



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 26, 2009

MEMBERS PRESENT: Peter Anderson, John Brewer, Thomas Hennies, Dennis Landguth, Steve Rolinger and Andrew Scull. Ron Weifenbach, Council Liaison was also present

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

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

Hennies 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.

Brewer requested that Item 10 be removed from the Consent Agenda for separate consideration.

Motion by Landguth Seconded by Scull and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 27 in accordance with the staff recommendations with the exception of Item 10. (6 to 0 with Anderson, Brewer, Hennies, Landguth, Rolinger and Scull voting yes and none voting no)

1. Approval of the March 5, 2009 Planning Commission Meeting Minutes.
2. 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 May 21, 2009 Planning Commission meeting.

3. 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 approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall identify a building envelope on proposed Lot 6. In addition, the applicant shall demonstrate access to the building site across the Cyclone Irrigation Ditch and revise the Preliminary Plat accordingly if needed. If any changes are proposed to the Cyclone Irrigation Ditch, the applicant shall obtain approval from the Cyclone Irrigation Ditch Association;**
- 2. Prior to Preliminary Plat approval by the Planning Commission, an Exception shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;**
- 3. Prior to Preliminary Plat approval by the Planning Commission, an Erosion and Sediment Control Plan shall be submitted for review and approval;**
- 4. 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;**
- 5. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement with the City stipulating that prior to issuance of a Certificate of Occupancy, the upgrades to the Jolly Lane lift station shall be completed and accepted by the City;**
- 6. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement with the City stipulating that prior to issuance of a Certificate of Occupancy, Phase One of Minnesota Street shall be completed and accepted by the City and the temporary access shall be closed or the applicant shall sign an "Assignment and Assumption" document to include Triple Z Real Estate Development LLLP as a party to the Developer's Agreement approved with Tax Increment District Number 65;**
- 7. Prior to submittal of a Final Plat application, a contract shall be awarded for the construction of Phase One of Minnesota Street from the Elk Vale Road to the intersection of Marlin Drive, a rearage road, as per the Developer's Agreement approved with Tax Increment District Number 65. In addition, surety shall be posted for the improvement;**
- 8. Prior to submittal of a Final Plat application, Marlin Drive right-of-way from Minnesota Street to Willowbend Drive shall be recorded either as a part of a Final Plat or as an H Lot;**
- 9. 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;**
- 10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required;**
- 11. 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,

- 12. 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.**

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

7. 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 Monroe Street right-of-way from the east right-of-way line of Milwaukee Street to the west right-of-way line of the D.M.&E. railroad, located between and adjacent to Lots 11 thru 17 of Block 13, and Lot A of Block 18 of Wise's Addition to Rapid City, located in the S1/2 NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Milwaukee Street and Waterloo Street and west of the DM&E Railroad Right-of-way.

Planning Commission recommended that the Vacation of Right-of-way be

approved with the following stipulation:

1. **Prior to City Council approval, the Exhibit "A" to create a utility easement for the existing City water main located within the northern portion of the Monroe Street right-of-way to be vacated shall be revised to show the easement as a "Permanent Public Water Easement". In addition, the easement shall be signed by Pennington County Housing & Redevelopment.**
8. No. 09CA004 - Section 4, T1N, R8E
A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Public** on the 100 foot wide railroad right-of-way lying north of Lot D of the SW1/4 SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of South Valley Drive and south of S.D. Highway 44.

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.

9. No. 09RZ016 - 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** of the 100 foot wide railroad right-of-way lying north of Lot D of the SW1/4 SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of South Valley Drive and south of S.D. Highway 44.

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

- *11. No. 09PD007 - WREA Subdivision
A request by Geiger Architecture for West River Electric Association to consider an application for a **Major Amendment to a Planned Industrial Development** for Lot 1 of WREA Subdivision of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3250 East Highway 44.

Planning Commission continued the Major Amendment to a Planned Industrial Development to the April 9, 2009 Planning Commission meeting to allow the applicant to submit additional information.

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.

- *12. No. 09PD008 - Boulevard Addition



A request by Rob Larson to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for Lots 13 thru 20 of Block 4 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1124 Kansas City Street.

Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the April 9, 2009 Planning Commission meeting.

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

13. No. 09PL001 - Blake Estates Subdivision

A request by Gene Quinn to consider an application for a **Layout Plat** for proposed Tract A Revised Lots 1 thru 5 of Block 1 of Blake Estates Subdivision, legally described as Tract A of Government Lot 1 and Tract A of Government Lot 2, located in the W1/2 of the NW1/4, Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6620 West Highway 44.

