



MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
March 5, 2009

MEMBERS PRESENT: John Brewer, Barb Collins, Julie Gregg, Linda Marchand, Steve Rolinger, Andrew Scull 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, Tim Behlings, Mike Schad and Carol Campbell.

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

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

**Scull and Brewer requested that Items 14, 15 and 19 be removed from the Consent Agenda for separate consideration.**

**Motion by Marchand, Seconded by Scull and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 23 in accordance with the staff recommendations with the exception of Items 14, 15 and 19 (7 to 0 with Brewer, Collins, Gregg, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)**

1. Approval of the February 19, 2009 Planning Commission Meeting Minutes and the February 24, 2009 Special Planning Commission Meeting Minutes.

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

A request by TSP, Inc. for Black Hills Corporation to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the Future Land Use Plan from 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 approved the summary and authorized publication in the Rapid City Journal.**

3. 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 April 9, 2009 Planning Commission meeting.**

4. 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 March 26, 2009 Planning Commission meeting.**

5. 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 March 26, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat application.**

6. 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, located in E1/2 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, 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 March 26, 2009 Planning Commission meeting.**

7. No. 08RD009 - Biernbaum Subdivision

A request by City of Rapid City to consider an application for a **Resolution naming 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 naming the unnamed Right-of-way to Merrilat Lane to the March 26, 2009 Planning Commission meeting.**

8. 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 26, 2009 Planning Commission meeting.**

9. 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 approved the SDCL 11-6-19 Review to allow temporary structures in a public park.**

10. No. 08SR089 - Rapps Addition

A request by Quinn Kayser-Cochran for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow a co-location on an existing cellular tower** on Lot 2A of Block 2 of Rapps Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 640 Eglin Street.

**Planning Commission continued the SDCL 11-6-19 Review to allow a co-location on an existing cellular tower to the March 26, 2009 Planning Commission meeting.**

11. No. 09CA003 - Section 4, T1N, R8E

A request by City of Rapid City to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Public** on the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of S.D. East Highway 44 and west of Lancer Drive.

**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 General Commercial to Public be approved.**

12. No. 09RZ012 - Section 4, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Public District** on the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of S.D. East Highway 44 and west of Lancer Drive.

**Planning Commission recommended that the Rezoning from No Use District to Public District be approved in conjunction with the associated Comprehensive Plan Amendment.**

\*13. No. 09PD003 - Skyline Pines East Subdivision

A request by FourFront Design, Inc. for Reyelts Construction, Inc. to consider an application for a **Major Amendment to a Planned Residential Development** on a parcel of land being a part of Lot B, more particularly described as follows: Commencing at a yellow plastic cap stamped "PINHOLT LS 6253" at the southeast corner of lot 1 of the southeast quarter of said Section 11, as depicted on the plat of said Lot 1, recorded in Book 34 of Plats, on page 141; thence S89°52'02"E along the north line of said Lot B a distance of 528.48 feet more or less to the east line of said Lot B; thence S00°01'01"W along said east line a distance of 609.54 feet more or less to the northerly line of the sixty foot wide tower road right-of-way; thence continuing along said northerly line, N82°01'59"W a distance of 136.64 feet to a point of curvature; thence along the arc of said curve to the right having a radius of 235.00 feet, a central angle of 32°45'53" for a distance of 134.38 feet to the point of beginning, said point monumented with a No. 5 rebar with orange plastic cap marked "4Front Nelson RLS #9049; thence along the arc of said curve to the right having a radius of 235.00 feet, a central angle of 05°13'04" for a distance of 21.40 feet to a point of tangency, monumented with a No. 5 rebar with orange plastic cap marked "4Front Nelson RLS #9049; thence along said line of tangency north 44°03'02" west a distance of 73.79 feet to a point of curvature, monumented with a No. 5 rebar with orange plastic cap marked "4Front Nelson RLS #9049; thence along the arc of a curve to the left the following three courses the termini of which are monumented with a No. 5 rebar with orange plastic cap marked "4Front Nelson RLS #9049": Radius of 430.00 feet, a central angle of 07°05'26" for a distance of 53.21 feet; Radius of 430.00 feet, a central angle of 12°29'29" for a distance of 93.75 feet; Radius of 430.00 feet, a central angle of 20°16'28" for a distance of 152.16 feet; Thence departing said northerly right-of-way line along the following 7 courses the termini of which are monumented with a No. 5 rebar with orange plastic cap marked "4Front Nelson RLS #9049": N32 36'48"E a distance of 195.31 feet; N53°34'09"W a distance of 40.69 feet; N42°38'52"E a distance of 153.00 feet; S89°52'02"E a distance of 206.91 feet; S57°23'12"E a distance of 205.80 feet; S16°52'40"W a distance of 283.49 feet; N73°07'20"W a distance of 61.60 feet; Thence S32°36'48"W a distance of 157.57 feet more or less to the point of Beginning, containing an area of 3.8 acres more or less, located in the SW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Mount Rushmore





