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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 25, 2007

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Barbara Collins, Julie Gregg, Thomas Hennies, Dennis Landguth, Mike LeMay, Sandra Runde and Karen Waltman. Deb Hadcock, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Karen Bulman, Travis Tegethoff, Jonathan Smith, Emily Fisher, Mary Bosworth, Todd Peckosh, Bill Knight, Kevin Lewis and Carol Campbell.

Brown called the meeting to order at 7:02 a.m.

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

Staff requested that Item 8 be removed from the Non-Hearing Consent Agenda for separate consideration.

Collins requested that Item 4 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Brewer, Seconded by Hennies and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 11 in accordance with the staff recommendations with the exception of Items 4 and 8. (10 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the January 4, 2007 Planning Commission Meeting Minutes.
2. No. 06AN006 - Section 30, T1N, R8E
A request by City of Rapid City for the State of South Dakota Department of Transportation to consider an application for a **Petition for Annexation** on Lots H1, H2 and H3 located in the N1/2 of the NE1/4; and the unplatted balance of the N1/2 of the NE1/4; and the NE1/4 of the NW1/4, all located in Section 30, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of South Dakota Highway 79 and south of Catron Boulevard.

Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the Rapid Valley Fire Protection District being paid by the City of Rapid City.
3. No. 06AN007 - F & N Subdivision

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A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on a tract of land located in the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota more particularly described as follows: Beginning at a the C-W1/16 corner of said Section 3; thence along the east/west 1/4 line of said Section 3 S89°57'22"W a distance of 662.08 feet; thence S89°56'40"W a distance of 208.22 feet; thence S00°12'49"E a distance of 662.59 feet; thence N89°58'04"E a distance of 413.48 feet; thence S00°00'00"E a distance of 31.60 feet; thence N89°52'05"E a distance of 689.38 feet; thence S00°01'33"E a distance of 631.94 feet; thence N89°46'49"E a distance of 159.74 feet; thence S89°56'58"E a distance of 240.23 feet; thence S89°55'17"E a distance of 62.97 feet; thence N89°59'12"E a distance of 252.11 feet; thence N00°14'43"W a distance of 186.68 feet; thence N00°16'15"W a distance of 115.1 feet; thence S89°45'52"W a distance of 92.79 feet; thence N05°55'11"W a distance of 47.62 feet; thence N22°54'31"W a distance of 54.50 feet; thence N40°36'51"W a distance of 920.50 feet; thence N19D10'56"W a distance of 55.10 feet; thence N71°12'38"E a distance of 14.49 feet; thence N00°03'34"W a distance of 170.35 feet; thence S89°57'22"W a distance of 226.32 feet To the point of beginning: said tract containing 28.29 acres more or less, more generally described as being located south of Homestead Street between Elk Vale Road and Degeest Drive.

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

5. No. 06PL169 - Section 7, T1S, R7E

A request by Boschee Engineering for Dr. Don Oliver to consider an application for a **Preliminary Plat** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Wilderness Canyon Road and 47th Avenue West.

Planning Commission recommended that the Preliminary Plat be continued to the February 8, 2007 Planning Commission meeting to allow the applicant to submit additional information.

6. No. 06PL171 - Elysian Heights Subdivision

A request by Fisk Land Surveying for Harley Taylor to consider an application for a **Preliminary Plat** on Lots 1 thru 8, Elysian Heights Subdivision and the dedicated Right-of-way, located in the N1/2 SW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the N½ SW¼ of Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N½ SW¼ of said Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page