Planning Commission recommended acknowledgment of the applicant's request to withdraw the Layout Plat.

14. 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 April 9, 2009 Planning Commission meeting.

15. 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 April 9, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

16. No. 09PL006 - Village on the Green No. 2 Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Cory Martin of C.S. Martin, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 49A and 49 B of Village on the Green No. 2 Subdivision legally described as Lot 49 of Village on the Green No. 2 Subdivision located in the NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 23762 and 23764 Mulligan Mile.

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

1. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing a sidewalk along both sides of Mulligan Mile or a Variance to the Subdivision Regulations shall be approved;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional 3.5 feet of right-of-way for Mulligan Mile or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
4. **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,**
5. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.**

17. No. 09SV006 - Village on the Green No. 2 Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Cory Martin of C.S. Martin, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk and waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 49A and 49 B of Village on the Green No. 2 Subdivision legally described as Lot 49 of Village on the Green No. 2 Subdivision located in the NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 23762 and 23764 Mulligan Mile.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved with the stipulation that a note be placed on the plat prohibiting on-street parking and that a 5 foot wide access easement shall be provided along Mulligan Mile as it abuts the property; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalks along both sides of Mulligan Mile be approved with the stipulation that an 8 foot wide asphalt walking trail shall be provided along the north side of the northern tier of lots located along the golf course.

18. No. 09PL007 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 1R of Block 16 and vacation of Lot 1 of Red Rock Estates legally described as Lot 1 of Block 16 of Red Rock Estates located in the NW1/4 of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Bethpage Drive and Prestwick Road.

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

1. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a drainage easement extending through the northern portion of the property as per the drainage information submitted in 2003 for this lot or a revised drainage plan shall be submitted for review and approval demonstrating that the easement is not needed;**
2. **Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the water and sewer service lines have been constructed to Lot 1 as per the approved plans submitted in 2003 for this lot or construction plans shall be submitted for review and approval showing the construction of the service lines; and,**
3. **Prior to submittal of a Final Plat application, the plat document shall be revised to include the Certificates of Title for a Final Plat in lieu of a Minor Plat.**

19. No. 09RZ013 - 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** of Lot 1 of Lot D of the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of South Valley Drive and south of S.D. Highway 44.

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

20. No. 09RZ014 - KOA Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** of Tract 1 of the SW1/4 SW1/4, Tract B of the SE1/4 SW1/4 including the 20 foot wide private lane, and Tract E and Private Drive of KOA Subdivision in the SE1/4 SW1/4, all located in Section 4, T1N, R8E, Pennington County, South Dakota, and Tract A of SE1/4 SW1/4 of Section 4 and the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3010 East Highway 44 and 2001 Lancer Drive.

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

21. No. 09RZ015 - 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** of Lot A of the NW1/4 SW1/4 and the 33 foot wide Valley Drive right-of-way lying west of Lot A of the NW1/4 SW1/4 all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1550 Valley Drive.

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

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

23. No. 09SR013 - Robbinsdale Park Addition

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct a sidewalk in a public park** on Robbinsdale Park less Lot 1 of Robbinsdale Park Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 626 East Fairmont Boulevard.

Planning Commission continued the SDCL 11-6-19 Review to construct a sidewalk in a public park to the April 9, 2009 Planning Commission meeting.

24. No. 09SR014 - Schnasse Addition

A request by Faulk & Foster for WWC License LLC d/b/a Alltel to consider an application for a **SDCL 11-6-19 Review to allow the construction of three cellular antennas** on Lots 1 thru 5 and Lots 19 and 20 in Block 15 of Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 115 East North Street.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of a cellular tower.

25. No. 09SR015 - Flormann 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** on the Sixth Street Right-of-way adjacent to Lots 1 and 36 of Block 27 of Flormann Addition, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between St. Charles Street and St. Andrews Street.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of an eight inch water main.

*26. No. 09UR004 - Strathavon No. 3 Subdivision

A request by Jeff and Nancy Johnson to consider an application for a **Conditional Use Permit to allow the construction of a garage that exceeds the square footage of the residence** on Lot 25 of Block 5 of Strathavon No. 3 Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2309 Lockwood Drive.

