

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 4, 2016

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Mark Jobman, Linda Marchand, Kimberly Schmidt and Jan Swank. Amanda Scott, Council Liaison was also present.

MEMBERS ABSENT: Galen Hoogestraat, Kay Rippentrop, Steve Rolinger and Andrew Scull

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

Braun called the meeting to order at 7:01 a.m.

Braun 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 Marchand seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 6 in accordance with the staff recommendations. (7 to 0 with Braun, Brewer, Bulman, Jobman, Marchand, Schmidt and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the January 21, 2016 Planning Commission Meeting Minutes.

2. Correction of the May 22, 2014 Planning Commission Minutes.

*3 No. 15PD034 - Hamilton Subdivision

A request by Renner and Associates, LLC to consider an application for a **Final Planned Development Overlay to allow apartments** for Lot BR of Hamilton Subdivision, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection East Minnesota Street and Prairie View Drive.

Planning Commission recommended that the requested Final Planned Development be approved with the following stipulations:

1. **Prior to issuance of a building permit for the proposed apartment building, a Certificate of Occupancy shall be obtained for the existing, occupied apartment building located at 1250 East Minnesota Street;**
2. **Prior to issuance of a building permit, a floodplain development permit shall be obtained;**
3. **Prior to issuance of a Certificate of Occupancy, a Letter of Map Revisions (LOMR) must be obtained for those portions of the property located within the Federally Designated 100 Year Floodplain, and;**
4. **This Final Planned Development shall allow for the development of multifamily housing on the property. All requirements of the Office**

Commercial District shall be continually maintained unless specifically authorized as a stipulation of approval in a future Major Amendment to the Planned Development. All uses permitted in the Office Commercial District shall be permitted contingent upon provision of sufficient parking and an approved building permit. All conditional uses shall require a Major Amendment to the Planned Development.

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.

4. No. 16PL001 - Villas at Villaggio

A request by Sperlich Consulting, Inc for Villaggio LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 through 9 of Block 1 and Lots 1 through 5 of Block 2 of the Villas at Villaggio, legally described as the NE1/4 of the SW1/4 of the SE1/4 of Section 22 and Lot H4 of the NE1/4 of the SW1/4 of the SE1/4 of Section 22, all located in T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Catron Boulevard and Vineyard Lane.

Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:

1. **Upon submittal of a Development Engineering Plan application, construction plans for Catron Boulevard shall be submitted for review and approval showing the construction of curb, gutter, street light conduit, sidewalk and a second water main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application.**
2. **Upon submittal of a Development Engineering Plan application, construction plans for Vineyard Lane shall be submitted for review and approval showing street light conduit and no parking signs on one side of the street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
3. **Upon submittal of a Development Engineering Plan application, construction plans for Golden Eagle Drive shall be submitted for review and approval showing street light conduit, a minimum pavement width of 30 feet and no parking signs on one side of the street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
4. **Upon submittal of a Development Engineering Plan application, construction plans for Villaggio Court shall be submitted for review and approval showing the street located within a minimum 50 foot**

wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb shall be located within a minimum 104 foot diameter right-of-way with a minimum 84 foot diameter paved surface or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering application;

5. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, the water plan shall identify if the existing 6 inch water main loop across the property is intended to be abandoned and provide information to support the abandonment or if it is determined that the 6 inch loop shall remain, the developer shall provide the loop in some configuration from either the main in Catron Boulevard or Vineyard Lane and shall connect to the main in Villaggio Lane and Golden Eagle Drive;
6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual;
7. Upon submittal of a Development Engineering Plan application, the plat document shall clearly show all proposed easements and easements to be vacated. In addition, letters from all of the affected utility companies shall be submitted indicating concurrence with the vacation of a utility easement;
8. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed;
9. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Registered Professional Engineer;
10. Prior to approval of the Development Engineering Plan application, a

Development Agreement shall be entered into with the City for all public improvements, if applicable;

11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
12. Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Low Density Residential District to support the proposed residential development;
13. 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; and,
14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

5. No. 16PL003 - Auburn Hills Subdivision

A request by DOECK, LLC for Sperlich Consulting, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Outlot 1 of Auburn Hills Subdivision, legally described as a portion of SW1/4 of the NW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located lying north of Haines Avenue and Cobalt Drive intersection.

Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations:

1. Upon submittal of a Final Plat, a **Covenant Agreement** shall be submitted for recording that secures the use of the property as open space; and,
2. A Final Plat application shall be submitted for review and approval.

6. No. 16RZ001 - Wises Addition

A request by Renner Associates, LLC for Youth and Family Services Inc. to consider an application for a **Rezoning from Neighborhood Commercial District to Office Commercial District** for Lot 1R of Block 6, Lot 2R of Block 21 and Lot 1 of Block 21 of Wises Addition, all located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 720 N. Maple Avenue.

Planning Commission recommended that the Rezoning from Neighborhood Commercial District to Office Commercial District be approved.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*7. No. 15PD029 - Forest Hills Subdivision

A request by Kent R. Hagg to consider an application for a **Final Planned Development Overlay to allow an oversized garage in the Low Density Residential District** for Lot B of Forest Hills Subdivision, located in the NW1/4 of the SW1/4 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1224 Skyline Drive.

Lacock presented the applicant's request that this item be continued to the February 25, 2016 Planning Commission meeting.

Swank moved, Marchand seconded and unanimously carried to continue the Final Planned Development Overlay to allow an oversized garage in the Low Density Residential District to the February 25, 2016 Planning Commission meeting. (7 to 0 with Braun, Brewer, Bulman, Jobman, Marchand, Schmidt 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.

*8. No. 15PD046 - North Rapid Addition #2

A request by Sunny B Properties for Gene Fennell Design Inc. to consider an application for a **Final Planned Development Overlay to convert the Garfield School building into apartments** for Lot 5 of Block 76 of North Rapid Addition # 2, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 925 Dilger Avenue.

Lacock presented the application and reviewed the associated slides. Lacock noted that the Initial Planned Development had granted Exceptions reducing the minimum required rear yard setback from 26 feet to 14.5 feet and to reduce the required parking isle width from 25 feet to 24 feet. Lacock noted that the Final Planned Development includes Exceptions to allow parking to back into the alley right-of-way and an Exception to reduce the parking stall width from 10 feet to 9 feet noting that based the fact that they are retaining the 20 feet parking stall length and the other non-residential uses in the alley staff supports the Exception requests. Lacock stated that staff recommends that the application for a **Final Planned Development Overlay to convert the Garfield School building into apartments** be approved with stipulations.

Bulman moved, Swank seconded and unanimously carried to approve the Final Planned Development Overlay to covert the Garfield School building into apartments with the following stipulations

1. Acknowledge the previously granted Exception to reduce the minimum required rear yard setback from 25 feet to 14.5 feet;
2. Acknowledge the previously granted Exception to reduce the minimum required parking aisle width from 26 feet to 24 feet;
3. An Exception is hereby granted to allow the proposed five parking spaces on the west side of the property to back into the alley right-of-way;
4. An Exception is hereby granted to reduce the minimum required parking stall width for a parking space that backs into an alley from 10 feet to 9 feet;
5. Upon submittal of a Building Permit, a detailed grading plan and a detailed drainage plan shall be submitted for review and approval;
6. Upon submittal of a Building Permit, the plans shall be revised to show water and sewer service lines in compliance with the Infrastructure Design Criteria Manual;
7. Prior to issuance of a Building Permit for any exterior improvements affecting existing and proposed drainage; any drainage easements to be vacated shall be submitted and approved; and,
8. The Final Planned Development Overlay shall allow for a 12-unit apartment building. Permitted uses within the Medium Density Residential District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development. (7 to 0 with Braun, Brewer, Bulman, Jobman, Marchand, Schmidt 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.

*9. No. 15PD048 - North Rapid Addition #2

A request by Dream Design International Inc for Black Hills Habitat for Humanity to consider an application for a **Major Amendment to Planned Development Overlay to allow a townhome development in lieu of a tri-plex development** for , legally described as Lot 1, Lot 2, Lot 3 and Lot 4 of Block 76 of North Rapid Addition #2, located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Custer Street and North 7th Street intersection.

Braun handed the gavel to Bulman at this time stating that he would be abstaining due to a conflict of interest.