75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00°00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3, of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00°03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32°53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11 of Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32°58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12 in Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90°00'00"W, a distance of 704.97 feet more or less; thence, North, a distance of 747.30 feet more or less; thence, N69°00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 02°26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25°13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63°33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 09°44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21°34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83°00'00"W, a distance of 363.67 feet more or less; thence, S04°41'43"E, a distance of 202.00 feet more or less; thence, S35°35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89°47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00°12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89°47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot One (1) of Block Five (5) of Westview Estates, N89°46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter

section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89°51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89°48'06"E, a distance of 130.02 feet more or less, to the point of beginning, more generally described as being located at the southern terminus of Carriage Hills Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
 2. **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,**
 3. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**
7. No. 06PL178 - Catron Crossing Subdivision
A request by Boschee Engineering for OTS, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 8 of Block 1, lots 1 thru 8 of Block 2, Lots 1 thru 17 of Block 3, and lots 1 thru 9 of Block 4, located in the SW1/4 SW1/4, W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SW1/4 W1/2 SE1/4 SW1/4, Section

22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Bendt Drive.

Planning Commission recommended that the Preliminary Plat be continued to the February 8, 2007 Planning Commission meeting to allow the applicant to submit the required information.

9. No. 06PL189 - Stoney Creek Subdivision

A request by Michael Hanson for John & Meredith Humke to consider an application for a **Preliminary Plat** on Lots 24A and 24B of Block 3 of Stoney Creek Subdivision, formerly Lot 24 of Block 3 of Stoney Creek Subdivision, located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 24 of Block 3 of Stoney Creek Subdivision, located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Nugget Gulch Drive and Harvard Avenue.

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

1. **Prior to Preliminary Plat approval by the City Council, a structural site plan and grading plan shall be submitted for review and approval. In particular, the structural site plan shall show all existing development on the subject property;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show non-access easements in compliance with the Street Design Criteria Manual. In particular, an 85 foot non-access easement shall be shown along Nugget Gulch Road, measured from the end of the curb radius, and the first 50 feet of Harvard Avenue, measured from the end of the curb radius, or an Exception to the Street Design Criteria Manual shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, the applicant shall identify the location of water and sewer service lines. If the sewer service is located off of Nugget Gulch Road, construction plans shall be submitted for review and approval identifying that the lot can be served from this location and identifying a manhole at the termination of the sewer line;**
4. **Prior to submittal of a Final Plat application, the plat title shall be revised to include the "Vacation of a Non-Access Easement".**
5. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
6. **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,**
7. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

10. No. 06PL191 - IGT Subdivision

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A request by D. C. Scott Co. Land Surveyors for G. E. Commercial Finance to consider an application for a **Preliminary Plat** on Lots 1 and 2 of IGT Subdivision, located in the W1/2 of the SW1/4, and the SW1/4 of the NW1/4, formerly Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west side of South Highway 16 and south of Fox Road.

Planning Commission recommended that the Preliminary Plat be continued to the February 8, 2007 Planning Commission meeting to allow the applicant to submit a Vacation of Section Line Highway Petition with all required signatures.

11. No. 07SR002 - Original Town of Rapid City

A request by Highmark Federal Credit Union to consider an application for an **SDCL 11-6-19 Review to allow the extension of a private utility in a public right-of-way** on the alley located within Block 105, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, Section BHM,, more generally described as being located at 519 and 520 Kansas City Street.

Planning Commission approved the SDCL 11-6-19 Review to allow the temporary extension of a private utility for two years in a public right-of-way.

---END OF NON HEARING ITEMS CONSENT CALENDAR---

4. No. 06CA036 - Fountain Springs Park Subdivision

A request by CETEC Engineering Services, Inc. for Franklin O. Simpson to consider an application for **A Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan to relocate a minor arterial street** on a parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27 monumented with an Iron rod; Thence N89°55'39"E 390.12 feet along the South line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence

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along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81 feet along the west line of said Tract B to the Point of Beginning, more generally described as being located south of Harmony Heights Lane.

Collins stated that she would be abstaining from discussion and vote due to a conflict of interest.

Elkins recommended that the Planning Commission deny the Summary of Adoption Action as the legal description for the original application request contained an error. Discussion followed.

