

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 10, 2014

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Linda Marchand, John Pinkard, Dennis Popp, Kay Rippentrop, Tim R. Rose, Andrew Scull and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: Brett Monson, Steve Rolinger

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Patsy Horton, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

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

Marchand 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.

Motion by Rose, seconded by Brewer and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations. (10 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rose, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the June 19, 2014 Planning Commission Meeting Minutes.

*2. No. 14UR014 - Original Town of Rapid City

A request by Patrick Roseland for Barbara Peterson-Paur to consider an application for a **Conditional Use Permit to allow a pet store in the Central Business District** for Lot 27 - 28 of Block 71 of Original Town of Rapid City, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 Main Street.

Planning Commission approved the Conditional Use Permit to allow a pet store in the Central Business District with the following stipulations:

1. **A pet store for the sale of birds shall be allowed on the property. In addition, the kenneling of birds shall be allowed. The pet store shall be operated in compliance with the applicant's operational plan. In addition, permitted uses within the Central Business District shall be allowed. A building permit shall be obtained for any future construction that requires a permit;**
2. **A Kennel License shall be obtained;**
3. **Veterinary care shall be provided pursuant to local and State requirements;**
4. **The building shall continue to be climate controlled and continue to provide a soundproof design to mitigate noise nuisances;**

5. The bird waste shall be disposed of as per the applicant's disposal plan which identifies a safe and sanitary waste disposal operation; and,
6. All provisions of the Central Business District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major 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.

3. 14TP014 – Authorize staff to advertise the Request for Proposals for the 2040 Long Range Transportation Plan

Planning Commission recommended to approve to authorize staff to advertise the Request for Proposals for the 2040 Long Range Transportation Plan.

4. 14TP017 – Approve 2015-2018 Transportation Improvement Program – Draft

Planning Commission recommended approval of the 2015-2018 Rapid City Area Transportation Improvement Program – Draft Report.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *5. No. 14UR015 - Original Town of Rapid City
A request by Nicolas Johnson for Performing Arts Center of Rapid City to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with an arts center** for Lot B of Rapid City High School Subdivision; vacated alley adjacent to that part of Lot B formerly known as Lots 23-26 and the west 10 feet of Lot 27 and Lots 7-10 and the west 10 feet of Lot 6 of Block 125 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 601 Columbus Street.

Laroco presented the application and reviewed the associated slides. Laroco pointed out that previously the Performing Arts Center has requested and received Special Event Permits for each event at which they served alcohol. Laroco stated that the operations plan identifies that the hours of operation for the Performing Arts Center will generally run opposite those of the school and should therefore not cause a conflict or require additional parking. In addition an agreement between the Rapid City Independent School District and the Performing Arts Center which states that the sale of alcohol will be limited to the

defined areas has been submitted as part of the application. Laroco presented staff's recommendation that the application for **Conditional Use Permit to allow an on-sale liquor establishment in conjunction with an arts center** be approved with stipulations

In response to Braun's inquiry as to whether this use could be withdrawn or revoked if there are issues in the future, Laroco stated that the Conditional Use Permit is issued to the Performing Arts Center. As such, if there is an issue where the Rapid City School District decides they do not want the on-sale liquor to continue, it would be an issue between them and the Performing Arts Center.

Popp moved, Bulman seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment in conjunction with an arts center with the following stipulations:

- 1. The on-sale liquor establishment shall operate in compliance with all requirements of the Rapid City Municipal Code and the submitted operations plan. In particular, the sale, service, and storage of alcohol is not permitted on-site except during performances at the Performing Arts Center. Changes to the operational plan of the Performing Arts Center that include the sale of alcohol shall require a Major Amendment to the Conditional Use Permit;**
- 2. If additional signage is proposed in the future, approval through the Historic Sign Board shall be obtained. All future signage shall comply with Chapter 17.50.080 of the Rapid City Municipal Code. Any changes to the original sign package which the Director of Community Planning and Development Services determines is consistent with the original approved sign package may be allowed as a Minimal Amendment to the Conditional Use Permit. A sign permit is required for each sign;**
- 3. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 4. All parking shall continue to comply with the requirements of the Rapid City Parking Regulations;**
- 5. All landscaping shall continue to comply with the requirements of the Rapid City Landscaping Ordinance;**
- 6. All applicable provisions of the currently adopted International Fire Code shall be continually maintained;**
- 7. All provisions of the Public District shall be continually maintained, and;**
- 8. This Conditional Use Permit shall allow an on-sale liquor establishment to be operated in conjunction with the Rapid City Performing Arts Center. All permitted uses in the Public District shall be permitted contingent upon an approved building permit and provision of sufficient parking. All conditional uses in the Public District shall require a Major Amendment to the Conditional Use Permit. (10 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard,**

Popp, Rippentrop, Rose, Scull and Swank 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.

