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MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
September 24, 2009

MEMBERS PRESENT: Erik Braun, Gary Brown, Julie Gregg, Doug Kinneburgh, Dennis Landguth, Linda Marchand, Steve Rolinger and Andrew Scull. Llyod LaCroix. Liaison was also present

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

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

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

**Staff requested that Items 9, 10, 18 and 19 be removed from the Consent Agenda for separate consideration.**

**Scull requested that Items 5 and 11 be removed from the Consent Agenda for separate consideration.**

**A member of the audience requested that Item 9 and 20 be removed from the Consent Agenda for separate consideration.**

**Motion by Brown, Seconded by Rolinger and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 27 in accordance with the staff recommendations with the exception of Items 5, 9, 10, 11, 18, 19 and 20. (8 to 0 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Approval of the September 10, 2009 Planning Commission Meeting Minutes and the September 17, 2009 Planning Commission Minutes continued from September 10, 2009.
2. No. 07PL134 - Hyland Crossing Subdivision  
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, legally described as a portion of the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

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**Planning Commission continued the Preliminary Plat to the October 22, 2009 Planning Commission meeting to allow the applicant to submit additional information.**

3. No. 07SV057 - Hyland Crossing Subdivision

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

**Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code to the October 22, 2009 Planning Commission meeting to allow the applicant to submit additional information.**

4. 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 October 8, 2009 Planning Commission meeting.**

6. 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 October 8, 2009 Planning Commission meeting.**

7. 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 October 8, 2009 Planning Commission meeting to be heard in conjunction with the**

**associated Preliminary Plat application.**

8. No. 08SR033 - Section 35, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the construction of a lift station** on a portion of the unplatted balance of the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sammis Trail and Vilrickson Place.

**Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a lift station to the October 22, 2009 Planning Commission meeting to allow the applicant to submit additional information.**

\*12. No. 09PD032 - Section 24, T1N, R7E (PLM Subdivision)

A request by Centerline, Inc. for PLM Land Development, LLC to consider an application for a **Planned Residential Development - Initial and Final Development Plan** for a portion of the unplatted balance of the N1/2 NW1/4 and the unplatted balance of the SW1/4 NW1/4, all in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: commencing from the Point of Beginning, the northeast corner of Lot 33 in Block 1 of PLM Subdivision consisting of a 5/8" rebar with Hanson #6251 cap, thence first course - N85°57'24"E a distance of 32.35', thence second course - N78°30'13"E a distance of 229.00', thence third course - S84°12'27"E a distance of 224.17', thence fourth course - N86°55'12"E a distance of 205.00', thence fifth course - N80°28'46"E a distance of 241.41', thence sixth course - S83°06'22"E a distance of 205.42', thence seventh course - S70°31'14"E a distance of 300.02', thence eighth course - S20°04'47"W a distance of 407.59' to the southwest corner of Lot 16 of Block 1 of PLM Subdivision, thence ninth course - N89°42'39"W a distance of 564.79' along the north boundary of Eastridge Estates Subdivision, thence tenth course - N88°31'55"W a distance of 119.66', thence eleventh course - N72°48'55"W a distance of 309.01', thence twelfth course - N72°34'37"W a distance of 131.54', thence thirteenth course - N90°00'00"W a distance of 164.21', thence fourteenth course - N0°00'00"E a distance of 294.68' to the Point of Beginning. Said Parcel containing 13.1855 acres more or less, more generally described as being located east and north of Stumer Road, south of Enchanted Pines Drive at the eastern terminus of Conestoga Court.

**Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the October 8, 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. 09PD041 - MacArthur Subdivision

A request by Pennington County Housing and Redevelopment Authority to

consider an application for a **Major Amendment to a Planned Residential Development** for Lots 1 thru 5 and Lots 13 thru 18 of Block 1 of MacArthur Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Wood Avenue between Doolittle Street and MacArthur Street.

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

1. **Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structures;**
2. **A minimum 3 foot side yard setback be provided and a minimum of 11 feet of separation between structures be provided;**
3. **All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Residential Development or a subsequent Major Amendment;**
4. **The proposed structures shall conform architecturally to the plans and elevations submitted;**
5. **All International Fire Codes shall be continually met;**
6. **Prior to issuance of a Building Permit, a Permit to Work in the Right-of-way shall be obtained for the new approaches on Doolittle Street;**
7. **Prior to issuance of a Building Permit, an Erosion and Sediment Control Permit shall be obtained;**
8. **Prior to issuance of a Building Permit, a copy of the recorded access easement providing access to the community playground for all eleven lots shall be submitted for review and approval; and,**
9. **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.**

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

\*14. No. 09PD043 - Tuscan Square Subdivision

A request by Bob Brandt for Good Guys, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** for Tract 1 and Tract 2 of Tuscan Square Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Omaha Street and Rapid Street and between Third Street and Fifth Street.

