

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 23, 2008

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

STAFF PRESENT: Marcia Elkins, Bob Dominicak, 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.

Scull and Anderson requested that Items 17, 21 and 41 be removed from the Consent Agenda for separate consideration.

Motion by Brown, Seconded by Scull and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 51 in accordance with the staff recommendations with the exception of Items 17, 21 and 41. (9 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no)

1. Approval of the October 9, 2008 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 November 20, 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 proposed 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, 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 November 20, 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 proposed 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, 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 November 20, 2008 Planning Commission meeting.

5. No. 08CA028 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC 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 Park Forest to Low Density Residential District** on Lot 1 of Block 13 of Auburn Hills Subdivision, 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 approved the summary and authorized publication in the Rapid City Journal.

6. No. 08CA029 - West Rapid

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 adopting the West Rapid Future Land Use Plan** on property generally lying south of Omaha Street, north of Jackson Boulevard, west of S.D. Highway 79 (Sturgis Road) to the Rapid City corporate limits boundary, Pennington County, South Dakota.

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

7. No. 08CA030 - West Rapid

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 eliminating, adding and realigning arterial**

and collector streets in the West Rapid Neighborhood Area Future Land Use Plan on property generally lying south of Omaha Street, north of Jackson Boulevard, west of S.D. Highway 79 (Sturgis Road) to the Rapid City corporate limits boundary, Pennington County, South Dakota.

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

8. No. 08CA037 - Section 24, T1N, R7E

A request by TSP Three, Inc. for Black Hills Corporation to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the Future Land Use Plan from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial District with a Planned Commercial Development** on the SW1/4 of the SW1/4, and that part of the NW1/4 of the SW1/4 lying south of Highway Right-of-way, less Lot H1, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and east of Tartan Court.

Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the Future Land Use Plan from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial District with a Planned Commercial Development to the November 6, 2008 Planning Commission meeting to allow the applicant to submit a Traffic Impact Study for review and approval.

9. 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 continued the Ordinance Amendment to amend Section 16.50.335 "Sight Triangles" of the Rapid City Municipal Code to the November 20, 2008 Planning Commission meeting.

10. No. 08OA008 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to Amend Section 16.12 of the Rapid City Municipal Code to require Parkland Dedication.**

Planning Commission recommended that the Ordinance Amendment to Amend Section 16.12 of the Rapid City Municipal Code to require Parkland Dedication be approved.

11. No. 08OA012 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to amend Section 17.22.020(c)5 Permitted uses to eliminate the fencing and screening requirements for outdoor storage facilities and to add Section 17.22.090 Screening Requirements in the Light Industrial**

Zoning District.

Planning Commission recommended that the Ordinance Amendment to amend Section 17.22.020(c)5 Permitted Uses to eliminate the fencing and screening requirements for outdoor storage facilities and to add Section 17.22.090 Screening Requirements in the Light Industrial Zoning District be approved.

12. No. 08OA013 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to delete Section 17.34.030(B) Public Parks and/or playgrounds of the Rapid City Municipal Code eliminating Public Parks and/or playgrounds as a Conditional Use in the General Agriculture Zoning.**

Planning Commission recommended that the Ordinance Amendment to delete Section 17.34.030(B) Public Parks and/or playgrounds as a Conditional Use in the General Agriculture Zoning District of the Rapid City Municipal Code be approved.

13. No. 08PD051 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Roy Burr to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 8 of Block 2 of Villaggio at Golden Eagle, legally described as a portion of the W½ of the NW¼ of the SE¼ of Section 22, located in the W½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, common to Lot 6 of Block 2 of the Villaggio at Golden Eagle, each located in the E½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, first course: S00°08'13"E, along the westerly boundary of Lot 5 of Block 2 of the Villaggio at Golden Eagle, a distance of 95.12 feet; Thence, second course: S61°38'29"W, along the westerly boundary of Lot 4R of Block 2 of the Villaggio at Golden Eagle, a distance of 200.00 feet; Thence, third course: S89°51'47"W, a distance of 174.00 feet; Thence, fourth course: N00°08'13"W, a distance of 592.45 feet; Thence, fifth course: S56°59'57"E, a distance of 314.65 feet; Thence, sixth course: N85°50'49"E, a distance of 87.08 feet; Thence, seventh course: S00°04'39"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 112.55 feet; Thence, eighth course: S00°08'13"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 19.96 feet; Thence, ninth course: S00°08'13"E, along the westerly boundary of Lot 6 of Block 2 of the Villaggio at Golden Eagle, a distance of 104.33 feet, to the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, and the Point of Beginning, more generally described as being located north of Catron Boulevard and west of Golden Eagle Drive.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the November 6, 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.

14. No. 08PL113 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Roy Burr to consider an application for a **Preliminary Plat** on proposed Lot 8 of Block 2 of the Villaggio at Golden Eagle, legally described as a portion of the W1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5617 Villaggio Lane.

Planning Commission continued the Preliminary Plat to the November 6, 2008 Planning Commission meeting.

15. No. 08RZ034 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Roy Burr to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on Lot 8 of Block 2 of Villaggio at Golden Eagle, legally described as a portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, located in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, common to Lot 6 of Block 2 of the Villaggio at Golden Eagle, each located in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, first course: S00°08'13"E, along the westerly boundary of Lot 5 of Block 2 of the Villaggio at Golden Eagle, a distance of 95.12 feet; Thence, second course: S61°38'29"W, along the westerly boundary of Lot 4R of Block 2 of the Villaggio at Golden Eagle, a distance of 200.00 feet; Thence, third course: S89°51'47"W, a distance of 174.00 feet; Thence, fourth course: N00°08'13"W, a distance of 592.45 feet; Thence, fifth course: S56°59'57"E, a distance of 314.65 feet; Thence, sixth course: N85°50'49"E, a distance of 87.08 feet; Thence, seventh course: S00°04'39"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 112.55 feet; Thence, eighth course: S00°08'13"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 19.96 feet; Thence, ninth course: S00°08'13"E, along the westerly boundary of Lot 6 of Block 2 of the Villaggio at Golden Eagle, a distance of 104.33 feet, to the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, and the Point of Beginning, more generally described as being located north of Catron Boulevard and west of Golden Eagle Drive.

Planning Commission continued the Rezoning from General Agriculture District to Low Density Residential District to the November 6, 2008 Planning Commission meeting.