Lacock presented the application and reviewed the associated slides. Lacock noted that the application has been revised from a Planned Development Overlay to allow a townhome development in lieu of a tri-plex development to a Planned Development Overlay to allow 8 single family manufactured homes.

Lacock stated that the applicant is requesting Exceptions to reduce the required side yard setbacks that abut Custer Street from 20 feet to 10 feet and the required side yard setbacks that abut Van Buren Street from 20 feet to 13 feet and will retain at least eight feet from the interior property lines allowing 16 foot separation between the structures which is better for fire safety and overall residential neighborhood planning. Staff recommends that these Exceptions be approved as they do not create site triangle issues and maintains fire access. Lacock stated that an additional Exception request to reduce the minimum required side yard setback from 8 feet to 5 feet along the south lot line of proposed lot 4B is supported as there is still a separation from the existing structure of approximately 30 feet. Lacock stated that single-family homes will fit in better with the surrounding neighborhood. Lacock also noted that porches and decks which are shown as part of the dwellings help to support the character of the neighborhood and that staff recommends that the **Major Amendment to Planned Development Overlay to allow a townhome development in lieu of a tri-plex development** be approved with stipulations.

Marchand moved, Jobman seconded and unanimously carried to approve the Major Amendment to the Planned Development Overlay with the following stipulations:

- 1. An Exception is hereby granted to reduce the minimum required side yard setback that abuts Custer Street from 20 feet to 10 feet for proposed Lots 1A and 4B;**
- 2. An Exception is hereby granted to reduce the minimum required side yard setback that abuts Van Buren Street from 20 feet to 13 feet for proposed Lot 3B;**
- 3. An Exception is hereby granted to reduce the minimum required side yard setback from 8 feet to 5 feet along the south lot line of proposed Lot 4B;**
- 4. As shown on the applicant's submitted renderings, a front porch or deck shall be constructed onto the proposed single-family dwellings;**
- 5. Prior to issuance of a Certificate of Occupancy, all public infrastructure shall be constructed and formally accepted by the City;**
- 6. Prior to issuance of a Certificate of Occupancy, the properties shall be platted into eight individual lots; and,**
- 7. The Major Amendment to the Planned Development shall allow for eight single-family dwellings. Permitted uses within the Medium Density Residential District in compliance with the Parking Ordinance shall be allowed with a Building Permit. Any conditional use shall require the review and approval of a Major Amendment to the Planned Development. (6 to 0 to 1 with Brewer, Bulman, Jobman, Marchand, Schmidt and Swank voting yes and none voting no and Braun 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.

Braun took the gavel back at this time and acknowledged a speaker request form from Kent Hagg on Item # 7 stating that action had already been taken on that item. Kent Hagg stated that he supports the action and did not wish to speak to the item.

***10. No. 15PD049 - Wesleyan Christian Center Subdivision**

A request by Kennedy Design Group Inc for Robert Sundby to consider an application for a **Final Planned Development Overlay to allow an apartment complex** for Tract F of Wesleyan Christian Center Subdivision, located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2015 North Plaza Drive.

Lacock presented the application and reviewed the associated slides. Lacock stated that the zoning allows for apartments, but that since there are two primary structures on the property it is required to have a Planned Development. Lacock noted that North Plaza Drive is identified as a minor arterial street requiring 100 feet of right-of-way, which is not currently dedicated, but Public Works has indicated that they could reduce that to 80 feet, should North Plaza Drive need to be built out to arterial standards in the future. Lacock stated that towards this end staff worked with the applicant to ensure that the drainage and buildings would allow for this possibility. Lacock stated that the applicant is requesting an Exception to allow a height of 36.5 feet in lieu of the maximum allowed height of 35 feet noting that with the separation allotted by North Plaza Drive and the industrial in the area and the location of the actual buildings the impact will be mitigated and as such staff supports the Exception. Lacock noted that a letter of concern had been received by a neighboring property owner calling attention to the additional traffic this would create and the addition of residential to the area. Lacock stated that staff recommends that the **Final Planned Development Overlay to allow an apartment complex** be approval with stipulations.

Schmidt noted that she would have to abstain from this item due to a conflict of interest.

In response to a question from Scott regarding the possibility of the City having to build out the road, Lacock stated that staff did not require that the right-of-way be obtained but that staff has worked with the applicant to ensure that the development of this property would not create an impediment should the buildout of the road be required.

