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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 22, 2009

MEMBERS PRESENT: Peter Anderson, John Brewer, Thomas Hennies, Dennis Landguth, Linda Marchand, Steve Rolinger and Karen Waltman. Ron Weifenbach, Council Liaison was also present

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

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

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

Staff requested that Item 27 be removed from the Consent Agenda for separate consideration.

Planning Commission requested that Items 39, 41, and 49 be removed from the Consent Agenda for separate consideration.

Motion by Hennies, Seconded by Anderson and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 50 in accordance with the staff recommendations with the exception of Items 27, 39, 41 and 49. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the December 18, 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 recommended that the Vacation of Section Line Highway request be approved.

3. No. 07PL134 - Hyland Crossing Subdivision

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

Planning Commission continued the Preliminary Plat to the May 21, 2009 Planning Commission meeting at the applicant's request.

4. No. 07SV057 - Hyland Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the Dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code to the May 21, 2009 Planning Commission meeting at the applicant's request.

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

A request by TSP, 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 February 5, 2009 Planning Commission meeting at the applicant's request.

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

A request by TSP, 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 February 5, 2009 Planning Commission meeting at the applicant's request.

7. No. 08CA038 - Needles Subdivision

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the Future Land Use designation from a Planned Residential Development with one dwelling unit per acre to General Commercial with a Planned Commercial Development** on Tract AR2 of Needles Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1700 Catron Boulevard.

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

8. No. 08CA042 - Robbinsdale Addition No. 10

A request by Sperlich Consulting, Inc. for Gary Rasmusson/Walgar Development Corp. to consider an application for a **Amendment to the Adopted Comprehensive Plan to revise the future Land Use Plan by changing the land use designation from Low Density Residential to Low Density Residential II** on Lot 27 of Block 23 of Robbinsdale Addition No. 10, located in the NW1/4 SE1/4, E1/2 NW1/4 SE1/4, and in the SW/14 NE1/4 SE1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4182 Wisconsin Avenue.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to revise the Future Land Use Plan by changing the land use designation from Low Density Residential to Low Density Residential II be approved.

9. No. 08RZ050 - Robbinsdale Addition No. 10

A request by Sperlich Consulting, Inc. for Gary Rasmusson/Walgar Development Corp. to consider an application for a **Rezoning from Office Commercial District to Low Density Residential II District** on a portion of Lot 27 of Block 23, Robbinsdale Addition No. 10, and formerly described in zoning document as a portion of Parcel 5 Located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point on the northerly edge of the

dedicated right-of-way of East Minnesota Street, and common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue, and the Point of Beginning; Thence, first course: northwesterly, along the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, curving to the right on a curve with a radius of 236.12 feet, a delta angle of 08 40'18", an arc length of 35.74 feet, a chord bearing of N33°40'42"W, and a chord distance of 35.70 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel 5; Thence, second course: N69°52'14"E, along the northerly boundary of said Rezone Parcel 5, a distance of 89.73 feet, to a point of curve; Thence, third course: northeasterly, along the northerly boundary said Rezone Parcel 5, curving to the left on a curve with a radius of 1362.13 feet, a delta angle of 01°29'07", an arc length of 35.31 feet, a chord bearing of N69°07'40"E, and a chord distance of 35.31 feet, to a point intersecting the easterly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point on the westerly boundary of Lot 14 of Block 10 of Robbinsdale Addition No. 10; Thence, fourth course: S25°27'00"E, along the easterly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the westerly boundary of said Lot 14 of Block 10 of Robbinsdale Addition No. 10, a distance of 6.08 feet, to the southeasterly corner of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southwesterly corner of said Lot 14 of Block 10 of Robbinsdale Addition No. 10; Thence, fifth course: southwesterly, along the northerly edge of the dedicated right-of-way of East Minnesota Street, curving to the left on a curve with a radius of 1343.10 feet, a delta angle of 05°09'18", an arc length of 120.84 feet, a chord bearing of S55°55'34"W, and a chord distance of 120.80 feet, to the southwesterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point on the northerly edge of the dedicated right-of-way of East Minnesota Street, and common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue, and the Point of Beginning, more generally described as being located at 4182 Wisconsin Avenue.

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

10. No. 08RZ051 - Robbinsdale Addition No. 10
A request by Sperlich Consulting, Inc. for Gary Rasmusson/Walgar Development Corp. to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential II District** on a portion of Lot 27 of Block 23, Robbinsdale Addition No. 10, Located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southwesterly corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, and common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue; Thence, N70°21'03"E, along the northerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, a distance of 13.55 feet, to a point intersecting the easterly boundary of a previously described Rezone Parcel 4, and the Point of Beginning; Thence, first course: N70°21'03"E, along the

northerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, a distance of 59.91 feet, to a point intersecting the westerly boundary of a previously described Rezone Parcel 7; Thence, second course: S18°38'33"E, along the westerly boundary of said Rezone Parcel 7, a distance of 1.69 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel A; Thence, third course: S69°52'14"W, along the northerly boundary of said Rezone Parcel A, a distance of 59.92 feet, to a point intersecting the easterly boundary of said Rezone Parcel 4; Thence, fourth course: N18°38'33"W, along the easterly boundary of said Rezone Parcel 4, a distance of 2.20 feet, to a point intersecting the northerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, and the Point of Beginning, more generally described as being located at 4182 Wisconsin Avenue.

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

11. No. 08RZ052 - Robbinsdale Addition No. 10

A request by Sperlich Consulting, Inc. for Gary Rasmusson/Walgar Development Corp. to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential II District** on a portion of Lot 27 of Block 23, Robbinsdale Addition No. 10, Located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point on the westerly boundary of Lot 14 of Block 23 of Robbinsdale Addition No. 10, Thence, S25°27'00"E, along the easterly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the westerly boundary of Lot 14 of Block 23 of Robbinsdale Addition No. 10, a distance of 3.82 feet, to a point intersecting the southerly boundary of a previously described Rezone Parcel 7, and the Point of Beginning; Thence, first course: S25°27'00"E, along the easterly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the westerly boundary of said Lot 14 of Block 10 of Robbinsdale Addition No. 10, a distance of 80.18 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel 5; Thence, second course: southwesterly, along the northerly boundary said Rezone Parcel 5, curving to the right on a curve with a radius of 1362.13 feet, a delta angle of 01°29'07", an arc length of 35.31 feet, a chord bearing of S69°07'40"W, and a chord distance of 35.31 feet, to a point of tangency; Thence, third course: S69°52'14"W, along the northerly boundary of said Rezone Parcel 5, a distance of 89.73 feet, to a point intersecting the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue; Thence, fourth course: northwesterly, along the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, curving to the right on a curve with a radius of 236.12 feet, a delta angle of 00°42'23", an arc length of 2.91 feet, a chord bearing of N28°59'21"W, and a chord distance of 2.91 feet, to a point