Brewer moved, Hennies seconded and carried to recommend that the Planning Commission deny the Summary of Adoption Action on an Amendment to the Comprehensive Plan to revise the Major Street Plan to relocate a minor arterial street without prejudice. (9 to 0 to 1 with Anderson, Brewer, Brown, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no and Collins abstaining)

8. No. 06PL183 - Devine Subdivision

A request by Sperlich Consulting, Inc. for Jeffrey L. Devine to consider an application for a **Preliminary Plat** on a portion of Tract B of the SW1/4 SW1/4, less Lot H-1 of Tract B, located in the SW1/4 S1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 262 North Cambell Street.

Tegethoff presented the Preliminary Plat request. Tegethoff stated that staff's recommendation is that the Preliminary Plat request be approved with the elimination of stipulation number two from the recommended stipulations of approval.

Hennies moved, Waltman seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by City Council, construction plans showing the sewer main extended along Cambell Street to the north property line shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained waiving the requirement;**
- 2. Prior to Preliminary Plat approval by City Council, the approach shall be located and/or relocated as identified along Cambell Street and an Approach Permit shall be obtained;**
- 3. Prior to Preliminary Plat approval by City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
- 4. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (10 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Hennies, Landguth, LeMay, Runde and**

Waltman voting yes and none voting)

Brown announced that the Public Hearings on Items 12 through 22 were opened.

Planning Commissioners requested that Items 13, 17 and 22 be removed from the Hearing Consent Agenda for separate consideration.

LeMay moved, Brewer seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 12 through 22 in accordance with the staff recommendations with the exception of Items 13, 17 and 22. (10 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

The Public Hearings for Items 12 through 22 were closed.

---HEARING ITEMS CONSENT CALENDAR---

12. No. 05VR014 - Sletten Addition

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the north to east curve of West Nike Road.

Planning Commission recommended that the Vacation of Section Line Highway request be continued to the March 22, 2007 Planning Commission meeting.

14. No. 06RZ068 - Auburn Hills Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on a 33 foot wide strip of land adjacent to the easterly boundary of the NE1/4 of the SE1/4 of the NE1/4, all located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Country Road West.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be denied without prejudice.

15. No. 06RZ069 - Auburn Hills Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a 33 foot wide strip of land adjacent to the easterly boundary of the SE1/4 of the SE1/4 of the NE1/4; and a 33 foot wide strip of land adjacent to the easterly boundary of the NE1/4 of the SE1/4, all located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Country Road West.

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Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be denied without prejudice.

16. No. 06RZ070 - Auburn Hills Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on 33 foot wide strip of land adjacent to the easterly boundary of the N1/2 of the SE1/4 of the SE1/4, all located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Country Road West.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be denied without prejudice.

18. No. 06SV066 - Section 7, T1S, R7E

A request by Boschee Engineering for Dr. Don Oliver to consider an application for a **Variance to the Subdivision Regulations to waive the Requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement; and to allow 10 foot wide dirt road to serve as access to Lot 1 and to allow Wilderness Canyon Road to remain a 24 foot paved street with water as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Wilderness Canyon Road and 47th Avenue West.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the Requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement along Wilderness Canyon Road and an access easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the February 8, 2007 Planning Commission meeting to allow the applicant to submit additional information.

19. No. 06SV077 - Devine Subdivision

A request by Sperlich Consulting for Jeffrey L. Devine to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct sewer main along Campbell Street to the north property line as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Devine Subdivision and the balance of Tract B of the SW1/4 of the SW1/4, formerly a portion of Tract B of the SW1/4 of the SW1/4, less Lot H1 of Tract B, located in the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of the SW1/4 of the SW1/4, less Lot H1 of Tract B, located in the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of East Philadelphia Street and Cambell Street.