**Planning Commission continued the Major Amendment to a Planned Commercial Development to the October 22, 2009 Planning Commission meeting with the applicant's concurrence.**

***The Rapid City Planning Commission's action on this item is final unless***

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

\*15. No. 09PD044 - Stoney Creek South Subdivision

A request by Sperlich Consulting, Inc. for Stoney Creek Plaza, LLC to consider an application for a **Planned Commercial Development - Initial and Final Development** for Lot 1A of Block 1 of Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Wildwood Drive and Sheridan Lake Road.

**Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the October 8, 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.***

16. No. 09PL024 - Pleasant View Subdivision

A request by D.C. Scott Co. Land Surveyors for William M. Jobgen to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, legally described as Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located between Carlin Street and Crane Drive.

**Planning Commission continued the Preliminary Plat to the October 8, 2009 Planning Commission meeting.**

17. No. 09SV012 - Pleasant View Subdivision

A request by D.C. Scott Co. Land Surveyors for William M. Jobgen to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, legally described as Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located between Carlin Street and Crane Drive.

**Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code to**

**the October 8, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.**

21. No. 09PL047 - PLM Subdivision

A request by Centerline, Inc. for PLM Land Development, LLC to consider an application for a **Preliminary Plat** for proposed Lots 36 thru 53 of Block 1 of PLM Subdivision, legally described as the unplatted balance located in the N1/2 NW1/4 and the unplatted SW1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern extension of Conestoga Court.

**Planning Commission continued the Preliminary Plat to the October 8, 2009 Planning Commission meeting to allow the applicant to submit additional information.**

22. No. 09PL050 - Rommesmo Subdivision

A request by D.C. Scott Co. Land Surveyors to consider an application for a **Preliminary Plat** for proposed Lot 1 of Rommesmo Subdivision, legally described as the SW1/4 SW1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Lien Street and Deadwood Avenue.

**Planning Commission recommended that the City Council acknowledge the applicant's withdrawal of the Preliminary Plat.**

23. No. 09PL056 - Section 5, T1N, R8E

A request by Renner & Associates for Greg Lester to consider an application for a **Layout Plat** for proposed Lots 1 thru 3 of Block 1 of Lester Subdivision legally described as Lot G of Lot 2 of the SE1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1714 Creek Drive.

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

1. **Upon submittal of a Preliminary Plat application, a Master Utility Plan showing private and public utilities shall be submitted for review and approval. In addition, the plat document shall be revised to show utility easements as needed;**
2. **Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and a grading permit shall be submitted for review and approval if subdivision improvements are required. In addition, a grading permit, an Erosion and Sediment Control Permit and a Floodplain Development Permit for the existing piles of dirt located in the southeast corner of the property shall be submitted for review and approval or the dirt shall be removed from the property;**
4. **Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed**

- flows or on-site detention shall be provided. The plat document shall also be revised to provide drainage easements as necessary;
5. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;
  6. Upon submittal of a Preliminary Plat application, road construction plans for Creek Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer along the northern 80 feet of Creek Drive as it abuts the property and water or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way;
  7. Prior to Preliminary Plat approval by the City Council, a Variance from the Zoning Board of Adjustment shall be obtained to reduce the minimum required front yard setback from 25 feet to 18.8 feet in the Light Industrial District as a result of dedicating the 17 additional feet of right-of-way;
  8. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed;
  9. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
  10. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
  11. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  12. 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;

13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
14. The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

24. No. 09SR072 - Rapid City Greenway Tract

A request by Bruce Backens to consider an application for a **SDCL 11-6-19 Review to allow structures on public property** on Tract 20 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Memorial Park.

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

25. No. 09SR074 - Section 16, 17 and 20, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to install public utilities** on located in the SW1/4 of the SW1/4 of Section 16, in the SE1/4 of the SE1/4 of Section 17, in the NW1/4 of the NE1/4 and the NE1/4 and the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of Elk Vale Road and southwest of the existing Plum Creek Development.

**Planning Commission continued the SDCL 11-6-19 Review to install public utilities to the November 5, 2009 Planning Commission meeting.**

26. No. 09SV019 - Rommesmo Subdivision

A request by D.C. Scott Co. Land Surveyors to consider an application for a **Variance to the Subdivision Regulations to allow platting half of right-of-way and to reduce the pavement width from 40 feet to 28 and 32 feet, respectively, and to waive the requirement to install curb, gutter, sidewalk and sewer along Lien Street as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1 of Rommesmo Subdivision, legally described as the unplatted balance of the SW1/4 SW1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Lien Street and Deadwood Avenue.

**Planning Commission recommended that the City Council acknowledge the applicant's withdrawal of the Variance to the Subdivision Regulations.**

27. 09TP025 – Draft 2010 Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization.