16. No. 08SV049 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Roy Burr to consider an application for

a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 66 foot wide private drive and utility easement; to reduce the width of the access easement from 45 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code on proposed Lot 8 of Block 2 of Villaggio at Golden Eagle, legally described as a portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, located in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, common to Lot 6 of Block 2 of the Villaggio at Golden Eagle, each located in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, first course: S00°08'13"E, along the westerly boundary of Lot 5 of Block 2 of the Villaggio at Golden Eagle, a distance of 95.12 feet; Thence, second course: S61°38'29"W, along the westerly boundary of Lot 4R of Block 2 of the Villaggio at Golden Eagle, a distance of 200.00 feet; Thence, third course: S89°51'47"W, a distance of 174.00 feet; Thence, fourth course: N00°08'13"W, a distance of 592.45 feet; Thence, fifth course: S56°59'57"E, a distance of 314.65 feet; Thence, sixth course: N85°50'49"E, a distance of 87.08 feet; Thence, seventh course: S00°04'39"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 112.55 feet; Thence, eighth course: S00°08'13"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 19.96 feet; Thence, ninth course: S00°08'13"E, along the westerly boundary of Lot 6 of Block 2 of the Villaggio at Golden Eagle, a distance of 104.33 feet, to the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, and the Point of Beginning, more generally described as being located north of Catron Boulevard and west of Golden Eagle Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 66 foot wide private drive and utility easement to reduce the width of the access easement from 45 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code to the November 6, 2008 Planning Commission meeting to allow the applicant to submit additional information.

18. No. 08PD054 - Section 24, T1N, R7E
A request by TSP Three, Inc. for Black Hills Corporation to consider an application for a **Planned Commercial Development - Initial Development Plan** on the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, and that part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ lying south of Highway Right-of-way, less Lot H1, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and east of Tartan Court.

Planning Commission continued the Planned Commercial Development -

Initial Development Plan to the November 6, 2008 Planning Commission meeting to allow the applicant to submit additional information for review and approval.

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.

19. 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 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 November 6, 2008 Planning Commission meeting to allow the applicant to submit additional information.

20. 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 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 November 6, 2008 Planning Commission meeting.

22. 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 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 November 6, 2008 Planning Commission meeting to allow the applicant to submit additional information.

23. No. 08PL124 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development, Inc. to consider an application for a **Preliminary Plat** on proposed Lot 1 of Block 1, Lot 1 of Block 2, Lots 1 thru 40 of Block 3, Lots 1 thru 7 of Block 4, Lots 1 thru 10 of Block 5, Lots 1 thru 6 of Block 6, Lots 1 thru 12 of Block 7, Lots 1 thru 8 of Block 8, Lots 1 thru 10 of Block 9, Tracts A and B and the dedicated public Right-of-way, legally described as a tract of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 22 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East $\frac{1}{4}$ Corner of said Section 22, said point being monumented with a nail in the surface of the asphalt of Reservoir Rd and having two reference monuments consisting of a brass cap and iron pipe, one bears N40°53'23"W 46.84 feet, the second bears S42°28'55"W 47.86 feet; Thence S11°01'40"W 211.80 feet the True Point of Beginning, said point is on the westerly Right-of-Way line of said Reservoir Rd; Thence N88°20'56"W 42.22 feet to the beginning of a curve concave to the northeast having a radius of 454.00 feet; Thence along said curve a distance of 240.79 feet to the beginning point of a reverse curve having a radius of 666.00 feet; Thence along said curve a distance of 763.21 feet to a point; Thence N42°15'21"W 103.29 feet to the beginning of a curve concave to the northeast having a radius of 740.00 feet; Thence along said curve a distance of 109.90 feet to a point; Thence N04°01'19"W 212.28 feet to a point; Thence S55°45'42"W 75.36 feet to a point; Thence N86°53'21"W 134.46 feet to a point; Thence S10°21'24"E 98.19 feet to a point; Thence S35°06'10"W 63.00 feet to a point; Thence S46°21'05"E 109.89 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 936.00 feet and a chord bearing of S45°14'35"E; Thence along said curve a distance of 97.60 feet to a point; Thence S42°15'21"E 82.00 feet to a point; Thence S47°44'39"W 267.00 feet to a point; Thence S42°15'21"E 318.00 feet to the beginning of a curve concave to the southwest having a radius of 669.00 feet; Thence along said curve a distance of 415.25 feet to a point; Thence S04°27'54"E 52.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 669.00 feet and a chord bearing of S00°04'26"E ; Thence along said curve a distance of 50.53 feet to a point; Thence S02°05'22"W 618.45 feet to a point; Thence N87°54'38"W 157.00 feet to a point; Thence S02°05'22"W 82.00 feet to a point; Thence S47°05'22"W 14.14 feet to a point; Thence N87°54'38"W 95.00 feet to a point; Thence S02°05'22"W 89.55 feet to the beginning of a curve concave to the northwest having a radius of 407.00 feet; Thence along said curve a distance of 283.67 feet to a point; Thence S42°01'34"W 129.91 feet to a point; Thence S47°44'39"W 76.00 feet to a point; Thence S42°15'21"E 25.35 feet to the beginning of a curve concave to the northeast having a radius of 1238.00 feet; Thence along said curve a distance of 692.63' to a point; Thence S32°05'22"W 61.42 feet to the beginning of a curve concave to the northwest having a radius of 2060.00 feet; Thence along said curve a distance of 464.18 feet to a point; Thence S45°00'00"W 183.94 feet to a