intersecting the southerly boundary of a previously described Rezone Parcel A; Thence, fifth course: N69°52'14"E, along the southerly boundary of said Rezone Parcel A, a distance of 47.89 feet, to the southeasterly corner of said Rezone Parcel A; Thence, sixth course: N00°17'26"E, along the easterly boundary of said Rezone Parcel A, a distance of 82.29 feet, to a point intersecting the southerly boundary of a previously described Rezone Parcel 7; Thence, seventh course: N69°27'42"E, along the southerly boundary of said Rezone Parcel 7, a distance of 41.45 feet, to a point intersecting the easterly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the westerly boundary of said Lot 14 of Block 23 of Robbinsdale Addition No. 10., and the Point of Beginning, more generally described as being located at 4182 Wisconsin Avenue.

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

12. No. 08RZ053 - Robbinsdale Addition No. 10

A request by Sperlich Consulting, Inc. for Gary Rasmusson/Walgar Development Corp. to consider an application for a **Rezoning from Office Commercial District to Low Density Residential II District** on a portion of Lot 27 of Block 23, Robbinsdale Addition No. 10, and formerly described in zoning document as a portion of Parcel 4, and formerly described in zoning document as a portion of Parcel A, located in the NW1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southwest corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, and common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue, and the Point of Beginning; Thence, first course: N70°21'03"E, along the northerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, a distance of 13.55 feet, to a point intersecting the easterly boundary of a previously described Rezone Parcel 4; Thence, second course: S18°38'33"E, along the easterly boundary of said Rezone Parcel 4, a distance of 2.20 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel A; Thence, third course: N69°52'14"E, along the northerly boundary of said Rezone Parcel A, a distance of 66.39 feet, to the northeasterly corner of said Parcel A; Thence, fourth course: S00°17'26"W, along the easterly boundary of said Parcel A, a distance of 85.27 feet, to the southeasterly corner of said Parcel A; Thence, fifth course: S69°52'14"W, along the southerly boundary of said Parcel A, a distance of 47.89 feet, to a point on the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the dedicated right-of-way of said Wisconsin Avenue; Thence, sixth course: northwesterly, along the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, curving to the right on a curve with a radius of 236.12 feet, a delta angle of 08°57'01", an arc length of 36.88 feet, a chord bearing of N24°09'39"W, and a chord distance of 36.85 feet, to a point of tangent on the westerly boundary of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point of tangent on the easterly edge of the dedicated right-

of-way of Wisconsin Avenue; Thence, seventh course: N19°41'41"W, along the westerly boundary of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, a distance of 40.47 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel 4; Thence, eighth course: N19°41'41"W, along the westerly boundary of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, a distance of 2.69 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel A; Thence, ninth course: N19°41'41"W, along the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, a distance of 2.31 feet, to the northwesterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southwesterly corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, and common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue, and the Point of Beginning, more generally described as being located at 4182 Wisconsin Avenue.

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

13. 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 February 19, 2009 Planning Commission meeting.

*14. No. 08PD054 - Section 24, T1N, R7E

A request by TSP, Inc. for Black Hills Corporation to consider an application for a **Planned Commercial Development - Initial Development Plan** 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 Planned Commercial Development - Initial Development Plan to the February 5, 2009 Planning Commission meeting at the applicant's request.

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

*15. No. 08PD065 - Villaggio at Golden Eagle

A request by Sperllich Consulting, Inc. for Roy Burr to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on a portion of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 7 of Block 2 of The Villaggio at Golden Eagle, common to a point on the southerly boundary of Lot 1R of Tract B of Springbrook Acres, intersecting a 1/64 section line of Section 22, and the Point of Beginning; Thence, first course: N85°57'22"E, along the northerly boundary of said Lot 7 of Block 2 of the Villaggio at Golden Eagle, common with the southerly boundary of said Lot 1R of Tract B of Springbrook Acres, a distance of 69.01 feet, to an angle point on the northerly boundary of said Lot 7 of Block 2 of the Villaggio at Golden Eagle, common to the southeasterly corner of said Lot 1R of Tract B of Springbrook Acres, and common to the southwesterly corner of Lot 3 of Tract B of Springbrook Acres; Thence, second course: N85°51'30"E, along the northerly boundary of said Lot 7 of Block 2 of the Villaggio at Golden Eagle, common with the southerly boundary of said Lot 3 of Tract B of Springbrook Acres, a distance of 49.90 feet, to the northeasterly corner of said Lot 7 of Block 2 of the Villaggio at Golden Eagle, common to the northwesterly corner of the dedicated Right-of-Way of Villaggio Lane, and common to a point on the southerly boundary of said Lot 3 of Tract B of Springbrook Acres; Thence, third course: S21°32'59"E, along the easterly boundary of said Lot 7 of Block 2 of the Villaggio at Golden Eagle, common to the westerly edge of the dedicated Right-of-Way of said Villaggio Lane, a distance of 26.26 feet, to a point on the easterly boundary of said Lot 7 of Block 2 of the Villaggio at Golden Eagle, common to a point on the westerly edge of said dedicated Right-of-Way of said Villaggio Lane; Thence, fourth course: S85°54'54"W, a distance of 128.54 feet, to a point on the westerly boundary of said Lot 7 of Block 2 of the Villaggio at Golden Eagle, common to a point on a 1/64 section line of said Section 22; Thence, fifth course: S00°04'39"E, along the westerly boundary of said Lot 7 of Block 2, common to a 1/64 section line of said Section 22, a distance of 87.44 feet, to an interior 1/64 section corner of Section 22, common to an angle point on the westerly boundary of said Lot 7 of Block 2; Thence, sixth course: S00°08'13"E, along the westerly boundary of said Lot 7 of Block 2, common to a 1/64 section line of said Section 22, a distance of 19.96 feet, to the southwesterly corner of said Lot 7 of Block 2, common to the northwesterly corner of Lot 6 of Block 2 of The Villaggio at Golden Eagle; Thence, seventh course: S00°08'13"E, along the westerly boundary of said Lot 6 of Block 2, common to a 1/64 section line of said Section 22, a distance of 104.33 feet, to the southwesterly corner of said Lot 6 of Block 2, common to the northwesterly corner of Lot 5 of Block 2 of The Villaggio at Golden Eagle; Thence, eighth course: S00°08'13"E, along the westerly boundary of said Lot 5 of Block 2, common to a 1/64 section line of said Section 22, a distance of 95.12 feet, to the southwesterly corner of said Lot 5 of Block 2, common to an angle point on the northerly boundary of Lot 4R of Block 2 of The Villaggio at Golden Eagle; Thence, ninth course: S61°38'29"W, along the northwesterly boundary of said Lot 4R of Block 2, a distance of 200.00 feet, to the southwesterly corner of said Lot 4R of Block 2, common to the northwesterly corner of Lot 3R of Block 2 of The Villaggio at Golden Eagle; Thence, tenth course: S26°45'22"E, along the westerly boundary of said Lot 3R of Block 2, a distance of 106.66 feet, to the southwesterly corner of said Lot 3R of Block 2,