Planning Commission approved the Conditional Use Permit to allow the construction of a garage that exceeds the square footage of the residence with the following stipulations:

1. **Prior to the issuance of a Building Permit the applicant shall file a Covenant Agreement with Register of Deeds indicating that the garage will only be used for residential purposes;**
2. **Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy;**
3. **All applicable provisions of the currently adopted International Fire Code shall be continually met;**
4. **Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;**
5. **The 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;**
6. **All construction shall comply with the approved plan and elevations; and,**
7. **The garage shall be constructed and maintained of the same general materials and the same colors as the existing residence.**

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.

*27. No. 09UR005 - Original Town of Rapid City

A request by Rob Larson to consider an application for a **Conditional Use Permit to allow a Child Care Center** on Lot B of Lots 17 thru 19 of Block 102 of Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington

County, South Dakota, more generally described as being located at 830 Quincy Street.

Planning Commission approved the Conditional Use Permit to allow a Child Care Center with the following stipulations:

1. The currently adopted International Fire Code shall be continually met.
2. Changes to the sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
3. 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;
4. A maximum of 45 children shall be allowed at the child care center;
5. The hours of operation shall be from 5:30 a.m. to 7:00 p.m. for the child care center;
6. A minimum of 35 square feet of play space shall be provided per child as per Section 17.50.150 of the Rapid City Municipal Code; and,
7. The Conditional Use Permit to allow a Child Care Center 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.

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.

---END OF CONSENT CALENDAR---

10. No. 09OA001 – Ordinance Amendment
A request by City of Rapid City to consider an application for an **Ordinance Amendment to change the submittal requirements for Conditional Use Permits in Chapter 17.54.030A of the Rapid City Municipal Code.**

In response to Brewer's question, Bulman identified the proposed changes in the Ordinance.

Brewer moved, Anderson seconded and unanimously carried to recommend that the Ordinance Amendment to change the submittal requirements for Conditional Use Permits in Chapter 17.54.030A of the Rapid City Municipal Code be approved. (6 to 0 with Anderson, Brewer,

Hennies, Landguth, Rolinger and Scull voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

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 and Merillat Lane to Culvert Street** 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.

Elkins presented the staff recommendation to approve the Resolution renaming the unnamed right-of-way and Merillat Lane to Culvert Street. Discussion followed.

Scull moved, Rolinger seconded and unanimously carried to recommend that the Resolution renaming Merillat Lane to Culvert Street and name the adjacent un-named street Culvert Street be approved. (6 to 0 with Anderson, Brewer, Hennies, Landguth, Rolinger and Scull voting yes and none voting no)

Hennies addressed Tom Crawford regarding a request to speak on Item 24. Hennies suggested that Crawford speak with staff.

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

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

Fisher presented the staff recommendation to continue the SDCL 11-6-19 review request to the April 23, 2009 Planning Commission meeting.

Rolinger moved, Brewer seconded and unanimously carried continue the SDCL 11-6-19 Review to allow the construction of Phase Two and Three of Minnesota Street to the April 23, 2009 Planning Commission meeting. (6 to 0 with Anderson, Brewer, Hennies, Landguth, Rolinger and Scull voting yes and none voting no)

30. 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.

Ball presented the request to allow a co-location on an existing cellular tower. Ball identified that since the original cellular tower request the subject property has been re-platted and the applicant cannot comply with the landscaping and access requirements.

In response to Anderson's question, Ball stated that the lot size was reduced through the re-platting process.

Elkins stated that during the re-platting process the lot was reconfigured and it has made it difficult for the applicant to bring the subject property into compliance with the landscaping points and access drive width requirement.

In response to Brewer's question, Elkins noted that the only individuals accessing the site will be the maintenance people for the cell tower.

Rolinger expressed his support for the exceptions to the landscaping and access requirements of the existing of the road.

Rolinger moved, Scull seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow a co-location on an existing cellular tower and waive the requirement for the number of landscaping points and the width of the access drive. (6 to 0 with Anderson, Brewer, Hennies, Landguth, Rolinger and Scull voting yes and none voting no)

