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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 4, 2008

MEMBERS PRESENT: John Brewer, Gary Brown, Mike Derby, Julie Gregg, Steve Rolinger and Andrew Scull. Ron Weifenbach, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Monica Heller, 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 7:02 a.m.

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 Item 30 be removed from the Consent Agenda for separate consideration.

In response to Derby's question, Elkins requested that the Planning Commission acknowledge that Items 33A and 33B be added to the Agenda as an Addendum.

Gregg requested that Items 33A and 33B 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 33B in accordance with the staff recommendations with the exception of Items 30, 33A and 33B. (6 to 0 with Brewer, Brown, Derby, Gregg, Rolinger and Scull voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the August 21, 2008 Planning Commission Meeting Minutes.
2. No. 08CA009 - Big Sky Business Park
A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on a portion of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 4 of Big Sky Business Park, common to the southeasterly corner of Lot 2 of Block 4 of Big Sky Business Park, and the point of beginning, Thence, first course: S89°47'32"E, along the southerly boundary of said Lot 3 of Block 4, a distance of 199.60 feet, to the southeasterly

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corner of said Lot 3 of Block 4; Thence, second course: S89°44'39"E, a distance of 30.00 feet; Thence, third course: S00°06'50"W, a distance of 1025.13 feet, to a point on the northerly boundary of Tract A of F & N Subdivision; Thence, fourth course: N89°48'13"W, along the northerly boundary of said Tract A, a distance of 229.83 feet; Thence, fifth course: N00°07'35"E, a distance of 1025.15 feet, to the southwesterly corner of said Lot 3 of Block 4, common to the southeasterly corner of said Lot 2 of Block 3, and the point of beginning, more generally described as being located east of Elk Vale Road and west of Degeest Drive and south of Berniece Street.

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

3. No. 08CA010 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Public** on a portion of Tract A of F & N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°48'53"E, along the northerly boundary of said Tract A, a distance of 168.32 feet; Thence, second course: S20°15'16"E, a distance of 114.68 feet; Thence, third course: S00°07'35"W, a distance of 571.08 feet; Thence, fourth course: N85°25'19"W, a distance of 207.67 feet, to a point on the westerly boundary of said Tract A; Thence, fourth course: N00°01'18"E, along the westerly boundary of said Tract A, a distance of 662.63 feet, to the northwesterly corner of said Tract A, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Street.

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

4. No. 08CA011 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption Action on an Amendment to the Comprehensive Plan to change the future land use designation from Office Commercial with a Planned Commercial Development to Public** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 2 of Block 2 of Neff's Subdivision, and the point of beginning; Thence, first course: N85°25'19"W, a distance of 207.00 feet; Thence, second course: N00°07'35"E, a distance of 571.08 feet; Thence, third course: S20°15'16"E, a distance of 592.63 feet; Thence, fourth course: S00°09'08"W, a distance of 31.62 feet, to the northwesterly corner of said Lot 2 of Block 2 of Neff's Subdivision, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

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

5. No. 08CA012 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Public** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Block 1 of Neff's Subdivision, and to the point of beginning, Thence, first course: N13°51'21"W, a distance of 205.16 feet, to a point on the westerly boundary of Tract A of F & N Subdivision; Thence, second course: S85°25'19"E, a distance of 207.67 feet; Thence, third course: S27°32'45"W, a distance of 198.25 feet, to a point on the northerly boundary of said Lot 1; Thence, fourth course: S84°06'34"W, along the northerly boundary of said Lot 1, a distance of 66.55 feet, to the northwesterly corner of Lot 1 of Block 1 of Neff's Subdivision, and to the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

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

6. No. 08CA013 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Office Commercial with a Planned Commercial Development** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, Thence, first course: S89°44'04"E, along the westerly boundary of said Tract A, a distance of 112.99 feet, to a corner on the westerly boundary of said Tract A; Thence, second course: S13°51'21"E, a distance of 205.16 feet, to the northwesterly corner of Block 1 of Neff's Subdivision V, common to a point on the southerly boundary of said Tract A; Thence, third course: S00°07'01"W, along the southerly boundary of said Tract A, common to the westerly boundary of said Block 1, a distance of 148.23 feet, to a point on the southerly boundary of said Tract A; Thence, fourth course: N89°39'33"W, along the southerly boundary of said Tract A, a distance of 164.80 feet, to the southwest corner of said Tract A, common to the easterly boundary of said Tract B; Thence, fifth course: N00°29'28"E, along the westerly boundary of said Tract A, common to the easterly boundary of said Tract B, a distance of 346.97 feet, to the northeasterly of Tract B of Neff's Subdivision No. 4, common to a corner on the westerly boundary of Tract A of F & N Subdivision, and the point of beginning, more generally described as being located east of the northern terminus of Jolly Lane and west of Sweetbriar Street.