In response to a question from Bulman regarding the zoning, Lacock noted that the rezoning had been done prior to the current Future Land Use Plan, in addition Fisher stated that this residential development is allowed in the Office Commercial District and was previously allowed with the Commercial Land Use Designation under the previous land use designation.

Marchand moved, Swank seconded and unanimously carried to approve the Final Planned Development Overlay to allow an apartment complex with

the following stipulations:

1. An Exception is hereby granted to allow a height of three stories and 36.5 feet in lieu of the maximum allowed height of three stories or 35 feet;
2. Upon submittal of a Building Permit, a revised site plan shall be submitted showing that the south approach will be repaved, or an Exception shall be obtained to waive the paving requirement, or the plans can be revised to remove the approach location;
3. Upon submittal of a Building Permit, the site plan shall be revised to show a 6 foot wide sidewalk on the interior sidewalks to allow a 2 foot overhang for parking stalls with a length of 16 feet; and,
4. The Final Planned Development Overlay shall allow for an apartment complex consisting of two apartment buildings with 28 units and a detached 17 stall garage. Any permitted use in the underlying zoning districts in compliance with the parking regulations shall require a minimal amendment. Any change in use that is a Conditional Use in the underlying zoning districts shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. (6 to 0 to 1 with Braun, Brewer, Bulman, Jobman, Marchand and Swank voting yes and none voting no and Schmidt 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.

11. No. 15PL116 - Gateway Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 4A, 5, 6 and 7 of Block 1 and Lot A, B C and D of Block 2 of GatewayBusiness Park Subdivision, legally described as Lot 4R of Block 1 of the Gateway Business Park Subdivision; the NW1/4 of the SE1/4 north of I-90 Less Lot H13, Less Mall Drive Subdivision Less Gateway Business Park Subdivision and Less right-of-way; Lot E of the S1/2 of the SE1/4 Less Gateway Business Park Subdivision and Lot 1 of Block 4 of the I-90 Heartland Business Park, all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of East Mall Drive and Outfitter Road.

Braun handed the gavel to Bulman at this time stating that he would be abstaining from this item due to a conflict of interest.

Fisher presented the application noting that the item is on the Non-Consent Agenda to allow Braun to abstain.

Kent Hagg, of Hagg Brothers LLC, stated that he was available to answer any questions on the application noting that the intent is to ensure the development is done in a manner to be a benefit to the gateway corridor to the City.

Brewer moved, Marchand seconded and unanimously carried to recommend that the Preliminary Subdivision Plan be approved with the following stipulations:

- 1. Upon submittal of a Development Engineering Plan application, construction plans for E. Mall Drive shall be submitted for review and approval showing a dual water main along the principal arterial street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Outfitter Road shall be submitted for review and approval showing the street located within a minimum 70 foot wide right-of-way with an additional 10 feet of right-of-way the first 200 linear feet from the intersection with E. Mall Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for Discovery Circle shall be submitted for review and approval showing the street located within a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 4. Upon submittal of a Development Engineering Plan application, construction plans for the proposed access easement located between proposed Lot 4A and Lot 5 shall be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering application;**
- 5. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, easements shall be provided as needed;**
- 6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the**

sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. In addition, easements shall be provided as needed;

7. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed;
 8. Prior to submittal of the Development Engineering Plan application, the plat document shall be revised to show a maximum of two approaches along Block 2 as it abuts E. Mall Drive or the Traffic Impact Study shall be amended to address additional approach locations along the principal arterial street.
 9. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Registered Professional Engineer;
 10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
 11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 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; and,
 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). (6 to 0 to 1 with Brewer, Bulman, Jobman, Marchand, Schmidt and Swank voting yes and none voting no and Braun abstaining)
12. No. 15RZ023 - Section 23, T2N, R8E
A request by Renner and Associates, LLC to consider an application for a **Rezoning from General Agricultural District to Heavy Industrial District** for a portion of the W1/2 of the NW1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Elgin between East North Street and N. Elk Vale Rd.