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Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to construct sewer main along Cambell Street to the north property line as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement.**

20. No. 06SV079 - IGT Subdivision

A request by D. C. Scott Co. Land Surveyors for G. E. Commercial Finance to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along the section line highway and Berglund Road; to waive the requirement to install street light conduit along Berglund Road and Fox Road; to allow platting half the Right-of-way, to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and water along the section line highway, and the U. S. Highway 16 Service Road as per Chapter 16.16 of the Rapid City Municipal Code** on Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Promise Road and U.S. Highway 16 South.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sewer along the section line highway and Berglund Road, to waive the requirement to install street light conduit along Berglund Road and Fox Road and to allow platting half a right-of-way, to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and water along the section line highway, and the U. S. Highway 16 Service Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the February 8, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.

21. No. 06VR011 - Section 20, T2N, R7E

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Vacation of Right-of-Way** on Feist Road right-of-way located in the NW1/4 of the NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Schaffer Road and Universal Drive.

Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulation:

1. **Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation.**

---END OF HEARING CONSENT CALENDAR---

13. No. 06CA028 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to amend the Major Street Plan to**

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change an arterial street to a collector street, to eliminate a collector street and to relocate a collector street on Parcel 1 thru 15 and detention ponds, Rushmore Crossing, Sections, 29, 30, 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as DESCRIPTION No. 1: Lot BR of Lot 2 of the SE1/4 SW1/4, Section 29 in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 2: Lot C of Lot 2 of the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 3: Tract C of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 11, Page 68; DESCRIPTION No. 4: that portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying South of Lot H3 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 109 and lying South of Lot H1 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 113 and lying South of Lot H2 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 292 and lying South of Lot H4 of said SW1/4 as shown on the plat filed in Highway Plat Book 10, Page 150 (Interstate 90 right-of-way) and lying North of the Railroad right-of-way; excepting therefrom Lot A of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 10, Page 122; AND excepting therefrom Tract C of said SW1/4, as shown on the plat filed in Plat Book 11, Page 68; and excepting therefrom Lot 1R, Lot BR of Lot 2 and Lot C of Lot 2 of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 15, Page 103; and excepting therefrom the W1/2 SW1/4 SW1/4 SW1/4 lying North of said Tract C; DESCRIPTION No. 5: that portion of the N1/2 SE1/4 lying South of Lots H1 and H2 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 3, Page 288 and lying South of Lot H3 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 148 (Interstate 90 right-of-way) and the N1/2 NE1/4 SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom Lot D of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 70; and excepting therefrom Lots E and M of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 71; and excepting therefrom Lots C and L of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 8, Page 132; and excepting therefrom Tract 1 of Flack - Hendricksen Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 16, Page 205; and excepting therefrom Lots 1 and 2 in Block 2 of Rapps Addition of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 23, Page 166; and excepting therefrom Lots 1 and 2 of Bedco Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 26, Page 61; and excepting therefrom any dedicated streets, avenues or alleys lying within said plats; and excepting therefrom the Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; and excepting therefrom that portion of the SE1/4 NW1/4 SE1/4 and that portion of the SW1/4 NE1/4 SE1/4 lying south of said Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; DESCRIPTION No. 6: Lot 1R, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 7: Lot 1 of the SW1/4 SE1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 8: Lot A of Lot 2, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 9: a portion of the unplatted portion of the SE1/4 NW1/4

SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 10: the unplatted portion of the SW1/4 NE1/4 SE1/4, Section 30, lying south of Lot H1, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 11: the unplatted portion of the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 12: the unplatted portion of the SE1/4 SE1/4 and excepting therefrom the N1/2 NE1/4, SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 13: the W1/2 SW1/4, SW1/4 SW1/4, Section 29, lying north of Tract C, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 14: the Farnwood Avenue Right-of-Way, located in the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of I-90 between North LaCrosse Street and East North Street.

Waltman stated that she would be abstaining from discussion and vote due to a conflict of interest.

