

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 7, 2008

MEMBERS PRESENT: John Brewer, Gary Brown, Mike Derby, Julie Gregg, Thomas Hennies, Linda Marchand, Andrew Scull and Karen Waltman. Ron Weifenbach, Council Liaison was also present

STAFF PRESENT: Bob Dominicak, Monica Heller, Vicki Fisher, Karen Bulman, Travis Tegethoff, Jared Ball, Mary Bosworth, Ted Johnson, Karley Halsted, Bill Knight, Mike Schad and Carol Campbell.

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

Derby announced the Special Planning Commission meeting on August 13, 2008 at 5:30 p.m.

Waltman moved, seconded by Brewer to add Item 49A to the Planning Commission Agenda. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

Derby welcomed Ron Weifenbach as the new City Council liaison to the Planning Commission.

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

Staff requested that Items 6, 11 and 12 be removed from the Consent Agenda for separate consideration.

Scull requested that Items 16 and 17 be removed from the Consent Agenda for separate consideration.

Motion by Brown, Seconded by Brewer and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 34 in accordance with the staff recommendations with the exception of Items 6, 11, 12, 16 and 17. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the July 24, 2008 Planning Commission Meeting Minutes.
2. No. 08AN010 - Section 35, T1N, R7E
A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on the unplatted portion of the N1/2 N1/2 N1/2 N1/2 N1/2 W1/2 SW1/4, Section 35, T1N, R7E, BHM, Pennington County, South

DRAFT

Dakota, more generally described as being located south of Sammis Trail and east of U.S. Highway 16.

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

3. No. 08CA025 - W-Y Addition

A request by G/GSA, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Industrial to General Commercial** on Lot 3 of Tract D of W-Y Addition, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4507 South Interstate 90 Service Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Industrial to General Commercial be approved.

4. No. 08RZ026 - W-Y Addition

A request by G/GSA, Inc. to consider an application for a **Rezoning from No Use District to General Commercial District** on Lot 3 of Tract D of W-Y Addition, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4507 South Interstate 90 Service Road.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment.

*5. No. 08PD022 - Vista Lake Subdivision No.2

A request by Faulk & Foster for WWC License LLC, d/b/a Alltel to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 1 of Vista Lake Subdivision No. 2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4616 Jackson Boulevard.

Planning Commission continued the Major Amendment to a Planned Residential Development to the August 21, 2008 Planning Commission meeting.

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.

*7. No. 08PD038 - Marlin Industrial Park

A request by Henricksen, Inc. for Dennis and Darcy Torres to consider an

DRAFT

application for a **Planned Industrial Development - Initial and Final Development Plan** on Lot 8 of Marlin Industrial Park, located in the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2011 Marlin Drive.

Planning Commission continued the Planned Industrial Development - Initial and Final Development Plan to the August 21, 2008 Planning Commission meeting.

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.

8. No. 08PL036 - Auburn Hills Subdivision

A request by Joe Muth for Doeck, L.L.C. to consider an application for a **Layout Plat** for proposed Lot 1 of Block 10 of Auburn Hills Subdivision, legally described as a portion of the unplatted balance, located in the NE1/4 NE1/4, less the east 33 feet, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Bunker Drive.

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

1. **Upon submittal of a Preliminary Plat application, a drainage and grading plan must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary;**
2. **Upon submittal of the Preliminary Plat, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;**
3. **Upon submittal of the Preliminary Plat, water system plans prepared by a Registered Professional engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
4. **Upon submittal of the Preliminary Plat, construction plans for the water main along the east lot line shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
5. **Upon submittal of the Preliminary Plat, construction plans for a cul-de-sac at the terminus of Bunker Drive shall be submitted for review and approval providing frontage on a public street of not less than 25 feet, or provide a revised plat document incorporating this property with the currently platted lot to the south, or a Variance from the Rapid City Zoning Board of Adjustment must be obtained;**

DRAFT

6. Prior to Preliminary Plat approval by City Council, the property shall be rezoned or the lot shall be reconfigured to meet the minimum lot size requirements of the General Agricultural District or a Lot Size Variance from the Rapid City Zoning Board of Adjustment must be obtained;
7. Prior to Preliminary Plat approval by City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
8. Prior to Preliminary Plat approval by City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees be paid as required; and,
10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

9. No. 08PL061 - Race Track Subdivision

A request by Kadrmas, Lee and Jackson for Speedway Enterprises, LLC to consider an application for a **Layout Plat** for proposed Lots 1 and 2 of Race Track Subdivision, legally described as the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.