*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** for a portion Tracts A & B of Block 2 of Rushmore Crossing, Located in the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, 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 $12^{\circ}23'21''$, a length of 118.93 feet, a chord bearing of $N38^{\circ}24'13''E$, 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 $05^{\circ}02'40''$, a length of 48.38 feet, a chord bearing of $N53^{\circ}01'43''E$, 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 $07^{\circ}45'13''$, a length of 73.75 feet, a chord bearing of $N53^{\circ}29'24''E$, and chord distance of 73.70 feet; Thence, eighth course: $S75^{\circ}05'02''E$, 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: $N64^{\circ}28'33''E$, 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: $S25^{\circ}29'43''E$, a distance of 165.19 feet; Thence, eleventh course: $N57^{\circ}16'53''E$, 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 $02^{\circ}28'16''$, a length of 23.72 feet, a chord bearing of $S69^{\circ}57'14''E$, 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 $03^{\circ}42'19''$, a length of 35.54 feet, a chord bearing of $S60^{\circ}51'03''E$, 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 $03^{\circ}47'49''$, a length of 36.21 feet, a chord bearing of $S63^{\circ}10'31''E$, and chord distance of 36.20 feet; Thence, fifteenth course: $S61^{\circ}13'27''E$, 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: $S61^{\circ}14'34''E$, 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: $S16^{\circ}13'39''E$, a distance of 38.18 feet; Thence eighteenth course: $S61^{\circ}13'07''E$, a distance of 36.34 feet; Thence nineteenth course: $S28^{\circ}46'21''W$, 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: $N60^{\circ}50'28''W$, 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: $N60^{\circ}52'33''W$, 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: $N60^{\circ}51'06''W$, 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.

Fisher presented the staff's recommendation to approve the Planned Commercial Development request with stipulations.

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

- 1. Prior to setting the signal at the intersection of Eglin Street and Approach No. 9, a traffic signal warrant analysis, signed and sealed by a licensed South Dakota Professional Engineer, verifying that warrants are being met shall be submitted for review and approval. If the traffic signal warrant analysis demonstrates that a signal is required, then the signal shall be installed;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. An Air Quality Permit application shall be submitted for review and approval 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. Prior to issuance of a building permit, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 5. Prior to issuance of a building permit, a Preliminary Plat shall be reviewed and approved by the City Council. In addition, prior to issuance of a Certificate of Occupancy a Final Plat shall be approved and recorded;**
- 6. Prior to issuance of a building permit, the issue of whether the property should be served by the high level water zone or the low level water zone to insure that adequate fire flows as per the International Fire Code are being provided to the site shall be resolved. In addition, the construction plans shall be revised as needed;**
- 7. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Commercial Development;**
- 8. The compactor and the bale and pallet area shall be located in compliance with the proposed plan and screened along all four sides as proposed;**
- 9. No outdoor storage of palettes, card board boxes or other similar materials shall be allowed outside of the screened bale and pallet area. In addition, no storage of semi-trailers shall be allowed on the property;**

10. The outdoor display area shall be designed and located in compliance with the proposed plan;
11. The three rail white fencing shall be allowed on a temporary basis only. Once the development has been completed, the fence shall be removed on a phase by phase basis;
12. The retaining wall shall be constructed in compliance with the approved plans. In addition, a Permit to Work in the Right-of-way shall be obtained if needed;
13. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
14. A minimum of 504,848 landscaping points with a minimum of 15 planter islands shall be provided. In addition, the landscaping shall be in accordance with the approved plans. All landscaping shall also be continually maintained in a live vegetative state and replaced as necessary;
15. A minimum of 641 parking spaces shall be provided with 13 of the parking spaces being handicap accessible spaces. Two of the handicap spaces shall be "van accessible". In addition, three stacking lanes shall be provided for each individual fueling station. All provisions of the Off-Street Parking Ordinance shall be continually met;
16. The Truck Route Plan shall continually meet the minimum radii and turning movement requirements;
17. An east-west pedestrian sidewalk shall be provided as proposed as a part of the construction of the Sam's Club site. The proposed north-south pedestrian sidewalk shall be constructed along the east side of the access aisle when future development occurs on the adjacent properties. In particular, the sidewalk shall be allowed to be constructed in phases contingent upon a pedestrian sidewalk being extended from Eglin Street to the specific building site;
18. 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;
19. The lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a

- nuisance of any kind;
20. A retail store and a gas station shall be allowed on the property. In addition, no overnight camping or overnight recreational vehicle parking shall be allowed. Any other use of the property shall require the review and approval of a Major Amendment to the Commercial Development Plan;
 21. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Commercial Development Plan application or a subsequent Major Amendment; and,
 22. The Planned Commercial 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 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 Anderson, Brewer, Hennies, Landguth, Rolinger and Scull voting yes and none voting no)

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

*32. No. 09PD009 - Rushmore Mall Addition

A request by Tom Danson for Running Supply, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for Lot 18 of Rushmore Mall Addition in the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and in a portion of Lot M-2 of Marshall Heights Tract in the NW1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2200 North Maple Avenue.