common to the northwesterly corner of Lot 2R of Block 2 of The Villaggio at Golden Eagle; Thence, eleventh course: S26°45'22"E, along the westerly boundary of said Lot 2R of Block 2, a distance of 34.44 feet to a point on the westerly boundary of said Lot 2R of Block 2; Thence, twelfth course: S89°51'47"W, a distance of 237.22 feet; Thence, thirteenth course: N00°08'13"W, a distance of 441.23 feet, to a point on a 1/64 section line of said Section 22; Thence, fourteenth course: N50°09'55"E, a distance of 243.07 feet, to a point on the southerly boundary of Lot 1R of Tract B of Springbrook Acres; Thence, fifteenth course: S56°59'57"E, along the southerly boundary of said Lot 1R of Tract B of Springbrook Acres, a distance of 91.30 feet, to an angle point on the southerly boundary of said Lot 1R of Tract B of Springbrook Acres; Thence, sixteenth course: N85°50'49"E, along the southerly boundary of said Lot 1R of Tract B of Springbrook Acres, a distance of 87.08 feet, to the northwesterly corner of Lot 7 of Block 2 of The Villaggio at Golden Eagle, common to a point on the southerly boundary of said Lot 1R of Tract B of Springbrook Acres, intersecting a 1/64 section line of said Section 22, and the Point of Beginning, more generally described as being located 5617 Villaggio Lane.

Planning Commission approved the Planned Residential Development - Initial and Final Development Plan with the following stipulations:

- 1. A building permit shall be obtained prior to any future construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;**
- 3. The structures shall continually conform architecturally to the elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development;**
- 4. The currently adopted International Fire Code shall be continually met; and,**
- 5. The Planned Residential Development shall allow for a single family residence with accessory structures on the property. Any change to the approved land use(s) or any increase in structural development on the property in excess of 20% will require a Major Amendment to the Planned Residential Development.**

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.

*16. No. 08PD068 - Marlin Industrial Park

A request by Ringdahl Architects for Dakota Supply Group to consider an application for a **Planned Industrial Development - Initial and Final Development Plan** on Lot 2 of Marlin Industrial Park, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1936 Marlin Drive.

Planning Commission approved the Planned Industrial Development - Initial and Final Development Plan with the following stipulations:

- 1. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Industrial Development Plan;**
- 2. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 3. Prior to issuance of a building permit, exceptions must be obtained for the proposed driveways and sidewalk along Elk Vale Road or the plans must be revised to meet the requirements of the Rapid City Municipal Code and the Rapid City Street Design Criteria Manual;**
- 4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 5. A complete Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more. In particular, the Air Quality Permit shall include the owner's signature, identify the local contractor, describe the location of the work area and include a site plan;**
- 6. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Industrial 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 Industrial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
- 7. A minimum of 35 parking spaces shall be provided and two of the parking spaces shall be handicap accessible spaces. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 8. 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;**
- 9. The currently adopted International Fire Code shall be continually met;**
- 10. 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;**
- 11. Prior to issuance of a building permit, the applicant shall submit an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual for review and approval;**
- 12. All provisions of the Heavy Industrial Zoning District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Industrial Development Plan application or a**

- subsequent Major Amendment; and,
13. The Planned Industrial Development shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

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.

17. No. 08PL099 - Homestead Plaza Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 28 of Block 3; Tracts A, B, C and D of Block 4 of Homestead Plaza Subdivision, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located East of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.

Planning Commission continued the Preliminary Plat to the February 19, 2009 Planning Commission meeting.

18. No. 08PL116 - Elks Country Estates
A request by Sperlich Consulting, Inc. for Zandstra Real Estate Holdings to consider an application for a **Preliminary Plat** for proposed Lots 8 thru 12 of Block 8, Lots 5 thru 9 of Block 9, Lots 17 thru 23 of Block 10, Lots 4 thru 18 of Block 11 and Lots 1 thru 10 of Block 13 of Elks Country Estates, legally described as a portion of Tract 1 of the E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north and south sides of the intersection of Jolly Lane and Padre Drive and adjacent to Forest Oaks Court.

Planning Commission recommended that the Preliminary Plat be continued to the February 5, 2009 Planning Commission meeting to allow the applicant to submit additional information.

19. No. 08PL124 - Morningstar Subdivision
A request by CETEC Engineering Services, Inc. for OS Development, Inc. to consider an application for a **Preliminary Plat** for 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 April 23, 2009 Planning Commission meeting at the applicant's request.

20. 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** for 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 February 5, 2009 Planning Commission meeting.

21. 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** for 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 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 February 5, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat application.

22. No. 08PL137 - Trusty Subdivision

A request by Britton Engineering & Land Surveying for Linda Weins to consider an application for a **Layout Plat** for proposed Lots 1 thru 4 of Weins Subdivision, legally described as an unplatted parcel located in the E1/2 NW1/4 SW1/4 less Lot 1 of Trusty Subdivision and less County Road Right-of-way all located in Section 15, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located 13924 Neck Yoke Road.

Planning Commission continued the Layout Plat to the February 5, 2009 Planning Commission meeting.

23. No. 08PL143 - Rainbow Ridge Subdivision

A request by Sperlich Consulting, Inc. for Joe Muth at Doeck, LLC to consider an application for a **Preliminary Plat** for proposed Lot 1R-2 of Block 3 of Rainbow Ridge Subdivision, legally described as Lot 1R of Block 3 of Rainbow Ridge Subdivision, located in the SE1/4 NE1/4, and a portion of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest terminus of Bunker Drive.