*6 No. 14PD012 - Rushmore Crossing

A request by Shane Boyum for Dakota Slice LLC, Lauren Boyum to consider an application for a **Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant** for Lot 5A4 of Block 2 of Rushmore Crossing, located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1325 Eglin Street #100.

Laroco presented the application and reviewed the associated slides. Laroco stated that staff has not received any comments regarding this request and presented staff's recommendation that the application for a **Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant** be approved with stipulations.

Scull stated that he would be abstaining from this item due to a conflict of interest.

Braun moved, Bulman seconded and unanimously carried to approve the Major Amendment to a Planned Development to allow an on-sale liquor establishment in conjunction with a restaurant with the following stipulations:

1. **A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be required prior to occupancy;**
2. **All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;**
3. **All parking shall continue to comply with the previously approved Planned Developments for the property, specifically File #07PD074, and File #13PD046;**
4. **All landscaping shall continue to comply with the previously approved Planned Developments for the property, specifically File #07PD074 and File #13PD046;**
5. **All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a**

- nuisance of any kind;
6. All applicable provisions of the International Fire Code shall be continually maintained;
 7. All provisions of the General Commercial District shall be continually maintained unless specifically authorized as a stipulation of a subsequent Major Amendment to the Planned Development, and;
 8. The Major Amendment to the Planned Development shall allow an on-sale liquor establishment for beer and wine in conjunction with a full service restaurant. All permitted uses in the General Commercial District shall be permitted. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. (9 to 0 to 1 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rose, and Swank voting yes and none voting no and Scull abstaining)

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.

*7. No. 14PD013 - Original Town of Rapid City

A request by Sam Papendick for Hay Camp Brewing Co. to consider an application for a **Major Amendment to a Planned Development to expand on-sale liquor establishment with an outdoor seating area** for Lots 1 thru 5 of Block 88 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 201 Main Street, Suite 109.

Laroco presented the application and reviewed the associated slides. Laroco noted that this is the location of the existing Haycamp Brewing Company. Laroco stated the outdoor seating area will eliminate four of the current non-confirming parking spaces on the site, and will result in an increase in the required number of parking spaces by 16 spaced. As such, the applicant has requested a reduction of the parking from 146 to 0. Laroco noted that this location has previously had exceptions granted reducing the required parking, and as the Future Land Use Plan shows this area as appropriate for downtown development in the future and staff believes it will fit in to that downtown development and in compliance with the Central Business District which does not require parking. Laroco noted a letter of support from the church that also operates in this location was submitted with the originally approved Planned Development and that the support still exists. Laroco presented staff's recommendation that the Exception to reduce parking be approved and recommendation that **Major Amendment to a Planned Development to expand on-sale liquor establishment with an outdoor seating area** be approved with stipulations.

Swank stated that he would be abstaining for this item due to a conflict of interest.

Brewer moved, Braun seconded and unanimously carried to approve the Major Amendment to a Planned Development to expand an on-sale liquor establishment with an outdoor seating area with the following stipulations:

- 1. An Exception shall hereby be approved to reduce the required amount of parking on the property from 146 spaces to 0 spaces;**
- 2. Prior to issuance of a building permit, an 11.1 Historic Review shall be obtained;**
- 3. A building permit shall be obtained prior to construction;**
- 4. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjacent properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 5. Prior to issuance of a sign permit, all signage shall obtain the review and approval of the Historic Sign Board. A copy of the approved sign package shall be submitted to Community Planning and Development Services. All signage shall comply with Chapter 17.50.080 of the Rapid City Municipal Code. Future changes to the sign package shall require the review and approval of the Historic Sign Board. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment to the Planned Development. A sign permit shall be required for each sign;**
- 6. Prior to use of the outdoor seating area, all required licensing shall be obtained maintained as required;**
- 7. Prior to use of the outdoor seating area, the applicant shall coordinate with the Rapid City Fire Department to ensure that the placement and/or method of securing the proposed screening and fencing do not create an unforeseen issue with emergency access. All applicable provisions of the International Fire Code shall be maintained;**
- 8. The proposed on-sale liquor establishment with an outdoor seating area shall operate in compliance with the submitted operations plan and the requirements of Chapter 17.18.030.31 of the Rapid City Municipal Code. The patio shall be fenced as proposed prior to initiation of the on-sale liquor use in this area. All provisions of the General Commercial District shall be continually maintained unless specifically stipulated as a part of this Major Amendment or a subsequent Major Amendment to the Planned Development, and;**
- 9. This Major Amendment to the Planned Development shall allow for expansion of the existing on-sale liquor establishment currently operated by Hay Camp Brewing Company and located within Suite 109 to include an outdoor seating area. Changes in the ownership or operations plan of the business shall require a Major Amendment to the Planned Development. All permitted uses in the General Commercial District that do not require additional parking shall require the review and approval of a Minimal Amendment to the Planned Development. All permitted uses that require additional parking or conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. (9 to 0 to 1**

with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rose and Scull voting yes and none voting no and Swank abstaining)

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.

*8. No. 14PD014 - Original Town of Rapid City

A request by 42nd Street Design Studio to consider an application for a **Final Planned Development Overlay to allow a mixed-use commercial development** for Unit 1 and 1/2 interest in Common Area of Aby's Feed and Seed Condominium, previously Lots 6 thru 16 of Block 76, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 412 5th Street.

Lacock presented the application and reviewed the associated slides. Lacock noted that this applicant has previously submitted and received approval of an Initial Planned Development which had three Exceptions including a reduction of parking from 42 parking spaces to 29 parking spaces, a reduction in the minimum front yard setbacks from 25 feet to 0 feet for the existing structures and to allow 11,807 square feet of storage in lieu of the maximum allowed 5,000 square feet. Lacock noted that one of the stipulations of the Initial Planned Development was that a Final Planned Development be approved. Lacock stated that the applicant is requesting two additional Exceptions with this Final Planned Development, an Exception to the requirement to pave parking and circulation and to allow an alternative paving material, and to waive the requirement to stripe that parking.

In lieu of paving, the applicant is requesting to use a product called StabiliGrid, which is made up of a grid material where grass grows between the grids. Lacock noted that Public Works does not support this alternative material as the product's reaction to temperature changes and maintenance is unknown. Additionally, waiving the striping requirement could further reduce the already reduced parking. Lacock noted that staff is not recommending approval of the Exception requests. Lacock also noted that staff recommends that the **Final Planned Development Overlay to allow a mixed-use commercial development** be approved with stipulations.

In response to Scull's question on the alternative surfacing product, Mike Stanley, 42nd Street Design, architect for the applicant, reviewed the product and maintenance of the product. Stanley stated that the product is not a cost savings but a green alternative. Stanley stated that the product will be treated much like a lawn and will require the installation of an irrigation system and storm sewer system. Scull spoke to the benefits of green building, but did ask why in this instance the applicant thinks this product would work in this space. Stanley stated the applicants are trying to build in an environmentally responsible way.

Bulman said the alternative paving is a great idea provided that the applicant paves the parking should the alternative parking be shown to not work. In response to Bulman's inquiry if there is any way to provide striping, Stanley showed a product that could be used to mark parking spaces on the alternative paving material

Discussion followed.

Braun stated that he supports the green option and moved to approve with revised stipulations to allow the use of the alternative paving surface.

Fisher clarified the motion should read an Exception is hereby granted to waive the requirement to pave the parking and circulation. The Exception to waive the requirement to provide parking lot striping is hereby denied. In addition, prior to issuance of a Final Certificate of Occupancy, the installation of the proposed surfacing and striping shall be completed.

In response to Stanley's request to allow more time for the requirement to have the paving and striping completed as noted in the stipulations, Fisher stated that a Temporary Certificate of Occupancy can be issued that would help to meet the time line.