Hennies moved, LeMay seconded and carried to recommend that the Amendment to the Comprehensive Plan to amend the Major Street Plan to change an arterial street to a collector, to eliminate a collector street and to relocate a collector street be continued to the February 8, 2007 Planning Commission meeting to allow the applicant to submit an updated Traffic Impact Study. (9 to 0 to 1 with Anderson, Brewer, Brown, Collins, Gregg, Hennies, Landguth, LeMay and Runde voting yes and none voting no and Waltman abstaining)

17. No. 06RZ071 - Section 30, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on Lots H1, H2 and H3 located in the N1/2 of the NE1/4; and the unplatted balance of the N1/2 of the NE1/4; and the NE1/4 of the NW1/4, all located in Section 30, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of South Dakota Highway 79 and south of Catron Boulevard.

In response to Brewer's questions, Elkins stated that the zoning identified within the body of the staff report is the Pennington County zoning designation.

Hennies moved, LeMay seconded and unanimously carried to recommend that the Rezoning from No Use District to General Agriculture District be approved. (10 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

22. No. 07CA001 - Fountain Springs Park Subdivision

A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Medium Density Residential with a Planned Residential Development** on a parcel of land in the NW¼ of the SW¼, Section 26 and the NE¼ of the SE¼, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows; Beginning at the

Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE¼ SE¼ of said Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE¼ SE¼ of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW¼ SW¼ of said Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81' along the West line of said Tract B to the Point of Beginning, more generally described as being located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive.

Collins stated that she would be abstaining from discussion and vote due to a conflict of interest.

Runde moved, Waltman seconded and carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Medium Density Residential with a Planned Residential Development be approved. (9 to 0 to 1 with Anderson, Brewer, Brown, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no and Collins abstaining)

---BEGINNING OF REGULAR AGENDA ITEMS---

***23. No. 06PD101 - Signal Heights Addition**

A request by Development for the Disabled, Inc. for Cornerstone Rescue Mission to consider an application for a **Planned Residential Development - Final Development Plan** on Tract 6 of Signal Heights Subdivision, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Tract 6 of Signal Heights Subdivision, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing from the Point of Beginning, the northeast corner of Tract 6 of Signal Heights Addition a #1771 cap; thence S47°03'00"E a distance of 103.35 feet to a point, thence S56°47'00"E a distance of 95 feet to the northeast corner of Tract 3 revised of Signal Heights Addition, thence S45°49'00"W a distance of 241.90 feet to a point, thence S32°46'00"W a distance of 418.60 feet to a point, thence S51°00'05"W a distance of 99.18 feet to the southeast corner of Tract 6, thence N72°24'14"W a distance of 98.83 feet to a point, thence N72°25'09"W a distance of 74.99 feet to a point, thence N72°24'42"W a distance of 175.53 feet to the southwest corner of Tract 6, thence N69°12'00"E a distance of 124.78 feet to the point of curvature of a left-hand curve with a delta angle of 97°06'00", a radius of 252.70 feet and a length of 428.25 feet, thence N27°54'00"W a distance of 134.01 feet to the point of curvature of a left-hand curve with a delta angle of 08°27'57", a radius of 817.35 feet, and a length of 120.77 feet to the northwest corner of a common access

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easement serving Tract 6 and the unplatted portion north of Tract 6, thence N89°56'47"E a distance of 89.24 feet to the northeast corner of aforementioned common access easement, thence S00°03'13"E a distance of 20.00 feet to a point on the property line between Tract 6 and the unplatted portion to the north, thence N89°56'47"E a distance of 442.38 feet to the point of beginning. Said parcel containing 6.2605 acres more or less, more generally described as being located southeast of the intersection of Quincy Street and Signal Drive.

Fisher presented the Final Planned Residential Development request. Fisher stated that staff's recommendation is to approve the Planned Residential Development request with stipulations.

In response to Anderson's question, Fisher stated that the sewer line indicated on the subject property is in place and would be encased.