Tegethoff presented the staff recommendation to continue the Planned Commercial Development request to the April 9, 2009 Planning Commission meeting.

Landguth moved, Anderson seconded and unanimously carried continue the Planned Commercial Development - Initial and Final Development Plan to the April 9, 2009 Planning Commission meeting. (6 to 0 with Anderson, Brewer, Hennies, Landguth, Rolinger and Scull voting yes and none voting no)

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must



be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

33. 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.

Tegethoff presented the staff recommendation to continue the Preliminary Plat request to the April 9, 2009 Planning Commission meeting.

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

Landguth moved, Brewer seconded and unanimously carried continue the Preliminary Plat to the April 9, 2009 Planning Commission meeting. (5 to 0 to 1 with Anderson, Brewer, Hennies, Landguth and Rolinger voting yes and none voting no and Scull abstaining)

Fisher requested that items 34 and 35 be taken concurrently.

34. No. 09PL008 - Canyon Lake Heights Subdivision

A request by Matt Benne for Angie Charlson to consider an application for a **Preliminary Plat** for proposed Lots A, B, C and D of Lot 4R of Block 15 of Canyon Lake Heights Subdivision, legally described as Lot 4R in Block 15 of Canyon Lake Heights Subdivision, as shown in the plat filed in Plat Book 28, Page 87 and as corrected by Affidavit recorded December 17, 1997 in Book 69, Page 9640, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4560 Cliff Drive.

35. No. 09SV007 - Canyon Lake Heights Subdivision

A request by Matt Benne for Angie Charlson 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 Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet along Cliff Drive; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement, to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement and to reduce the width of the private roadway easement from 45 feet to 30 feet as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots A, B, C and D of Lot 4R of Block 15 of Canyon Lake Heights Subdivision, legally described as Lot 4R in Block 15 of Canyon Lake Heights Subdivision, as shown in the plat filed in Plat Book 28, Page 87 and as corrected by Affidavit recorded December 17, 1997 in Book 69,

Page 9640, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4560 Cliff Drive.

Fisher presented the staff recommendation to approve the Preliminary Plat and the Variance to the Subdivision Regulations requests with stipulations.

In response to Scull's question, Fisher outlined the Fire Code regulations that require that the proposed residences be fire sprinklered because of the lack of existing fire flows.

Tim Behlings identified the triggering components that require residences be fire sprinklered. Discussion followed.

In response to Brewer's question, Behlings stated that requirements for installing sprinkler systems in residences for new residential developments. Discussion followed.

In response to Anderson's question, Fisher stated that the requirement is for sidewalk on both sides of Cliff Drive; however, staff is recommending that the sidewalk be provided on the west side only and require the applicant to sign a Waiver of Right to Protest for the sidewalk on the east side of the street.

Pat Hall, representing the applicant expressed his support for the installation of sprinkler systems in new homes. Hall further commented on the possible affect of installation of sprinkler systems in new homes on the housing market. Hall requested that the Planning Commission approve the variance request to allow the access and turnaround to remain gravel. Discussion followed.

In response to Rolinger's question, Hall stated that they want the access to remain gravel and provide an emergency vehicle turnaround with a gravel surface.

Hennies expressed support for the road improvement and emergency access turnaround. Discussion followed.

In response to Anderson's question, Behlings stated that the stipulations identified in the staff report are accurate with regard to the Fire Code. Discussion followed.

Anderson moved, Brewer seconded to recommend that the Preliminary Plat be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, 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. If the existing private well is utilized, then recent test data confirming well capacity shall be submitted for review and approval. In addition, upon submittal of a Final Plat application, surety shall be posted to insure that the residential structures are provided with fire sprinkler**

2. **protection as per the National Fire Protection Association Code 13D; Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a sewer service line and a water service line to cross another lot or the plat document shall be revised as needed;**
3. **Prior to Preliminary Plat approval by the City Council, the drainage report shall be revised to address street drainage along Cliff Drive and the private roadway easement. In addition, the drainage report shall be revised to demonstrate that the proposed 30 foot wide drainage easement extending through the property can accommodate the drainage flows through the property. In addition, the drainage easement shall be adjusted as needed to insure that residential development does not occur within this area;**
4. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to include a note identifying the lowest allowed structural elevations to prevent flooding of residences as per the drainage report;**
5. **Prior to Preliminary Plat approval by the City Council, a grading plan shall be submitted for review and approval if any subdivision improvements are required;**
6. **Prior to Preliminary Plat approval by the City Council, construction plans for Cliff Drive shall be submitted for review and approval showing 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 plat document shall be revised to clearly show the dedication of one additional foot of right-of-way along Cliff Drive and the non-access easement along Cliff Drive;**
7. **Prior to Preliminary Plat approval by the City Council, construction plans for the 30 foot wide private roadway easement shall be submitted for review and approval showing the easement with a minimum width of 45 feet and constructed with a minimum 20 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-sac 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 or an Exception shall be obtained to allow a hammerhead turnaround or a "Y" turnaround as per City Standards to accommodate fire apparatus;**
8. **Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if any subdivision improvements are required;**
9. **Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the private well system for review and approval;**
10. **Prior to submittal of a Final Plat application, the plat document shall be revised to clarify the location of the non-access easement and the**