Planning Commission continued the Preliminary Plat the February 5, 2009 Planning Commission meeting.

24. No. 08PL176 - Keller Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Keller Subdivision, legally described as Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located Black Hills Dog Track adjacent to the west side of Sturgis Road and south of the intersection of Universal Drive and Sturgis Road.

Planning Commission continued the Preliminary Plat to the February 5, 2009 Planning Commission meeting.

25. No. 08SV057 - Keller Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Keller Subdivision, legally described as Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the Black Hills Dog Track adjacent to the west side of Sturgis Road and south of the intersection of Universal Drive and Sturgis Road.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street

light conduit, water and sewer along Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code to the February 5, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

26. No. 08PL178 - Eastern Acres Subdivision

A request by Herbert Jones to consider an application for a **Layout Plat** for proposed Lot 11AR of Block 7, Eastern Acres Subdivision, legally described as Lot 11A and the east 20 feet of Lot 11 of Block 7, Eastern Acres Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 4481 Corbin Drive.

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

1. **Upon submittal of a Preliminary Plat application, a drainage and grading plan must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary;**
2. **Upon submittal of the Preliminary Plat application, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;**
3. **Upon submittal of the Preliminary Plat application, water system plans prepared by a Registered Professional Engineer verifying the source and demonstrating that sufficient quantities are available for domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
4. **Upon submittal of the Preliminary Plat application, construction plans for Corbin Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the street shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
5. **Prior to Preliminary Plat approval by City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval;**
6. **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;**
7. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
8. **The approved Layout 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.**

28. No. 08RD009 - Biernbaum Subdivision

A request by City of Rapid City to consider an application for a **Resolution renaming the unnamed right-of-way to Merrilat Lane** on the 50 foot wide unnamed right-of-way 680.36 feet in length lying south of Biernbaum Lane right-of-way and south of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Biernbaum Lane and east of South Dakota Highway 79.

Planning Commission continued the Resolution Renaming the Unnamed Right-of-way to Merrilat Lane item to the February 19, 2009 Planning Commission meeting to allow the landowners to identify a possible street name for re-naming the entire roadway.

29. No. 08RZ048 - Sections 32 and 33, T2N, R8E and Section 4, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on the E1/2 SE1/4, Section 32, and the SW1/4, Section 33, all located in T2N, R8E, BHM; and Government Lot 4 and the SW1/4 NW1/4 and the NW1/4 SW1/4 less Lot A, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Valley Drive and east of Valley Drive and north of S.D. Highway 44.

Planning Commission recommended that the Rezoning from No Use District to General Agriculture District be approved.

30. No. 08RZ049 - Section 5, T1N, R8E

A request by Ron Bengs of Advanced Engineering for Ross and Judy Rohde to consider an application for a **Rezoning from General Agricultural District to Light Industrial District** on Lot 1 of Lot J except Lot 3 of Lot 1 of Lot J in the SE1/4 NW1/4 and the NE1/4 SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Kennel Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Light Industrial District be approved.

31. No. 08RZ054 - Section 4, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on Lot A of the SE1/4 NW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Copperfield Subdivision, east of Valley Drive and west of Elk Vale Road.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be approved.

32. No. 08RZ055 - Wally Byam Addition

A request by City of Rapid City to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on Lot 1 of Wally Byam Addition, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of South Dakota Highway 44 and Elk Vale Road.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be approved in conjunction with a Planned Development Designation.

33. No. 08RZ056 - Section 35, T1N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the unplatted portion of the N1/2 N1/2 N1/2 N1/2 N1/2 W1/2 SW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sammis Trail and east of U.S. Highway 16.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved in conjunction with a Planned Development Designation.

34. 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 denied the SDCL 11-6-19 Review to allow the construction of a sign on public property without prejudice.

35. 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 denied the SDCL 11-6-19 Review to allow the construction of a sign on public property without prejudice.

36. 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 denied the SDCL 11-6-19 Review to allow the

construction of a sign on public property without prejudice.

37. 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 May 21, 2009 Planning Commission meeting at the applicant's request.

38. 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 approved the SDCL 11-6-19 Review to allow the construction of a water main.

40. 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.

Planning Commission approved the SDCL 11-6-19 Review to allow the expansion of an existing communications tower.

42. 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.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of Minnesota Street to the March 5, 2009 Planning Commission at the applicant's request.

43. 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 February 5, 2009 Planning Commission meeting.

44. 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 February 5, 2009 Planning Commission meeting to allow the applicant to submit additional information.

45. No. 08SR088 - Section 32, T2N, R8E

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 telecommunications tower** on Lot D of Lot 1 of the NW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 660 North Cambell Street.

Planning Commission approved the SDCL 11-6-19 Review to allow the expansion of an existing telecommunications tower.

46. No. 08SR094 - New Park Subdivision and McMahon Subdivision

A request by Wyss Associates, Inc. for City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow construction of park improvement** on Lot 2 of New Park Subdivision and Tract H of McMahon Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Kathryn Drive, between Champion Drive and Bunker Drive.

Planning Commission approved the SDCL 11-6-19 Review to allow construction of park improvements.

47. No. 08SR096 - Robbinsdale Park Addition

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the construction of an 8 inch water main in a Public Park** on Robbinsdale Park Less Lot 1 of Robbinsdale Park Addition, located in the SW1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South

Dakota, more generally described as being located at 626 E. Fairmont Boulevard.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of an 8 inch water main in a public park.

48. No. 09SR004 - Original Town of Rapid City

A request by Rushmore Plaza Civic Center to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** on Lot ER (less Hotel Lot of Lot ER) of the Original Town of Rapid City, and Lot F (formerly of Block 4, 14 and 15) Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Haines Avenue and North Street.

Planning Commission approved the SDCL 11-6-19 Review to allow temporary structures on public property.

50. No. 08VR008 - Wise's Addition

A request by D.C. Scott Co. Land Surveyors for William Taylor to consider an application for a **Vacation of Right-of-way** on the Right-of-way lying between and adjacent to Lots 11 thru 17 of Block 13 and Lot A of Block 18 of Wise's Addition, located in the S1/2 NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Monroe Street between Milwaukee Street and Waterloo Street and west of the DM&E Railroad Right-of-way.

Planning Commission continued the Vacation of Right-of-way to the February 5, 2009 Planning Commission meeting to allow the applicant to submit additional information.

---END OF CONSENT CALENDAR---

27. No. 08PL179 - Elks Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 5 of Block 1, Lots 1 thru 7 of Block 2, Lot 1 of Block 3 and the drainage Lot 1, all located in the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as an unplatted parcel located in the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of intersection of Elk Vale Road and Willowbend Road and south of the existing Plum Creek Development.