Planning Commission approved the summary and authorized publication in

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the Rapid City Journal.

7. No. 08CA014 - F&N Subdivision

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Low Density Residential** on a portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 6 of Block 1 of Neff's Subdivision No. 2, and the point of beginning, Thence, first course: S89°55'24"W, a distance of 30.00 feet; Thence, second course: N00°04'43"E, a distance of 8.38 feet; Thence, third course: curving to the left, on a curve with a radius of 288.00 feet, a delta angle of 20°19'59", a length of 102.21 feet, a chord bearing of N10°05'17"W, and chord distance of 101.67 feet; Thence, fourth course: N20°15'16"W, a distance of 5.25 feet; Thence, fifth course: N69°44'43"E, a distance of 50.69 feet; Thence sixth course: curving to the right, on a curve with a radius of 400.00 feet, a delta angle of 20°23'26", a length of 142.35feet, a chord bearing of N79°56'27"E, and chord distance of 141.60 feet; Thence, seventh course: S89°51'50"E, a distance of 98.10 feet, to a point on the section 1/16th line; Thence, eighth course: S00°06'38"W, along the section 1/16th line, a distance of 155.91 feet, to a point on the northerly boundary of Block 1 of Neff's Subdivision No. 2; Thence, ninth course: N89°52'44"W, along the northerly boundary of said Block 1 of Neff's Subdivision No. 2, a distance of 235.17 feet, to the northwesterly corner of said Lot 6 of Block 1 of Neff's Subdivision No. 2, and the point of beginning, more generally described as being located southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road.

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

8. No. 08CA020 - Silver Strike Subdivision

A request by Melanie Lien Palm to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive plan to change the Future Land Use Plan from Light Industrial to General Commercial** on the balance of Lot 1 of Silver Strike Subdivision in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2203 Distribution Lane.

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

9. No. 08CA028 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Low Density Residential District** on Lot 1 of Block 13 of Auburn Hills Subdivision, located in the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Bunker

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Drive and Alma Street.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest District to Low Density Residential District be approved.

10. No. 08RZ030 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on Lot 1 of Block 13 of Auburn Hills Subdivision, located in the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Bunker Drive and Alma Street.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be approved in conjunction with associated Comprehensive Plan Amendment.

11. No. 08OA007 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to add "Bakery" as a permitted use in the Light Industrial Zoning District.**

Planning Commission recommended that the Ordinance Amendment to add "Bakery" as a permitted use in the Light Industrial Zoning District be approved.

12. No. 08PL016 - Schaeferville Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Preliminary Plat** on 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 October 9, 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**

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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 on for proposed 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 October 9, 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** on 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 25, 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** on 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,

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street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code to the September 25, 2008 Planning Commission meeting.

16. No. 08PL098 - Homestead Plaza Subdivision

A request by Dream Design International Inc. to consider an application for a **Preliminary Plat** on 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 25, 2008 Planning Commission meeting.

17. No. 08PL099 - Homestead Plaza Subdivision

A request by Dream Design International Inc. to consider an application for a **Preliminary Plat** on 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 25, 2008 Planning Commission meeting.

18. No. 08PL102 - Mahoney Addition

A request by Black Hills Area Habitat for Humanity to consider an application for a **Preliminary Plat** on 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 October 9, 2008 Planning Commission meeting.

19. 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** on 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

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Regulations to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code to the October 9, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL102).

20. No. 08PL116 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Zandstra Real Estate Holdings to consider an application for a **Preliminary Plat** on for proposed Lots 8 thru 12 of Block 8, Lots 5 thru 9 of Block 9, Lots 17 thru 23 of Block 10, Lots 4 thru 18 of Block 11 and Lots 1 thru 10 of Block 13 of Elks Country Estates, legally described as a portion of Tract 1 of the E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north and south sides of the intersection of Jolly Lane and Padre Drive and adjacent to Forest Oaks Court.