Road, north of Tower Road and east of Sandstone Lane.

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

- 1. Prior to Planning Commission approval, an Exception shall be obtained to allow a driveway width of 30 feet, 21.47 feet, 24 feet, 24.12 feet, 29.15 feet and 25.57 feet, respectively, in lieu of a maximum driveway width of 20 feet as per the Street Design Criteria Manual or the site plan shall be revised to comply with the Street Design Criteria Manual;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. Prior to issuance of a building permit, all red line comments shall be addressed. In addition, revised construction plans shall be submitted for review and approval as needed;**
- 4. Prior to issuance of a building permit on Lots 10 and 18, the existing H Lot for Tower Road shall be abandoned as proposed and an alternate right-of-way as per the approved construction plans for Tower Road shall be secured;**
- 5. Prior to issuance of a Certificate of Occupancy on any of the lots, a Final Plat shall be reviewed and approved to insure that all right(s)-of-way have been dedicated;**
- 6. An Exception is hereby granted to reduce the on-street visitor parking requirement from nine spaces to five spaces contingent upon three off-street parking spaces being provided within the parking apron located on each lot in front of each garage. In addition, the east side of Tower Court shall be posted as no-parking to insure safe ingress into the development;**
- 7. 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 minimum 25 foot setback shall be provided along the side yard abutting Tower Road. A side yard setback along interior side lot lines of eight feet for a one story structure and twelve feet for a two story structure shall also be provided. In addition, a minimum 25 foot rear yard setback shall be provided;**
- 8. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Residential Development Plan or a subsequent Major Amendment;**
- 9. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Residential Development Plan;**
- 10. All streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual and the currently adopted International Fire Code. In addition, fire hydrants shall be in place and operational prior to any building construction. Street signs and lot addresses shall also be posted prior to or in conjunction with**



any building construction. The currently adopted International Fire Code shall be continually met;

11. The Planned Residential Development shall allow for the construction of eight townhomes and one single family residence. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
12. A one year time extension for the Planned Residential Development may be granted upon written request to the Growth Management Director if submitted prior to the Final Development Plan approval expiration date.

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

16. No. 09PL004 - Eastern Acres Subdivision

A request by D.C. Scott Co. Land Surveyors for Herbert Jones to consider an application for a **Preliminary Plat** for proposed Lots 11AR of Block 7 of Eastern Acres Subdivision, legally described as Lot 11A and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5581 Corbin Drive.

**Planning Commission continued the Preliminary Plat to the March 26, 2009 Planning Commission meeting.**

17. No. 09SV004 - Eastern Acres Subdivision

A request by D.C. Scott Co. Land Surveyors for Herbert Jones to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 11AR of Block 7 of Eastern Acres Subdivision, legally described as Lot 11A and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5581 Corbin Drive.

**Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code to the March 26, 2009 Planning Commission meeting.**

18. No. 09RZ009 - Section 5, 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 the SE1/4 of Government Lot 1 less the north 100 feet of the SE1/4 of Government Lot 1, Lot A of Lutheran Subdivision, and the 33 feet of Valley Drive right-of-way adjacent to Lot A of Lutheran Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 501 and 583 Valley Drive.

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

20. No. 09RZ011 - Section 4, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the 20 foot wide private lane located adjacent and west of the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and located adjacent to and west of Tract C of the SE1/4 SW1/4 of Section 4 and Parcel E of the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3030 East Highway 44.

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

21. No. 09SR007 - Owen Hibbard Subdivision

A request by Rick Holpp for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow co-location on an existing communication tower** 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.

**Planning Commission approved the SDCL 11-6-19 Review to allow co-location on an existing communication tower.**

22. No. 09SR009 - Section 32, T2N, R7E

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

**Planning Commission continued the SDCL 11-6-19 Review to allow structures in a public park to the March 26, 2009 Planning Commission meeting.**

23. No. 09SR010 - Rapid City Regional Airport

A request by Kadrmass, Lee and Jackson for the Rapid City Regional Airport to consider an application for a **SDCL 11-6-19 Review to allow a structure on Public Property** on all of Section 17, less a portion of the Rapid City Regional Airport, Airport Subdivision No. 6, Section 17, T1N, R9E, BHM, Rapid City,





Pennington County, South Dakota, more generally described as being located at the Rapid City Regional Airport.

**Planning Commission approved the SDCL 11-6-19 Review to allow a structure on Public Property.**

**---END OF CONSENT CALENDAR---**

Elkins requested that items 14 and 15 be taken concurrently.

14. No. 09PL003 - Hilltop Business Park Subdivision  
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 1 of Block 2 of Hilltop Business Park Subdivision, legally described as a portion of the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Homestead Street and Elk Vale Road.
15. No. 09SV002 - Hilltop Business Park 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 water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1 of Block 2 of Hilltop Business Park Subdivision, legally described as a portion of the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Homestead Street and Elk Vale Road.

Elkins stated that staff recommends that the Preliminary Plat and the Variance to the Subdivision Regulations requests be continued to the March 26, 2009 Planning Commission meeting.

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

**Brewer moved, Rolinger seconded and carried to continue the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code to the March 26, 2009 Planning Commission meeting. (6 to 0 to 1 with Brewer, Collins, Gregg, Marchand, Rolinger and Waltman voting yes and none voting no and Scull abstaining)**

19. No. 09RZ010 - Section 5, 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 NE1/4 of Government Lot 1 located in the NE1/4 NE1/4 NE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 405 Valley Drive.



In response to Brewer's question, Bulman identified the current use on the subject property. Bulman stated that the property was annexed into the City and therefore requires a zoning designation.

**Rolinger moved, Scull seconded and unanimously carried to recommend that the Rezoning from No Use District to General Agriculture District be approved. (7 to 0 with Brewer, Collins, Gregg, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

24. 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.

Fisher presented the staff recommendation to continue the Preliminary Plat request to the March 26, 2009 Planning Commission meeting with the applicant's concurrence.

**Gregg moved, Collins seconded and unanimously carried to continue the Preliminary Plat to the March 26, 2009 Planning Commission meeting. (7 to 0 with Brewer, Collins, Gregg, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)**

Tegethoff requested that items 25, 26 and 27 be taken concurrently.

25. 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 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.

26. 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.

27. No. 09SV003 - 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, pavement, sidewalk, street light conduit, water and sewer and to reduce the right-of-way width from 59 feet to 40 feet on the existing access easement 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, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the Black Hills Dog Track northwest of the intersection of Universal Drive and Sturgis Road.

Tegethoff presented the staff recommendation to approve the Preliminary Plat with stipulations and to approve the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer on the existing access easement requests with stipulations and to deny without prejudice the Variance to the Subdivision Regulations request to install pavement and to reduce the right-of-way width.

