

MINUTES OF THE RAPID CITY PLANNING COMMISSION Continued from November 20, 2008 To November 24, 2008

MEMBERS PRESENT: John Brewer, Gary Brown, Thomas Hennies, Dennis Landguth, Linda Marchand, Steve Rolinger, Andrew Scull and Karen Waltman.

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Travis Tegethoff, Jared Ball, Karley Halsted, Mike Schad and Sharlene Mitchell.

Hennies called the meeting back to order at 7:00 a.m. and relinquished the chair to Waltman.

64. 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.

Ball presented the staff recommendation to continue the application for a SDCL 11-6-19 Review to construct a water main to the December 4, 2008 Planning Commission meeting.

Brewer moved, Hennies seconded and carried with Scull abstaining to continue the application for a SDCL 11-6-19 Review to construct a water main to the December 4, 2008 Planning Commission meeting. (7/0/1 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes, none voting no and Scull abstaining.)

65. 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 the staff recommendation to approve the SDCL 11-6-19 Review to allow the acquisition of right-of-way for Minnesota Street and to continue the SDCL 11-6-19 Review for the construction of Minnesota Street to the December 4, 2008 Planning Commission meeting.

Brown moved and Brewer seconded to approve the SDCL 11-6-19 Review to allow the acquisition of right-of-way for Minnesota Street and to continue the SDCL 11-6-19 Review for the construction of Minnesota Street to the December 4, 2008 Planning Commission meeting.



In response to a question from Landguth, Elkins indicated that the developer has donated the right-of-way to the City, noting that a Tax Increment District has been approved for the construction of Minnesota Street.

The motion carried unanimously to approve the SDCL 11-6-19 Review to allow the acquisition of right-of-way for Minnesota Street and to continue the SDCL 11-6-19 Review for the construction of Minnesota Street to the December 4, 2008 Planning Commission meeting. (8 to 0 with Bewer, Brown, Hennies, Landguth, Marchand, Scull, Rolinger, and Waltman voting yes)

66. 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, located in the SW1/4 NE1/4, SE1/4 NE1/4, SE1/4, Section 22 and the NE1/4 NE1/4, SE1/4 NE1/4, SW1/4 NE1/4, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as A tract of land located in the SW¼ NE¼, SE¼ NE¼, SE¼ of Section 22 and the NE¼ NE¼, of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 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 N88º20'56"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 S88º42'49"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 N88º27'48"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 N22º20'38"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 approve the SDCL 11-16-9 Review to construction public streets and utilities in Phase One of the Morningstar Subdivision. Fisher indicated that the applicant is aware that the



associated plat application has not been approved and that he is proceeding at his own risk.

Brewer moved, Brown seconded and carried with Scull abstaining to approve the SDCL 11-6-19 Review to construct public streets, utilities and drainage. (7/0/1 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes, none voting no and Scull abstaining.)

67. 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 SW1/4 NE1/4 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 NE1/4 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-ofway located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and in the unplatted portion of the N½ SE¼ 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 twentyfive 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 NE¼ 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 SDCL 11-6-19 request to extend public water noting that the balance of comments requested by staff have been received.

Hennies moved, Rolinger seconded and carried unanimously to approve the SDCL 11-6-19 Review to extend public water. (8 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Scull, Rolinger and Waltman voting yes and none voting no)

68. No. 08SR091 - Mann Subdivision

A request by FMG, Inc. for Rob Hengen, Hills Materials Company to consider an application for a **SDCL 11-6-19 Review to authorize the acceptance of a private main as a public water main** on Lot 6R of Mann Subdivision located in the SE1/4, Lot C located in the NE1/4 SE1/4 less Lot 1 and Lot D of the NE1/4 SE1/4, all located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located approximately 200 feet west of the intersection of 32nd Street and West Chicago Street.

Ball presented the staff recommendation to approve the SDCL 11-6-19 Review to authorize the acceptance of a private main as a public water main.

Brewer moved and Marchand seconded to approve the SDCL 11-6-19 Review to authorize the acceptance of a private main as a public water main.

In response to a question from Hennies, Fisher indicated that there would be no upgrades to the existing private line at this time noting that the City will assume responsibility for all future maintenance of the line.

In response to a question from Hennies, AI Foster indicated that the private line was designed and constructed in 1993 in accordance with City standards at that time. Foster indicated that accepting the line as a public water main will permit Hills Materials to extend a water service line from the water main for their new asphalt plant.