Planning Commission continued the Layout Plat to the August 21, 2008 Planning Commission meeting.

10. No. 08SV028 - Race Track Subdivision

A request by Kadrmas, Lee and Jackson for Speedway Enterprises, LLC 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 and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Race Track Subdivision, legally described as the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code to the August 21, 2008 Planning Commission meeting.

13. No. 08PL102 - Mahoney Addition

A request by Black Hills Area Habitat for Humanity to consider an application for a **Preliminary Plat** for proposed Blocks 73A, 73B and 73C of Mahoney Addition,

DRAFT

legally described as Block 73 of Mahoney Addition, all located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1323 Midway Street.

Planning Commission continued the Preliminary Plat to the August 21, 2008 Planning Commission meeting.

14. No. 08PL105 - Atlantis Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Paul Bradsky of Atlantis, LLC to consider an application for a **Preliminary Plat** for proposed Lot 1 revised of Atlantis Subdivision, legally described as Lot 1 of Atlantis Subdivision and Tract E (less Lot 1) of W-Y Addition, located in the W1/2 SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1314 North Elk Vale Road.

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

1. Prior to Preliminary Plat approval by the City Council, road construction plans for Elk Vale Road shall be submitted for review and approval. In particular, Elk Vale Road shall be constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for the I-90 frontage road shall be submitted for review and approval. In particular, the I-90 frontage road shall be constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the adjacent access easement. In addition, road construction plans for the access easement shall be submitted for review and approval. In particular, road construction plans shall show the access easement with a minimum 59 foot width and constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
5. Prior to submittal of a Final Plat application, the plat title shall be revised to add "formerly...balance of Tract E, Less Lot 1 of W-Y Additions...";
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;
7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
8. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date

DRAFT

of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

15. No. 08SV037 - Atlantis Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Paul Bradsky of Atlantis, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Elk Vale Road and I-90 frontage road, to reduce the width of the access easement from 59 feet to 26 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1 revised of Atlantis Subdivision, legally described as Lot 1 of Atlantis Subdivision and Tract E (less Lot 1) of W-Y Addition, located in the W1/2 SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1314 North Elk Vale Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit along Interstate 90 frontage road be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and, That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit along Elk Vale Road be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Elk Vale Road be denied; and, That the Variance to the Subdivision Regulations to reduce the width of the access easement from 59 feet to 26 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement be approved.

18. No. 08PL107 - Trailwood Village Subdivision

A request by Sperlich Consulting, Inc. for Gordon Howie to consider an application for a **Preliminary Plat** for proposed Lots 33 thru 40 of Block 18, Lot 6 of Block 26 and Lots 5 thru 8 of Block 27 of Trailwood Village Subdivision, legally described as a portion of Tract T of Trailwood Village Subdivision, located in the NW1/4 of the SE1/4 and the SW1/4 of the NE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the northern terminus of Savannah Street.

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

1. Prior to Preliminary Plat approval by the City Council, all necessary

DRAFT

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 Growth Management Department;

2. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;
 3. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing a sewer main along Landon Street or a Variance to the Subdivision Regulations shall be obtained;
 4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a 20 foot wide access easement along the common lot line of Lots 37 and 38 to provide access to the Hawthorne Irrigation Ditch. In addition, construction plans shall be submitted for review and approval showing the access easement constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, water, sewer or a Variance to the Subdivision Regulations shall be obtained;
 5. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a minimum 96 foot diameter graveled temporary turnaround at the end of Savannah Street and Landon Drive in lieu of a 90 foot diameter graveled turnaround or a Variance to the Subdivision Regulations shall be obtained;
 6. Prior to Preliminary Plat approval by the City Council, miscellaneous documents shall be recorded at the Register of Deed's Office creating utility easements at the end of Savannah Street and Landon Drive as needed;
 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 8. 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;
 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 10. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.
19. No. 08SR064 - Trailwood Village Subdivision
A request by Quinn Kayser-Cochran for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow a telecommunication tower** on Lot BR of Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3003 Covington

DRAFT

Street.

Planning Commission continued the SDCL 11-6-19 Review to allow a telecommunication tower to the August 21, 2008 Planning Commission meeting.

20. No. 08RZ027 - South Hill Subdivision

A request by Kent and Karin Hagg to consider an application for a **Rezoning from Low Density Residential District to General Agriculture District** on of Open Space and Open Space with Major Drainage and Utility Easement, Block 3, South Hill Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Catron Boulevard and north, west and south of Wellington Drive.