Fisher presented the staff recommendation to approve the Preliminary Plat request with stipulations. Fisher added that staff recommends that an additional stipulation be added as identified in the handout on the dais. Fisher stated that the applicant is aware of the additional stipulation.

Brewer moved, Hennies seconded and unanimously carried to recommend

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that the Preliminary Plat 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, SDCL 11-6-19 Review #08SR093 shall be reviewed and approved by the Planning Commission for the upgrade of the Jolly Lane Lift Station or the construction plans shall be submitted, reviewed and approved as a part of this Preliminary Plat application;
3. Prior to Preliminary Plat approval by the City Council, SDCL 11-6-19 Review #08SR076 shall be reviewed and approved by the Planning Commission for the construction of Minnesota Street or the construction plans shall be submitted, reviewed and approved for this phase of the development as a part of this Preliminary Plat application;
4. Prior to Preliminary Plat approval by the City Council, the proposed H Lot creating the right-of-way for Minnesota Street shall be approved by the City Council or the plat document shall be revised to show the dedication of the right-of-way as per the right-of-way widths identified in the Traffic Impact Study. If the right-of-way is secured with an H Lot, then prior to submittal of a Final Plat application, the plat document shall be revised to show the recorded H Lot;
5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Lot 1, Block 1 as it abuts Minnesota Street or an Exception shall be obtained to allow access from a higher order street;
6. Prior to Preliminary Plat approval by the City Council, the applicant shall identify ownership of the proposed drainage lot. If the applicant intends for the lot to be owned and maintained by the City, then the applicant shall obtain City Council approval prior to Preliminary Plat approval by the City Council;
7. 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;
8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required;
9. 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; and,
10. Prior to Preliminary Plat approval by the City Council, construction plans for Elk Vale Road shall be submitted for review and approval showing the installation of curb, gutter, sidewalk, sewer and water or an Exception shall be obtained. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

39. 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 abstain from discussion and voting due to a conflict of interest.

Brewer moved, Landguth seconded and carried to approve the SDCL 11-6-19 Review to allow the construction of the southern control vault located within street right-of-way. (6 to 0 to 1 with Brewer, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no and Anderson abstaining)

41. 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.

Brewer expressed public concern with the negative impact to traffic flow at proposed event on the subject property.

Elkins stated that staff has had discussions with the Police Department's Traffic Division and the Traffic Engineer for solutions to control traffic at that location. Elkins added that alternate locations have been discussed. Discussion followed.

Hennies expressed his support for the Farmers Market event and suggested a proposed alternate location. Elkins stated that the discussion has been held with the Parks Department with regard to that alternate location. Discussion followed.

Hennies moved, Anderson seconded and unanimously carried to approve the SDCL 11-6-19 Review to Allow a Farmers Market in a Public Place from May of 2009 through November of 2009. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

*49. No. 08UR016 - Original Town of Rapid City

A request by Gillian Avvampato to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lot 11 of Block 93 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at

725 St. Joseph Street.

Brewer expressed his concerns with the proposed menu with regard to the associated beer and wine license permit and the operation of a business as a restaurant. Brewer added that additional concern has been expressed by the public with regard to issuing another beer and wine license in the downtown area. Discussion followed.

Hennies requested that the applicant appear at the next Planning Commission meeting to allow for discussion.

Hennies moved, Brewer seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the February 5, 2009 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Rolinger 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

*51. 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 Planned Light Industrial Development request to allow for additional office administration, warehouse and outdoor storage. Fisher stated that staff has been working with the applicant to resolve the requirement issues. Fisher stated that the additional information has been provided and that staff recommends that the Planned Industrial Development be approved.

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

- 1. Prior to Planning Commission approval, the applicant shall submit written documentation identifying that Rapid Valley Sanitary District agrees to the construction of a 12 inch water main and three new fire hydrants in order to provide adequate commercial and fire flows to the proposed development;**
- 2. A building permit shall be obtained prior to any construction and a**

- 3. Certificate of Occupancy shall be obtained prior to occupancy; Prior to issuance of a building permit, an Erosion and Sediment Permit shall be obtained;**
- 4. Prior to issuance of a building permit, the applicant shall sign a developmental lot agreement;**
- 5. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;**
- 6. Prior to the start of construction, a Floodplain Development Permit shall be obtained for any work within the Federally Designated 100 year Floodplain located in the northern portion of the property, if applicable;**
- 7. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the street rights-of-way;**
- 8. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
- 9. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of the Industrial Development Plan;**
- 10. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Industrial 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 Industrial 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;**
- 11. All fencing shall conform architecturally to the proposed elevations, color palette and design plans submitted as part of this Initial and Final Planned Industrial Development;**
- 12. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;**
- 13. The dumpsters shall be located as shown on the site plan and screened on all four sides as proposed;**
- 14. All currently adopted International Fire Codes shall be met;**
- 15. A minimum of 776,050 landscaping points shall be provided. In addition, the landscaping shall be designed to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 16. A minimum of 194 parking spaces shall be provided. In addition, six of the parking spaces shall be handicap accessible spaces. One of**

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the handicap spaces shall be “van” accessible. All provisions of the Off-Street Parking Ordinance shall be continually met. Any other use of the 20,696.4 square foot storage area proposed on the second floor shall require that a Major Amendment to the Planned Industrial Development be obtained. In addition, additional parking shall be provided for the use as needed;

17. The use within the Planned Industrial Development shall be as an administrative office with meeting rooms, warehouse units and an outdoor storage area. No poles shall be stored within the outdoor storage area. Any other use shall require a Major Amendment to the Planned Industrial Development. In addition, the construction of a communication tower on the property shall require a Major Amendment to the Planned Industrial Development;
18. All provisions of the Light Industrial District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Industrial Development Plan or a subsequent Major Amendment; and,
19. The Planned Industrial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Industrial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Industrial Development Plan approval expiration date, a one year extension for Final Industrial Development Plan approval may be granted. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Rolinger 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.

*52. No. 08PD064 - 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. Ball noted that similar request was previously denied without prejudice by the Planning Commission. That request was appealed to City Council and was denied without prejudice after the applicant determined that the application was not accurate and the building encroached further into the required setback. Ball identified the location of the subject property and commented on the staff's concern with the reduced setback creating a hazard

with resident's vehicles blocking pedestrian traffic.

