



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 21, 2008

MEMBERS PRESENT: Peter Anderson, Gary Brown, Mike Derby, Julie Gregg, Thomas Hennies, Dennis Landguth, Linda Marchand and Karen Waltman. Ron Weifenbach, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, 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.

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

Waltman 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 10, 29, 33 and 34 be removed from the Consent Agenda for separate consideration.

A member of the audience requested that Item 10 and 26 be removed from the Consent Agenda for separate consideration.

Motion by Brown, Seconded by Anderson and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 36 in accordance with the staff recommendations with the exception of Items 10, 26, 29, 33 and 34. (8 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, Marchand and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the August 7, 2008 Planning Commission Meeting Minutes and the August 13, 2008 Special Planning Commission Meeting Minutes.
2. 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 continued the Vacation of Section Line Highway



request to the September 25, 2008 Planning Commission meeting.

3. No. 07PL134 - Hyland Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

Planning Commission continued the Preliminary Plat to the September 25, 2008 Planning Commission meeting.

4. No. 07SV057 - Hyland Crossing Subdivision

A request by Dream Design International, Inc. 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 pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the Dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code to the September 25, 2008 Planning Commission meeting.

5. No. 08CA022 - South Robbinsdale, US Highway 16 and Spring Creek Neighborhood Future Land Use Plans

A request by City of Rapid City to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan to revise the Major Street plan by realigning arterial and collector streets** on the South Robbinsdale Neighborhood Future Land Use Area which includes the area south of the section line where Fairmont Boulevard intersects with S.D. Highway 79, north of a line approximately one-half mile south of U.S. Highway 16-B, and east of U.S. Highway 16; the U.S. Highway 16 Neighborhood Future Land Use Area located north of Cathedral Drive and south along U.S. Highway 16 approximately one mile either side of U.S. Highway 16 to south of Reptile Gardens; the Spring Creek Neighborhood Future Land Use Area located west of S.D. Highway 79 south of Catron Boulevard and north of Rapid City Area Metropolitan Planning Organization southern boundary, more generally



described as being located on portions of south and southwestern Rapid City.

Planning Commission approved the summary and authorized publication in the Rapid City Journal.

6. No. 08CA023 - North Rapid, Northeast and Airport Neighborhood Future Land Use Plans

A request by City of Rapid City to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by realigning arterial and collector streets** on the North Rapid Neighborhood Future Land Use Area which includes the area south of the section line where Fairmont Boulevard intersects with S.D. Highway 79, north of a line approximately one-half mile south Interstate 90 between the hogback ridge known as "M Hill" and East North Street connecting Cambell Street to Interstate 9, and north of Omaha Street. The Northeast Neighborhood Future Land Use Area which includes the area located north of Interstate 90, east of Haines Avenue, south of the Pennington County line, and west of Elk Vale Road. The Elk Vale Road Neighborhood Future Land Use Area which includes the area south of Interstate 90, east of Cambell Street, north of S.D. Highway 44, and west of a line one-fourth of a mile east of Reservoir Road. The Airport Neighborhood Future Land Use Area which includes the area south of the first half section into Township 2 North, east of Sections 2, 11, and 14, Township 1 North Range 8 East and Section 35, Township 2 North. Range 8 East, west of the line between Range 9 East and Range 10 East which is one mile east of Caputa, and north of S.D. Highway 44, more generally described as being located on portions of north and northeastern Rapid City.

Planning Commission approved the summary and authorized publication in the Rapid City Journal.

7. No. 08OA003 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to amend Section 17.50.335 "Sight Triangles" of the Rapid City Municipal Code.**

Planning Commission be continued the Ordinance Amendment to amend Section 16.50.335 "Sight Triangles " of the Rapid City Municipal Code to the September 25, 2008 Planning Commission meeting.

*8. No. 08PD034 - Catron Crossing Subdivision

A request by Boschee Engineering for OTS Land Co., Inc. to consider an application for a **Major Amendment to a Planned Residential Development to expand the boundaries** on a parcel of land located in SW¼ of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at a found corner No. 3977 along the South West section line of Section 22 and Sheridan Lake Road Right of Way; thence N89°51'52"E along said section line, 165.75 feet to the True Point Of Beginning; thence N01°47'32"E 108.50 feet; thence N10°12'24"E 123.33 feet; thence N15°57'27"E 140.25 feet; thence N26°16'50"E 217.16 feet; thence N00°00'00"E



112.04 feet; thence N12°21'02"E 160.14 feet; thence N23°19'30"E 120.85 feet; thence S68°58'39"E 24.58 feet; thence N53°48'13"E 105.00 feet; thence N06°18'31"E 135.46 feet; thence N85°21'27"E 69.30 feet; thence S04°38'33"E 36.30 feet; concave westerly having a radius of 476.00 feet 232.35 feet along said curve through a central angle of 27°58'03" along said curve having a chord direction of S09°20'29"W; thence S23°19'30"W 37.30 feet; thence S76°15'50"E 142.65 feet; thence S12°54'03"W 121.04 feet; thence N77°06'34"W 160.95 feet; concave Easterly having a radius of 274.00 feet 63.08 feet along said curve through a central angle of 13°11'25" along said curve having a chord direction of S06°35'43"W; thence S00°00'00"W 63.32 feet; thence S76°18'05"E 108.67 feet; thence S89°59'24"E 709.07 feet; thence S00°00'36"W 564.46 feet; thence S89°51'52"W 1146.51 feet; to the Point of Beginning, more generally described as being located at the southern terminus of Bendt Drive.