Planning Commission continued the Rezoning from Low Density Residential District to General Agriculture District to the August 21, 2008 Planning Commission meeting.

21. No. 08SR017 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 27 of Rapid City Greenway Tract, Section 31, T2N, R8E, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 300 E. Omaha Street.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a sign on public property to the September 4, 2008 Planning Commission meeting.

22. No. 08SR018 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 8 of Rapid City Greenway Tract, Sections 3, 4 and 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3040 Jackson Boulevard.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a sign on public property to the September 4, 2008 Planning Commission meeting.

23. No. 08SR020 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow construction of a sign on public property** on Tract 1 thru 3 and Lot A-B of Tract 3, Section 9, T1N, R7E, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a sign on public property to the September 4, 2008

DRAFT

Planning Commission meeting.

24. No. 08SR042 - Schnasse Addition

A request by Faulk & Foster for WWC License LLC, d/b/a Alltel to consider an application for a **SDCL 11-6-19 Review to allow the construction of a cellular tower** on Lots 1 thru 5 and Lots 19 and 20 in Block 15 of Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 115 East North Street.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a cellular tower to the August 21, 2008 Planning Commission meeting.

25. No. 08SR044 - Sections 15 and 22, T1N, R8E

A request by CETEC Engineering Services, Inc. for OS Development, Inc. to consider an application for a **SDCL 11-6-19 Review to construct a water main** on the E1/2 SE1/4, Section 15 and the NE1/4 NE1/4, Section 22, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to Reservoir Road and south of the intersection of Reservoir Road and East Highway 44 approximately 2.1 miles.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a water main to the August 21, 2008 Planning Commission meeting.

26. No. 08SR049 - Robbinsdale Addition No. 10

A request by Dave Mueller for Rapid City Girls Junior Olympic ASA to consider an application for a **SDCL 11-6-19 Review to allow the installation of a sign on public property** on Lot 2 of Block 26 of Robbinsdale Addition No. 10, located in the E1/2, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4415 Parkview Drive.

Planning Commission continued the SDCL 11-6-19 Review to allow a sign on public property to the September 25, 2008 Planning Commission meeting.

27. No. 08SR058 - Original Town of Rapid City

A request by Raymond D. Summers for Museum Alliance of Rapid City, d/b/a The Journey Museum to consider an application for a **SDCL 11-6-19 Review to locate a historic structure on public property** on Lots 17 and 18 of the Original Town of Rapid City, Block 18, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 230 Philadelphia Street.

Planning Commission approved the SDCL 11-6-19 Review to locate a historic structure on public property.

28. No. 08SR062 - Section 10, T1N, R7E

A request by Rapid City Area School District No. 51/4 to consider an application

DRAFT

for a **SDCL 11-6-19 Review to allow the construction of a storage shed on public property** on Lot A of the SW1/4 NW1/4 and the south ten feet of the vacated West Flormann Street, Section 10, unplatted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3125 West Flormann Street.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a storage shed on public property to the August 21, 2008 Planning Commission meeting.

29. No. 08SR063 - McMahon Industrial Park No. 2

A request by Quinn Kayser-Cochran for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow a telecommunication tower** on Lot 2 of Block 9 of McMahon Industrial Park No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3060 Haines Avenue.

Planning Commission continued the SDCL 11-6-19 Review to allow a telecommunication tower to the August 21, 2008 Planning Commission meeting.

30. No. 08SR065 - North Haines Subdivision

A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation d/b/a Verizon Wireless to consider an application for a **SDCL 11-6-19 Review to allow the construction of a telecommunication tower** on Lot 1 of North Haines Subdivision, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 1290 Country Road.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a telecommunication tower to the September 25, 2008 Planning Commission meeting at the applicant's request.

31. No. 08SR068 - Bighorn Sheep Preserve

A request by Cody Schad to consider an application for a **SDCL 11-6-19 Review to allow the construction of an access road across a section line highway** on Lot 2 of Bighorn Sheep Preserve, Section 7, T1S, R7E, BHM and Government Lot 6 of Section 6, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northern terminus of Strato Bowl Road.

Planning Commission denied the SDCL 11-6-19 Review to allow the construction of an access road across a section line highway.

*32. No. 08UR010 - Northside Addition

A request by Jenni Packman to consider an application for a **Conditional Use Permit to allow a child care center** on Lots 8 thru 21 of Block 8 of Northside Addition, Section 8, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 706 E. Monroe Street.