In response to Anderson's question, Elkins stated that the updated site plan has identified the need for further reduction in the setback than had previously been requested.

Brewer requested clarification; Elkins stated that the issue in the setback is from the garage to the property line.

In response to Hennies question, Elkins stated that the required setback is 25 feet and that Planning Commission and Council have approved an 18 foot setback in front of the garage within this Planned Development.

In response to Hennies question, Greg Erlandson, attorney representing the applicant and a resident of the development, expressed his opinion that the City cannot be held liable if someone runs into a vehicle as a result of that overhang into the right-of-way. Erlandson added that there is very little risk to the City and the area residents. Erlandson commented that the vehicle present in the picture was a midsize vehicle and that larger vehicles would always overhang into the right-of-way. Erlandson stated that the applicant is taking care to ensure that the situation does not happen again. Erlandson stated that the cost to rectify the setback requirement would be substantial.

Hennies expressed concern for the variation in allowable setbacks. Hennies stated that he would support an action to deny the Major Amendment request without prejudice.

Landguth expressed his support to increase the setback requirement and no longer allow 18 foot setbacks in front of garages. Landguth expressed his concern for safety to pedestrian and other traffic.

Brewer expressed his opposition to the Major Amendment request because of the encroachment into the pedestrian right-of-way.

In response to Anderson's question, Elkins stated that denial would allow the applicant to appeal the decision to City Council. Elkins added that the skewed angle of the garage on the lot creates the encroachment into the required minimum setback at only one edge of the building.

Erlandson stated that the applicant's intent was not that the sidewalk be used as a parking space.

Rolinger expressed his opinion that the applicant's error was not intentional. Rolinger stated that he would support the Major Amendment request.

Jay Schmierer, applicant, requested that the Major Amendment request be approved. Schmierer stated that the vehicles of other residents of the subdivision who are not encroaching into the setback still protrude into the setback as well.

Brewer commented that he would vote in support of the Major Amendment

request. Brewer supported preserving the 25 foot setback requirements in future developments.

In response to Marchand's question, Elkins stated that the reduction in the setback in question is 8 to 9 inches beyond the 18 foot setback authorized. Elkins presented the dimension on the site plan and the encroachment. Elkins added that the applicant is taking additional measures for quality control to ensure that this situation does not occur again.

Hennies moved, Marchand seconded and carried to deny the Major Amendment to a Planned Residential Development without prejudice. (5 to 2 with Anderson, Hennies, Landguth, Marchand, and Waltman voting yes and Brewer and Rolinger voting no)

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

Fisher requested that items 53, 54 and 55 be taken concurrently.

*53. No. 08PD067 - Skyline Village Subdivision

A request by Centerline, Inc. for Hidden Valley, Inc. to consider an application for a **Planned Unit Development - Initial Development Plan** on a portion of the south 495' Of NE $\frac{1}{4}$ SE $\frac{1}{4}$ Less Lot 1 and the unplatted portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$, all located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the southeast corner of said Section 22, from which bears a found pin and cap stamped "RLS 5085" N01°56'49"E a distance of 32.99'; Thence N01°56'49"E a distance of 711.18' to a set pin and cap stamped "RLS 3977", said pin and cap being the true point of beginning of the herein described tract; Thence N88°02'57"W a distance of 29.50'; Thence S01°56'47"W a distance of 43.54' to a set pin and cap stamped "RLS 3977"; Thence with a non-tangent curve turning to the left with an arc length of 194.72', with a radius of 374.00', with a chord bearing of N78°03'35"W, with a chord length of 192.53' to a set pin and cap stamped "RLS 3977"; Thence S09°55'19"E a distance of 160.76' to a set pin and cap stamped "RLS 3977"; Thence S05°14'17"E a distance of 75.47' to a set pin and cap stamped "RLS 3977"; Thence S01°56'49"W a distance of 173.20' to a set pin and cap stamped "RLS 3977"; Thence S11°58'16"W a distance of 57.32' to a set pin and cap stamped "RLS 3977"; Thence S52°40'09"W a distance of 128.28' to a set pin and cap stamped "RLS 3977"; Thence N86°10'53"W a distance of 116.09' to a set pin and cap stamped "RLS 3977"; Thence N44°04'05"W a distance of 148.02' to a set pin and cap stamped "RLS 3977"; Thence N03°00'15"W a distance of 111.32' to a set pin and cap stamped "RLS 3977"; Thence N24°08'13"E a distance of 129.58' to a set pin and cap stamped "RLS 3977"; Thence N15°30'32"W a distance of 585.28' to a set pin and cap stamped "RLS 3977"; Thence N01°10'22"E a distance of 71.09' to a set pin and cap stamped "RLS 3977"; Thence S88°17'45"E a distance of 113.49' to a set pin and cap stamped "RLS 1019"; Thence N01°41'33"E a distance of 229.41' to a

set pin and cap stamped "RLS 1019"; Thence N00°01'23"W a distance of 456.86' to a set pin and cap stamped "RLS 3977"; Thence S87°59'57"E a distance of 249.91' to a set pin and cap stamped "RLS 6565"; Thence S87°59'10"E a distance of 299.23' to a set pin and cap stamped "RLS 1019"; Thence S02°00'20"W a distance of 295.30' to a set pin and cap stamped "RLS 1019"; Thence S01°56'47"W a distance of 804.30' to a set pin and cap stamped "RLS 3977" to the point of beginning, more generally described as being located northwest of Promise Road and Golden Eagle Roads.

Fisher presented the staff recommendation that the Planned Development, the Variance and the 11-6-19 Review request be approved with revised stipulations as presented on the dais. Fisher added that the applicant has requested a reduction in the front yard setback to 18 feet. Fisher identified the staff's request to allow an encroachment into the rear yard set back of three feet for a roofed porch with no additional screening or walls. Fisher reviewed the applicant's story boards showing the colors and elevations of the proposed development. Fisher stated that staff has provided revised stipulations of approval presented on the dais.

In response to Brewer's question, Schad stated that he did not believe there would be a conflict of interest based on Brewer's discussion with the applicant.

In response to Anderson's question, Fisher stated that the applicant has requested the roll curb and curb side sidewalks. Fisher stated that the proposed styles of sidewalks provide additional distance between the residence and the sidewalk. Discussion followed.

In response to Rolinger's question, Schad stated that he did not believe there to be a conflict of interest based on Rolinger's conversations with the applicant.