Eric Howard, Renner & Associates, requested that the Variance to the Subdivision Regulations to install pavement and to reduce the right-of-way width be approved, Howard reviewed the current use of the access easement and that it remain gravel surface.

In response to Scull's question, Howard stated that the access is not currently in use.

In response to Scull's question, Elkins stated that the Air Quality requirements, staff recommends that the access be paved to minimize that track out onto the State Highway. Discussion followed.

**Collins moved, Marchand seconded and carried to recommend that the Preliminary Plat application be approved with the following stipulations:**

- 1. Prior to the Preliminary Plat application approval by City Council, a drainage and grading plan must be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 2. Prior to the Preliminary Plat application approval by City Council, 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 shall be obtained;
3. Prior to the Plat application approval by City Council, 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. Prior to the Preliminary Plat application approval by City Council, the applicant shall submit construction plans designed and stamped by a Registered Professional Engineer identifying curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road, or obtain a Variance to the Subdivision Regulations;
  5. Prior to the Preliminary Plat application approval by City Council, the applicant shall submit construction plans designed and stamped by a Registered Professional Engineer identifying pavement, curb, gutter, sidewalk, street light conduit, water and sewer located within a minimum 59 foot wide right-of-way for the access easement, or obtain a Variance to the Subdivision Regulations;
  6. Prior to Preliminary Plat approval by City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
  7. 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;
  8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
  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.

That 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 be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer on the existing access easement as per Chapter 16.16 of the Rapid City Municipal Code be approved; and,

The Variance to the Subdivision Regulations to waive the requirement to install pavement and to reduce the right-of-way width from 59 feet to 40 feet on the existing access easement as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice. (Roll Call vote 5 to 2 with Brewer, Collins, Gregg, Marchand and Waltman voting yes and Rolinger and Scull voting no)



A request by Andy Scull for Scull Construction Company to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on a Parcel of land located in the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Point of Beginning of said parcel being identical with the northeasterly corner of Lot 7 of SSJE Subdivision recorded at the Pennington County Register of Deeds Office in Plat Book 29 Page 167, said corner being marked with a 5/8" rebar with survey cap marked "Thingelstad SD RLS 4371" said corner being the Point of Beginning: THENCE FIRST COURSE: along the southerly Right-of-Way line of Jess Street a bearing of S89°51'26"E and a distance of 257.00 feet to the northeasterly corner of said Parcel; THENCE SECOND COURSE: along a line bearing S00°09'09"W and a distance of 224.44 feet to a the southeasterly corner of said Parcel and an intersection with the northerly line of Lot K-2S Less Lot H1 & Creek Drive Right-of-Way; THENCE THIRD COURSE: along said northerly line of said Lot K-2S a bearing of N89°52'58"W and a distance of 257.00 feet to the southeasterly corner of said Lot 7 of SSJE Subdivision which is marked with a 5/8" rebar; THENCE FOURTH COURSE: along the easterly line of said Lot 7 a bearing of N00°09'09"E and a distance of 224.55 feet to the Point of Beginning, more generally described as being located northeast of the intersection of Jess Street and Kermit Lane.

Scull stepped down from the dais.

Tegethoff presented the staff recommendation to approve the Planned Commercial Development request with stipulations. Tegethoff identified the proposed location of the wood fence and chain link fence on the site plan of the subject property.

Andy Scull, Scull Construction Company requested that the Planned Commercial Development request be approved. Scull identified the proposed use on the subject property. Scull asked that the fencing on front be allowed to be wood, Scull added that the tenant requested for the ability to install a chain link fence along the east elevation to allow more easily for expansion purposes. Scull stated that if a change in use were created that a modification of fencing would be changed.

In response to Collins question, Scull stated that the tenant is a siding and roofing products company. Scull identified the locations of the wood fence and the chain link fence. Discussion followed.

In response to Brewer's question, Scull stated that the fence would be seven feet in height.

In response to Brewer's question, Elkins stated that the Planning Commission could add a stipulation authorizing a fence with privacy slats until such time as another use is added to the subject property.