DRAFT

Planning Commission continued the Conditional Use Permit to allow a child care center to the August 21, 2008 Planning Commission meeting.

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.

*33. No. 08UR011 - Section 4, T1N, R7E

A request by Monica Sorensen Haeder to consider an application for a **Major Amendment to a Conditional Use Permit to allow a child care center** on Lot 1R of Lot 1 and a portion of the vacated West South Street, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 Soo San Drive.

Planning Commission continued the Major Amendment to a Conditional Use Permit to allow a child care center to the August 21, 2008 Planning Commission meeting.

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.

34. No. 08VE020 - Autumn Hills Plaza Subdivision

A request by Les Larson for Security First Bank to consider an application for a **Vacation of Access Easement** on Lot 3 of Autumn Hills Plaza Subdivision, located in the NW1/4 and the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5430 Sheridan Lake Road.

Planning Commission recommended that the Vacation of Access Easement be approved with the following stipulation:

- 1. Prior to Public Works Committee approval, the revised access easement shall be recorded at the Register of Deed's Office.**

---END OF CONSENT CALENDAR---

*6. No. 08PD037 - Tuscany Square Subdivision

A request by BKU Group for Bank West, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Tract 2 of Tuscany Square Subdivision, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 311 Omaha Street.

Fisher reviewed the proposed revised elevations to the structure on the subject property. Fisher presented the staff's recommendation to approve the Major

DRAFT

Amendment request with stipulations. Discussion followed.

Jack Lynass, Regional President of Bank West, Inc. requested that the Planning Commission approve the proposed elevations to the structure which allowed a terracotta metal pitched roof.

Brewer moved, Waltman seconded to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a building permit, a grading plan and a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall include drainage calculations accounting for site alterations and changes to drainage flow patterns as a result of the proposed construction;**
- 3. Prior to issuance of a building permit, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to the start of any construction;**
- 4. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the street rights-of-way;**
- 5. The proposed structure shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Commercial Development;**
- 6. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
- 7. A minimum of 25,850 landscaping points shall be provided. In addition, the landscaping shall be designed to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 8. A minimum of 26 parking spaces shall be provided with a minimum of one van accessible handicap parking space. In addition, a minimum of three stacking spaces shall be provided at each teller window and the ATM machine for a total of 12 stacking spaces. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 9. The trash receptacle shall be located in compliance with the proposed plan and screened along all four sides;**

DRAFT

10. The currently adopted 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 addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
11. The lighting shall be designed to be reflected within the property boundaries so as not to 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 structure on Tract 2 shall be used as a bank with drive through teller windows and an ATM machine or a Major Amendment to the Commercial Development Plan shall be obtained;
13. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Major Amendment to a Planned Commercial Development or a subsequent Major Amendment; and,
14. The Planned Commercial 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 a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

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

Fisher requested that items 11 and 12 be taken concurrently.

11. No. 08PL088 - Skyline Pines East Subdivision
A request by FourFront Design, Inc. for Skyline Pines East, LLP to consider an application for a **Preliminary Plat** for proposed Lot 9 of Skyline Pines East Subdivision, legally described as remainder of Lot B of the SE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of U.S. Highway 16 adjacent to Tower Road and east of Sandstone Lane.
12. No. 08SV034 - Skyline Pines East Subdivision
A request by FourFront Design, Inc. for Skyline Pines East, LLP to consider an application for a **Variance to the Subdivision Regulations to waive the**

DRAFT

requirement to install curb, gutter, street light conduit, water, sidewalk along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code for proposed Lot 9 of Skyline Pines East Subdivision, South Dakota, more generally described as being located west of U.S.Highway 16 adjacent to Tower Road and east of Sandstone Lane.

Fisher presented staff's recommendation to continue the Preliminary Plat and the Variance to the Subdivision Regulations requests to the August 21, 2008 Planning Commission meeting.

Brewer moved, Brown seconded and unanimously carried to continue the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install water along U.S. Highway 16 and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk along U.S. Highway 16 to the August 21, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

Scull requested that items 16 and 17 be taken concurrently.

16. No. 08PL106 - DeWald's Subdivision

A request by Hadcock Construction Inc. for Allan L. and Leah J. Dewald to consider an application for a **Preliminary Plat** for proposed Lot B of DeWalds Subdivision, legally described as located in the SW1/4 NE1/4 NW1/4 and a portion of the W1/2 NW1/4, Section 12, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6790 Nameless Cave Road.