Planning Commission continued the Preliminary Plat to the September 25, 2008 Planning Commission meeting to allow the applicant to submit additional information.

21. 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 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 October 9, 2008 Planning Commission meeting.

22. No. 08SC001 - Original Town of Rapid City

A request by Bob Fuchs for Firehouse Brewing Co. to consider an application for a **Sidewalk Cafe Permit** on Lots 26 thru 28 of Block 74 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 612 Main Street.

Planning Commission approved the Sidewalk Café Permit request with the following stipulations:

1. **A minimum 9 foot wide clear pedestrian path shall be maintained at all times as per the applicant's site plan;**
2. **Physical barricades shall be provided around the sidewalk café since alcoholic beverages will be served. In particular, the barricades shall consist of white or black posts and chains in compliance with the submitted design details. The barricades shall not be attached permanently to the sidewalk and shall not exceed four feet in height;**
3. **The umbrellas shall be designed to be secure during windy conditions. In addition, the umbrellas shall be at least seven feet**

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above the sidewalk when open. No advertising is allowed on the umbrellas;

4. **Commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability shall continually be provided. The City of Rapid City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked;**
 5. **The proposed sidewalk café shall conform to the plans and design criteria submitted as part of this Sidewalk Café Permit and shall be operated in compliance with Chapter 12.20.020(E) of the Rapid City Municipal Code; and,**
 6. **The Sidewalk Café Permit may be revoked for cause, consisting of failure to maintain the standards required for this permit as per Chapter 12.20.020(E).12.**
23. 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 25, 2008 Planning Commission meeting.

24. 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 25, 2008 Planning Commission meeting.

25. 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 25, 2008 Planning Commission meeting.

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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.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a cellular tower to the October 23, 2008 Planning Commission meeting.

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 continued the SDCL 11-6-19 Review to allow the construction of a water main to the September 25, 2008 Planning Commission meeting.

28. 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 25, 2008 Planning Commission meeting to allow the applicant to submit the additional required information.

29. No. 08SR072 - Marshall Heights Subdivision No. 2

A request by Centerline, Inc. for Rapid City Implement Company to consider an application for a **SDCL 11-6-19 Review to extend a public utility** on Tract F of Marshall Heights Subdivision No. 2, located in the SW1/4 of the NE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 751 E. Disk Drive.

Planning Commission continued the SDCL 11-6-19 Review to extend a public utility to the September 25, 2008 Planning Commission meeting to allow the applicant to submit additional information.

*31. No. 08UR012 - Section 5, T1N, R8E

A request by Advanced Engineering for Judy Rhode of Elegant Events to

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consider an application for a **Conditional Use Permit to allow a Banquet Facility with on-sale liquor** on Lot 1 of Lot J of the NE1/4 SW1/4, less Lot 3, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1125 Kennel Drive.

Planning Commission continued the Conditional Use Permit to allow a Banquet Facility with on-sale liquor to the October 9, 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.

32. No. 08VE005 - Limestone Subdivision

A request by Renner & Assoc. for Pete Lien & Sons to consider an application for a **Vacation of Access Easement** on 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 October 9, 2008 Planning Commission meeting.

33. 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 25, 2008 Planning Commission meeting.

---END OF CONSENT CALENDAR---

30. No. 08SV043 - Trailwood Village Subdivision

A request by Sperlich Consulting, Inc. for Gordon Howie to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along Landon Drive, to install curb gutter, sidewalk, pavement, water & sewer along the access easement and to reduce the width of the access easement from 45 feet to 20 feet as per Chapter 16.16 of the Rapid City Municipal Code** on for proposed Lots 33 thru 40 of Block 18, Lot 6 of Block 26 and lot 5 thru 8 of Block 27 of Trailwood Village Subdivision, legally described as a portion of Tract T of Trailwood Village, located in the NW1/4 of the SE1/4 and in 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 and Leola Lane.

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Elkins presented the staff's recommendation to approve the Variance to the Subdivision Regulations. Elkins identified a letter of objection that was presented by an adjacent property owner. Discussion followed.

Brewer moved, Gregg seconded to open the Variance to the Subdivision Regulations to waive the requirement to install sewer along Landon Drive, to install curb gutter, sidewalk, pavement, water & sewer along the access easement and to reduce the width of the access easement from 45 feet to 20 feet as per Chapter 16.16 of the Rapid City Municipal Code for discussion.