Planning Commission approved the Major Amendment to a Planned Residential Development to expand the boundaries with the following stipulations:

- 1. The Major Amendment to a Planned Residential Development is not effective until such time as the rezoning from General Agriculture District to Low Density Residential District (#08RZ029) is effective;**
- 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 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;**
- 4. A minimum 25 foot setback shall be provided along the side yard abutting a street;**
- 5. A minimum eight foot side yard setback for one story structures and a minimum 12 foot side yard setback for two story structures shall be provided. A minimum 58 foot rear yard setback shall be provided on those lots abutting the east-west section line highway or the section line highway shall be vacated in which case a minimum 25 foot rear yard setback shall be provided. A minimum 25 foot rear yard setback shall be provided on the balance of the lots;**
- 6. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Residential Development or a subsequent Major Amendment;**
- 7. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to a Planned Residential Development; and,**
- 8. The Planned Residential Development shall allow for the construction of single family residence(s). However, the Planned Residential 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 two years.**

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.

*9. No. 08PD040 - The Villaggio at Golden Eagle

A request by Lage Construction One to consider an application for a **Major Amendment to a Planned Residential Development to allow an oversized garage** on Lots 1 and 2 of Block 1 of the Villaggio at Golden Eagle, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Villaggio Lane between Golden Eagle Drive and Montebello Court.

Planning Commission approved the Major Amendment to a Planned Residential Development to allow an oversized garage with the following stipulations:

- 1. Prior to Planning Commission approval the applicant must submit a detailed description of access through the gate during an emergency; and,**
- 2. Prior to the issuance of a building permit the applicant must file a miscellaneous document with the register of deeds indicating that the garage will be used for residential purposes only.**

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.

*11. No. 08PD043 - Mall Drive Subdivision

A request by Mall Drive, LLC for Upper Deck Architects, Inc. to consider an application for a **Planned Industrial Development - Final Development Plan** on Lot 3 of Mall Drive Subdivision and Lot 1-B of Interstate 90 Heartland Business Park, located in the NW1/4 of the SE1/4 and the SW1/4 NE1/4, 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.

Planning Commission continued the Planned Industrial Development - Final Development Plan to the September 4, 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.

12. No. 08PL016 - Schaeferville Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an



application for a **Preliminary Plat** for proposed Lots 1 thru 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, legally described as the unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north and south of Universal Drive and west of Sturgis Road.

Planning Commission continued the Preliminary Plat to the September 4, 2008 Planning Commission meeting.

13. No. 08SV010 - Schaeferville Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional Right-of-way and pavement along Sturgis Road and the Section Line Right-of-way, Neiger Court, Zenker Place and in the access easements as per Chapter 16.16 of the Rapid City Municipal Code** for Lots 1 and 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, legally described as the unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north and south of Universal Drive and west of Sturgis Road.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional Right-of-way and pavement along Sturgis Road and the section line highway, Neiger Court, Zenker Place and in the access easements as per Chapter 16.16 of the Rapid City Municipal Code to the September 4, 2008 Planning Commission meeting.

14. 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 September 4, 2008 Planning Commission meeting to allow the applicant to submit additional information.

15. 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 September 4, 2008 Planning Commission meeting.

16. 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 the 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.

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 U.S. Highway 16 shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the Planning Commission, a drainage plan in compliance with the Meade Hawthorne Drainage Basin Plan and the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. The plat document shall also be revised to provide drainage easements as necessary;**
3. **Prior to Preliminary Plat approval by the Planning Commission, a Stormwater Management Plan which includes an Erosion and Sediment Control Plan and a Post-construction Stormwater Quality Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the Planning Commission, a**



revised Master Plan shall be submitted for review and approval showing access to the proposed unplatted balance located south of the proposed lot. In addition, if access is proposed through this lot, the plat document shall be revised to show a minimum 59 foot wide access easement and construction plans shall be submitted for review and approval showing the access easement constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;

5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
6. Prior to submittal of a Final Plat application, the plat document shall be revised to correct grammatical errors on the Certificate of Title sheet. In addition, the plat title shall be revised to read "...Skyline Pines East Subdivision (formerly a portion of Lot B of SE1/4SE1/4, Section 11) located in the SE1/4SE1/4 of Section 11, T1N, R7E of the BHM...". The plat shall also be revised changing the certificate "Resolution by Governing Board" to Certificate of Finance Officer";
7. Prior to submittal of a Final Plat application, the plat document shall be revised to eliminate the notations identifying abandoned asphalt, edge of pavement and dirt paths. In addition, the plat document shall clearly identify the widths of all of the adjacent rights-of-way;
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.

17. 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 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, 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.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install water along U.S. Highway 16 be denied without prejudice; and,



That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk along U.S. Highway 16 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.**

18. No. 08SV040 - Skyline Pines East Subdivision

A request by FourFront Design, Inc. for Skyline Pines East, LLLP to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to reduce the easement width from 59 feet to 26 feet as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 9 of Skyline Pines East Subdivision, legally described as the unplatted balance 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 southwest of the intersection of Tower Road and South Highway 16.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to reduce the access easement width from 59 feet to 26 feet be approved.