17. No. 08SV038 - DeWald's Subdivision

A request by Hadcock Construction Inc. for Allan L. and Leah J. Dewald to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16 of the Rapid City Municipal Code** for proposed Lot B of DeWalds Subdivision, legally described as located in the SW1/4 NE1/4 NW1/4 and a portion of the W1/2 NW1/4, Section 12, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6790 Nameless Cave Road.

Scull stated that he would be abstaining from discussion and voting due to a conflict of interest.

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

- 1. Prior to Preliminary Plat approval by City Council, a drainage plan shall be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary;**
- 2. Prior to Preliminary Plat approval by City Council, a sewer plan**

DRAFT

- prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If individual on-site waste water treatment systems are proposed, the applicant must submit the depth of the soil, type of soil, location and capacity of all septic tanks proposed, location and results of the percolation tests, demonstrating that the soils are suitable for on-site wastewater treatment systems shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by City Council, water system plans prepared by a Registered Professional engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 4. Prior to Preliminary Plat approval by City Council, road construction plans for the access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 5. Prior to Preliminary Plat approval by City Council, the access easement shall be recorded at the Register of Deeds office as a miscellaneous document. In addition, the applicant shall demonstrate the right to use the existing access easement to serve the proposed lot;
 6. Prior to Preliminary Plat approval by City Council, the applicant shall obtain a Special Exception to allow a cul-de-sac in excess of 500 feet and to waive the requirement to provide intermediate turnarounds or the street shall be redesigned to comply with the Street Design Criteria Manual;
 7. Prior to Preliminary Plat approval by City Council, the applicant shall obtain an Exception to allow more than four lots to be served by an access easement or the access easement shall be dedicated as public right-of-way to comply with the Street Design Criteria Manual;
 8. Prior to Preliminary Plat approval by City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval. In addition, the Wild Fire Mitigation Plan must be implemented;
 9. Prior to Preliminary Plat approval by City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
 10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees be paid as required;
 11. Prior to Final Plat approval, the property shall be rezoned or the lot shall be reconfigured to meet the minimum lot size requirements of the General Agricultural District or a Lot Size Variance from Pennington County shall be obtained; and,
 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
- That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and

DRAFT

sewer as per Chapter 16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. A minimum 20 foot wide gravel road shall be provided. (7 to 0 to 1 with Brewer, Brown, Derby, Gregg, Hennies, Marchand and Waltman voting yes and none voting no and Scull abstaining)**

---BEGINNING OF REGULAR AGENDA ITEMS---

35. Pinedale Heights Addressing

Dominicak presented the staff's recommendation to approve the Resolution renaming West Main Street west of South Berry Pine Road as Pinedale Ridge Road.

Solon presented the staff's review pertaining to the various addressing issues in the Pinedale Heights Subdivision. Solon commented that the staff recommends that the portion of West Main Street located west of South Berry Pine Road be changed to Pinedale Ridge Road.

Brown and Hennies stated that they had an exparte communication with one of the affected property owners prior to the Planning Commission meeting.

Scull moved, Brewer seconded to recommend approval of the Resolution renaming that portion of West Main Street west of South Berry Pine Road.

In response to Derby's questions, Solon stated that staff has had contact with emergency services and they have indicated that they are in agreement with the proposed name change to Pinedale Ridge Road.

Al Cornella, area resident, expressed his concerns for the proposed name changes.

Ken Berger, area resident, expressed his concerns with the proposed name change. Berger requested an alternative of Pinedale Heights Road. Discussion followed.

Tracy Carlson, area resident, expressed support for the name change. Carlson expressed support for the "Pinedale Heights 'alternative'". Discussion followed.

Bill Wrench, area resident, expressed his concerns for the proposed name changes.

Malcolm Chapman, area resident and Alderman, expressed his support for the Pinedale Ridge Road name change on the portion of road that is currently West Main Street west of South Berry Pine Road.

Linda Rabe, area resident, expressed support for the proposed road name change to Pinedale Ridge Road.

Bill Knight, Fire Department, expressed support for the name change to Pinedale

DRAFT

Ridge Road for emergency services.

Hennies expressed his support for the proposed road name change to Pinedale Ridge Road.

Hennies substitute motion, Brown seconded to rename that portion of West Main Street west of South Berry Pine Road as Pinedale Ridge Road. Discussion followed.

In response to Derby's question, Cornella stated that the neighborhood would prefer as little confusion as possible.

Hennies moved Brown seconded and unanimously carried to recommend that the resolution renaming West Main Street west of South Berry Pine Road as Pinedale Ridge Road be approved. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

Tegethoff requested that items 36, 37 and 38 be taken concurrently.