- dedication of one additional foot of right-of-way along Cliff Drive;
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;
 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 13. 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.

Scull expressed his concern for the language in the Fire Code with regard to the requirement to install sprinkler systems.

Elkins stated that the applicant can not meet the minimum requirement for fire flows in the development. Elkins identified the compromise with regard to fire safety.

Hennies requested that the motion make withdraw his motion and act on each item individually.

Anderson and Brewer withdrew the motion to approve the Preliminary Plat and the Variance to the Subdivision Regulations requests.

34. No. 09PL008 - Canyon Lake Heights Subdivision
A request by Matt Benne for Angie Charlson to consider an application for a **Preliminary Plat** for proposed Lots A, B, C and D of Lot 4R of Block 15 of Canyon Lake Heights Subdivision, legally described as Lot 4R in Block 15 of Canyon Lake Heights Subdivision, as shown in the plat filed in Plat Book 28, Page 87 and as corrected by Affidavit recorded December 17, 1997 in Book 69, Page 9640, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4560 Cliff Drive.

Anderson moved, Rolinger seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, 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. If the existing private well is utilized, then recent test data confirming well capacity shall be submitted for review and approval. In addition, upon submittal of a Final Plat application, surety shall be posted to insure that the residential structures are provided with fire sprinkler protection as per the National Fire Protection Association Code 13D;
2. Prior to Preliminary Plat approval by the City Council, an Exception

- shall be obtained to allow a sewer service line and a water service line to cross another lot or the plat document shall be revised as needed;
3. Prior to Preliminary Plat approval by the City Council, the drainage report shall be revised to address street drainage along Cliff Drive and the private roadway easement. In addition, the drainage report shall be revised to demonstrate that the proposed 30 foot wide drainage easement extending through the property can accommodate the drainage flows through the property. In addition, the drainage easement shall be adjusted as needed to insure that residential development does not occur within this area;
 4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to include a note identifying the lowest allowed structural elevations to prevent flooding of residences as per the drainage report;
 5. Prior to Preliminary Plat approval by the City Council, a grading plan shall be submitted for review and approval if any subdivision improvements are required;
 6. Prior to Preliminary Plat approval by the City Council, construction plans for Cliff Drive shall be submitted for review and approval showing 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 plat document shall be revised to clearly show the dedication of one additional foot of right-of-way along Cliff Drive and the non-access easement along Cliff Drive;
 7. Prior to Preliminary Plat approval by the City Council, construction plans for the 30 foot wide private roadway easement shall be submitted for review and approval showing the easement with a minimum width of 45 feet and constructed with a minimum 20 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-sac 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 or an Exception shall be obtained to allow a hammerhead turnaround or a "Y" turnaround as per City Standards to accommodate fire apparatus;
 8. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if any subdivision improvements are required;
 9. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the private well system for review and approval;
 10. Prior to submittal of a Final Plat application, the plat document shall be revised to clarify the location of the non-access easement and the dedication of one additional foot of right-of-way along Cliff Drive;
 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;

12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
13. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council. (6 to 0 with Anderson, Brewer, Hennies, Landguth, Rolinger and Scull voting yes and none voting no)

35. No. 09SV007 - Canyon Lake Heights Subdivision

A request by Matt Benne for Angie Charlson 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 Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet along Cliff Drive; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement, to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement and to reduce the width of the private roadway easement from 45 feet to 30 feet as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots A, B, C and D of Lot 4R of Block 15 of Canyon Lake Heights Subdivision, legally described as Lot 4R in Block 15 of Canyon Lake Heights Subdivision, as shown in the plat filed in Plat Book 28, Page 87 and as corrected by Affidavit recorded December 17, 1997 in Book 69, Page 9640, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4560 Cliff Drive.