Brewer stated that he would abstain from the vote due to a conflict of interest.

Brewer expressed his support for the Planned Residential Development request.

In response to Brewer's questions, Peckosh stated that the drainage from the subject property flows to the north and, as such, does not impact properties south and west of the subject property.

Hennies moved, Anderson seconded and carried to approve the Planned Residential Development - Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval, a red lined drawing shall be submitted for review and approval identifying a fire apparatus turnaround. The fire apparatus turnaround shall be paved and signed "No Parking". The red line drawing shall also demonstrate that a minimum of 38 parking spaces are being provided. In addition, prior to issuance of a building permit, a stamped site plan shall be submitted for review and approval showing the turnaround and parking as well as addressing any red line comments. As part of the site plan submittal, revised geotechnical information, drainage information and grading information shall be submitted for review and approval for the relocated parking spaces;**
- 2. Prior to issuance of a building permit, grading permit, or any movement of dirt, whichever occurs first, the time of concentration calculations and run-off coefficient calculations shall be submitted for review and approval. Prior to issuance of a building permit, a grading permit or any movement of dirt, whichever occurs first, a monitoring plan shall be submitted for review and approval demonstrating geotechnical observations are being provided during construction including a copy of an executed agreement;**
- 3. Prior to issuance of a building permit or the start of construction, whichever occurs first, a drainage easement shall be recorded for the proposed drainage pipe extending onto the adjacent property;**
- 4. Prior to issuance of a building permit or the start of construction,**

- whichever occurs first, a 20 foot wide “Permanent Water Easement for the City of Rapid City” shall be recorded from Estes Park Court across the adjacent property and the subject property;
5. Prior to issuance of a building permit, or the start of construction, whichever occurs first, the sewer plans shall be revised to show new material being utilized or an Exception shall be obtained to allow removing and resetting material(s);
 6. Prior to issuance of a building permit, the applicant shall enter into a hold harmless covenant agreement with the City for the sewer main to be located under the proposed building;
 7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 8. Prior to issuance of a building permit, 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 Development Service Center Division;
 9. The structure shall conform architecturally to the plans and elevations and color palette submitted as part of this Initial Planned Residential Development;
 10. A minimum of 136,060 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 11. 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;
 12. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;
 13. All signage shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development;
 14. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrants shall be provided as needed and all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
 15. A minimum of 38 parking spaces shall be provided. In addition, two of the spaces shall be handicap accessible with one of the handicap spaces being “Van” accessible;
 16. All retaining walls four feet in height and higher shall be designed and plans sealed and signed by a Professional Engineer;
 17. An Air Quality Permit shall be obtained prior to any surface disturbance of one or more acres;
 18. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of the Final Residential Development Plan application or a subsequent Major

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- Amendment; and,
19. The Planned Residential Development shall allow for the construction of a group home with 24 apartments and associated offices on the property. In particular, the office area may only be used for counseling and educational services for the residents of the group home; and,
 20. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years. In addition, any change and/or expansion in use will require that a Major Amendment to the Planned Residential Development be obtained. (9 to 0 to 1 with Anderson, Brown, Collins, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no and Brewer 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 Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

24. No. 06PL192 - F & N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Tract A of F & N Subdivision, formerly the unplatted portion of the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Homestead Street between Elk Vale Road and Degeest Drive.

Fisher presented the Preliminary Plat request. Fisher stated that staff's recommendation is to approve the Preliminary Plat with stipulations.