The motion carried unanimously to approve the SDCL 11-6-19 Review to authorize the acceptance of a private main as a public water main. (8 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

69. No. 08TI012 - Mall Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for a **Second Revised Project Plan for Tax Increment District No. 55 - Mall Ridge Lift Station** on Lot 1, Mailloux Subdivision; Government Lot 4; the unplatted balance of the SE1/4 SW1/4 and the unplatted balance of the S1/2 SE1/4 all located in Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; NE1/4 NW1/4 Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 7R, Madisons Subdivision; Outlots A, B and C and all of Block 6 of Auburn Hills Subdivision and the Auburn Drive right of way lying adjacent to said lots; NE1/4 SE1/4; S1/2 SE1/4; SE1/4 SW1/4 less Lot 7R, Madisons Subdivision; N1/2 SW1/4 SW1/4; NW1/4; SW1/4; SW1/4 NW1/4; all



located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located extending from the western boundary of Auburn Hills Subdivision, along Country Road to 143rd Avenue.

Elkins presented the Tax Increment Financing Project Review Committee recommendation to approve the Second Revised Project Plan for Tax Increment District No. 55 for the construction of the Mall Ridge Lift Station. Elkins indicated that the requested reallocation will not result in an increase in total costs.

In response to a question from Rolinger, Elkins clarified the location of the Mall Ridge Lift Station.

Scull moved, Brown seconded and carried unanimously to recommend approval of the Second Revised Project Plan for Tax Increment District No. 55 – Mall Ridge Lift Station. (8 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

70. No. 08TI013 - Elk Vale Road/Homestead

A request by City of Rapid City to consider an application for a **Second Revised** Project Plan for Tax Increment District No. 42 - Elk Vale Water on NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E. BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-ofway between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM,



Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Twilight Drive.

Elkins presented the Tax Increment Financing Project Review Committee recommendation to approve the Second Revised Project Plan for Tax Increment District No. 42. Elkins addressed the funding reallocation requested by the Public Works Department noting that the reallocation is based on actual bids.

In response to a question from Waltman, Elkins indicated that she could not address the changes to the project scope that prompted the increase in the Professional Fees. Scull expressed concern with the increase in engineering fees and recommended that the fees be more thoroughly reviewed in future projects.

Rolinger moved, Marchand seconded and carried unanimously to recommend approval of the Second Revised Project Plan for Tax Increment District No. 42 - Elk Vale Water be approved. (8 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

Elkins requested that Agenda Items 71 and 72 be addressed concurrently.

71. 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 the expansion of an existing cellular communication 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.

72. 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.

Elkins presented the staff recommendation to continue the SDCL 11-6-19 Review applications for telecommunication towers to the December 4, 2008 Planning Commission meeting. Elkins addressed staff efforts to encourage the use of one telecommunication tower site to service all three providers.

Discussion followed regarding the City policy to require collocation on all telecommunication towers.

Scull moved, Landguth seconded and carried unanimously to continue the Quinn Kayser-Cochran for SWS, LLC application for a SDCL 11-6-19 Review to allow the expansion of an existing cellular communication tower



(08SR063) and the Buell Consulting, Inc. for Cellular Inc. Network Corporation d/b/a Verizon Wireless application for a SDCL 11-6-19 Review to allow a telecommunications tower (08SR083) to the December 4, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

73. Discussion Items

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

Elkins recommended that both Discussion Items be continued to the December 18, 2008 Planning Commission meeting.

Scull moved and Marchand seconded to continue the Ex-parte Communications Policy and Building Height Requirements discussion items to the December 18, 2008 Planning Commission meeting.

In response to a question from Brewer, Elkins indicated that Schad would provide direction regarding the City's legal position regarding cellular communication towers at the December 4, 2008 meeting.

In response to a question from Rolinger, Elkins indicated that Landeen would be present at the December 18, 2008 Planning Commission meeting to address the Ex-parte Communications Policy.

The motion carried unanimously to continue the Ex-parte Communications Policy and Building Height Requirements discussion items to the December 18, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Scull, Rolinger and Waltman voting yes and none voting no)

74. Staff Items

Elkins extended her thanks and appreciation to the Planning Commissioners and staff for their continued dedication to the community.

75. Planning Commission Items

Waltman acknowledged the volunteer work of the Planning Commissioners and extended her thanks and appreciation for their continued dedication. Waltman extended her appreciation to the staff for their dedication and support of the community and the Planning Commission.

There being no further business, Brown moved, Marchand seconded and carried unanimously to adjourn the meeting at 7:32 a.m. (8 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)