Braun moved, Brewer seconded and unanimously carried to approve the Final Planned Development Overlay to allow a mixed-use commercial development with the following stipulations as revised:

- 1. An Exception is hereby granted to waive the requirement to pave the parking and circulation. The Exception to waive the requirement to provide parking lot striping is hereby denied. In addition, prior to issuance of a Final Certificate of Occupancy, the installation of the proposed surfacing and striping shall be completed;**
- 2. Acknowledge the previously granted Exception to reduce the minimum required parking from 42 parking spaces to 29 parking spaces. Two of the 29 parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met. Any change in use shall require that additional parking in compliance with the off-street parking ordinance be met or an Amendment to the Planned Development shall be obtained as needed;**
- 3. Acknowledge the previously granted Exception to reduce the minimum required front yard setback from 25 feet to zero feet for the existing structures located on the property. Any future redevelopment of the property shall be constructed in compliance with the minimum setbacks as per Chapter 17.18 of the Rapid City Municipal Code;**
- 4. Acknowledge the previously granted Exception to allow 11,807 square feet of storage in lieu of the maximum allowed 5,000 square feet in the General Commercial District;**
- 5. A Building Permit shall be obtained prior to any structural construction and/or initiation of use(s) into the existing structures. In**

addition, a Certificate of Occupancy shall be obtained prior to occupancy;

6. Prior to issuance of a building permit for any future changes to the interior or exterior façade, an 11.1 Historic Review shall be approved;
7. Prior to issuance of a sign permit, all signage shall obtain the review and approval of the Historic Sign Board. All signage shall comply with Chapter 17.50.080 of the Rapid City Municipal Code. Future changes to the sign package shall require the review and approval of the Historic Sign Board. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. A sign permit shall be required for any signs;
8. 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;
9. A minimum of 16,500 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
10. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
11. All applicable provisions of the International Fire Code shall be maintained; and,
12. This Final Planned Development shall allow for a dance studio, an interior design office, retail space and 11,807 square feet of storage. Any change in use that does not increase the minimum parking requirement shall be reviewed as a Minimal Amendment. Any change in use that increases the minimum parking requirement or is a Conditional Use shall require a Major Amendment. (10 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rose, Scull and Swank 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.

Lacock requested that Items 9 and 10 be heard concurrently.

*9. No. 14RZ006 - Valley Tract

A request by John M. Rowe, Buell Consulting, Inc., for Cellular Inc. Network, d/b/a Verizon Wireless to consider an application for a **Rezoning from Park Forest District to General Agricultural District** for a portion of Valley Tract commencing at the southeast corner of Lot 5, Block 8, Country Club Heights Subdivision, Rapid City, Pennington County, South Dakota, located in the SW ¼

of Section 10, T1N, R7E, B.H.M. Rapid City, Pennington County, South Dakota more fully described as follows; a rebar with aluminum cap marked "LS 1019"; whence the southeast corner of Lot 2, Block 8 of the aforescribed County Club Heights Subdivision a ½" rebar bears N20°16'39"W 304.07'; thence S40°51'02"E 1168.18' in Valley Tract as previously described to a rebar with plastic cap marked "RW FISK 6565"; the point of beginning, the northwest corner of a Proposed Land Space; thence N90°00'00"E 90.33' to a rebar with plastic cap marked "RW FISK 6565"; thence S33°19'01"E 79.91' to a rebar with plastic cap marked "RW FISK 6565"; thence S45°00'00"W 20.00' to a rebar with plastic cap marked "RW FISK 6565"; thence N72°20'21"W 126.03' to a rebar with plastic cap marked "RW FISK6565"; thence N0°00'00"E 42.68' to the point of beginning; said area contains 7,000 SF, more or less., more generally described as being located at 3015 Tomahawk Drive.

Swank, Braun, Brewer and Scull stated that they would be abstaining from this item due to a conflict of interest and left the dais at this time.

Lacock presented the application and reviewed the associated slides. Lacock stated that Park Forest does not allow communication towers as either a permitted or conditional use. Thus the applicant is requesting the Rezone from Park Forest District to General Agricultural District and the associated Conditional Use Permit. Lacock noted that the original request was to rezone 46 acres of the golf course from Park Forest District to General Agricultural District to allow the stealth communication tower. It was agreed to limit the rezoning to the lease area. Lacock stated that this places the nearest residential property approximately 500 feet away and that the size of the rezoning area prohibits further incompatible uses in the area and forces co-location on the tower. The tower is designed for three co-locations.

Lacock stated that in addition to the placement and design of the stealth communication tower, will landscaping be used to help screen the utility buildings. Lacock reviewed the coverage map the applicant provided. Lacock presented staff's recommendation to approve the **Rezoning from Park Forest District to General Agricultural District** and to approve the **Conditional Use Permit to allow a communication tower in the General Agricultural District** with stipulations.