Runde moved, Anderson seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the Planning Commission, access to the proposed unplatted balance shall be identified. If the access street is located on the proposed lot, then construction plans for the street shall be submitted for review and approval demonstrating that the street is being constructed in compliance with City Street Design Standards. In particular, the construction plans shall show the street located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide right-of-way, curb, gutter, sidewalk, street light conduit, water, sewer and pavement or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, the master plan shall be revised to show Big Sky Drive extended to Neel Street;
3. Prior to Preliminary Plat approval by the City Council, the property

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- shall be annexed into the City limits of Rapid City;
4. Prior to submittal of a Final Plat application, the plat title on the signature sheet of the mylar shall be revised to read "F & N Subdivision" in lieu of "Fenster/Neff Subdivision";
 5. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing 12 inch water main located along the north lot line and the existing sewer main located through the property within a public utility easement;
 6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 7. 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,
 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (10 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

25. No. 06SR088 - Marshall Heights Subdivision No. 2

A request by Centerline, Inc. for R.C. Implement Company to consider an application for an **SDCL 11-6-19 Review to extend a private sewer in a public right-of-way** on Tract F of Marshall Heights Subdivision No. 2 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 751 East Disk Drive.

Tegethoff presented the SDCL 11-6-19 request. Tegethoff stated that the staff's recommendation is that the SDCL 11-6-19 request be continued to the February 8, 2007 Planning Commission meeting.

LeMay moved, Waltman seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the extension of a private sewer main to the February 8, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

26. No. 06SR089 - Rapid Valley Subdivision

A request by Sperlich Consulting, Inc. for Jamie Gerlach to consider an application for an **SDCL 11-6-19 Review to allow the extension of public utilities** on Lots 1 thru 12 of Block 5 of Rapid Valley Subdivision located in the N1/2 of the NE1/4 of Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sedivy Land and East St. Francis Street.

Tegethoff presented the SDCL 11-6-19 request. Tegethoff stated that staff's recommendation is that the SDCL 11-6-19 request be continued to the February 8, 2007 Planning Commission meeting.

Brewer moved, Collins seconded and unanimously carried to continue the

SDCL 11-6-19 Review to allow the extension of public utilities to the February 8, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

*27. No. 06UR024 - Kormylo Subdivision

A request by Fisk Land Surveying and Consulting Engineers, Inc. for Rebecca and Robert Goosen to consider an application for a **Conditional Use Permit to allow the slaughter of animals and a meat processing and retail facility** on Lot A of Tract 2 of Kormylo Subdivision, located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of South Dakota Highway 79 and Minnesota Street.

Tegethoff presented the Conditional Use Permit request. Tegethoff stated that staff's recommendation is that the Conditional Use Permit request be denied.

In response to Brewer's question, Tegethoff identified the location of the drainage area on the subject property. Discussion followed.

Shirley Stover, Sentinel Federal Credit Union, requested that the proposed development of a slaughterhouse on the subject property be denied. Stover expressed concerns with flies, odors and disposal of waste from the proposed use on the subject property. Stover further stated concerns with the possible negative impact from a change in ownership of the proposed business. Stover expressed concerns with similar business allowed in the neighborhood.

Frank Brost, adjacent property owner expressed concerns with flies and odors and disposition of waste from the proposed use of the subject property. Brost requested that the Conditional Use Permit request be denied. Brost expressed his opinion that the proposed use on the subject property is not a positive and would adversely affect surrounding property owners.

Larry Nelson expressed opposition to the proposed use on the subject property. Nelson requested that the Planning Commission deny the Conditional Use request.

Janelle Fink, Fisk Land Surveying, reviewed the proposed use on the subject property, the proposed procedures for animal processing, the modifications made to the site plan, and the existing zoning and permitted uses allowed in Heavy Industrial Zoning District. Fink presented photos of the surrounding properties and their uses.

Hennies expressed his opposition to the proposed Conditional Use Permit request.

Hennies moved, and seconded by Collins to deny the Conditional Use Permit to allow the slaughter of animals and a meat processing and retail facility.

Discussion followed.

Waltman expressed her opposition to the Conditional Use Permit request.

In response to Brewer's question, Fink stated that the applicant is required by the Conditional Use Permit to meet requirements to continue operating the proposed business on the subject property. Discussion followed.