36. No. 08CA026 - I-90 Heartland Business Park

A request by Brad and Dad, LLC for Kent Hagg of Mall Drive, LLC and Pat Tlustos for Bypass Development, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development** on , legally described as Lot 3 Mall Drive Subdivison and Lot 1B of Block 6 of I-90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Mall Drive and West of Dakota Craft Drive.

37. No. 08RZ028 - I-90 Heartland Business Park

A request by Brad and Dad, LLC for Kent Hagg of Mall Drive, LLC and Pat Tlustos for Bypass Development, LLC to consider an application for a **Rezoning from General Commercial District to Light Industrial District** on Lot 3 Mall Drive Subdivison and Lot 1B of Block 6 of Interstate 90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Mall Drive and west of Dakota Craft Drive.

*38. No. 08PD035 - I-90 Heartland Business Park

A request by Brad and Dad, LLC for Kent Hagg of Mall Drive, LLC and Pat Tlustos for Bypass Development, LLC to consider an application for a **Planned Industrial Development - Initial Development Plan** on Lot 3 Mall Drive Subdivison and Lot 1B of Block 6 of I-90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Mall Drive and West of Dakota Craft Drive.

DRAFT

Tegethoff presented the staff's recommendation to continue the Amendment to the Comprehensive Plan, the Rezoning and Planned Development requests to the August 21, 2008 Planning Commission meeting.

Brown moved, Hennies seconded and unanimously carried to continue the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development, the Rezoning and Planned Development to the August 21, 2008 Planning Commission Meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

39. No. 08CA027 - Rapid City's Regional Airport Master Plan

A request by City of Rapid City to consider an application for a **Amendment to the Adopted Comprehensive Plan to incorporate the City of Rapid City's Regional Airport Master Plan Update (May 2008)**.

Heller presented the staff's recommendation to approve the Amendment to the Comprehensive Plan request.

Mason Short, Airport Director identified the issues requiring the modification of the Airport Comprehensive Plan Amendment.

Brewer expressed support for the proposed Comprehensive Plan Amendment. Discussion followed.

Heller identified the requirements for future development to the Rapid City Regional Airport Master Plan. Discussion followed.

Hennies moved, Waltman seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to incorporate the City of Rapid City's Regional Airport Master Plan Update (May 2008) be approved. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

*40. No. 08PD012 - WREA Subdivision

A request by Geiger Architecture for West River Electric Association to consider an application for a **Planned Light Industrial Development - Initial and Final Development Plan** on Lots 1 and 2 of WREA Subdivision, located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3250 East Highway 44 and 3454 Twilight Drive.

Fisher presented the staff's recommendation to continue the Planned Light Industrial Development request to the August 21, 2008 Planning Commission meeting.

Brown moved, Gregg seconded and unanimously carried to continue the Planned Light Industrial Development – Initial and Final Development Plan

DRAFT

to the August 21, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

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

*41. No. 08PD031 - Knights of Columbus Subdivision

A request by McCarthy Anderson, Inc. for Knights, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot A of Knights of Columbus Subdivision, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 Fifth Street.

Fisher presented the staff's recommendation to approve the Major Amendment request with stipulations.

Brewer moved, Brown seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

1. The structure shall be used for office(s). Any other use shall require a Major Amendment to the Planned Commercial Development;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. A minimum of 57,450 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;
4. A minimum of 33 parking spaces shall be provided on the property. Two of the parking spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, four parking spaces shall be provided on Lot B, Knights of Columbus Subdivision. Any removal of the building in whole or part or any change in use shall require that additional parking be provided as per the City's adopted Off-Street Parking Ordinance;
5. The front yard setback is hereby reduced from 25 feet to 12.4 feet for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be provided;
6. The side yard setback is hereby reduced from 25 feet to .8 feet for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot side yard setback be provided;
7. The rear yard setback is hereby reduced from 25 feet to 7.7 feet for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot rear yard setback be provided;
8. A maximum lot coverage of 44% in lieu of 35% shall be allowed. Any removal of the building in whole or part shall require that a maximum

DRAFT

- 35% lot coverage be maintained;
9. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Initial and Final Planned Commercial Development. Any additional signage shall require a Major Amendment to the Planned Commercial Development;
 10. The dumpster shall be located as proposed on the site plan and shall be screened with an opaque screening fence;
 11. All International Fire Codes shall be met. In particular, any change in use shall require that the building be sprinklered;
 12. Prior to issuance of a building permit, the approach along 5th Street shall be widened from 16 feet to 20 feet to accommodate two way traffic or an Exception to the Street Design Criteria Manual shall be obtained; and,
 13. The structure shall conform architecturally to the plans and elevations and color palette submitted as part of this Initial and Final Planned Commercial Development. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