19. No. 08PL098 - Homestead Plaza Subdivision

A request by Dream Design International Inc. to consider an application for a **Preliminary Plat** for proposed Lots 29 thru 33 of Block 3 of Homestead Plaza Subdivision, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.

Planning Commission continued the Preliminary Plat to the September 4, 2008 Planning Commission meeting.

20. No. 08PL099 - Homestead Plaza Subdivision

A request by Dream Design International Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 28 of Block 3; Tracts A, B, C and D of Block 4 of Homestead Plaza Subdivision, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.

Planning Commission continued the Preliminary Plat to the September 4, 2008 Planning Commission meeting.

21. 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, 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 September 4, 2008 Planning Commission meeting.

22. No. 08SV041 - Mahoney Addition

A request by Black Hills Habitat for Humanity to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Block 73A and 73C of Mahoney Addition, legally described as Block 73, 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 Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code to the September 4, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL102).

23. 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 September 4, 2008 Planning Commission meeting.

24. No. 08RZ029 - Catron Crossing Subdivision

A request by Boschee Engineering for OTS Land Co., Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on Lot 9 of Block 2 of Catron Crossing Subdivision, located in the SW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5930 Bendt Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be approved in conjunction with the associated Major Amendment to a Planned Residential Development.

25. No. 08SR033 - Section 35, T1N, R7E



A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the construction of a lift station** on a portion of the unplatted balance of the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sammis Trail and Vilrickson Place.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a lift station to the September 25, 2008 Planning Commission meeting to allow the applicant to address outstanding issues.

27. 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 be continued the SDCL 11-6-19 Review to allow the construction of a water main to the September 4, 2008 Planning Commission meeting.

28. No. 08SR057 - Nicoll's Subdivision

A request by Quinn Kayser-Cochran for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow a telecommunications tower** on Lot L, a subdivision of Lot 6 of Nicholl's Subdivision, Rapid City, South Dakota, located in the NE1/4 NE1/4, Section 7, T1N, R8E, BHM, including all premises, appurtenances and improvements thereof, except for the west forty feet and the south sixty-five feet, Rapid City, Pennington County, South Dakota, more generally described as being located at 2015 North Cambell.

Planning Commission approved the SDCL 11-6-19 Review to allow a communications tower.

30. 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 September 4, 2008 Planning Commission meeting.

31. 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 Street.

Planning Commission continued the SDCL 11-6-19 Review to allow a telecommunication tower to the September 4, 2008 Planning Commission meeting.

32. No. 08SR070 - Lien Industrial Park No. 2

A request by Ferber Engineering Co., Inc. for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the extension of a public water main** on Tract B Revised of Lien Industrial Park No. 2, and the adjacent Universal Drive Right-of-way, Section 21, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north side of Universal Drive between City Limits and Deadwood Avenue.

Planning Commission approved the SDCL 11-6-19 Review to allow the extension of a public water main.

35. No. 08VE005 - Limestone Subdivision

A request by Renner & Assoc. for Pete Lien & Sons to consider an application for a **Vacation of Access Easement** on the 50 foot wide Access Easement, located in the SE1/4 NE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Zenker Place and Sturgis Road.

Planning Commission continued the Vacation of Access Easement to the September 4, 2008 Planning Commission meeting.

36. No. 08VE022 - Meadows Subdivision

A request by Jason Hagen to consider an application for a **Vacation of a Portion of Non-Access Easement** on Lot 20 of Block 8 of Meadows Subdivision, located in the SE1/4 NW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 608 Field View Drive.

Planning Commission continued the Vacation of Easement to the September 4, 2008 Planning Commission meeting.

---END OF CONSENT CALENDAR---

*10. No. 08PD041 - Huffman Subdivision

A request by Bob Brandt for Century Development Co., Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 2 of Huffman Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of North Cambell Street and East North Street.



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

Brown moved, Marchand seconded and unanimously carried to approve the Planned Commercial Development – Initial and Final Development Plan for Phase A and the the Initial Development Plan for Phase B and C with the following stipulations.

- 1. Prior to Planning Commission approval of Phase A, the applicant shall obtain an exception to allow a driveway over the maximum allowed 28 feet in width;**
- 2. Prior to Planning Commission approval, the applicant shall submit a revised sign package including elevations, dimensions, lighting and a list of building materials for Phase A for review and approval;**
- 3. A minimum of 124, 386 landscaping points shall be provided for Phase A. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 4. A minimum of 140 parking spaces shall be provided for Phase A. Five 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;**
- 5. The proposed structure shall conform architecturally to the plans and elevations submitted for Phase A. Any expansion to the use will require a Major Amendment to the Planned Commercial Development;**
- 6. The applicant shall submit dumpster screening elevations for review and approval for Phase A prior to the issuance of a building permit;**
- 7. All current adopted International Fire Codes shall be continually met. In addition, the building shall be fire sprinklered as per the International Fire Code and a building permit shall be obtained for the fire sprinkler system prior to installation;**
- 8. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 9. Prior to the initiation of construction, the applicant shall obtain an Erosion and Sediment Control Permit;**
- 10. Prior to construction, the applicant shall obtain a Building Permit and prior to occupancy the applicant must obtain a Certificate of Occupancy;**
- 11. Upon submittal of Final Commercial Development Plan for Phase C, a minimum of 62,474 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 12. Upon submittal of Final Commercial Development Plans for Phase C, a minimum of 62 parking spaces shall be provided. Two 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.

