conditions of approval to require the addition of slats in the chain link fence.

Fisher expressed concern that the use of slats for screening in chain link fences can create maintenance and noise issues as the slats break due to weathering. Fisher suggested that evergreen trees provide year around screening noting that the requirement for additional evergreen trees could be added to the stipulations of approval.

In response to a question from Brewer, Scull clarified that the motion is to approve the request with the stipulations as identified in the staff report.

Patrick Fink requested clarification concerning whether there are plans to construct a sidewalk on the property.

Janelle Finck advised that this plan does not include a sidewalk. J. Finck

described conditions on the site that she believes would make the construction of a sidewalk problematic.

Brewer clarified that the sidewalk issue would be addressed at the building permit phase of the project.

Rolinger stated that he would rather see additional trees on the site as opposed to slats in the chain link fencing.

**The motion carried unanimously to approve the Initial and Final Commercial Development Plan to allow a Transmission Facility in the General Agriculture District with the following stipulations:**

- 1. An Exception is hereby granted reducing the front yard setback from Tower Road for the proposed structure to a minimum of 28 feet in lieu of the required 35 foot setback;**
- 2. An Exception is hereby granted reducing the front yard setback from US Highway 16 for the proposed structure to a minimum of 24 feet in lieu of the required 35 foot setback;**
- 3. All provisions of the General Agricultural District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment;**
- 4. A building permit shall be obtained prior to any construction;**
- 5. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Commercial Development;**
- 6. 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;**
- 7. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Initial and Final Planned Commercial Development to allow a Transmission Facility. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Initial and Final Planned Commercial Development. 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. All applicable provisions of the adopted International Fire Code shall continually be met; and,**
- 9. The Initial and Final Planned Commercial Development shall allow the property to be used for a transmission facility. Any change in use that is a permitted use in the General Agricultural District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the General Agricultural District shall require the review and approval of a Major Amendment to the Initial and Final Planned Commercial Development. (10 to 0 with Braun, Brewer, Fink, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer**

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 Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.***

17. No. 11TI003 - Highway 16 Sewer

A request by Kent Hagg for Alta Terra Development, LLC to consider an application for a **Project Plan for Tax Increment District No. 70** for Utility Lot 1 Par Subdivision; Tract 2 and Tract 3 of Par Subdivision; all located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted Portion of NE1/4 SW1/4 Lying N of Hwy Right-of-Way; Unplatted Portion of NW1/4 SW1/4 Lying N of Hwy Less Lot H1; Unplatted Portion of NW1/4 SW1/4 Lying South of Hwy, Right-of-Way Less Lot H1; Unplatted SW1/4 SW1/4, Less Lot H2 & Less Right-of-Way; all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract A of Meadow View Subdivision; Lot A Tucker Subdivision; Lot 1 Shipman Heights Subdivision; Unplatted Portion of SE1/4 NW1/4 NW1/4 Lying East of Hwy 16 Less Right-of-Way; Lot A Ranch Subdivision; Tract 1 of W1/2 NW1/4 Less Lot A of Ranch Subdivision, Less Connector Subdivision, Less Lots H1, H2, H3 & Right-of-Way; Tract AR2 Needles Subdivision; Tract B Needles Subdivision; Tract 1 Waterslide Addition; Unplatted Balance of S1/2 SE1/4 NW1/4; Unplatted Balance of NE1/4 SW1/4; Lot 4R and Lot 5 of Old Rodeo Subdivision; Lot 2 and Vacated Physician Drive Adjacent of Said Lot 2 Old Rodeo Subdivision; Lot 3 and Vacated Physician Drive Adjacent to Said Lot 3 Old Rodeo Subdivision; Lot 1 Less Lots 2, 3, 4R, 5 and ROW Old Rodeo Subdivision; Unplatted Lot B of SW1/4 SW1/4 Less RTY; Lot 9R, South Hill Subdivision; Right-of-Way of Tucker Street; Right-of-Way of Promise Road; Right-of-Way of Jordan Drive; Right-of-Way of Addison Avenue; all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2 of Connector Subdivision, all located in Sections 26 and 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Platted Tract 1 of SE1/4 NE1/4 Less Connector Sub & Less Lot H1 & Less TLC Subdivision; Lot 1 and Lot 2 of TLC Subdivision; all located in Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted NW1/4NW1/4 less Lot H1 and less right-of-way; Unplatted SE1/4NW1/4; Unplatted W1/2SE1/4 and SE1/4SE1/4; Unplatted NE1/4SW1/4; Unplatted SW1/4NW1/4 less Lot H1 and less right-of-way; all located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Right-of-Way of Catron Boulevard located in Sections 23, 24, 26, and the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Right-of-Way of U.S. Highway 16 located in Section 26, 27, NE1/4 of Section 34, and NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Catron Boulevard from 5th Street to South U.S. Highway 16, then south along U.S. Highway 16 to Sammis Trail and east to the proposed Hyland Crossing Subdivision.