Discussion followed.

Elkins presented slides of the subject property.

In response to Derby's questions, Elkins offered a description of a grass paver.

Brown expressed his support for the Variance request.

Brown moved, Scull seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Landon Drive, to install curb, gutter, sidewalk, water, sewer and pavement along the access easement and to reduce the width of the access easement from 45 feet to 20 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. Prior to City Council approval, construction plans for the access easement shall be submitted for review and approval showing the easement constructed with a minimum 10 foot wide grassed paver or a minimum 10 foot wide paved surface. (6 to 0 with Brewer, Brown, Derby, Gregg, Rolinger and Scull voting yes and none voting no)**

Elkins requested that items 33A and 33B be taken concurrently.

- 33A. 08TP023 – 2008–2012 Transportation Improvement Program Amendment #08-016
- 33B. 08TP024 – 2009-2013 Transportation Improvement Program Amendment #09-001

Elkins identified the proposed increased costs and their purpose of the Amendments to the Transportation Improvement Program.

Gregg moved, Brewer seconded and unanimously carried to approve the 2008–2012 Transportation Improvement Program Amendment #08-016 and the 2009-2013 Transportation Improvement Program Amendment #09-001 (6 to 0 with Brewer, Brown, Derby, Gregg, Rolinger and Scull voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

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*34. 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.

Elkins presented the staff's recommendation to continue the Planned Industrial Development request to the September 25, 2008 Planning Commission meeting at the applicant's request.

Gregg moved, Brewer seconded and unanimously carried to continue the Planned Industrial Development - Initial and Final Development Plan to the September 25, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Derby, Gregg, Rolinger and Scull 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.

*35. 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.

Tegethoff presented the staff' recommendation to approve the Planned Industrial Development request with stipulations.

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

Rolinger moved, Brewer seconded and carried to approve the Planned Industrial Development - Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval of a Final Industrial Development Plan application, revised 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**

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- addition, the elevations shall show screening from all four sides of all roof top mechanical equipment;
2. Prior to Planning Commission approval of a Final Industrial Development Plan application, all outdoor display and sales areas shall be shown and paved;
 3. Prior to Planning Commission approval of a Final Industrial Development Plan application, the applicant shall submit the storage information for review and approval and no material on pallets shall be stored outside of the storage yard;
 4. Prior to Planning Commission approval 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;
 5. 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;
 6. 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;
 7. 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;
 8. Prior to Planning Commission approval of a Final Industrial Development Plan application, the location, the truck route through the site shall be identified and submitted for review and approval;
 9. 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;
 10. 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;
 11. Prior to issuance of a building permit a Fence Height Exception shall be obtained or the fence height shall be reduced to eight feet;
 12. Prior to issuance of a building permit the property shall be rezoned or the Planned Development shall be amended to comply with the

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Zoning Ordinance;

13. Prior to issuance of a building permit, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;
14. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
15. 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;
16. A minimum of 75 parking spaces shall be provided. Four 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;
17. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
18. A minimum of 121,318 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;
19. 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; and,
20. 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. (5 to 0 to 1 with Brewer, Brown, Derby, Gregg and Rolinger voting yes and none voting no and Scull abstaining)

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

*36. No. 08PD044 - Schamber Subdivision

A request by Sperlich Consulting, Inc. for Dean Kelly Construction to consider an application for a **Planned Residential Development - Initial Development Plan** on Lot 9 and the north 25 feet of Lot 10 in Block 3 of Lot 3 of the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South

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Dakota, more generally described as being located at 2021 Monte Vista Drive.

Tegethoff presented the staff's recommendation to continue the Planned Residential Development request to the September 25, 2008 Planning Commission meeting at the applicant's request.

Discussion followed.

In response to Brewer's question, Tegethoff presented the proposed development on the subject property. Discussion followed.

Vivian Hamling, area resident expressed her opposition to the proposed development on the subject property. Hamling stated her concern for the possible negative impact to the adjacent property owners from the increased traffic and the sewer and water system.

Monte Loos, area resident expressed his opposition to the proposed development on the subject property. Loos stated his concern for the possible negative impact to the adjacent neighborhood from the increased traffic from the proposed development.

Ben Leonard, area resident, expressed his opposition to the proposed development on the subject property. Leonard requested that the Planning Commission deny the Planned Residential request. Discussion followed.