13. Upon submittal of a Final Commercial Development Plan for Phase B and C, a complete site plan with structural elevations, landscaping plan, parking plan, lighting plan, sign package and elevations for dumpster screening shall be submitted for review and approval.
14. The Phase A structure shall be used as a 5,989 square foot full service restaurant with on-sale liquor unless otherwise specifically authorized through subsequent Major Amendment to the Planned Commercial Development. In addition, a Final Planned Commercial Development shall be submitted for the uses in Phase B and C prior to the issuance of a building permit;
15. The Planned Commercial Development shall expire if the use is not undertaken and completed within four 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 Anderson, Brown, Derby, Gregg, Hennies, Landguth, Marchand 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.

Anderson moved, Hennies seconded and unanimously carried to reconsider Agenda Item No. 11. (8 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, Marchand and Waltman voting yes and none voting no)

*11. No. 08PD043 - Mall Drive Subdivision

A request by Mall Drive, LLC for Upper Deck Architects, Inc. to consider an application for a **Planned Industrial Development - Final Development Plan** on Lot 3 of Mall Drive Subdivision and Lot 1-B of Interstate 90 Heartland Business Park, located in the NW1/4 of the SE1/4 and the SW1/4 NE1/4, 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.

Kent Hagg, one of the applicants stated that he would be available for questions from the Planning Commission.

Eric Lytle, stated that he is available for questions from the Planning Commission.



Anderson moved, Brown seconded and unanimously carried to continue the Planned Industrial Development - Final Development Plan to the September 4, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, Marchand 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.

26. 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.

Jim Phoenix, Rapid City resident, expressed his concern for the possible negative impact from the increased installation of cellular towers in Rapid City.

Brown moved, Landguth seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a cellular tower to the September 4, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, Marchand and Waltman voting yes and none voting no)

29. No. 08SR060 - Original Town of Rapid City

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 public utility vaults** on Block 5 of Flormann Addition and Lots 11 thru 32 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Columbus Street and Third Street on Second Street and Third Street.

Elkins presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the September 25, 2008 Planning Commission meeting.

Gregg moved, Marchand seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of public utility vaults to the September 25, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, Marchand and Waltman voting yes and none voting no)

Elkins requested that items 33 and 34 be taken concurrently.

*33. 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.

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. 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.

Elkins presented the staff's recommendation to deny the Major Amendment requests to allow child care centers be denied without prejudice at the applicants' request.

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.

Brown moved, Hennies seconded and unanimously carried to deny the Major Amendment to a Conditional Use Permit requests to allow a child care center without prejudice at the applicants' request. (8 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, Marchand and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Elkins requested that items 37, 38 and 39 be taken concurrently.

37. No. 07PL067 - Tower Ridge No. 2 Subdivision

A request by Whittingham & Lestrangle, LPI to consider an application for a **Preliminary Plat** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock



Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract a of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

38. No. 07SV026 - Tower Ridge No. 2 Subdivision

A request by Whittingham & LeStrange, LPI to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-Way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-Way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract A of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

39. No. 08PD007 - Tower Ridge Subdivision

A request by Douglas W. Hamilton for Whittingham and LeStrange, LPI to consider an application for a **Planned Commercial Development - Initial Development Plan** on a parcel of land located in the SW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. The Point of Beginning of said parcel being the southwesterly lot corner of Lot 1 of Block 1 of Aladdin Heights Subdivision, recorded at the Pennington County Register of Deeds Office in Plat Book 12 Page 158, which is marked by a 5/8" rebar with survey cap marked "LS 6117", said Parcel is more particularly described as follows: Thence First Course: along the southerly line of said Lot 1 of Block 1 bearing S89°54'29"E and a distance of 157.84 feet to the southwesterly corner of Lot 2 of Block 1 of said Aladdin Heights Subdivision, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Second Course: along the southerly



line of said Lot 2 of Block 1 bearing N89°59'53"E and a distance of 149.98 feet to the southeasterly corner of said Lot 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Third Course: along a line bearing S89°42'32"E and a distance of 50.04 feet to the southwesterly corner of Lot 1 of Block 2 of said Aladdin Heights Subdivision, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Fourth Course: along the southerly line of said Lot 1 of Block 2 bearing S89°58'51"E and a distance of 149.34 feet to the southeasterly corner of said Lot 1 of Block 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Fifth Course: along a line bearing S89°56'16"E and a distance of 175.49 feet; Thence Sixth Course: along a line bearing S10°41'47"E and a distance of 590.70 feet; Thence Seventh Course: along a line bearing S07°07'33"W and a distance of 568.69 feet; Thence Eighth Course: along a line bearing S89°57'02"W and a distance of 262.82 feet; Thence Ninth Course: along a line bearing S54°04'20"W and a distance of 264.73 feet; Thence Tenth Course: along a line bearing N49°20'24"W and a distance of 425.77 feet; Thence Eleventh Course: along a line bearing N82°44'29"W and a distance of 101.79 feet to an intersection with the easterly U.S. Highway 16 Right-of-Way line; Thence Twelfth Course: along said Right-of-Way line bearing N07°24'25"E and a distance of 186.44 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Thirteenth Course: continuing along said Right-of-Way line bearing N07°04'47"E and a distance of 235.08 feet to a point reference by a 1/2" rebar; Thence Fourteenth Course: continuing along said Right-of-Way line bearing N07°34'03"E and a distance of 24.08 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Fifteenth Course: continuing along said Right-of-Way line bearing N07°18'40"E and a distance of 491.65 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Sixteenth Course: along a line bearing N36°47'28"E and a distance of 101.19 feet to the Point of Beginning, more generally described as being located East of U.S. Highway 16 and north of Promise Road.