Anderson moved, Rolinger seconded and carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;
2. Prior to City Council approval, the drainage plan shall be revised to address street drainage along Cliff Drive to insure that curb and gutter is not needed;
3. A sidewalk shall be provided along the west side of Cliff Drive;
4. Prior to City Council approval, recent test data confirming well capacity shall be submitted for review and approval;
5. The residential structures shall be provided with fire sprinkler protection as per the National Fire Protection Association Code 13D;
6. Upon submittal of a Final Plat application, surety shall be posted for the fire sprinkler systems as a part of the subdivision improvements; and,

That the Variance to the Subdivision Regulations to waive the requirement

to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement be approved with the following stipulations;

- 1. Prior to City Council approval, recent test data confirming well capacity shall be submitted for review and approval;**
- 2. Prior to City Council approval, the drainage plan shall be revised to address street drainage along the private roadway easement to insure that curb and gutter is not needed;**

That the Variance to the Subdivision Regulations to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement be approved, and that the Variance to the Subdivision Regulations to waive the requirement to pave the turnaround be approved; and

That the Variance to the Subdivision Regulations to reduce the width of the private roadway easement from 45 feet to 30 feet be denied. (5 to 1 with Anderson, Brewer, Landguth, Rolinger and Scull voting yes and Hennies voting no)

Tegethoff requested that items 36 and 37 be taken concurrently.

36. No. 09PL009 - East Mall Business Center

A request by Ferber Engineering Co., Inc. for FMLC, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 1 of Block 5 of East Mall Business Center Subdivision and dedicated Public Right-of-way for Tish Boulevard, legally described as a portion of the SE1/4 north of Interstate 90 less Tract A of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and less lots H5, H6, H7, H8 and H9 but including that part of vacated East Mall Drive being part of the outside edge of Lot H5; and part of the SW $\frac{1}{4}$ north of Interstate 90 including vacated East Mall Drive within said SW $\frac{1}{4}$ and less Lot 1 of NE $\frac{1}{4}$ SW $\frac{1}{4}$ and less Lots 1 and 2 of NW $\frac{1}{4}$ SW $\frac{1}{4}$ and less Lot H5 and less lot H8; and part of Lot 1 of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ including vacated East Mall Drive within said Lot 1 and less Lot H7; and part of NW $\frac{1}{4}$ including vacated East Mall Drive within said NW $\frac{1}{4}$ less Lots AR, B, C and less E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and less E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and less Lots H2 and H4; and part of Lot C of SE1/4 NW $\frac{1}{4}$ less Lot H3 and less Lot H1; and part of Lot 1 of Silver Strike Subdivision; and all located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East Mall Drive between Tish Boulevard and Dyess Avenue.

37. No. 09SV008 - East Mall Business Center

A request by Ferber Engineering Co., Inc. for FMLC, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16 of the Rapid City Municipal Code** for proposed Lot 1 of Block 5 of East Mall Business Center Subdivision and dedicated Public Right-of-way for Tish Boulevard, legally described as a portion of the SE1/4 north of Interstate 90 less Tract A of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and less lots H5, H6, H7, H8 and H9 but including that part of vacated East Mall Drive being part of the outside edge of Lot H5; and part of the SW $\frac{1}{4}$ north of Interstate 90 including vacated East Mall Drive within said SW $\frac{1}{4}$ and less Lot 1 of NE $\frac{1}{4}$ SW $\frac{1}{4}$ and less

Lots 1 and 2 of NW $\frac{1}{4}$ SW $\frac{1}{4}$ and less Lot H5 and less lot H8; and part of Lot 1 of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ including vacated East Mall Drive within said Lot 1 and less Lot H7; and part of NW $\frac{1}{4}$ including vacated East Mall Drive within said NW $\frac{1}{4}$ less Lots AR, B, C and less E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and less E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and less Lots H2 and H4; and part of Lot C of SE $\frac{1}{4}$ NW $\frac{1}{4}$ less Lot H3 and less Lot H1; and part of Lot 1 of Silver Strike Subdivision; and all located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East Mall Drive between Tish Boulevard and Dyess Avenue.

Tegethoff presented the staff recommendation to approve the Preliminary Plat and the Variance to the Subdivision Regulations with stipulations.

Ferber, representing the applicant stated that no commercial development is proposed at this time. Ferber requested that the stipulation requiring drainage easements not considered at this time.

Elkins clarified what constitutes development. Elkins identified when improvements would need to be addressed. Discussion followed.

In response to Anderson's question, Elkins stated that the drainage easement would need to be provided.