In response to Brown's question, Kale McNaboe, the applicant's agent stated that the applicant is not available to attend the meeting and has requested that the Planning Commission continue the Planned Residential Development request to the September 25, 2008 Planning Commission meeting.

Brown moved, Brewer seconded to deny the Planned Residential Development - Initial Development Plan.

McNaboe stated that the applicant intends to build a triplex on the subject property. McNaboe requested that the Planning Commission approve the Planned Residential request.

Elkins stated that after staff's review there are several standards that do not meet the requirement for further development. Elkins stated that the Planning Commission may want to consider the alternative motion to deny without prejudice.

Brewer expressed his support for the staff's suggestion to deny without prejudice the Planned Residential request.

Derby expressed support to continue the request to the September 25, 2008 Planning Commission meeting as a courtesy to the applicant. Discussion followed.

Leonard requested that the Planning Commission deny the Planned Residential

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Development request.

Brown moved, Brewer seconded and carried to deny the Planned Residential Development - Initial Development Plan without prejudice. (5 to 1 with Brewer, Brown, Gregg, Rolinger and Scull voting yes and Derby, 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.

Elkins requested that items 37 and 38 be taken concurrently.

*37. No. 08PD045 - Skyline Pines East Subdivision

A request by FourFront Design, Inc. for Skyline Pines East, LLLP to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 10 thru 18 and 49 feet Right-of-way of Tower Court of Skyline Pines East Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land being a portion of Lot B of the SW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a yellow plastic cap stamped "PINHOLT LS 6253" at the southeast corner of lot 1 of the southeast quarter of said Section 11, as depicted on the plat of said Lot 1, recorded in Book 34 of Plats, on page 141; thence S89 52'02"E along the north line of said Lot B a distance of 528.48 feet more or less to the east line of said Lot B; thence S00 01'01"W along said east line a distance of 609.54 feet more or less to the northerly line of the sixty foot wide tower road right-of-way; thence continuing along said northerly line, N82 01'59"W a distance of 136.64 feet to a point of curvature; thence along the arc of said curve to the right having a radius of 235.00 feet, a central angle of 32 45'53" for a distance of 134.38 feet to the point of beginning, said point monumented with a No. 5 rebar with orange plastic cap marked "4Front Nelson RLS #9049: thence along the arc of said curve to the right having a radius of 235.00 feet, a central angle of 05 13'04" for a distance of 21.40 feet to a point of tangency, monumented with a No. 5 rebar with orange plastic cap marked "4Front Nelson RLS #9049; thence along said line of tangency north 44 03'02" west a distance of 73.79 feet to a point of curvature, monumented with a No. 5 rebar with orange plastic cap marked "4Front Nelson RLS #9049: thence along the arc of a curve to the left the following three courses the termini of which are monumented with a No. 5 rebar with orange plastic cap marked "4Front Nelson RLS #9049": Radius of 430.00 feet, a central angle of 07 05'26" for a distance of 53.21 feet; Radius of 430.00 feet, a central angle of 12 29'29" for a distance of 93.75 feet; Radius of 430.00 feet, a central angle of 20 16'28" for a distance of 152.16 feet; Thence departing said northerly right-of-way line along the following 7 courses the termini of which are monumented with a No. 5 rebar with orange plastic cap marked "4Front Nelson RLS #9049": N32 36'48"E a distance of 195.31 feet; N53 34'09"W a distance of 40.69 feet; N42 38'52"E a distance of 153.00 feet; S89 52'02"E a distance of 206.91 feet; S57 23'12"E a distance of 205.80 feet; S16 52'40"W a

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distance of 283.49 feet; N73 07'20"W a distance of 61.60 feet; Thence S32 36'48"W a distance of 157.57 feet more or less to the point of Beginning, containing an area of 3.8 acres more or less, more generally described as being located west of Mount Rushmore Road, north of Tower Road and east of Sandstone Lane.