point; Thence S45°00'00"E 172.00 feet to a point; Thence N45°00'00"E 86.99 feet to a point; Thence S90°00'00"E 14.14 feet to a point; Thence S45°00'00"E 100.00 feet to a point; Thence N45°00'00"E 478.38 feet to a point; Thence S64°12'57"E 223.55 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 254.00 feet and a chord bearing of S28°27'35"E; Thence along said curve a distance of 263.73 feet to a point; Thence S88°42'49"E 120.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 374.00 feet and a chord bearing of S01°38'45"W; Thence along said curve a distance of 4.69 feet to a point; Thence S02°00'19"W 29.40 feet to a point; Thence S87°59'41"E 199.00 feet to a point along the westerly Right-of-Way line of said Reservoir Road; Thence N02°00'19"E 678.41 feet along said Right-of-Way where it intersects the South line of the Southeast quarter of said Section 22, from which the Southeast corner of said section 22 bears S88°27'49"E 33.00 feet, said point being monumented with an iron rod below the surface of the asphalt; Thence N02°03'51"E 38.00 along the Right-of-Way of said Reservoir Rd to a point; Thence N88°27'48"W 515.70 feet to the beginning of a curve concave to the northeast having a radius of 1162.00 feet; Thence along said curve a distance of 264.57 feet to a point; Thence N32°05'22"E 194.31 feet to the beginning of a curve concave to the northwest having a radius of 1066.00 feet; Thence along said curve a distance of 465.06 feet to a point; Thence S87°56'54"E 23.94 feet to the southwest corner of Tract 1 of the Bradeen Subdivision, said point being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence N02°05'22"E 986.42 feet along the west line of said Tract 1 to the beginning of a non-tangent curve concave to the southwest having a radius of 1014.96 feet and a chord bearing N22°20'38"W said point is also the northwest corner of said Tract 1 and being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence along said curve a distance of 695.42 feet to a point; Thence N42°03'11"W 203.20 feet to a point; Thence N41°26'28"W 12.09 feet to the beginning of a non-tangent curve concave to the south having a radius of 613.96 feet and a chord bearing of S89°59'42"E; Thence along said curve a distance of 686.58 feet to the beginning point of a reverse curve having a radius of 506.00 feet; Thence along said curve a distance of 268.36 feet to a point; Thence S88°20'56"E 41.85 feet to a point on the westerly Right-of-Way line of said Section 22; Thence N02°03'51"E 52.00 feet along said Right-of-Way line to the True Point of Beginning, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Reservoir Road and south of the intersection of S.D. Highway 44 and Reservoir Road.

Planning Commission continued the Preliminary Plat to the November 6, 2008 Planning Commission meeting.

24. No. 08PL130 - Cambell Square Addition
A request by Britton Engineering & Land Surveying for Steve Wynia to consider an application for a **Preliminary Plat** on proposed Lots 9R and 10R of Cambell Square Addition, located in Government Lot 4, legally described as Lots 9 and 10 of Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1410 Centre Street.

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

- 1. Prior to City Council approval of a Preliminary Plat application, road construction plans showing the two feet of additional pavement, curb, gutter, street light conduit, sidewalk, water and sewer be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained;**
- 2. Prior to Preliminary Plat approval by City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval;**
- 3. Prior to submittal of a Final Plat application the applicant must record a miscellaneous document with the Pennington County Register of Deeds office for the off-site drainage easement;**
- 4. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees shall be paid as required;**
- 5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
- 6. 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.**

25. No. 08SV046 - Cambell Square Addition

A request by Britton Engineering & Land Surveying for Steve Wynia to consider an application for a **Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Centre Street as per Chapter 16.16 of the Rapid City Municipal Code** on proposed Lots 9R and 10R of Cambell Square Addition, located in Government Lot 4, legally described as Lots 9 and 10 of Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1410 Centre Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Centre Street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

26. No. 08PL131 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Preliminary Plat** on proposed Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N,

R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning: Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, more generally described as being located at 333 Concourse Drive.

Planning Commission continued the Preliminary Plat to the November 6, 2008 Planning Commission meeting.

27. No. 08SV047 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** on proposed Lot 1R and Lot2 of Block 3 of Rushmore Business Park, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning: Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35

feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, more generally described as being located at 333 Concourse Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code to the November 6, 2008 Planning Commission meeting.

28. No. 08PL134 - H&H Estates Subdivision

A request by Lyle Bromwich to consider an application for a **Preliminary Plat** on proposed Lots 1R, 2R, 4R, 5R, 6R, 7R, 9R, 12R, 13R, 16R, 17R, 18R, 19R, 20R, 21R and Lot 4A of Block 4 of H&H Estates Subdivision, legally described as Lots 1, 2, 4, 5, 6, 7, 9, 12, 13, 16, 17, 18, 19, 20, 21 and Lot 4A of Block 4 of H&H Estates Subdivision, all located in the NW1/4 SE1/4 and the NE1/4 SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Hacienda Street, north of Williams Street and west of Plateau Lane.

Planning Commission recommended that the Preliminary Plat application be approved 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, construction plans showing the extension of a sewer main along Hacienda Street to the northeast corner of the property shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, construction plans showing a sidewalk along the west side of Plateau Lane adjacent to proposed Lots 12-R and 13-R shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, the structural encroachments located within the existing 10 foot wide minor drainage and utility easements located along the interior lot lines of the existing lots shall be removed or the plat document shall be revised to show the vacation of that portion of the minor drainage and utility easement(s). In addition, drainage information shall be submitted for review and approval to support vacating the easement(s) and written documentation from the affected utility companies shall be submitted showing they concur with the vacation request;**
5. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a minimum eight foot wide minor**

- drainage and utility easement along the interior of all new lot lines;
6. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to reconfigure the flagpole located along the rear lot line of proposed Lot 2-R into the adjacent lot(s). In addition, a revised plat document shall be submitted for review and approval;
 7. Prior to submittal of a Final Plat application, the plat document shall be revised removing the "Certificate of Public Works Director" and removing reference to the Public Works Director within the "Certificate of Finance Officer";
 8. Prior to submittal of a Final Plat application, the plat document shall be revised to include the Owner's Certificate for Lot 4A of Block 4;
 9. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval if any subdivision improvements are required;
 10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required if any subdivision improvements are required.

29. No. 08PL135 - Una Del Acres

A request by Dream Design International, Inc. for Robert Sundby to consider an application for a **Preliminary Plat** on proposed Lots A and B of Lot 4 of Una Del Acres, legally described as the N1/2 of Lot 4, less Lot H1, the N1/2 of the east 198 feet of Lot 13 of Una Del Acres, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5755 Sheridan Lake Road.

Planning Commission continued the Preliminary Plat application to the November 6, 2008 Planning Commission meeting.

30. No. 08RD004 - K-W Subdivision

A request by City of Rapid City to consider an application for a **Resolution for a Road Name Change from Beale Street to Edwards Street** on Right-of-way adjacent to Lots 2 and 3 of Lot D, Lot A of Lot 1 of Lot D less Lot H1 and Lot B of Lot 1 of Lot D all of K-W Subdivision, all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of U. S. Beale Street Right-of-way Interstate 90 and west of North Elk Vale Road.

Planning Commission recommended that the portion of Beal Street between Edwards Street and North Elk Vale Road be renamed Edwards Street.

31. 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 November 6, 2008 Planning Commission meeting.

32. No. 08RZ035 - Section 24, T1N, R7E

A request by TSP Three, Inc. for Black Hills Corporation to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on the SW1/4 of the SW1/4, and that part of the NW1/4 of the SW1/4 lying south of Highway Right-of-way, less Lot H1, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and east of Tartan Court.