Scull identified the developable viability of the adjacent lot on the chain link side of the fence. Discussion followed.



Ed Reber, area resident expressed concerns expansion of the right-of-way and the water runoff from the subject property. Reber requested that the applicant maintain the property and address the water runoff from development on the subject property.

In response to Waltman's question, Elkins identified the location of the access easement of Creek Drive. Elkins stated that as development occurs that would require improvements to the right-of-way. Elkins added that the construction easements have not been acquired. Elkins stated that staff would work with the applicant to address the drainage issues regarding the culvert.

In response to Collins question, Reber stated that his concern is the existing debris, traffic and drainage. Discussion followed.

Scully reviewed the process of development on the property. Scully stated that they are willing to modify and upgrade the subject property to improve the aesthetics to adjacent property owners.

**Brewer moved, Gregg seconded and unanimously carried approve the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:**

1. 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;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. 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;
4. **The 7 foot high opaque screening fence shall be constructed with wood or similar materials and the fencing on the east side be constructed with chain link and slats with the requirement that when additional development occurred that the fence be upgraded to wood fencing;**
5. The currently adopted International Fire Code shall be continually met;
6. Prior to issuance of a building permit, a shared access agreement shall be reviewed and approved by the City Attorney's office and recorded at the Register of Deeds Office;
7. 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;
8. All provisions of the General Commercial 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,
9. The Planned Commercial Development shall expire if the use is not undertaken within two years of the date of approval by the Planning





**Commission, or if the use as approved has ceased for a period of two years. 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. (6 to 0 with Brewer, Collins, Gregg, Marchand, Rolinger and Waltman voting yes and none voting no)**

Scull stepped back on to the dais.

***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 29, 30 and 31 be taken concurrently.

29. No. 09PL005 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 5 of Block 2 of Rushmore Crossing, illegally described as Tracts A and B of Block 2 of Rushmore Crossing, located in the W1/2 of the SW1/4 of Section 29 and the E1/2 of the SE1/4 of Section 30, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Eglin Street east of Luna Avenue and west of East North Street.

30. No. 09SV005 - Rushmore Crossing

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 and sewer and to reduce the width of the access easement from 59 feet to 26 feet as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 thru 5 of Block 2 of Rushmore Crossing, legally described as Tracts A and B of Block 2 of Rushmore Crossing, located in the W1/2 of the SW1/4 of Section 29 and the E1/2 of the SE1/4 of Section 30, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Eglin Street east of Luna Avenue and west of East North Street.

Fisher presented the staff recommendation to approve the Preliminary Plat with stipulations, the Variance to the Subdivision Regulations to be approved with a stipulations and that the Planned Development request be continued to the March 26, 2009 Planning Commission meeting.

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

**Rolinger moved, Brewer seconded and carried recommend 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, revised water plans shall be submitted for review and approval showing a connection to the low level water zone in lieu of the high level water zone as proposed. In addition, the plat document shall be revised to provide a minimum 20 foot wide public water easement as needed for any public waterlines;**
- 3. Prior to Preliminary Plat approval by the City Council, an addendum to the Traffic Impact Study shall be submitted for review and approval demonstrating that the eastern approach (Approach #9) should be signalized in lieu of the western approach (Approach #8) and shall identify what threshold will require the signalization or the construction plans shall be revised to show the signalization of the western approach as per the approved Traffic Impact Study;**
- 4. Upon submittal of a Final Plat application, surety shall be posted for the proposed traffic signal and/or the applicant shall enter into an agreement to install the signalized lights when warrants are met;**
- 5. Prior to Preliminary Plat approval by the City Council, a revised site plan shall be submitted for review and approval showing the existing and proposed infrastructure and grading on the eastern portion of Lot 5 and on the adjacent properties as required;**
- 6. Prior to Preliminary Plat approval by the City Council, road construction plans for the access easements shall be submitted for review and approval. In particular, the plans shall show the streets located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 7. Prior to Preliminary Plat approval by the City Council, the Vacation of Right-of-way request (File #09VR001) to vacate Sunnyside Avenue right-of-way shall be approved or road construction plans for Sunnyside Avenue shall be submitted for review and approval showing the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 8. Prior to Preliminary Plat approval by the City Council, the Vacation of Right-of-way request (File #09VR001) to vacate the western half of Cambell Street right-of-way shall be approved or road construction plans for Cambell Street shall be submitted for review showing the street located within a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 9. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the proposed area of Eglin Street**