Elkins presented the staff's recommendation to deny the Preliminary Plat, the Variance to the Subdivision Regulations and the Planned Commercial Development requests without prejudice at the applicant's request.

Anderson moved, Brown seconded and unanimously carried to recommend that the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice at the applicant's request; and, unanimously carried to deny the Planned Commercial Development - Initial Development Plan without prejudice at the applicant's request. (8 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, Marchand and Waltman voting yes and none voting no)

40. No. 07PD102 - Kashmir Subdivision

A request by Michael Derby to consider an application for a **Planned Commercial Development - Initial Development Plan** on Lots B thru M and W of Kashmir Subdivision, located in the NE1/4 SE1/4, Section 8, T1N, R7E, BHM,



Rapid City, Pennington County, South Dakota, more generally described as being located at 2720 Chapel Lane.

Derby abstained from discussion and voting due to a conflict of interest.

Bulman presented the staff's recommendation to approve the Planned Development request with stipulations. Bulman reviewed the uses proposed within the development. Bulman identified the proposed location of the development on the subject property.

In response to Hennies' questions, Bulman stated that the proposal is for 75 condominium hotel units. Elkins clarified the maximum allowed stay is 30 days for the owners or their designees.

In response to Hennies' question, Elkins stated that in the past the City has attempted to work with the land owner to the south of the property to review the possibility of an access to the south. Discussion followed.

In response to Anderson's questions, Bulman reviewed the rule for 40 dwelling units. Bulman further commented that the hotel/motel does not fall under 40 dwelling unit classifications and the proposed uses are not dwelling units. Discussion followed.

In response to Brown's question, Knight stated that the Fire Department has reviewed a preliminary emergency evacuation plan. Discussion followed.

In response to Landguth's questions, Elkins stated that no traffic impact analysis has been submitted at this time, although staff has prepared trip generation information for the proposed use.

Patrick Wyss, Wyss Associates representing Derby Associates, presented additional information pertaining to the proposed evacuation plan that has been reviewed and approved by the Penning County Fire Management and a letter of review by the Rapid City Fire Department. Wyss commented that the location is a commercially zoned tract and does not come under the 40 Dwelling Unit Rule. Discussion followed.

Willis Sutliff, area resident expressed his concern for adequate egress from the existing neighborhood with the increased density from the proposed development. Sutliff requested that the Planning Commission deny the Planned Development request.

Tom Kean, area resident, expressed his opposition to the proposed development and the dwelling definition. Kean expressed concern with possible negative impact on the evacuation of residents during an emergency.

John Willman, area resident expressed his opposition to the proposed development and the possible negative impact to the evacuation of residents during an emergency.



Karen Paugh, area resident expressed concern with the size of the proposed development. Paugh added her concern with the negative impact to the pedestrian traffic to the adjacent neighborhood and park and recreation facilities. Paugh stated her concern with increased runoff and the possible negative impact to the existing wildlife species.

Jeanette Keck, area resident expressed her opposition to the proposed development on the subject property. Keck reviewed Minutes from December 20, 1999 Rapid City Council meeting identifying considerations opposing further residential development in the Chapel Valley Area. Keck requested that the Planning Commission deny the Planned Development request.

Bill Keck, area resident thanked Derby for the community meetings. Keck presented petitions in opposition to the proposed development. Keck expressed his support for the project in a different location in Rapid City.

Fred Hatzenbuhler, area resident expressed opposition to the existing tennis courts. Hatzenbuhler requested that the Planning Commission approve the Planned Development request.

William Rassmusson, area resident expressed concern for the possible negative effects of increased parking to the environment. Elkins stated that there is no requirement for an Environmental Impact Study unless Federal funds are being used in the project. Rassmusson expressed concern for possible increased noise from the proposed development. In response to Rassmusson's question, Elkins stated that no bond is required for a Planned Development. Discussion followed.

Shirley Fredrick, area resident expressed concern for the possible negative impact to emergency evacuation from the proposed development. Fredrick requested that the Planning Commission deny the Planned Development request.

Zbigniew Hladysz, area resident expressed his concern to risk management and the possible negative impact to the adjacent neighborhood from the proposed development.

Diana Fode, area resident expressed concern for possible negative impact to traffic flows from increased density of development on the subject property.