Discussion followed regarding the infrastructure and sediment control information.

Landguth moved, Brewer seconded and unanimously carried recommend that the Preliminary Plat be approved with the following stipulations:

- 1. Prior to City Council approval of the 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. Prior to City Council approval of the Preliminary Plat application, road construction plans for Dyess Avenue shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the road shall be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to City Council approval of the Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
- 4. Prior to City Council approval of the Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
- 5. Prior to City Council approval of the Preliminary Plat application, all red lined 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;

- 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 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 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 sidewalk and street light conduit as per Chapter 16 of the Rapid City Municipal Code be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, and sewer as per Chapter 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. (6 to 0 with Anderson, Brewer, Hennies, Landguth, Rolinger and Scull voting yes and none voting no)**

38. No. 09SR016 - Section 30, T2N, R8E

A request by Maple Avenue, LLC to consider an application for a **SDCL 11-6-19 Review to authorize acquisition of a public utility** on a unplatted portion of the NW1/4 less Lot H4 and less Lot H5, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of East Mall Drive and North Maple Avenue.

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

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

39. No. 09SR017 - Sections 3 and 4, T1N, R8E

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to extend sanitary sewer in public right-of-way** on Elk Vale Road, S.D. Highway 79 and U.S. Highway 16 Truck Right-of-way between 250 feet south of Concourse Drive to Homestead Street located in the NW1/4 and the SW1/4 of Section 3, NE1/4 and the SE1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between 250 feet south of Concourse Drive to Homestead Street.

Fisher presented the staff's recommendation to approve the SDCL 11-6-19

Review request.

Landguth moved, Scull seconded and unanimously carried to approve the SDCL 11-6-19 Review to extend sanitary sewer in public right-of-way. (6 to 0 with Anderson, Brewer, Hennies, Landguth, Rolinger and Scull voting yes and none voting no)

40. No. 09SR018 - Rapid City Regional Airport

A request by TSP Three, Inc. for Gerald Niess to consider an application for a **SDCL 11-6-19 Review to allow construction of a structure on public property** on Lot 1 in SW1/4 Section 5 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 2 and 3 in S1/2 Section 6 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 4 and 5 in E1/2 Section 7 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 in the SE1/4 of Section 7, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in NW1/4 Section 8 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 1, Lots 3, 4, 5 and 6 in the SW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 1 and 2 of the SW1/4 Section 8 and Lot 1 of SW1/4SE1/4 Section 8, all located in T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 7 of R.C. Airport Subdivision No. 1 in SW1/4, Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in SE1/4 Section 8 of R.C. Airport Subdivision No. 2 in SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 2, Lots 2, 3, 4 & 5 in the SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 3, Lots 1 & 2 in the SW1/4, Section 9, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 of NW1/4, Section 16, T1N, R9E, BHM, Pennington County, South Dakota; and, All of Section 17, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 2 in SE1/4 Section 20 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, All of the N1/2 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot A and B of SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Section line right-of-way in the SW1/4 of Section 20 located north of Lot H-1 of Lot A in the SW1/4 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 3, 4, 5 & 6 in Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 5A in SW1/4SW1/4 of Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, W1/2NW1/4, NW1/4SW1/4, Pt. SW1/4SW1/4, Tracts G and H in the SE1/4NW1/4 and E1/2SW1/4, and Tract I in the SW1/4SW1/4, Section 21, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 7 and 8 in N1/2 of Section 28 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section

20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at the northeast terminus of Airport Road.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review request to the April 9, 2009 Planning Commission meeting.

Rolinger moved, Brewer seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow construction of a structure on public property to the April 9, 2009 Planning Commission meeting. (6 to 0 with Anderson, Brewer, Hennies, Landguth, Rolinger and Scull voting yes and none voting no)

41. 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.

Tegethoff presented the staff recommendation to continue the Variance to the Subdivision Regulation request to the April 9, 2009 Planning Commission meeting.

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

Brewer moved, Landguth seconded and unanimously carried continue 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 April 9, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat application. (5 to 0 to 1 with Anderson, Brewer, Hennies, Landguth and Rolinger voting yes and none voting no and Scull abstaining)

42. Staff Items

43. Planning Commission Items

44. Committee Reports

- A. City Council Report (March 2, 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, Rolinger moved, Landguth seconded and unanimously carried to adjourn the meeting at 8:09 a.m. (6 to 0 with Anderson, Brewer, Hennies, Landguth, Rolinger and Scull voting yes and none voting no)