38. No. 08PL117 - Skyline Pines East Subdivision

A request by FourFront Design, Inc. for Skyline Pines East, LLLP to consider an application for a **Preliminary Plat** on for proposed Lots 10 thru 18 and 49 feet Right-of-way of Tower Court of Skyline Pines East Subdivision, legally described as a parcel of land being a portion of Lot B of the SW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, South Dakota, more particularly described as follows: Beginning at the southeast corner of lot 18, said corner being on the northerly line of the 60 foot wide tower road right-of-way, said point also being a point of curvature, monumented with a No. 5 rebar with orange plastic cap marked "4front Nelson RLS #9049: thence along the arc of said curve to the right having a radius of 235.00 feet, a central angle of 05°13'04" for a distance of 21.40 feet to a point of tangency; thence along said line of tangency north 44°03'02" west a distance of 73.79 feet to a point of curvature: thence continuing along said northerly right-of-way line along the arc of said curve to the left having a radius of 430.00 feet, a central angle of 39°51'22" for a distance of 299.12 feet; thence departing said northerly right-of-way line along the following 7 courses the termini of which are monumented with a No. 5 rebar with orange plastic cap marked "4front Nelson RLS #9049": North 32°36'48" east a distance of 195.31 feet; North 53°34'09" west a distance of 40.69 feet; North 42°38'52" east a distance of 153.00 feet; South 89°52'02" east a distance of 206.91 feet; South 57°23'12" east a distance of 205.80 feet; South 16°52'40" west a distance of 283.49 feet; North 73°07'20" west a distance of 61.60 feet; Thence south 32°36'48" west a distance of 157.57 feet more or less to the point of beginning, containing an area of 3.8 acres more or less, more generally described as being located west of Mount Rushmore Road, north of Tower Road and east of Sandstone Lane.

Elkins presented the Planned Residential Development and the Preliminary Plat requests. Elkins stated that the staff recommends that the Planned Residential Development and Preliminary Plat requests be approved with stipulations.

Rolinger moved, Scull seconded and unanimously carried to approve the Planned Residential Development - Initial and Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval, a geotechnical soils stability analysis shall be submitted for review and approval verifying that the proposed project site is suitable for the proposed development;**
- 2. Prior to Planning Commission approval, the site plan shall be revised to show a minimum 50 foot separation between the intersection of Tower Road and Tower Court and the driveways to proposed Lots 10 and 18 in lieu of 48 feet and 45 feet, respectively, or an Exception to reduce the separation requirement shall be obtained;**
- 3. Prior to Planning Commission approval, the site plan shall be revised**

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- to show separate driveways to the townhome located on proposed Lot 13 and the single family residence located on proposed Lot 14 in lieu of one shared driveway;
4. Prior to Planning Commission approval, a site plan showing visitor parking at a ratio of one visitor parking space per lot shall be submitted for review and approval. If visitor parking at a ratio of one visitor parking space per lot can be provided, then the front yard setback shall be reduced from 25 feet to 18 feet. If visitor parking can not be provided as identified then a minimum 25 foot front yard setback shall be provided;
 5. A minimum 25 foot setback shall be provided along the side yard abutting Tower Road. A side yard setback along interior side lot lines of eight feet for a one story structure and twelve feet for a two story structure shall also be provided. In addition, a minimum 25 foot rear yard setback shall be provided;
 6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 7. Prior to issuance of a building permit, a Preliminary Plat shall be reviewed and approved by the City Council to insure that all infrastructure improvements have been addressed. In addition, prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed and approved to insure that all right(s)-of-way have been dedicated;
 8. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
 9. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development;
 10. All streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual and the currently adopted International Fire Code. In addition, fire hydrants shall be in place and operational prior to any building construction. Street signs and lot addresses shall also be posted prior to or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met;
 11. The Planned Residential Development shall allow for the construction of eight townhomes and one single family residence. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
 12. A one year time extension for the Planned Residential Development may be granted upon written request to the Growth Management Director if submitted prior to the Final Development Plan approval expiration date.

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

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business on the seventh full calendar day following action by the Planning Commission.

And that the Planning Commission recommended approval of the Preliminary Plat with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, 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 Growth Management Department;
2. Prior to Preliminary Plat approval by the City Council, a Master Plan showing the adjacent sanitary sewer and water mains, adjacent stormwater drainage and adjacent street(s) shall be submitted for review and approval. In addition, the plat document shall be revised to show utility and drainage easements as needed. Miscellaneous documents shall also be recorded at the Register of Deed's Office for any off-site sanitary sewer, water and stormwater drainage improvements needed for this phase of the development;
3. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to provide adequate drainage and erosion protection for the storm water discharge from the site;
4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along the first 50 feet of Tower Court as it extends north from Tower Road or an Exception shall be obtained to reduce the separation between the intersection and a driveway from 50 feet to 48 feet and 45 feet, respectively;
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 title shall be revised to read "Skyline Pines East Subdivision (formerly a portion of Lot B of the SW1/4SE1/4 of Section 11, T1N, R7E) located in SW1/4SE1/4 of Section 11, T1N, R7E, of the B.H.M., Rapid City, Pennington County, South Dakota";
7. Prior to submittal of a Final Plat application, the plat document shall be revised to show a six foot exterior maintenance easement on either side of the common lot line to provide adequate room for maintenance, repair and alterations of the townhomes;
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. (6 to 0 with Brewer, Brown, Derby, Gregg, Rolinger and