Laroco presented the application noting that this item had been heard previously at the January 21, 2016 Planning Commission meeting and had been continued

to this Planning Commission meeting to allow the applicant to provide a conceptual plan for the property and reviewed the associated slides. Laroco reviewed the conceptual project plan that was submitted by the applicant, stating that staff had reviewed the conceptual project plan and noted that there was not enough information provided by the plan for staff to see that the potential impacts of Heavy Industrial would be mitigated in this area and that the request remains in conflict with the adopted Comprehensive Plan and as such staff cannot support the request and recommends that the application for **Rezoning from General Agricultural District to Heavy Industrial District** be denied.

Peter Hendrickson, 5827 Wildwood Drive, property owner of the property to the west of the subject property stated that he had met with the applicant and after addressing many of his concerns he is requesting that stipulation for screening on their common property boundary be included if approved.

Bill Huebner, 3830 Eglin Street, spoke to the fact that a number of persons who were originally against the request have revised their outlook. He noted that the development of the subject property will create its own shield due to the topography of the area, which he feels to be a positive for the gateway corridor. He noted that the potential to have a spur from the railroad is also a positive prospect.

In response to a question from Bulman whether the plan is for expanding or moving the scrap metal storage. Huebner stated that plans are to move the scrap and to consolidate other portions of his enterprise in the existing property but that he cannot guarantee the final actions.

Brewer stated that he would like to see this happen, but he has concerns regarding the environmental impact and the plans for the future use of both the property being rezoned and the existing site. Huebner stated that his operation has been reviewed by multiple bodies and have received high marks. He briefly spoke to how they plan to address these issues on the proposed site. In response to Brewer's question to the possibility of a Planned Development on the property, Huebner stated that they believe that the required Conditional Use to allow the use would address the same issues as a Planned Development.

In response to a question from Swank on what staff is requesting to support the request, Fisher stated that the proposed rezoning is not supported by the Comprehensive Plan and Future Land Use and as such staff is unable to support the request and stated that the use is currently grandfathered and is not a permitted use even on the current property.

In response to a question from Scott whether approving the rezoning to Heavy Industrial District would allow not only the proposed use, which is a Conditional Use, but any of the other uses that are permitted uses in Heavy Industrial Zoning, Fisher confirmed that if approved, any of the other permitted Heavy Industrial uses could be created without further review by the Planning Commission. However, if a Planned Development was placed on this property with or prior to the rezoning, it could include the requirement that any change of

use on this property would require an amendment to the Planned Development. Fisher reviewed conditional rezoning verses speculative rezoning.

Bulman stated that she would prefer that the rezoning be reduced to a portion of the property with the remainder being left as General Agricultural until such time as a Planned Development is submitted.

Braun stated that he believes the move of the use is a good idea, but that he has concerns with the lack of information regarding the plans for development and use of the rezoned property and believes without the additional information he cannot support the request.

Fisher reviewed the options to the Planning Commission for approval or denial.

Huebner stated that he has a time constraint and needs a yes or no today.

Bulman moved to continue the item to allow the applicant to revise the legal description to the area being rezoned and to bring forth a Planned Development Designation application, Marchand seconded.

Huebner stated that he would rather be denied and allowed to start again.

Bulman pulled her motion to continue and recommended to deny, Marchand seconded.

Bulman moved, Marchand seconded and unanimously carried to recommend that the request to rezone property from General Agriculture District to Heavy Industrial District be denied. (7 to 0 with Braun, Brewer, Bulman, Jobman, Marchand, Schmidt and Swank voting yes and none voting no)

13. Discussion Items

14. Staff Items

15. Planning Commission Items

Brewer requested that the Project Reports be reviewed to address the to find a way to make the maps and graphics more comprehensive. It was agreed the Project Reports layout is better, but the smaller graphics are making it harder to define information pertaining to the proposed properties. Staff discussed a couple of possibilities and will work to achieve a solution.

Swank also requested that the presentations be slowed down a bit.

16. Committee Reports

- A. City Council Report (January 19, 2016)
The City Council concurred with the recommendations of the Planning Commission.

DRAFT

- B. Building Board of Appeals
- C. Capital Improvements Subcommittee
- D. Tax Increment Financing Committee

There being no further business, Marchand moved, Swank seconded and unanimously carried to adjourn the meeting at 8:04 a.m. (7 to 0 with Braun, Brewer, Bulman, Jobman, Marchand, Schmidt and Swank voting yes and none voting no)