Fink requested that the Planning Commission consider the applicant's request on the merits rather than comparison to other similar businesses.

Runde expressed her support for the Conditional Use Permit request. Discussion followed.

In response to LeMay's question, Fink stated that the cost effectiveness of the proposed business would rely on live animal being brought to the facility. Discussion continued.

Robert Goosen, applicant, reviewed required procedures to mitigate any negative impact to surrounding property owners. Discussion followed.

In response to Anderson's questions, Elkins stated that stipulations could be placed on the Conditional Use Permit to require a Major Amendment if there is an increase in the number of animals processed.

Brewer expressed his support for the Conditional Use Permit request on the subject property.

Substitute motion by Brewer, and seconded by LeMay to approve the Conditional Use Permit to allow the slaughter of animals and a meat processing and retail facility.

Elkins cautioned the Planning Commission on approving a Conditional Use Permit request with an annual review. Discussion followed.

Substitute motion by Brewer, and seconded by LeMay to approve the Conditional Use Permit to allow the slaughter of animals and a meat processing and retail facility with the following stipulations:

- 1. That livestock will not be kept on-site for more than 24 hours;**
- 2. That no semi-trailers will be use for livestock delivery;**
- 3. That livestock will be sprayed for pest control (flies) prior to transportation to our facility, and again when they reach the facility.**
- 4. That there will be no on-site rendering; and**
- 5. That refuse will be taken to the landfill at the end of each business day, and there will be no storage of waste products outside of the building.**

Hennies expressed his concerns to the negative impact for the investments of

adjacent property owners.

Second substitute motion by Collins to continue the Conditional Use Permit request to the February 8, 2007 Planning Commission meeting. The motion died for the lack of a second.

Hadcock expressed her support of the Conditional Use Permit request.

In response to Hadcock's question, Lewis reviewed the legal parameters for the review of Conditional Use Permit requests. Lengthy discussion followed.

In response to Anderson's question, Elkins stated that Conditional Use Permit is issued to the property, not the operator of the business.

Stover expressed her concerns with the negative impact of possible increases in the use on the subject property.

Substitute motion by Brewer and seconded by LeMay to approve the Conditional Use Permit to allow the slaughter of animals and a meat processing and retail facility with the following stipulations:

1. That livestock will not be kept on-site for more than 24 hours;
2. That no semi-trailers will be use for livestock delivery;
3. That livestock will be sprayed for pest control (flies) prior to transportation to our facility, and again when they reach the facility.
4. That there will be no on-site rendering; and
5. That refuse will be taken to the landfill at the end of each business day, and there will be no storage of waste products outside of the building. Motion failed (4 to 6 Anderson, Collins, LeMay and Runde voting yes and Brewer, Brown, Gregg, Hennies, Landguth and Waltman voting no)

Motion by Hennies and Second by Collins to deny the Conditional Use Permit to allow the slaughter of animals and a meat processing and retail facility. The motion carried. (7 to 3 with Anderson, Brown, Collins, Gregg, Hennies, Landguth and Waltman voting yes and Brewer, LeMay and Runde voting no)

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

28. Discussion Items

- A. Update on Parks and Recreation Master Planning process – Jerry Cole.

Elkins stated that Jerry Cole has provided information relative to the development of a Parks and Recreation Master Plan for discussion.

Discussion followed.

B. Planning Commission Training.

Brown requested feedback from the Planning Commission members relative to possible topics for training sessions.

Brown requested that information be provided in a training session regarding responsibilities of the Planning Commission liaison at the City Council.

Discussion followed on including Tax Increment Financing and Zoning as possible training topics.

Elkins stated that staff would recommend dates and times for training and contact Planning Commission members for possible meeting dates.

29. Staff Items

30. Planning Commission Items

31. Committee Reports

- A. City Council Report (January 2, 2007)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Hennies moved, Brewer seconded and unanimously carried to adjourn the meeting at 8:33 a.m. (10 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)