Planning Commission continued the Rezoning from General Agriculture District to Office Commercial District to the November 6, 2008 Planning Commission meeting.

33. No. 08RZ036 - Section 21, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on a portion of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at section corner common to Sections 15, 16, 21, and 22 T2N, R8E, BHM, and the point of beginning. Thence, first course: S00°04'09"E, along the section line common to Sections 21 and 22, a distance of 2648.28 feet, to the Section ¼ Corner common to Sections 21 and 22; Thence, second course: S00°04'09"E, along the section line common to Sections 21 and 22, a distance of 840.24 feet; Thence, third course: S89°55'51"W, a distance of 1099.64 feet; Thence, fourth course: N20°31'58"W, a distance of 434.44 feet; Thence, fifth course: N70°52'51"W, a distance of 905.89 feet; Thence, sixth course: N31°45'55"W, a distance of 1350.20 feet; Thence seventh course: N74°37'29"W, a distance of 1202.78 feet, to the southeasterly corner of Lot 2R of Beaird Subdivision; Thence eighth course: N00°00'14"E, along the easterly boundary of said Lot 2R, a distance of 297.17 feet, to the northeasterly corner of said Lot 2R, common to the southeasterly corner of Lot 1R of Beaird Subdivision; Thence ninth course: N00°01'25"E, along the easterly boundary of said Lot 1R, a distance of 994.83 feet, to the northeasterly corner of said Lot 1R; Thence tenth course: N00°04'36"E, a distance of 32.76 feet, to the W1/6 Corner common to Sections 16 and 21; Thence eleventh course: S89°55'24"E, along the section line common to Sections 16 and 21, a distance of 3974.60 feet, to the section corner common to Sections 15, 16, 21, and 22 T2N, R8E, BHM, and the point of beginning, more generally described as being located north of U.S. Interstate 90 and west of Elk Vale Road and a east of Dyess Avenue.

Planning Commission recommended that the Rezoning from No Use

District to General Agriculture District be approved.

34. No. 08RZ037 - Section 21, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Light Industrial District** on a portion of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at section corner common to Sections 20, 21, 28, and 29 T2N, R8E, BHM, and the point of beginning. Thence, first course: N00°02'15"W, along the section line common to Sections 20 and 21, a distance of 2650.74 feet, to the Section ¼ Corner common to Sections 20 and 21; Thence second course: N00°00'41"W, along the section line common to Sections 20 and 21, a distance of 1325.18 feet, to the north Section 1/16 Corner common to Sections 20 and 21; Thence third course: N89°59'19"E, a distance of 33.10 feet, to the southwesterly corner of Lot 3 of Beard Subdivision; Thence fourth course: S89°56'52"E, along the southerly boundary of said Lot 3 of Beard Subdivision, a distance of 564.86 feet, to the southeasterly corner of said Lot 3 of Beard Subdivision, common to a southerly corner of Lot 2R of Beard Subdivision; Thence fifth course: S89°56'31"E, along the southerly boundary of said Lot 2R of Beard Subdivision, a distance of 727.10 feet, to the southeasterly corner of said Lot 2R of Beard Subdivision; Thence, sixth course: S74°37'29"E, a distance of 1202.78 feet; Thence, seventh course: S31°45'55"E, a distance of 1350.20 feet; Thence, eighth course: S70°52'51"E, a distance of 905.89 feet; Thence, ninth course: S20°31'58"E, a distance of 434.44 feet; Thence tenth course: N89°55'51"E, a distance of 1099.64 feet, to a point on the section line common to Sections 21, and 22; Thence eleventh course: S00°04'09"E, along the section line common to Sections 21 and 22, a distance of 418.04 feet; Thence, twelfth course: S89°55'51"W, a distance of 450.00 feet; Thence, thirteenth course: S00°07'41"E, a distance of 64.98 feet, to a point on the section 1/16 line; Thence, fourteenth course: N89°57'24"W, along the section 1/16 line a distance of 212.93 feet, to the section 1/64 line; Thence, fifteenth course: S00°03'47"E, along the section 1/64 line, a distance of 1324.19 feet, to a point on the section line common to Sections 21 and 28, common to a point on the northerly boundary of Lot 2, Block 2 of I-90 Heartland Business Park; Thence, sixteenth course: N89°58'46"W, along the section line common to Sections 21 and 28, common to the northerly boundary of said Lot 2, Block 2, a distance of 63.55 feet, to the southeasterly corner of Lot 6, Block 2 of I-90 Heartland Business Park; Thence, seventeenth course: N55°40'20"W, along the northeasterly boundary of said Lot 6, a distance of 878.48 feet, to a corner on the northerly boundary of said Lot 6; Thence, eighteenth course: N72°39'36"W, along the northerly boundary of said Lot 6, a distance of 162.98 feet, to a corner on the northerly boundary of said Lot 6; Thence nineteenth course: N89°58'06"W, along the northerly boundary of said Lot 6, a distance of 148.07 feet, to the northwesterly corner of said Lot 6, common to the northeasterly corner of Lot 7, Block 2 of I-90 Business Park; Thence twentieth course: N89°58'06"W, along the northerly boundary of said Lot 7, a distance of 221.93 feet, to the northwesterly corner of said Lot 7; Thence twenty-first course: S26°44'43"W, along the westerly boundary of said Lot 7, a distance of 333.04 feet, to the southwesterly corner of said Lot 7, common to the northwesterly corner of Lot 8, Block 2 of I-90 Heartland Business Park; Thence twenty-second course: S26°44'43"W, along the westerly boundary of said Lot 8, a distance of 275.39 feet, to the

southwesterly corner of said Lot 8, common to the northwesterly corner of Lot 1, Block 7 of I-90 Heartland Business Park, common to the northeasterly corner of Lot 2, Block 7 of I-90 Heartland Business Park, common to a point on the section line common to Sections 21 and 28; Thence twenty-third course: N89°58'00"W, along the northerly boundary of said Lot 2, Block 7, common to the section line common to Sections 21 and 28, a distance of 400.61 feet, to the northwesterly corner of said Lot 2, Block 7, common to the Section ¼ Corner common to Sections 21 and 28; Thence twenty-fourth course: N89°58'52"W, along the section line common to Sections 21 and 28, a distance of 2651.70 feet, to the section corner common to Sections 20, 21, 28, and 29 T2N, R8E, BHM, and the point of beginning, more generally described as being located north of U.S. Interstate 90, west of Elk Vale Road and east of Dyess Avenue.

Planning Commission recommended that the Rezoning from No Use District to Light Industrial District be denied without prejudice.