Peggy McIntyre, area resident expressed concern for the possible negative impact on emergency evacuations resulting from the increased density of the proposed development on the subject property. McIntyre added her concern for the possible negative impact to the surrounding environment.

Marilee McLaughlin, area resident expressed concern for possible negative impact on emergency evacuations. McLaughlin requested that the Planning Commission deny the Planned Development request.

Don Wrede, Civil Engineer with TSP stated that the proposed structure will be



located in the 500 year flood plain. Wrede identified the differences in flood plain designations. Wrede reviewed the construction process and commented on the mitigation of possible negative impact on the environment and water quality.

Wyss, Wyss Associates expressed his support for the proposed development on the subject property. Wyss reiterated that the existing zoning on the subject property is commercial zoning and the property has been used for commercial purposes for sometime. Wyss requested that the Planning Commission approve the Planned Development request. Discussion followed.

Hennies expressed his concerns for the proposed development on the subject property. Hennies commented on the possible negative impact on emergency evacuations from the adjacent residential development as well as the proposed commercial development. Hennies supported the idea of the development of the hotel at a different location.

Hennies moved, Marchand seconded and carried to deny the Planned Commercial Development - Initial Development. (7 to 0 to 1 with Anderson, Brown, Gregg, Hennies, Landguth, Marchand and Waltman voting yes and none voting no and with Derby abstaining)

41. No. 08AN011 - Resolution of Intent to Annex

A request by City of Rapid City to consider an application for a **Resolution of Intent to Annex - South Valley Drive** on Lot 6 – 7 less Lot H-1, Block 2, Johnson School Subdivision in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Part of Tract D located in the NE1/4NW1/4 of Section 9 and the east 88 feet of Lot D of the NE1/4NW1/4 less Lot H-1 in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot H-3 and H-4 in NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot H-1 in Lot E in NE1/4NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 1-6 of Lot D, Wood Subdivision in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1E of NE1/4NW1/4 and the south part of Lot E of the NE1/4NW1/4 lying south of access highway in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Portion of the N1/2NW1/4 less Lot H5 of NE1/4NW1/4 and the N1/2SE1/4NW1/4 less Lot H1, all in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1, Lot B of Lot 2, Lot A of Lot 2-3, Lot 5 including Lot A of Lot 5, Lot 6, Lot 7, Lot W of Lot 8B & Lot 1 of Lot 9B, Lot 3A of Lot 3 and the balance of Lot 3, Lot 3D of Lot 3, Lot 3E of Lot 3, all of SW1/4NW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots A-E, Lots 1 and 2 of Lot F, Lots G–P of Lot 2B of Lot 2 and south half vacated right-of-way adjacent to lots G, H, I, J, & K and including Sherman Drive and the north half vacated right-of-way adjacent to lots A-C, Lots 1-4 of Lot 2A in Lot 2, Lot 2C of Lot 2 less Lot 1, all in NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 3A-1, 3A-2, 3A-3 of Lot 3A Revised, W157 feet of Lot 3A Revised, Lots 3B and 3C of Lot 3, W1/2 of Lot 3D of Lot 3, Lot 3E and E1/2 of Lot 3D of Lot 3, Lot 3F of Lot 3, Lot 3G of Lot 3, Lot 3H of Lot 3, Lot 3J of Lot 3, Lot 3K Revised of Lot 3, Lot 3L Revised of Lot 3, Lot 3M of Lot 3, Lot 3N of Lot 3, Lot 3P of Lot 3, Lot 3Q of Lot 3, Lot 3R of Lot 3, Lot 4, Lot 5, Lot 6, all in Melody Acres located in the NW1/4SW1/4 of Section 9, T1N,



R8E, BHM, Pennington County, South Dakota; All of Orchard Subdivision, Eden Gardens Addition, and Melody Acres Subdivision No. 2, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 3 of Tract A in E1/2SW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 1-10 of Fravel Tract Subdivision of Lot 1 of NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1 of Well Addition less Lot H1 and less dedicated right-of-way in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Garden Lane, Orchard Lane, Melody Lane, E. Fairmont Street, Cactus Drive, Scott Street, Eden Lane, School Drive, Lancer Drive, and S. D. Highway 44 including Lot H-1 and Lot H-2 in the NE1/4NW1/4, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; The 100 foot railroad right-of-way of the South Dakota Department of Transportation acting through the Office of Railroads, lying in the N1/2NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Hawthorne Ditch located in the NW1/4NW1/4 in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; E. St. Patrick right-of-way located north of Lot H-3 in NW1/4 of Section 9 and north of Rapid Valley Subdivision in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; All of Blocks 1 and 2, Blocks 5 and 6, Lots 1-12 of Block 3, Lots 7-12 of Block 4, all of Rapid Valley Subdivision in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; All of Long Acres Square and Sedivy Subdivision, located in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Lot A of Watco Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Tract B of Jepsen Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota; SW1/4NE1/4NE1/4, W1/2SE1/4NE1/4, S1/2SW1/4NE1/4, E1/2SE1/4NE1/4 less Block 1 & 2 and Lot 7 of Sedivy Subdivision, W1/2SE1/4, W1/2NE1/4SE1/4, E1/2NE1/4SE1/4 less Watco Subdivision and less Jepsen Subdivision, SE1/4SE1/4 less Jepsen Subdivision, all in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Beechwood Lane, Pecan Lane, Olive Lane, E. St. Francis Street, Blanche Drive, Long Acre Drive, and Garden Lane, all located in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Sedivy Lane, that portion not in the City limits of Rapid City, located in the NE1/4 of Section 8, T1N, R8E, BHM, Pennington County, South Dakota; NW1/4 less Lot H-1 as recorded in Book 9 Hwy of Plats – Page 54 and less Lot H-1 as recorded in Book 9 Hwy of Plats – Page 52 (Elk Vale Road right-of-way) in Section 16, T1N, R8E, BHM, Pennington County, South Dakota, T1N, R8E, BHM, Pennington County, South Dakota; NE1/4 and the N1/2SE1/4 including Lot H-2 of the NE1/4SE1/4 and less lot H1 of NE1/4SE1/4 otherwise known as Elk Vale Road right-of-way, all in Section 17, T1N, R8E, BHM, Pennington County, South Dakota; and, That portion of the Section line highway known as South Valley Drive lying within 33 feet each side of the north-south line between Section 9 and Section 8 and between the Northwest quarter of Section 16 and the Northeast quarter of Section 17, and the north 550 feet of the 33 feet section line highway on the east boundary of the NE1/4SE1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota

Bulman presented the staff's recommendation to approve the Resolution of Intent to Annex.

Anderson moved, and Gregg seconded to recommend that the Resolution of Intent to Annex be approved. (8 to 0 with Anderson, Brown, Derby,



Gregg, Hennies, Landguth, Marchand and Waltman voting yes and none voting no)

Tegethoff requested that items 42, 43 and 44 be taken concurrently.

42. 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 Lot 3 Mall Drive Subdivision and Lot 1B of Block 6 of Interstate 90 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.

*43. 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 Subdivision and Lot 1B of Block 6 of Interstate 90 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.

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. 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 Subdivision 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.

Tegethoff presented the staff's recommendation to approve the Comprehensive Plan Amendment, the Planned Industrial Development and Rezoning requests with stipulations.

Hennies moved, Marchand seconded and unanimously carried to recommend that 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.

Approve the Planned Industrial Development - Initial Development Plan



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 the approaches must be revised to a maximum width of 28 feet per the Rapid City Street Design Criteria Manual or the applicant must obtain an exception to the Rapid City Street Design Criteria Manual;**
- 3. Prior to Planning Commission approval of a Final Industrial Development Plan application, structural elevations and a complete building materials list and color palette for the structure, including the color of the roof, shall be submitted for review and approval. In particular, banding with alternate color schemes, cornices, arches, decorative brick work, decorative metal work, etc. could be incorporated into the design of the proposed building. In addition, the elevations shall show screening from all four sides of all roof top mechanical equipment;**
- 4. Prior to Planning Commission approval of a Final Industrial Development Plan application, a complete landscaping plan shall be submitted for review and approval identifying specific plant material. The landscaping plan shall comply with all requirements of the Zoning Ordinance;**
- 5. Prior to Planning Commission approval of a Final Industrial Development Plan application, a complete sign package, including any proposed signage on the buildings and direction signs within the parking lot, shall be submitted for review and approval;**
- 6. Prior to Planning Commission approval of a Final Industrial Development Plan application, a complete parking plan in compliance with the Parking Regulations shall be submitted for review and approval. In addition, loading dock areas and the truck route through the site must be identified and submitted for review and approval. In particular, the applicant must demonstrate screening of the loading dock from East Mall;**
- 7. Prior to Planning Commission approval of a Final Industrial Development Plan application, a complete lighting package identifying the design of the proposed lighting shall be submitted for review and approval. In addition, 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;**
- 8. Prior to Planning Commission approval of a Final Industrial Development Plan application, the location and size of all dumpsters shall be submitted for review and approval. In addition, elevations of the screening fence for the dumpsters shall be submitted for review and approval and shall include building material(s) and the proposed color palette;**
- 9. Prior to Planning Commission approval of a Final Industrial Development Plan application, the location, size and noise rating of all exterior air handling equipment shall be submitted for review and**



- approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
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. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
 12. Prior to Planning Commission approval of a Final Industrial Development Plan application, all outdoor display and sales areas shall be shown and paved;
 13. Upon submittal of a Final Industrial Development Plan, a revised site plan showing driveway widths in compliance with the Rapid City Street Design Criteria Manual shall be submitted for review and approval;
 14. Prior to issuance of a building permit the property shall be replatted in accordance with the Rapid City Municipal Code or a developmental lot agreement must be approved and recorded at the Pennington County of Register of Deeds office and the existing easements shall be vacated;
 15. Prior to issuance of a building permit the property shall be rezoned or the Planned Development shall be amended to comply with the Zoning Ordinance;
 16. Upon submittal of a Final Industrial Development Plan application, the applicant shall demonstrate that the structures and parking do not cover more than 75 percent of the lot area;
 17. Prior to Planning Commission approval of a Final Industrial Development Plan application, a drainage plan in compliance with the East Mall Drive Drainage Plan shall be submitted for review and approval. In particular, drainage calculations for the on-site storm sewer shall be submitted for review and approval. In addition, drainage easements shall be recorded as needed;
 18. Prior to Planning Commission approval of a Final Industrial Development Plan application, a detailed grading plan, including erosion and sediment control measures, shall be submitted for review and approval;
 19. Prior to issuance of a building permit a Fence Height Exception shall be obtained or the fence height shall be reduced to eight feet;
 20. Prior to Planning Commission approval of a Final Industrial Development Plan application, the applicant shall submit the storage information for review and approval;
 21. Prior to Planning Commission approval of a Final Industrial Development Plan application, water and sewer plans shall be submitted for review and approval; and,
 22. The Planned Industrial 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.