Fisher reviewed the process and issues that lead to the decision to rezone the reduced area in conjunction with the Conditional Use Permit.

John Rowe, Buell Consulting, Inc., for Cellular Inc. Network, d/b/a Verizon Wireless, reviewed slides including information on cell demand in the area noting that wireless use is growing and the need for better coverage and faster service is vital. Rowe read a statement into record regarding the obsolescence of landlines.

Jacob Quasney, attorney for Bangs McCullen, representing home owners in the area, stated that he had been working with the residents for the past few weeks and that this action had not been approved by the Arrowhead County Club

membership. Quasney noted that this is not an agricultural area and listed the disadvantages to the homeowners including the obstruction to their view and noted that there are other sites that might work better.

George Grassby, Summerset Drive, noted his concerns regarding the tower. Grassby stated that he has been a member of the country club for 30 years and uses it daily. Grassby stated that there is nothing stealthy about the tower and that trees will have to be removed and the additional buildings will detract from the beauty of the area. He stated that the Arrowhead Country Club did not inform the members of this action and implied that any approval could be voidable by law.

Don Frankenfield, 1307 38th Street, a board member of the Friends of Rapid City Parks, noted he is speaking on a personal level and not as a representative of the Friends of Rapid City Parks. Frankenfield stated that the maintenance of green areas is very important and he hopes the Rezone is denied.

Marcia Elkins, 2705 Tomahawk Drive, spoke to her concerns regarding spot zoning. Elkins said she appreciates staff's efforts to lessen the impact but noted a prior instance where steps similar to the steps being taken with these applications had not avoided additional communication towers. Elkins directed staff to review Rapid City Municipal Code Chapter 17.34.010 addressing General Agricultural District zoning. Elkins stated that although her view and the value of her home will be negatively affected, her service will not be improved. Elkins offered other options for placement of the communication tower and requested that the application be denied.

Jane Patnoe, 3115 Flint Drive, stated that the rezoning will impact over 100 homes and that there are other areas that could have been considered that would affect fewer homeowners. Patnoe stated that the zoning for the area is inappropriate. Patnoe listed her concerns and asked that the item be denied.

Don Patnoe, 3115 Flint Drive, addressed his concerns regarding the Rezoning to allow a commercial operation. Patnoe noted that the rezoning does not meet the classification of General Agricultural. Patnoe presented a video that showed the noise and sight pollution the proposed tower would create. Patnoe suggested other areas that would be better for a tower. Patnoe asked if the City accommodates all business as they are accommodating the applicant and asked that the request be denied.

Nathon Larson, 3119 Flint Drive, stated that his house is one of the closest residences to the golf course and the proposed tower location. Larson stated that a golf course is defined as a park or a green space and noted that the majority of the cell towers are placed in commercial areas. Larson expressed how he does not believe that the zoning or location meets the requested use. Larson requested that the application be denied.

Gary Larson, 7344 Norsemen Lane, agreed there is a lack of coverage not only in this area but in many areas within the City and surrounding areas, but does

not believe this is the correct area for a tower. Larson also stated that he does not think that there was any notice by the Arrowhead Country Club to its members or the home owners and believes that the Arrowhead Country Club board's decision should be reviewed. He requested that the application be denied.

Dennis Popp, 4737 Summerset, spoke in favor of the project noting that he is a resident in the area and although he is a user of a competing carrier he supports this item. He sees this as a benefit to the economic growth of the City.

Karen Gundersen-Olson, 6241 Chokecherry Lane, spoke to her concerns regarding these requests. Gunderson noted prior actions such as the tower located on Highway 16 and a previous request to place a communication tower on Meadowbrook Golf Course that was denied and noted that this decision and its repercussions will be long term and hopes that everyone involved make an informed decision.

Fisher thanked everyone for their interest and input. Fisher clarified that the notices that were sent out were based on the original request for the 46 acres. The re-defined rezoning area would not have required that anyone be notified based on the 250 foot notification area. Fisher also noted that the General Agricultural District identifies golf courses as a permitted use.