35. 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 November 6, 2008 Planning Commission meeting.

36. 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 November 6, 2008 planning Commission meeting.

37. 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 November 6, 2008 Planning Commission meeting.

38. 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 an 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 November 20, 2008 Planning Commission meeting.

39. 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 November 6, 2008 Planning Commission meeting.

40. 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 November 6, 2008 Planning Commission meeting.

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.

Planning Commission continued the SDCL 11-6-19 Review to allow a telecommunication tower to the November 20, 2008 Planning Commission meeting.

43. No. 08SR071 - Rapid City Greenway Tract

A request by Mark Olson for Black Hills Farmers Market to consider an application for a **SDCL 11-6-19 Review to allow a farmers market in a public place from 2009 through 2011** on Tract 17 less Lot H1 (also in Section 34,

T2N, R7E) of the Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

Planning Commission continued the SDCL 11-6-19 Review to allow a farmers market in a public place from 2009 through 2011 to the November 20, 2008 Planning Commission meeting.

44. No. 08SR074 - Section 32, T2N, R7E

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure in a public park** on City Springs in the unplatted portion of the S1/2 of the NE1/4 and the NE1/4 of the SE1/4, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 514 City Springs Road.

Planning Commission continued the SDCL 11-6-19 Review to allow a structure in a public park to the November 6, 2008 Planning Commission meeting.

45. No. 08SR078 - Rapid City Airport Subdivision No. 6

A request by Hengel Associates, P.C. for Dale Aviation, Inc. to consider an application for a **SDCL 11-6-19 Review to allow structures on public property** on located in the unplatted portion of Rapid City Airport Subdivision No. 6, Section 17, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3900 Airport Road.

Planning Commission continued the SDCL 11-6-19 Review to allow structures on public property to the November 6, 2008 Planning Commission meeting.

46. No. 08SR080 - Carefree Subdivision

A request by Ferber Engineering Company, Inc. for City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Emlin Street** on Lot X and the vacated Section Line, Section 29, T2N, R8E, Lots 1 and 2 of Carefree Subdivision, Section 32, T2N, R8E and adjacent East North Street and Emlin Street Rights-of-way, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of South Dakota Department of Transportation Office Complex between East North Street and Emlin Street.

Planning Commission continued the SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Emlin Street to the November 6, 2008 Planning Commission meeting.

47. No. 08SR084 - Rapid City Greenway Tracts

A request by Kathy Cook for Bethesda Broadcasting to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** on Tract 20 less Lot H1, Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described

as being located north of Omaha Street between North Mount Rushmore Road and Fifth Street.

Planning Commission continued the SDCL 11-6-19 Review to allow temporary structures on public property to the November 6, 2008 Planning Commission meeting.

48. No. 08SR086 - Section 20, T1N, R9E

A request by Kadrmias, Lee and Jackson for Rapid City Regional Airport to consider an application for a **SDCL 11-6-19 Review to construct a parking lot on public property** on the unplatted portion of the N1/2 less a portion of the Rapid City Regional Airport No. 6, Section 20, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Rapid City Regional Airport.

Planning Commission approved the SDCL 11-6-19 Review to construct a parking lot on public property.

49. No. 08SR087 - Original Town of Rapid City

A request by Don Perdue for City of Presidents to consider an application for a **SDCL 11-6-19 Review to authorize additional location for City of Presidents statue** on street right-of-way located adjacent to Lot 1 of Block 95 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 corner of the intersection of Sixth Street and St. Joseph Street.

Planning Commission approved the SDCL 11-6-19 Review to authorize one additional location for a City of Presidents statue.

50. 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 recommended that the Vacation of Easement be approved.

51. 08TP031 – 2009 Unified Planning Work Program – Final Report.

Planning Commission recommended approval of the Final Unified Planning Work Program.

---END OF CONSENT CALENDAR---

17. No. 08PD053 - Stoney Creek South Subdivision

A request by ARC International, Inc. for Chad Carpenter to consider an application for a **Planned Commercial Development - Initial and Final**

Development Plan on Lots 1, 2 and 3 of Stoney Creek South Subdivision, Section 22, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5610 Bendt Drive.

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

Brown moved, Brewer seconded and carried to continue the Planned Commercial Development - Initial and Final Development Plan to the November 6, 2008 Planning Commission meeting. (8 to 0 to 1 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Marchand and Waltman 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.

21. No. 08PL099 - Homestead Plaza Subdivision

A request by Dream Design International Inc. to consider an application for a **Preliminary Plat** on 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.

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

Brown moved, Brewer seconded and carried to continue the Preliminary Plat to the November 6, 2008 Planning Commission meeting. (8 to 0 to 1 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Marchand and Waltman voting yes and none voting no and Scull abstaining.)

41. 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.

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

Brewer moved, Scull seconded and carried to continue the SDCL 11-6-19 Review to allow for the construction of the southern control vault located within street right-of-way to the November 20, 2008 Planning Commission meeting. (8 to 0 to 1 with Brewer, Brown, Etter, Gregg, Hennies, Marchand, Scull and Waltman voting yes and none voting no and Anderson abstaining.)

---BEGINNING OF REGULAR AGENDA ITEMS---

52. 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 November 20, 2008 Planning Commission meeting.

Hennies moved, Gregg seconded and unanimously carried to continue the Planned Industrial Development - Initial and Final Development Plan to the November 20, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

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

53. No. 08PD052 - Red Rock Meadows Subdivision

A request by Jay Schmierer for Mandalay Homes to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 13 of Block 2 of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6446 Cog Hill Lane.

Ball presented the staff recommendation to deny the Major Amendment request without prejudice.

In response to Brewer's question, Ball stated that notification was sent to adjacent property owners and only a couple of inquiries were received.

Discussion followed regarding the setback requirements.

Rolinger arrived at this time.

Scull moved, Rolinger seconded to approve the Major Amendment to a Planned Residential Development with all other stipulations of the Original Planned Development and the exception to allow the 17.5 foot front yard setback on Lot 13, Block 2 only.

In response to Hennies question, Elkins explained that since the request is within the Planned Development the Planning Commission would be the body to grant relief to the applicant rather than the Zoning Board of Adjustments.

In response to Brewer's questions, Elkins identified the location of the property boundary and the encroachment of the vehicle in the driveway into the public right-of-way. Discussion followed.

Marchand expressed her concern for the safety of children in the neighborhood resulting from the encroachments of the vehicles into the right-of-way.