Recommend that the Rezoning from General Commercial District to Light Industrial District be approved in conjunction with the associated 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. (8 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, Marchand and Waltman voting yes and none voting no)

*45. 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 September 4, 2008 Planning Commission meeting.

Brown moved, Gregg seconded and unanimously carried to continue the Planned Industrial Development - Initial and Final Development Plan to the September 4, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, Marchand 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.

*46. 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.

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

Jim Phoenix, Rapid City resident expressed concern for possible negative impact to adjacent property owners. Discussion followed.

In response to Anderson's question, Elkins identified that there would only be



one tower and this application would allow for co-location on the tower with an additional equipment structure located at the base.

Wyangarten stated that the added antennae will be placed inside the existing tower.

Anderson moved, Gregg seconded and unanimously carried to approve the Major Amendment to a Planned Residential Development with the following stipulations:

- 1. Prior to Planning Commission approval, the site plan shall be revised to show a 6 foot high cedar screening fence around Verizon's utility panel. Prior to issuance of a building permit, the screening fence and landscaping shall be in place;**
- 2. Prior to Planning Commission approval, construction plans shall be submitted for review and approval addressing the erosion issues existing along the recently constructed driveway to the communication tower parking lot. In addition, prior to issuance of a building permit, the erosion control measures shall be completed;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a building permit for a residence or photography studio on Lot 1, surety shall be posted for the extension of water and sewer to proposed Lot 1 and for sidewalks along proposed Lot 1 as it abuts Jackson Boulevard;**
- 5. 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;**
- 6. Upon submittal of a building permit, a grading and drainage plan for the proposed development shall be submitted for review and approval;**
- 7. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the right-of-way;**
- 8. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
- 9. An Industrial Pre-treatment Permit shall be obtained prior to issuance of a building permit for the photography studio;**
- 10. An Erosion and Sediment Control Plan shall be submitted for review and approval if earth moving activities are more than 300 cubic yards;**
- 11. A Manual of Uniform Traffic Control Devices (MUTCD)/Compliant Traffic Control Plan shall be submitted to the South Dakota Department of Transportation for review and approval one month in advance of construction for all stages of work that may impact the safety of the public within the Jackson Boulevard right-of-way;**
- 12. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development Plan;**
- 13. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Development.**



- A sign permit shall also be obtained;
14. 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;
 15. A minimum of seven parking spaces shall be provided for the photography studio and residence. One of the spaces shall be “van accessible”. In addition, a minimum of two parking spaces shall be provided for the communication facility. One of the spaces shall be “van accessible”. All provisions of the Off-Street Parking Ordinance shall be continually met;
 16. 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;
 17. The currently adopted International Fire Code shall be continually met;
 18. A 150 foot tall flagpole communication tower with two equipment shelters shall be allowed on the property as Phase One of the development. The American flag shall be flown on the flagpole tower and lighted as needed. In addition, a residence and photography studio shall be allowed on the property as Phase Two of the development. Any other use shall require a Major Amendment to the Planned Residential Development; and,
 19. The Planned 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. (8 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, Marchand 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.

*47. 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 to a Planned Commercial Development request.

Mike Bender, Dream Design International stated that all landscaping is in place as originally planned.



Tony Ahmed, representing Furniture Row, stated that the Department of Transportation advised that they have no restrictions on reader board signs.

Derby stated that he is not aware of studies linking accidents to types of signs. Discussion followed.

Derby moved, Anderson seconded to continue the Planning Commission meeting past the 9:00 a.m. deadline. (8 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, Marchand and Waltman voting yes and none voting no)

Hennies left the meeting at this time. Discussion continued.

Landguth expressed his opposition to reader board signs due to safety issues.

Elkins reviewed staff's concerns with the proposed sign being located on the subject property.

Ahmed expressed his support for the proposed sign on the subject property.

Brown expressed his concern for distraction and possible negative impact on traffic on the interstate.

In response to Derby's question, Ahmed commented on his company's investment in the development. Derby expressed his support for the proposed sign on the subject property.

Karen Gunderson Olsen, Alderwoman, expressed her opposition to the proposed reader board signs.

Brown moved, Landguth seconded and carried to deny the Major Amendment to a Planned Commercial Development. (5 to 1 to 1 with Anderson, Brown, Derby, Gregg, Landguth and Marchand voting yes and Derby voting no and Waltman abstaining)

Brown left the meeting at this time.

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.

Marchand moved, Gregg seconded and unanimously carried to continue the August 21, 2008 Planning Commission meeting to Thursday, August 28, 2008 at 7:00 a.m. (6 to 0 with Anderson, Derby, Gregg, Landguth, Marchand and Waltman voting yes and none voting no)