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Scull voting yes and none voting no)

Tegethoff requested that items 39 and 40 be taken concurrently.

39. No. 08PL115 - Estes Subdivision

A request by D.C. Scott Surveyors, Inc. for Thomas Estes to consider an application for a **Layout Plat** on for proposed Lot 6 of Estes Subdivision, legally described as the unplatted parcel of land lying north of Neck Yoke Road east of Aero Road and south of Lot 1 of Estes Subdivision, located in the W1/2 W1/2 SW1/4, Section 15, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located northeast and northwest of the intersection of Neck Yoke Road and Aero Road.

40. No. 08SV044 - Estes Subdivision

A request by D.C. Scott Surveyors, Inc. for Thomas Estes to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional public right-of-way, to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16 of the Rapid City Municipal Code** on for proposed Lot 6 of Estes Subdivision, legally described as the unplatted parcel of land lying north of Neck Yoke Road east of Aero Road and south of Lot 1 of Estes Subdivision, located in the W1/2 W1/2 SW1/4, Section 15, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located northeast and northwest of the intersection of Neck Yoke Road and Aero Road.

Tegethoff presented the staff's recommendation to continue the Layout Plat and the Variance to the Subdivision Regulations requests to the September 25, 2008 Planning Commission meeting at the applicant's request.

Rolinger moved, Brewer seconded and unanimously carried to continue the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to dedicate additional public right-of-way, to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16 of the Rapid City Municipal Code to the September 25, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Derby, Gregg, Rolinger and Scull voting yes and none voting no)

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

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

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

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Rolinger moved, Scull seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a storage shed on public property to the September 25, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Derby, Gregg, Rolinger and Scull voting yes and none voting no)

42. 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.

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

Rolinger moved, Scull seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow a telecommunication tower to the September 25, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Derby, Gregg, Rolinger and Scull voting yes and none voting no)

43. Discussion Items

A. Ordinance Amendment to allow Planned Developments in the General Agriculture Districts.

Elkins presented the request for Planning Commission to authorize staff to bring forward an Ordinance Amendment to allow Planned Development in the General Agriculture District. Discussion followed.

Rolinger moved, Brown seconded to authorize staff to draft an Ordinance Amendment to allow Planned Developments in the General Agriculture Districts.

In response to Brewer's question, Elkins identified the options available to an applicant noting that the Ordinance Amendment would allow development to occur in a phased approach. Discussion followed.

In response to Scull's question, Elkins stated that the intent of the Ordinance Amendment is to provide an option to make a Planned Residential process available to applicants for property in the General Agriculture Zoning Districts. Discussion followed.

Rolinger moved, Brown seconded and unanimously carried to authorize staff to draft an Ordinance Amendment to allow Planned Developments in the General Agriculture Districts. (6 to 0 with Brewer, Brown, Derby, Gregg, Rolinger and Scull voting yes and none voting no)

B. Exceptions to the requirements to install curb and gutter, street lights and

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sidewalks on State Highways.

Elkins presented the staff's recommendation to authorize staff to advertise a public hearing to consider ordinance amendments to allow Exceptions to the requirements to install curb and gutter, street lights and sidewalks on State Highways.

Brown moved, Rolinger seconded and unanimously carried to authorize staff to advertise a public hearing to consider ordinance amendments to allow Exceptions to the requirements to install curb and gutter, street lights and sidewalks on State Highways. (6 to 0 with Brewer, Brown, Derby, Gregg, Rolinger and Scull voting yes and none voting no)

44. Staff Items

45. Planning Commission Items

46. Committee Reports

- A. City Council Report (August 18, 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, Scull moved, Rolinger seconded and unanimously carried to adjourn the meeting at 8:02 a.m. (6 to 0 with Brewer, Brown, Derby, Gregg, Rolinger and Scull voting yes and none voting no)