In response to Hennies questions, Elkins indicated that she did not believe that there was a pattern of errors by this developer and that the developer's previous amendment requests have been reviewed prior to construction. Discussion followed.

Jay Schmierer, applicant requested that the Planning Commission approve the Major Amendment to the Planned Development. Schmierer stated his opinion regarding the location of the property line. Schmierer stated that the error was not identified until after the home was constructed. Schmierer stated that the developer is taking action to avoid similar errors in the future.

In response to Brown's question, Elkins stated that the City of Rapid City could possibly be named as a defendant in a law suit if someone was injured as a result of the reduced setback. Discussion followed.

In response to Anderson's question, Elkins identified the options available to the applicant.

Scull expressed his support for the reduction in the setback. Discussion followed.

In response to Brown's question, Elkins stated a separate motion could be added to request that the staff review the reduced setback requirement being allowed in Planned Residential Developments. Discussion followed.

The motion to approve the Major Amendment to a Planned Residential Development with all other stipulations of the Original Planned Development and with the additional stipulation that the exception is granted to allow the 17.5 foot front yard setback on Lot 13 of Block 2 only failed. (4 to 6 with Anderson, Hennies, Rolinger and Scull voting yes and Brewer, Brown, Etter, Gregg, Marchand and Waltman voting no)

Brown moved, Brewer seconded and carried to deny the Major Amendment to a Planned Residential Development without prejudice. Motion carried on

a roll call vote. (6 to 4 with Brewer, Brown, Etter, Gregg, Marchand and Waltman voting yes and Anderson, Hennies, Rolinger and Scull voting no)

In response to Anderson's questions, Elkins stated that the applicant would need to submit an appeal request to City Council within seven day of action by the Planning Commission.

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.

54. No. 08PD055 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 2C of Block 3 of Rushmore Crossing, located in the S1/2 of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1522 Eglin Street.

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

Waltman stated that she will abstain from discussion and voting due to a conflict of interest.

Gregg moved, Scull seconded and carried to approve the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval a revised site plan shall be submitted for review and approval demonstrating pedestrian access from Eglin Street to the proposed development;**
- 2. Prior to Planning Commission approval, a complete site plan be submitted for review and approval identifying the delivery area and the truck route through the site;**
- 3. Prior to Planning Commission approval, a revised landscape plan shall be submitted for review and approval demonstrating an adequate buffer between the development and Interstate 90;**
- 4. Prior to Planning Commission approval, the location, size and noise rating of any exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop equipment;**
- 5. A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy;**
- 6. The currently adopted International Fire Code shall be continually met;**
- 7. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 8. Prior to issuance of a building permit, all redline comments made on**

the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department;

9. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
10. A minimum of 33 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;
11. The dumpster shall be constructed and maintained in compliance with the site plan submitted as a part of this application;
12. 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;
13. 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,
14. The Planned Commercial Development shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (9 to 0 to 1 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger and Scull voting yes and none voting no and Waltman 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.

55. No. 08SR081 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development, Inc. to consider an application for a **SDCL 11-6-19 Review to construct public streets and utilities** on Lot 1 of Block 1, Lot 1 of Block 2, Lots 1 thru 40 of Block 3, Lots 1 thru 7 of Block 4, Lots 1 thru 10 of Block 5, Lots 1 thru 6 of Block 6, Lots 1 thru 12 of Block 7, Lots 1 thru 8 of Block 8, Lots 1 thru 10 of Block 9, Tracts A and B and the dedicated public Right-of-way, legally described as a tract of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 22 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more

particularly described as follows: Commencing at the East ¼ Corner of said Section 22, said point being monumented with a nail in the surface of the asphalt of Reservoir Rd and having two reference monuments consisting of a brass cap and iron pipe, one bears N40°53'23"W 46.84 feet, the second bears S42°28'55"W 47.86 feet; Thence S11°01'40"W 211.80 feet the True Point of Beginning, said point is on the westerly Right-of-Way line of said Reservoir Rd; Thence N88°20'56"W 42.22 feet to the beginning of a curve concave to the northeast having a radius of 454.00 feet; Thence along said curve a distance of 240.79 feet to the beginning point of a reverse curve having a radius of 666.00 feet; Thence along said curve a distance of 763.21 feet to a point; Thence N42°15'21"W 103.29 feet to the beginning of a curve concave to the northeast having a radius of 740.00 feet; Thence along said curve a distance of 109.90 feet to a point; Thence N04°01'19"W 212.28 feet to a point; Thence S55°45'42"W 75.36 feet to a point; Thence N86°53'21"W 134.46 feet to a point; Thence S10°21'24"E 98.19 feet to a point; Thence S35°06'10"W 63.00 feet to a point; Thence S46°21'05"E 109.89 feet to a the beginning of a non-tangent curve concave to the southwest having a radius of 936.00 feet and a chord bearing of S45°14'35"E; Thence along said curve a distance of 97.60 feet to a point; Thence S42°15'21"E 82.00 feet to a point; Thence S47°44'39"W 267.00 feet to a point; Thence S42°15'21"E 318.00 feet to the beginning of a curve concave to the southwest having a radius of 669.00 feet; Thence along said curve a distance of 415.25 feet to a point; Thence S04°27'54"E 52.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 669.00 feet and a chord bearing of S00°04'26"E ; Thence along said curve a distance of 50.53 feet to a point; Thence S02°05'22"W 618.45 feet to a point; Thence N87°54'38"W 157.00 feet to a point; Thence S02°05'22"W 82.00 feet to a point; Thence S47°05'22"W 14.14 feet to a point; Thence N87°54'38"W 95.00 feet to a point; Thence S02°05'22"W 89.55 feet to the beginning of a curve concave to the northwest having a radius of 407.00 feet; Thence along said curve a distance of 283.67 feet to a point; Thence S42°01'34"W 129.91 feet to a point; Thence S47°44'39"W 76.00 feet to a point; Thence S42°15'21"E 25.35 feet to the beginning of a curve concave to the northeast having a radius of 1238.00 feet; Thence along said curve a distance of 692.63' to a point; Thence S32°05'22"W 61.42 feet to the beginning of a curve concave to the northwest having a radius of 2060.00 feet; Thence along said curve a distance of 464.18 feet to a point; Thence S45°00'00"W 183.94 feet to a point; Thence S45°00'00"E 172.00 feet to a point; Thence N45°00'00"E 86.99 feet to a point; Thence S90°00'00"E 14.14 feet to a point; Thence S45°00'00"E 100.00 feet to a point; Thence N45°00'00"E 478.38 feet to a point; Thence S64°12'57"E 223.55 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 254.00 feet and a chord bearing of S28°27'35"E; Thence along said curve a distance of 263.73 feet to a point; Thence S88°42'49"E 120.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 374.00 feet and a chord bearing of S01°38'45"W; Thence along said curve a distance of 4.69 feet to a point; Thence S02°00'19"W 29.40 feet to a point; Thence S87°59'41"E 199.00 feet to a point along the westerly Right-of-Way line of said Reservoir Road; Thence N02°00'19"E 678.41 feet along said Right-of-Way where it intersects the South line of the Southeast quarter of said Section 22, from which the Southeast corner of said section 22 bears S88°27'49"E 33.00 feet, said point being monumented with an iron rod below the surface of the asphalt; Thence N02°03'51"E 38.00