Bulman presented the request noting that the Tax Increment District was originally created by another developer for the purpose of extending sewer along

Catron Boulevard and over to Sammis Trail. Bulman advised that the District was created in 2008 and is currently collecting taxes. Bulman indicated that the Project Plan proposed in 2008 for the Hyland Crossing residential development was not approved. Bulman stated that a developer has come forward with a new Project Plan for this District that includes costs for extending sewer from Catron Boulevard to Sammis Trail, the relocation of Sammis Trail to align with Moon Meadows Drive, the construction of turn lanes along U.S. Highway 16, a water main and a traffic signal. Bulman identified the costs of the improvements noting that as this is an economic development Tax Increment District there will be no request for additional levy for the School District. Bulman stated that the Tax Increment Financing Committee met on December 6, 2011 and recommended approval of the Project Plan. Bulman identified the phasing plan, total cost and interest rate noting that while the project costs include a 9% interest rate as required by the Tax Increment Guidelines, the applicants anticipate obtaining financing at 7.5% resulting in an anticipated repayment of the project in less than 10 years.

In response to a question from Scull, Bulman stated that the District has already been created and has been in place since 2008. Discussion followed.

In response to another question from Scull, Dale Tech advised that due to the topography immediately to the east of the proposed sewer line extension there is limited opportunity to tie in a sewer service from Catron Boulevard to the area included in the Tax Increment District boundary. Tech noted that to service properties to the east of the Tax Increment District area the tie in for sewer service would likely be closer to the intersection of 5<sup>th</sup> Street and Catron Boulevard. Discussion followed.

In response to a question from Scull, Bulman stated that the applicant has indicated that the costs contained in the Project Plan are for oversizing improvements.

Braun requested clarification concerning the potential Phase III costs for a lift station.

Bulman explained that the \$500,000 for potential Phase III costs were included to allow participation in the tax increment financing in the event a developer is identified to pursue the original residential development contemplated at the time of the creation of the District.

Dawn Aspaas stated that the proposed project cannot occur without the tax increment financing. Aspaas thanked staff for their assistance in processing the application. Aspaas explained that if the Planning Commission added the proposed Phase III costs to the Project Plan a developer would have until 2013 to come forward with funding for that improvement. Aspaas clarified that the existing Sammis Trail was originally planned to serve as access for the proposed development. Aspaas indicated that funding has been included in the costs to address the grading required to realign Sammis Trail to Moon Meadows Drive. Discussion followed.

Kent Hagg advised that the Project Plan in its entirety was formed in 2008 noting that this is the second Project Plan for this District. Hagg stated that the costs for the proposed lift station were included to allow the potential for future development of a residential subdivision. Hagg clarified that while they agreed to include the Phase III costs in this Plan it is their intent to proceed with the construction of Phases I and II at this time. Discussion followed.

Scull requested clarification concerning whether the grading costs included in the project plan are for the on-site development.

Hagg stated that the grading costs are necessary for the development of the sewer and water lines, rearage road, relocation of Sammis Trail and related utilities noting that the City Engineering staff suggested that the initial projections for those costs were too low and those costs were increased as suggested. Discussion followed.

In response to a question from Scull, Hagg clarified that none of the grading costs included in the Project Plan are for grading on the building site.

**Rolinger moved, Braun seconded and unanimously carried to recommend approval of the Project Plan for Tax Increment District No. 70. (10 to 0 with Braun, Brewer, Fink, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)**

18. Discussion Items  
None.

19. Staff Items  
None.

20. Planning Commission Items  
None.

**There being no further business, Braun moved, Marchand seconded and unanimously carried to adjourn the meeting at 8:02 a.m. (10 to 0 with Braun, Brewer, Fink, Marchand, Rippentrop, Rolinger, Scull, Snyder, Swank and Weimer voting yes and none voting no)**