Rolinger moved, Marchand seconded and unanimously carried to approve the Planned Unit Development - Initial Development Plan with the following stipulations:

- 1. Prior to issuance of a building permit, a Final Planned Unit Development application shall be reviewed and approved for the proposed use(s);**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial Final Planned Unit Development. Additional and/or revised elevations may be submitted for review and approval as a part of a Final Planned Unit Development application. Changes to the proposed elevations, which the Growth Management Director determines to be consistent with the approved architectural character of the project, may be allowed as a Minimal Amendment to the Planned Unit Development;**
- 4. Upon submittal of a Final Planned Unit Development application, a complete sign package, including any entryway signage identifying**

- the development, shall be submitted for review and approval;
5. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, a complete geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;
 6. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall show the design of drainage swales, ditches and storm sewers sized in compliance with the Arrowhead Drainage Basin Design Plan and the Drainage Criteria Manual. In particular, the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed pre-developed flows or on-site detention shall be provided. In addition, the drainage plan shall include post construction water quality treatment devices or structures in accordance with Chapter 8.48.020 of the Rapid City Municipal Code. Drainage easements shall also be provided as needed;
 7. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval. In particular, the utility master plan shall provide sewer and water service to the adjacent properties as well as looped system(s) as needed;
 8. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the City Council shall approve documents granting a public utility easement across Lot 2, Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota or an alternate sewer alignment shall be submitted for review and approval. In addition, a minimum 18 foot wide utility easement(s) shall be provided for the sewer main to be extended between Lots 4B and 5A of Block 1;
 9. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall show the extension of water mains in compliance with the adopted "Planning Report for Skyline, Terracita, Southwest, Carriage Hills and future Southwest Rapid City water service zoned" prepared by CETEC Engineering Inc. In addition, the plans shall demonstrate that

- adequate fire and domestic flows are being provided. Utility easements shall also be provided as needed;
10. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, road construction plans for Promise Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 11. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, road construction plans for Call Ranch Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 12. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, road construction plans for North Bendert Lane shall be submitted for review and approval. In particular the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 13. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, road construction plans for South Bendert Lane shall be submitted for review and approval. In particular the road construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 14. Prior to submittal of a Final Planned Unit Development application or a Preliminary Plat application, an Exception shall be obtained to allow 49 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual or a second point of access shall be provided as required;
 15. Prior to submittal of a Final Planned Unit Development application or a Preliminary Plat application, an Exception shall be obtained to allow

- a 880 foot long cul-de-sac street with no intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the intermediate turnaround shall be provided as required;
16. Prior to submittal of a Final Planned Unit Development application or a Preliminary Plat application, an Exception shall be obtained to allow curb side sidewalks with roll curb along Bendert Lane or property line sidewalks with standard curb and gutter shall be provided as required;
 17. Prior to approval of a Final Planned Unit Development application for Phase 2 (as building permits can be granted at that time) or prior to Final Plat approval of Phase 2, the 40 foot wide access easement extending from Promise Road to Lot 1, Bendert Subdivision shall be vacated and an alternate access shall be provided. In addition, the applicant shall demonstrate that access is being maintained to Lot 1, Bendert Subdivision during the construction phase of this project;
 18. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. In addition, a minimum 25 foot setback shall be provided along the side yard abutting a street. A side yard setback along interior side lot lines of eight feet for a one story structure and twelve feet for a two story structure shall be provided. A zero side yard setback shall be required along the common wall of the townhome units. In addition, the rear yard setback shall be reduced from 25 feet to 22 feet on Lots 4A thru 10B, Block 1 and Lots 8A thru 11B, Block 2 to allow for the construction of a porch with a roof but no walls or other enclosures contingent upon a landscaping buffer or screening fence being provided along the rear lot line. The balance of the lots shall provide a minimum 25 foot rear yard setback. A minimum 58 foot setback shall be provided from all section line highway(s);
 19. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
 20. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
 21. All provisions of the underlying Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Unit Development or a subsequent Major Amendment;
 22. The Planned Unit Development shall allow for the construction of 46 townhome units and two single family residences. Any change in the proposed uses shall be specifically authorized as a stipulation of the Final Planned Unit Development application or a subsequent Major Amendment to the Planned Unit Development; and,
 23. The Planned Unit Development shall expire if the use is not undertaken and completed within two years of the date of approval by

the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Rolinger 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.

54. No. 08SV059 - Skyline Village Subdivision

A request by Centerline, Inc. for Hidden Valley, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along Vineyard Lane, to waive the requirement to install sidewalk along the north side of Vineyard Lane, to waive the requirement to dedicate the section line highway as right-of-way, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1A, 1B, 1C, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10, 10A, 10B, 11 of Block 1; Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, of Block 2; Block 3; Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B, utility Lot 1, Outlots 1 thru 3, of Block 4; Block 5; and the dedicated public right-of-way, Skyline Village Subdivision, legally described as the south 495 feet of the NE1/4 SE1/4 less Lot 1, the SE1/4 SE1/4 all in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Promise Road and Golden Eagle Roads.

Fisher presented the staff recommendation to approve the Variance request with revised stipulations. Fisher stated that the applicant would be required to sign a Waiver of Right to Protest any future assessments for the improvement. Fisher stated that the applicant is in concurrence with the revised stipulations.

In response to Hennies question, Fisher stated that the information regarding the sidewalk has not been submitted at this time.

Rolinger moved, Brewer seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Vineyard Lane be approved with the following stipulation:

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

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That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the north side of Vineyard Lane be approved with the following stipulations:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvement; and,**
- 2. A pedestrian access connection shall be provided between the proposed townhome development and the sidewalk along the south side of Vineyard Lane;**

That the Variance to the Subdivision Regulations to waive the requirement to dedicate the section line highway as right-of-way located along the east lot line as it abuts Tract B of Tract 1 of W1/2SW1/4 less IGT Subdivision and less right-of-way located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along this portion of the section line highway be approved with the following stipulations:

- 1. The west half of the section line highway shall be dedicated as right-of-way; and,**
- 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;**

That the Variance to the Subdivision Regulations to waive the requirement to dedicate the section line highway as right-of-way located along the south lot line and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway be approved with the following stipulations:

- 1. The north half of the section line highway shall be dedicated as right-of-way; and,**
- 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)**

55. No. 09SR001 - Own Hibbard Subdivision

A request by Centerline, Inc. for Hidden Valley, Inc. to consider an application for a **SDCL 11-6-19 Review to authorize the acquisition of a public utility easement** on Lot 2 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1930 Promise Road.

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

Anderson moved, Marchand seconded and unanimously carried to approve the SDCL 11-6-19 Review to authorize the acquisition of a public utility easement. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

Tegethoff requested that items 56 and 57 be taken concurrently.