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

*42. No. 08PD032 - Mall Drive Subdivision

A request by William A. Bertalot for Accent Homes, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development** on a Parcel of land, located in the NW¼ SE¼, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota (said parcel of land identified as Proposed Lots 1 and 2 of Mall Drive Subdivision.) The Point of Beginning of said parcel being coincident with the southwesterly corner of Lot 2 of Block 6, of Interstate 90 Heartland Business Park, recorded at the Pennington County Register of Deeds Office in Plat Book 34 Page 74, said corner being marked by a 5/8" rebar with survey cap marked "LS 6119" said Parcel is more particularly described as follows: thence first course: along the southerly line of said Lot 2 of Block 6 of Interstate 90 Heartland Business Park with a bearing S89°43'20"E and a distance of 454.96 feet to the angle point corner of said Lot 2 of Block 6 of Interstate 90 Heartland Business Park marked by a 5/8" rebar with survey cap marked "LS 6119"; thence second course: along a line with a bearing S09°11'51"E and a distance of 330.75 feet to an intersection with the northerly Right-of-Way line of East Mall Drive; thence third course: along said northerly Right-of-Way line along a curve to the right with a delta angle of 22°25'43", a radius of 890.00 feet, an arc length of 348.39 feet, with a chord bearing of S78°47'01"W and a chord distance of 346.17 feet; thence fourth course: continuing along said northerly Right-of-Way line with a bearing S89°59'52"W and a distance of 168.61 feet to an intersection with the north-south section one quarter line (1/4); thence fifth course: along said one quarter line with a bearing N00°03'03"E and a distance of 396.04 feet to the Point of Beginning, more

DRAFT

generally described as being located at 3330 Mall Drive.

Tegethoff presented the staff's recommendation to approve the Planned Commercial Development with stipulations.

Waltman moved, Marchand seconded and unanimously carried to approve the Planned Commercial Development – Initial and Final Development Plan with the following stipulations:

- 1. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;**
- 2. Prior to Planning Commission approval, a revised landscape plan shall be submitted for review and approval. In particular, some trees shall be relocated to the south side of the property to provide a buffer between the development and the public right-of-way;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. A complete Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more. In particular, the Air Quality Permit shall include the owner's signature, identify the local contractor, describe the location of the work area and include a site plan;**
- 5. Prior to issuance of a building permit the approaches must be revised to a maximum width of 28 feet per the Rapid City Street Design Criteria Manual or the applicant shall obtain an exception to the Rapid City Street Design Criteria Manual;**
- 6. The air handling units and trash receptacles shall be located in compliance with the proposed plan and screened along all four sides;**
- 7. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
- 8. A minimum of 11 parking spaces shall be provided and one of the parking spaces shall be a handicap "van accessible" space. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 9. The currently adopted International Fire Code shall be continually met;**
- 10. The lighting shall be designed to be reflected within the property boundaries so as not to 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;**
- 11. All vehicles shall be stored on the paved surface;**

DRAFT

12. **Prior to issuance of a building permit, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department;**
13. **All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Commercial Development Plan application or a subsequent Major Amendment; and,**
14. **The Planned Commercial 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 a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)**

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

*43. No. 08PD033 - Stoney Creek South Subdivision

A request by Uncork'd Wine and Tapis Bar to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 3 of Block 1 of Stoney Creek South Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5734 Sheridan Lake Road.

Tegethoff presented the staff's recommendation to approve the Planned Commercial Development request with stipulations. Discussion followed.

In response to Hennies questions, Tegethoff stated that the previous business, Golf World moved to Jackson Boulevard. Discussion followed.

Karen Gunderson Olsen, Alderperson, expressed the neighborhood's concern for the possible negative impact of the proposed on-sale liquor establishment to the adjacent property owners. Discussion followed.

Steve Colgan, representing the property owner, indicated that the proposed use by the applicant would be a catering service and a full service restaurant. Discussion followed.