to be vacated retained as a utility easement or the applicant shall relocate the existing 2 inch and 4 inch gas mains located within the right-of-way as per Montana Dakota Utility requirements;

10. Prior to submittal of a Final Plat application, the plat document shall be revised to show the Cambell Street right-of-way and the east half of the section line highway retained as a public utility and drainage easement;
11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 26 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. An east-west and a north-south pedestrian walkway shall be provided as proposed. In addition, lighting shall be provided throughout the parking lot and utilities shall be extended as needed to serve the proposed lots as a part of the Planned Commercial Development Plan. (6 to 0 to 1 with Brewer, Collins, Gregg, Marchand, Rolinger and Scull voting yes and none voting no and Waltman abstaining)

\*31. No. 09PD004 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on a portion Tracts A & B of Block 2 of Rushmore Crossing, Located in the E½ of the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Tract A of Block 2 of Rushmore Crossing common to the northwesterly corner of Tract C of Rushmore Center, common to a point on the easterly right-of-way of Luna Avenue and the point of beginning; Thence, first course: curving to the left, along the westerly boundary of said Tract A, common to the easterly edge of Luna Avenue right-of-way, on a curve with a radius of 536.00 feet, a delta angle of 40°47'54", a length of 381.67 feet, a chord bearing of N28°49'17"W, and chord distance of 373.65 feet; Thence, second course: N06°44'37"W, along the westerly boundary of said Tract A, common to the easterly boundary of said Luna Avenue, a distance of 36.68 feet, to a point on the southerly edge of Eglin Street right-of-way; Thence, third course: curving to the left, along the northerly boundary of said Tract A, common to the southerly edge of said Eglin Avenue right-of-way, on a curve with a radius of 650.00 feet, a delta angle of 02°45'41", a length of 31.33 feet, a chord bearing of N33°30'56"E, and chord distance of 31.32 feet; Thence, fourth course: N32°15'00"E, along the northerly boundary of said Tract A, common to the southerly boundary of said Luna Avenue, a distance of 161.15 feet, to a point on the southerly edge of Eglin Street right-of-way; Thence, fifth course: curving to the right, along the northerly boundary of said Tract A, common to the southerly edge of said Eglin Avenue right-of-way, on a curve with a radius of 550.00 feet, a delta angle of 12°23'21", a