56. No. 08PL177 - Jundt Subdivision
A request by Renner & Associates for Shane Geidel to consider an application for a **Layout Plat** for proposed Lots 1A, 1B and 1C of Jundt Subdivision, legally described as Lot 1 of Jundt Subdivision, located in the W1/2 of the NW1/4, Section 33, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23410 Bradsky Road.

57. No. 08SV058 - Jundt Subdivision
A request by Renner & Associates for Shane Geidel to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer along Bradsky Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1A, 1B and 1C of Jundt Subdivision, legally described as Lot 1 of Jundt Subdivision, located in the W1/2 of the NW1/4, Section 33, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23410 Bradsky Road.

Tegethoff presented the staff recommendation to deny the Layout Plat and the Variance to the Subdivision Regulations without prejudice to allow the applicant to resolve the zoning issues.

Rolinger moved, Marchand seconded and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer along Bradsky Road as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

58. No. 08SR093 - Section 16, T1N, R8E
A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to upgrade the Jolly Lane Lift Station** on Tract 2 of the E1/2, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Jolly Lane.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review to the February 19, 2009 Planning Commission meeting.

Brewer moved, Hennies seconded and unanimously carried to continue the SDCL 11-6-19 Review to upgrade the Jolly Lane Lift Station to the February 19, 2009 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

59. No. 08SR098 - Section 24, T1N, R7E
A request by Ron Wilgers for Black Hills Power to consider an application for a **SDCL 11-6-19 Review to expand a utility substation** on the SW1/4 SW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the south side of Catron

Boulevard 1.2 miles east of U.S. Highway 16.

Fisher presented the SDCL 11-6-19 Review request. Fisher noted that if the Planning Commission waives the requirement to pave the access road and the two off-street parking spaces, then staff recommends that the item to expand the utility substation be approved.

Hennies moved, Brewer seconded and unanimously carried to approve the SDCL 11-6-19 Review to expand a utility substation and to waive the requirement to pave the access road and the two off-street parking spaces. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

Bulman requested that items 60 thru 66 be taken concurrently.

Brewer stepped down from the dais at this time.

60. No. 08SR097 - Original Town of Rapid City
A request by Destination Rapid City for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow structures in Right-of-way** on Lots A-B and CR of Block 4 and Block 14 and Block 24 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 444 North Mount Rushmore Road.
61. No. 08SR101 - Original Town of Rapid City
A request by Destination Rapid City for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow structures in Right-of-way** on adjacent to Lots 1 thru 3 of Block 83 of the Original Town of Rapid City, Section 1, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 701 Main Street.
62. No. 08SR102 - Original Town of Rapid City
A request by Destination Rapid City for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow structures in Right-of-way** on adjacent to Lots 7 thru 18 of Block 84 of the Original Town of Rapid City, Section 1, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 630 St. Joseph Street.
63. No. 08SR103 - Original Town of Rapid City
A request by Destination Rapid City for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow structures in Right-of-way** on adjacent to Lots 25 thru 32 of Block 93 of the Original Town of Rapid City, Section 1, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 710 Kansas City Street.
64. No. 08SR104 - Original Town of Rapid City
A request by Destination Rapid City for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow structures in Right-of-way** on Lots 33 thru 35 of Block 72 of the Original Town of Rapid City, Section 1, T2N,

R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 445 Mount Rushmore Road.

65. No. 08SR105 - Original Town of Rapid City

A request by Destination Rapid City for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow structures in Right-of-way** on adjacent to Lot 17 of Block 75 of the Original Town of Rapid City, Section 1, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 541 Main Street.

66. No. 08SR106 - Original Town of Rapid City

A request by Destination Rapid City for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow structures in Right-of-way** on adjacent to Lots 1 thru 16 of Block 95 of the Original Town of Rapid City, Section 1, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Saint Joseph Street.

Bulman presented the staff recommendation to approve the SDCL 11-6-19 Review requests.

In response to Anderson's question, Shad stated that there would be a conflict of interest.

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

In response to Waltman's questions, Brewer identified the materials used to create the proposed signs. Discussion followed.

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

In response to Landguth's question, Brewer stated that Destination is responsible for the maintenance. Brewer stated that there is a "hold harmless" clause in the agreement.

Hennies moved, Marchand seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow a structure on public property. (4 to 0 to 3 with Hennies, Landguth, Marchand and Waltman voting yes and none voting no and Anderson, Brewer and Rolinger abstaining)

Brewer returned to the dais at this time.

*67. No. 08UR017 - Marshall Heights Tract

A request by Kennedy Design Group, Inc. for Wal-East Development, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lot A of Lot 7 of K3, Marshall Heights Tract, located in the SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1415 North LaCrosse Street.

Ball presented the staff recommendation to approve the Conditional Use Permit request.

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

- 1. The applicant must obtain a Building Permit prior to the initiation of any construction;**
- 2. All applicable provisions of the Uniform Fire Codes shall be continually met;**
- 3. The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
- 4. The landscaping plan shall continually be maintained in a live vegetative state and replaced as necessary; and,**
- 5. The Major Amendment to a Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Rolinger 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.

68. Discussion Items

- A. Request for a Special Planning Commission meeting on Access Requirements for Commercial Uses.

Heller presented Council's request for the Planning Commission to take public comment on the proposed access requirements for commercial buildings. Discussion followed.

Landguth moved, Rolinger seconded to authorize staff to set a special Planning Commission meeting on February 25, 2009 at 5:30 p.m.

- B. Arrowhead Drainage Basin Master Plan –

Halsted presented a summary of the design plan from FMG Engineering for the design plan of the Arrowhead Drainage Basin Master Plan. Discussion followed.

In response to Brewer's question, Halsted stated that the design is for a fully developed basin plan. Discussion followed.

Brewer expressed concern for the degree of development and the impact to good drainage management. Discussion followed.

In response to Landguth's question, Elkins stated that Public Works Department would be responsible for updating the drainage basin plan. Elkins stated that a lack of funding could inhibit the possibility of an updated drainage plan.

C. Ex-parte Communications Policy – Joel Landeen.

Elkins stated that staff would present the Ex-parte communications policy at the February 5, 2009 Planning Commission meeting.

69. Staff Items

70. Planning Commission Items

71. Committee Reports

- A. City Council Report (January 5, 2009)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Anderson moved, Marchand seconded and unanimously carried to adjourn the meeting at 8:45 a.m. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)