Brown moved, Scull seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development to allow an on-

DRAFT

sale liquor establishment with the following stipulations:

1. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant;
2. The hours of operation shall be from 11:00 am to 11:00 pm Monday thru Thursday, 11:00 am to 12:00 midnight on Friday and Saturday, and 11:00 am to 10:00 pm on Sunday;
3. A minimum of 170 parking spaces shall be provided. Six of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
4. All applicable stipulations of the initial Planned Commercial Development shall be continually met; and,
5. The Planned Commercial Development shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

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

*44. No. 08PD036 - Rushmore Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 1 of Block 1 of Rushmore Crossing, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 924 Eglin Street.

Fisher presented the staff's recommendation to deny the Major Amendment request to revise the approved sign package and revise the approved landscape plan. Fisher added that the applicant has requested that the Major Amendment request be continued to the August 21, 2008 Planning Commission meeting. Discussion followed.

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

Brown expressed opposition to the proposed Major Amendment request.

Brewer expressed opposition to the proposed Major Amendment request.

Marchand moved, Brown seconded and carried to continue the Major Amendment to a Planned Commercial Development to the August 21, 2008 Planning Commission meeting. (5 to 2 to 1 with Brown, Derby, Gregg Marchand and Scull voting yes and Brewer and Hennies voting no and Waltman abstaining)

DRAFT

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.

45. No. 08PL104 - High Sheridan Ranch Subdivision

A request by Keith and Barbara Rave to consider an application for a **Layout Plat** for proposed Lots 13A and 13B of High Sheridan Ranch Subdivision, legally described as Lot 13 of High Sheridan Ranch Subdivision, located in Section 35, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 13484 Sorrel Court.

Fisher presented the staff's recommendation to deny the Layout Plat without prejudice. Fisher stated that the applicant has been notified of the recommendation and will continue to work with the County to resolve the zoning issue.

Brewer moved, Gregg seconded and unanimously carried to recommend that the Layout Plat be denied without prejudice. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

46. No. 08SR059 - Section 34, T2N, R8E

A request by Advanced Engineering and Environmental Services for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow construction of a public water reservoir** on a portion of the SW1/4 NW1/4 and the NW1/4 SW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of North Elk Vale Road and Cheyenne Boulevard.

Fisher presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the August 21, 2008 Planning Commission meeting.

Waltman moved, Brewer seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow construction of a public water reservoir to the August 21, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

47. No. 08SR066 - Boulevard Addition

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow installation of structures on public property** on all of Blocks 1 and 2 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 515 West Boulevard.

Ball presented the staff's recommendation to approve the SDCL 11-6-19 Review

DRAFT

request.

Gregg moved, Scull seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the installation of structures on public property. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

48. No. 08SR067 - Rapid City Greenway Tract

A request by Monica Burges, President for Ups of Downs Family Support Group to consider an application for a **SDCL 11-6-19 Review to allow temporary structures in a Public Park** on Tract 20 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Memorial Park.

Ball presented the staff's recommendation to approve the SDCL 11-6-19 Review request.

Mona Drolc, the Event Coordinator for the Ups of Downs Family Support Group, presented the details of the proposed event.

Hennies moved, Marchand seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow temporary structures in a public park. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

49. Five-year Plan and FY2008 Budget to Capital Improvement.

Jim Preston, City of Rapid City Finance Officer presented the Capital Improvement Program Comprehensive Plan.

In response to Brewer's question, Preston identified the primary emphasis for use of the Capital Improvement Funds. Discussion followed.

In response to Derby's question, Preston reviewed the process for adjusting the plan to reflect actual construction costs.

In response to Waltman's question, Preston reviewed the purchase of emergency vehicles.

Hennies left the meeting at this time.

Brown moved, Brewer seconded and unanimously carried to approve the Five-year Plan and FY2008 Budget to Capital Improvement. (7 to 0 with Brewer, Brown, Derby, Gregg, Marchand, Scull and Waltman voting yes and none voting no)

ADDENDUM TO

DRAFT

**AGENDA
CITY OF RAPID CITY PLANNING COMMISSION**

- 49A. 08TP022 – 2009-2013 Rapid City Area Transportation Improvement Program – Final Report.

Hennies returned at this time.

Heller presented the Rapid City Area Transportation Improvement Program Final Report. Discussion followed.

Scull moved, Marchand seconded and unanimously carried to recommend that the 2009-2013 Rapid City Area Transportation Improvement Program – Final Report be approved. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

50. Discussion Items

51. Staff Items

52. Planning Commission Items

53. Committee Reports

- A. City Council Report (July 21, 2008)
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, Brown moved, Waltman seconded and unanimously carried to adjourn the meeting at 8:49 a.m. (8 to 0 with Brewer, Brown, Derby, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)