length of 118.93 feet, a chord bearing of N38°24'13"E, and chord distance of 118.70 feet; Thence, sixth course: curving to the right, along the northerly boundary of said Tract A, common to the southerly edge of said Eglin Avenue right-of-way, on a curve with a radius of 549.52 feet, a delta angle of 05°02'40", a length of 48.38 feet, a chord bearing of N53°01'43"E, and chord distance of 48.36 feet; Thence, seventh course: curving to the right, along the northerly boundary of said Tract A, common to the southerly edge of said Eglin Avenue right-of-way, on a curve with a radius of 545.00 feet, a delta angle of 07°45'13", a length of 73.75 feet, a chord bearing of N53°29'24"E, and chord distance of 73.70 feet; Thence, eighth course: S75°05'02"E, along the northerly boundary of said Tract A, common to the southerly boundary of said Luna Avenue, a distance of 39.42 feet; Thence, ninth course: N64°28'33"E, along the northerly boundary of said Tract A, common to the southerly boundary of said Luna Avenue, a distance of 78.73 feet; Thence, tenth course: S25°29'43"E, a distance of 165.19 feet; Thence, eleventh course: N57°16'53"E, a distance of 345.56 feet, to a point on the northerly boundary of said Tract A, common to a point on the southerly edge of said Eglin Street right-of-way; Thence, twelfth course: curving to the right, along the northerly boundary of said Tract A, common to the southerly edge of said Eglin Avenue right-of-way, on a curve with a radius of 550.00 feet, a delta angle of 02°28'16", a length of 23.72 feet, a chord bearing of S69°57'14"E, and chord distance of 23.72 feet; Thence, thirteenth course: curving to the right, along the northerly boundary of said Tract A, common to the southerly edge of said Eglin Avenue right-of-way, on a curve with a radius of 549.52 feet, a delta angle of 03°42'19", a length of 35.54 feet, a chord bearing of S60°51'03"E, and chord distance of 35.53 feet; Thence, fourteenth course: curving to the right, along the northerly boundary of said Tract A, common to the southerly edge of said Eglin Avenue right-of-way, on a curve with a radius of 546.33 feet, a delta angle of 03°47'49", a length of 36.21 feet, a chord bearing of S63°10'31"E, and chord distance of 36.20 feet; Thence, fifteenth course: S61°13'27"E, along the northerly boundary of said Tract A, common to the southerly edge of said Eglin Avenue right-of-way, a distance of 53.46 feet; Thence, sixteenth course: S61°14'34"E, along the northerly boundary of said Tract A, common to the southerly edge of said Eglin Avenue right-of-way, a distance of 173.85 feet, to a point on the northerly boundary of said Tract A, common to a point on the southerly edge of said Eglin Street right-of-way; Thence seventeenth course: S16°13'39"E, a distance of 38.18 feet; Thence eighteenth course: S61°13'07"E, a distance of 36.34 feet; Thence nineteenth course: S28°46'21"W, a distance of 911.76 feet, to a point on the southerly boundary of Tract B of Block 2 of Rushmore Crossing, common to a point on the northerly boundary of said Tract C of Rushmore Center; Thence twentieth course: N60°50'28"W, along the southerly boundary of said Tract B, common to the northerly boundary of said Tract C of Rushmore Center, a distance of 47.54 feet; Thence twenty-first course: N60°52'33"W, along the southerly boundary of said Tract B, common to the northerly boundary of said Tract C of Rushmore Center, a distance of 161.19 feet, to the southwesterly corner of said Tract B, Common to the southeasterly corner of said Tract A; Thence twenty-second course: N60°51'06"W, along the southerly boundary of said Tract A, common to the northerly boundary of said Tract C of Rushmore Center, a distance of 306.46 feet, to the southwesterly corner of said Tract A, common to the northwesterly corner of said Tract C of Rushmore Center, common to a point on the easterly right-of-way of said Luna



Avenue and the point of beginning, more generally described as being located south of Interstate 90 and Eglin Street, west of East North Street and east of Luna Avenue.

**Brewer moved, Rolinger seconded and carried continue the Planned Commercial Development - Initial and Final Development Plan to the March 26, 2009 Planning Commission meeting. (6 to 0 to 1 with Brewer, Collins, Gregg, Marchand, Rolinger and Scull voting yes and none voting no and Waltman abstaining)**

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

32. No. 09RD002 - Section 8, T1N, R8E

A request by City of Rapid City to consider an application for a **Resolution for Road Name Change from South Highway 79 to Cambell Street** on the South Dakota Highway 79 extending southerly along the Section line for 9,274.5 feet from the northwest corner of the SW1/4 NW1/4, Sections 8 7, 17 and 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the Section line for 9274.5 feet.

Elkins presented the staff recommendation to approve the road name change to S.D. Highway 79 to Cambell Street. Elkins stated that the route number has been changed to the Catron Boulevard/Southeast Connector. Elkins stated that staff has received objections. Elkins further commented that because the route number has been rerouted to the Catron Boulevard/Southeast Connector the road name change is appropriate.