Rex Hagg, 1721 West Boulevard, stated that he understands that this is one of those things that no one wants in their back yard, but that it is a balancing act to meet everyone's needs. Hagg said that he feels the communication tower is needed and suggested options such as tree or other stealth design for the tower. Hagg stated that the majority of the country club members are in favor of the proposal and urges approval of the request.

Bulman stated that she understands the need for the improved coverage, but she cannot agree to spot zoning and does not feel that the area is the best place and stated that she would like to see if there is a more suitable area that would not require spot zoning.

Swank stated that the line of sight is how towers work and that any location chosen will be visible and asked John Rowe to explain why this location was the prime location.

Rowe reviewed the selection of this location noting that other areas considered would need at least 100 foot or higher towers and were located closer to residences. In addition, the alternative sites would not provide the same coverage. Rowe listed a few of the locations he had considered.

Don Patnoe pointed out another location on the golf course that is not near any residences with minimal elevation difference that could be a possible alternative.

Fisher suggested that the two items be voted on separately.

Marchand thanked all those present for taking the time to come to the meeting and sharing their thoughts and concerns. Marchand said this was a wonderful example of how the Planning Commission process should work and that the input from the public is greatly appreciated.

Jane Patnoe commended staff on doing a great job of working with her and others who had interest in these applications. She said staff was courteous and informative even though this was a very touchy issue.

Bulman clarified that the rezone application (File #14RZ006) will go on to City Council at the July 21, 2014 meeting for approval or denial by City Council.

Rose moved, Bulman seconded and unanimously carried to recommend that the Rezoning from Park Forest District to General Agricultural District be denied. (6 to 0 to 4 with Bulman, Marchand, Pinkard, Popp, Rippentrop, Rose, voting yes and none voting no Braun, Brewer, Scull and Swank abstaining)

*10. No. 14UR016 - Valley Tract

A request by John M. Rowe, Buell Consulting, Inc., for Cellular Inc. Network, d/b/a Verizon Wireless to consider an application for a **Conditional Use Permit to allow a communication tower in the General Agricultural District** for , legally described as a portion of Valley Tract commencing at the southeast corner of Lot 5, Block 8, Country Club Heights Subdivision, Rapid City, Pennington County, South Dakota, located in the SW ¼ of Section 10, T1N, R7E, B.H.M. Rapid City, Pennington County, South Dakota more fully described as follows; a rebar with aluminum cap marked "LS 1019"; whence the southeast corner of Lot 2, Block 8 of the aforescribed County Club Heights Subdivision a ½" rebar bears N20°16'39"W 304.07': thence S40°51'02"E 1168.18' in Valley Tract as previously described to a rebar with plastic cap marked "RW FISK 6565"; the point of beginning, the northwest corner of a Proposed Land Space; thence N90°00'00"E 90.33' to a rebar with plastic cap marked "RW FISK 6565"; thence S33°19'01"E 79.91' to a rebar with plastic cap marked "RW FISK 6565"; thence S45°00'00"W 20.00' to a rebar with plastic cap marked "RW FISK 6565": thence N72°20'21"W 126.03' to a rebar with plastic cap marked "RW FISK6565": thence N0°00'00"E 42.68' to the point of beginning; said area contains 7,000 SF, more or less., more generally described as being located 3015 Tomahawk Drive.

Bulman moved, Swank seconded and unanimously denied the Conditional Use Permit to allow a communication tower in the General Agricultural District in conjunction with the associated Rezoning (File #14RZ006).

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.

11. Discussion Items

- A. Chapter 16.04.090 proposed amendment regarding annexation

Horton requested direction from Planning Commission to change the annexation due to platting the process from a Resolution to an Ordinance.

In response to a question from Brewer, Horton clarified the request.

Rose moved, Bulman seconded and unanimously carried to direct staff to move forward with an application to amend the annexation process. (10 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rose, Scull and Swank voting yes and none voting no)

12. Staff Items

None

13. Planning Commission Items

None

14. Committee Reports

- A. City Council Report (June 16, 2014)
The City Council concurred with the recommendations of the Planning Commission.
- B. Building Board of Appeals
- C. Zoning Board of Adjustment
- D. Capital Improvements Subcommittee
- E. Tax Increment Financing Committee

There being no further business, Braun moved, Popp seconded and unanimously carried to adjourn the meeting at 8:51 a.m. (10 to 0 with Braun, Brewer, Bulman, Marchand, Pinkard, Popp, Rippentrop, Rose, Scull and Swank voting yes and none voting no)