along the Right-of-Way of said Reservoir Rd to a point; Thence N88°27'48"W 515.70 feet to the beginning of a curve concave to the northeast having a radius of 1162.00 feet; Thence along said curve a distance of 264.57 feet to a point; Thence N32°05'22"E 194.31 feet to the beginning of a curve concave to the northwest having a radius of 1066.00 feet; Thence along said curve a distance of 465.06 feet to a point; Thence S87°56'54"E 23.94 feet to the southwest corner of Tract 1 of the Bradeen Subdivision, said point being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence N02°05'22"E 986.42 feet along the west line of said Tract 1 to the beginning of a non-tangent curve concave to the southwest having a radius of 1014.96 feet and a chord bearing N22°20'38"W said point is also the northwest corner of said Tract 1 and being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence along said curve a distance of 695.42 feet to a point; Thence N42°03'11"W 203.20 feet to a point; Thence N41°26'28"W 12.09 feet to the beginning of a non-tangent curve concave to the south having a radius of 613.96 feet and a chord bearing of S89°59'42"E; Thence along said curve a distance of 686.58 feet to the beginning point of a reverse curve having a radius of 506.00 feet; Thence along said curve a distance of 268.36 feet to a point; Thence S88°20'56"E 41.85 feet to a point on the westerly Right-of-Way line of said Section 22; Thence N02°03'51"E 52.00 feet along said Right-of-Way line to the True Point of Beginning, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Reservoir Road and south of the intersection of S.D. Highway 44 and Reservoir Road.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review request to the November 6, 2008 Planning Commission meeting. Discussion followed.

Brewer moved, Brown seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct public streets, utilities and drainage improvements to the November 6, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

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

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

Fisher presented the staff recommendation to approve the SDCL 11-6-19 Review request.

Anderson stated that he would abstain from discussion and voting due to a conflict of interest.

Scull moved, Etter seconded and carried to approve the SDCL 11-6-19 Review to allow construction of a public water reservoir. 9 to 0 to 1 with

Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no and Anderson abstaining.)

57. No. 08SR076 - Sections 16 and 21, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Minnesota Street** on right-of-way located in the NW1/4 of the SW1/4 and in the S1/2 of the S1/2, Section 16, T1N, R8E, also in the NE1/4 of the NW1/4 and in the N1/2 of the NE1/4 of Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and south of the Existing Plum Creek Development.

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

Brewer moved, Etter seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Minnesota Street to the November 6, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

58. No. 08SR083 - McMahon Industrial Park No. 2

A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation d/b/a Verizon Wireless to consider an application for a **SDCL 11-6-19 Review to allow a telecommunications tower** on Lot 1 of Block 10 of McMahon Industrial Park No. 2, located in the SW1/4 SE1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2870 Haines Avenue.

Ball presented the staff recommendation to continue the SDCL 11-6-19 Review request to the November 20, 2008 Planning Commission meeting.

Rolinger moved, Hennies seconded to continue the SDCL 11-6-19 Review to allow a telecommunications tower to the November 20, 2008 Planning Commission meeting.

John Rowe, Buell Consulting, Inc. requested that the Planning Commission take action on the SDCL 11-6-19 Review. Rowe reviewed the various difficulties he has had in trying to obtain a lease agreement with the property owner. Discussion followed.

Elkins identified the location of a previously approved and constructed cellular tower a block north of this site where co-location for two additional carriers was required. Elkins added that the site a block or two north of this side should be sufficient to accommodate other carriers. Discussion followed.

In response to Hennie's questions, Elkins stated that a requirement is in place to

require the land owner of the site to the north to allow for co-location with additional providers. Discussion followed.

In response to Scull's questions, Elkins stated that the co-location requirement is in place so that towers are situated to provide service in a specific geographic location without requiring that multiple towers be constructed in the same area. Discussion followed.

Rolinger expressed his opposition to the requirement for providers to co-locate on one tower location. Discussion followed.

Rowe requested that the Planning Commission take action on the SDCL 11-6-19 Review request at this time.

In response to Brewer's question, Elkins stated that the adjacent property owners within 250 feet have been notified. Discussion followed.

In response to Hennies' question, Elkins stated that a Use on Review has been approved for the alternate location and that the tower is constructed. Discussion followed.

Substitute motion by Hennies, seconded by Brown to continue the SDCL 11-6-19 Review to allow a telecommunications tower to the November 20, 2008 Planning Commission meeting and to request that the land owner and other companies attend for discussion purposes. (10 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

59. No. 08SR085 - Marshall Heights Subdivision

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to extend public water** on a strip of land, located in: Lot 2 of Block 1 of East Mall Business Center Subdivision of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat recorded in Book 34 of Plats on Page 176; and in Tract F of Marshall Heights Subdivision No. 2 in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat recorded in Book 23 of Plats on Page 71; and in the unplatted portion of the NE $\frac{1}{4}$ lying north of South Dakota Interstate 90 right-of-way in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and in South Dakota Interstate 90 right-of-way located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and in the unplatted portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$ lying south of SD Interstate 90 right-of-way and north of Eglin Street in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; Said strip of land is twenty-five feet in width, the sides of which are extended and foreshortened to commence on East Mall Drive right-of-way, and the centerline of which strip is more fully described as follows: Beginning at the southeast corner of Lot H1 of Lot 2 of Block 1 of East Mall Business Center Subdivision as shown on the plat recorded in Book 11 of Highway Plats on Page 146 and also coincident with the southwest corner of Lot H5 of the NE $\frac{1}{4}$ of said Section 30, as shown on the plat recorded in Book 11 of Highway Plats on Page 143 and said point being located