In response to Brewer's question, Elkins identified the portion of road that is being renamed. Discussion followed.

**Scull moved, Marchand seconded and unanimously carried to recommend that the portion of South Highway 79 from the Catron Boulevard Bridge north for 9274.5' be renamed Cambell Street. (7 to 0 with Brewer, Collins, Gregg, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)**

33. No. 09SR011 - Section 29, T2N, R8E

A request by Ferber Engineering Co., Inc. for North Street Fire Station, LLC to consider an application for a **SDCL 11-6-19 Review to install a sanitary sewer force main in public right-of-way** on adjacent to the balance of Lot 1 of Silver Strike Subdivision, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the current terminus of East North Street.

Tegethoff presented the staff recommendation to approve the SDCL 11-6-19





Review request.

**Brewer moved, Collins seconded and unanimously carried approve the SDCL 11-6-19 Review to install a sanitary sewer force main in public right-of-way. (7 to 0 with Brewer, Collins, Gregg, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)**

34. No. 09SR012 - Section 29, T2N, R8E

A request by Ferber Engineering Co. for North Street Fire Station, LLC to consider an application for a **SDCL 11-6-19 Review to expand East Mall Drive between Tish Boulevard and Dyess Avenue** on Lot H5 located in the SE1/4 north of Interstate 90, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on East Mall Drive between East North Street and Dyess Avenue.

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

In response to Brewer's question, Tegethoff stated that the red line comments were directed for the storm water system on the construction of East Mall Drive. Discussion followed.

**Collins moved, Marchand seconded and unanimously carried approve the SDCL 11-6-19 Review to expand East Mall Drive between Tish Boulevard and Dyess Avenue. (7 to 0 with Brewer, Collins, Gregg, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)**

\*35. No. 09UR003 - Marshall Heights Tract

A request by Coco Palace to consider an application for a **Major Amendment to a Conditional Use Permit for an on-sale liquor establishment** Lot 1 of Lot K2-C of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1900 North Maple Avenue.

Tegethoff presented the staff recommendation to approve the Major Amendment request.

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

1. **The on-sale liquor establishment shall be operated in conjunction with a full service restaurant;**
2. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
3. **The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
4. **The landscaping shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
5. **All applicable provisions of the International Fire Code shall be**





- continually met; and,
6. The Major Amendment to a Conditional Use Permit shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Brewer, Collins, Gregg, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

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

Elkins requested that an additional item be added to the Planning Commission Agenda.

- 35B. 09TP003 - Amendment No. 09-004 to the 2009-2013 Transportation Improvement Program.

Elkins presented the Amendment No. 09-004 to the 2009-2013 Transportation Improvement Program. Elkins requested that the Transportation Improvement Program Amendment be approved.

Brewer commented on the positive effect to the community. Discussion followed.

**Rolinger moved, Marchand seconded and unanimously carried to approve the Amendment No. 09-004 to the 2009-2013 Transportation Improvement Program. (7 to 0 with Brewer, Collins, Gregg, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)**

36. Discussion Items

- A. Ex-parte Communications Policy – Joel Landeen.

Mike Schad presented information regarding ex-parte communications policy. Schad stated that he could provide a written memorandum. Schad stated that the Planning Commission should direct comments to staff from the public. Lengthy discussion followed.

In response from Landeen stated that a member of the commission should recommend that the applicant provide information to everyone on the commission. Lengthy discussion followed.

37. Staff Items

38. Planning Commission Items

39. Committee Reports

- A. City Council Report (February 17, 2009)  
The City Council concurred with the recommendations of the Planning



Commission with the exception of the following items:

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.

On January 22, 2009 Planning Commission recommended that the Major Amendment to a Planned Residential Development be denied without prejudice. On February 17, 2009, the City Council approved the Major Amendment to a Planned Residential Development.

- 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, Gregg moved, Scull seconded and unanimously carried to adjourn the meeting at 8:36 a.m. (\_\_\_\_\_ to 0 with Brewer, Collins, Gregg, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)**