on the east boundary line of the above described Lot 2 of Block 1 of East Mall Business Center Subdivision; thence, southerly on the east boundary line of the said Lot 2 of Block 1 of East Mall Business Center Subdivision to the southeast corner of said Lot 2 of Block of East Mall Business Center Subdivision, said point being coincident with the northeast corner of the above described Tract F of Marshall Heights Subdivision No. 2; thence, southerly on the east boundary line of said Tract F of Marshall Heights Subdivision No. 2, to the southeast corner of said Tract F of Marshall Heights Subdivision No. 2, said point also being located on and coincident with the north right-of-way line of SD Interstate 90; thence, S00°00'41"E, a distance of 26.61 feet more or less; thence, S89°59'19"W, a distance of 128.22 feet more or less; thence, S00°00'41"E, a distance of 262.52 feet more or less to a point located on and coincident with the south right-of-way line of South Dakota Interstate 90, said point also being located on and coincident with the north line of the unplatted portion of the above described N½ SE¼ of Section 30, T2N, R8E; thence, S00°00'41"W, a distance of 61.44 feet more or less along the centerline of a twenty-five foot wide Utility Easement as shown on the Plat of Rushmore Crossing (Sheet 4 of 13) and recorded in Book 34 of Plats on Page 172, to the terminus of said strip of land, more generally described as being located east of North LaCrosse Street and north of Interstate 90 and south of East Mall Drive.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review request to the November 6, 2008 Planning Commission meeting. Discussion followed.

In response to Anderson's question, Elkins identified the boundaries of the approved Tax Increment Finance District.

Rolinger moved, Scull seconded to continue the SDCL 11-6-19 Review to extend public water to the November 6, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

60. No. 08UR014 - Cambell Square Addition

A request by Britton Engineering for Steve Wynia of Wyngaard Investments to consider an application for a **Conditional Use Permit to allow a mini storage warehousing facility in a General Commercial Zoning District** on Lot 9 of Cambell Square Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1410 Centre Street.

Tegethoff presented the staff recommendation to approve the Conditional Use Permit request with stipulations. Tegethoff added that the applicant has requested that steel siding be installed rather than the recommended masonry, concrete or wood or metal simulated wood siding.

Elkins explained that the siding materials are specifically addressed in the permitted use section of the Code. Elkins commented that the Planning Commission does not have the authority to approve an alternate siding option as

it is part of the permitted use section. Elkins added that an Ordinance Amendment process would have to be utilized to allow for an alternate siding application.

Steve Wynia, applicant, requested that the Planning Commission approve the alternate siding request. Wynia expressed his opposition to the requirement to install masonry, concrete or wood or metal simulated wood siding. Wynia added that similar structures on the subject property have the alternate proposed steel siding. Wynia further added that the adjacent property is zoned Light Industrial and would allow a steel siding application.

In response to Rolinger's question, Elkins stated that the Planning Commission could direct staff to bring forward an Ordinance Amendment to move the siding requirements from the permitted use section to a separate section of the Code.

In response to Brewer's question, Elkins stated that rezoning the subject property from General Commercial to Light Industrial is a viable option to allow the alternate steel siding application.

In response to Scull's questions, Elkins stated that all sides would be required to have the siding application.

Brown expressed his support to the rezoning alternative noting concerns with the requirement possibly being waived in higher visibility areas zoned General Commercial. Discussion followed.

Brewer moved, Brown seconded and unanimously carried to authorize staff to be a co-applicant with the applicant for rezoning Lot 9 of Campbell Square Addition from General Commercial Zoning to Light Industrial Zoning (10 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

In response to Anderson's question, Wynia stated that he understood that if the Rezoning request was not approved that he would be required to install the required siding. Discussion followed.

Etter moved, Brewer seconded and unanimously carried to approve the Conditional Use Permit to allow a mini storage warehousing facility in a General Commercial Zoning District with the following stipulations:

- 1. Prior to Planning Commission approval, the applicant shall submit a revised site plan providing a 30 foot wide access aisle as required per Table 17.50.270(D) of the Rapid City Municipal Code for review and approval;**
- 2. Prior to Planning Commission approval, revised elevations for the structures and a revised site plan for the fence location shall be submitted for review and approval as required per Section 17.18.030 of the Rapid City Municipal Code;**
- 3. Prior to Planning Commission approval, a sign package shall be**

- submitted for review and approval or a Major Amendment to the Conditional Use Permit shall be obtained in the future for any proposed signage;
4. 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 shall be approved and recorded at the Pennington County of Register of Deeds office and the existing easements shall be vacated;
 5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 6. An Air Quality Permit shall be obtained prior to construction if one acre or more is disturbed;
 7. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
 8. All applicable provisions of the International Fire Code shall be continually met;
 9. Prior to issuance of a building permit, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department;
 10. The lighting plan shall continually comply with all requirements of the Zoning Ordinance and the approved lighting plan;
 11. The Conditional Use Permit application shall expire if the use has not commenced 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. Prior to installation of the siding, either siding in accordance with the General Commercial requirements shall be installed or the property or shall be rezoned from General Commercial District to Light Industrial District. (10 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

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

61. No. 08UR015 – Atlantis Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Paul Bradsky of Atlantis, LLC to consider an application for a **Major Amendment to a Conditional Use Permit to allow on-sale liquor establishment** on Lot 1 Revised of Atlantis Subdivision, located in the W1/2 of the SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1314 North Elk Vale Road.

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

Rolinger moved, Brewer seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit to allow an on-sale liquor establishment with the following stipulations:

- 1. The on-sale liquor establishment shall be for the guests of the existing hotel only and any change in use shall require a Major Amendment to the Conditional Use Permit;**
- 2. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 3. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 4. All applicable provisions of the International Fire Codes shall be continually met; and,**
- 5. The Major Amendment to a Conditional Use Permit 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. (10 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)**

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

62. Discussion Items

- A. Ex-parte Communications Policy – Joel Landeen.
- B. Building Height Requirements.

Elkins presented the staff's recommendation that Items 62A and 62B be continued to the November 20, 2008 Planning Commission meeting.

Etter moved, Rolinger seconded and unanimously carried to continue the Ex-parte Communications Policy and the Building Height Requirements discussions to the November 20, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

63. Staff Items

Elkins stated that Bea Stucke has resigned from the Growth Management Department. Elkins acknowledged Bea Stucke's contribution to Growth Management.

64. Planning Commission Items

65. Committee Reports

- A. City Council Report (October 6, 2008)
The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:
- 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, Rolinger moved, Etter seconded and unanimously carried to adjourn the meeting at 8:37 a.m. (10 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Hennies, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)