**Planning Commission recommended approval of the draft Unified Planning**

**Work Program.**

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

5. No. 08PL124 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 1 of Block 1, Lot 1 of Block 2, Lots 1 thru 40 of Block 3, Lots 1 thru 7 of Block 4, Lots 1 thru 10 of Block 5, Lots 1 thru 6 of Block 6, Lots 1 thru 12 of Block 7, Lots 1 thru 8 of Block 8, Lots 1 thru 10 of Block 9, Tracts A and B and the dedicated public Right-of-way, legally described as a tract of land located in the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of Section 22 and the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Commencing at the East  $\frac{1}{4}$  Corner of said Section 22, said point being monumented with a nail in the surface of the asphalt of Reservoir Rd and having two reference monuments consisting of a brass cap and iron pipe, one bears N40°53'23"W 46.84 feet, the second bears S42°28'55"W 47.86 feet; Thence S11°01'40"W 211.80 feet the True Point of Beginning, said point is on the westerly Right-of-Way line of said Reservoir Rd; Thence N88°20'56"W 42.22 feet to the beginning of a curve concave to the northeast having a radius of 454.00 feet; Thence along said curve a distance of 240.79 feet to the beginning point of a reverse curve having a radius of 666.00 feet; Thence along said curve a distance of 763.21 feet to a point; Thence N42°15'21"W 103.29 feet to the beginning of a curve concave to the northeast having a radius of 740.00 feet; Thence along said curve a distance of 109.90 feet to a point; Thence N04°01'19"W 212.28 feet to a point; Thence S55°45'42"W 75.36 feet to a point; Thence N86°53'21"W 134.46 feet to a point; Thence S10°21'24"E 98.19 feet to a point; Thence S35°06'10"W 63.00 feet to a point; Thence S46°21'05"E 109.89 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 936.00 feet and a chord bearing of S45°14'35"E; Thence along said curve a distance of 97.60 feet to a point; Thence S42°15'21"E 82.00 feet to a point; Thence S47°44'39"W 267.00 feet to a point; Thence S42°15'21"E 318.00 feet to the beginning of a curve concave to the southwest having a radius of 669.00 feet; Thence along said curve a distance of 415.25 feet to a point; Thence S04°27'54"E 52.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 669.00 feet and a chord bearing of S00°04'26"E ; Thence along said curve a distance of 50.53 feet to a point; Thence S02°05'22"W 618.45 feet to a point; Thence N87°54'38"W 157.00 feet to a point; Thence S02°05'22"W 82.00 feet to a point; Thence S47°05'22"W 14.14 feet to a point; Thence N87°54'38"W 95.00 feet to a point; Thence S02°05'22"W 89.55 feet to the beginning of a curve concave to the northwest having a radius of 407.00 feet; Thence along said curve a distance of 283.67 feet to a point; Thence S42°01'34"W 129.91 feet to a point; Thence S47°44'39"W 76.00 feet to a point; Thence S42°15'21"E 25.35 feet to the beginning of a curve concave to the northeast having a radius of 1238.00 feet; Thence along said curve a distance of 692.63' to a point; Thence S32°05'22"W 61.42 feet to the beginning of a curve concave to the northwest having a radius of 2060.00 feet; Thence along said curve a distance of 464.18 feet to a point; Thence S45°00'00"W 183.94 feet to a point; Thence S45°00'00"E 172.00 feet to a point; Thence N45°00'00"E 86.99 feet to a point; Thence S90°00'00"E 14.14 feet to a point; Thence S45°00'00"E

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

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

**Rolinger moved, Landguth seconded and carried to recommend that the Preliminary Plat be denied without prejudice. (7 to 0 to 1 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand and Rolinger voting yes and none voting no and Scull abstaining)**

9. No. 09CA018 - Rapid Valley Subdivision

A request by Glen A. Elshire to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development** on Lot A of Blocks 3 and 4

of Rapid Valley Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2507 East St. Patrick Street.

Horton presented the staff recommendation to deny the Comprehensive Plan Amendment. Horton added that the Future Land Use Committee determined that the proposed change in use was not compatible with the surrounding uses in the neighborhood. Discussion followed.

Glen Elshire, property owner expressed his opinion that the current use creates a hardship with his ability to sell the property. Elshire requested that the Planning Commission approve the Comprehensive Plan request. Discussion followed.

Brown expressed his support for the Future Land Use Committee determination to deny the proposed change in use that could have a negative impact to the adjacent properties.

**Brown moved, Marchand seconded and carried to recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development be denied. (6 to 2 with Brown, Gregg, Kinneburgh, Landguth, Marchand and Rolinger voting yes and Braun and Scull voting no)**

10. No. 09RZ036 - Rapid Valley Subdivision

A request by Glen A. Elshire to consider an application for a **Rezoning from General Commercial District to Light Industrial District** on Lot A of Blocks 3 and 4 of Rapid Valley Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2507 East St. Patrick Street.

Bulman presented the staff recommendation to deny the Rezoning application noting the action to the previous item, the related Comprehensive Plan.

**Gregg moved, Landguth seconded and carried to recommended that the Rezoning from General Commercial District to Light Industrial District be denied. (7 to 1 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand and Rolinger voting yes and Scull voting no)**

\*11. No. 09PD029 - Autumn Hills Plaza Subdivision

A request by N.W.E. Management for Autumn Hills Properties, LLC to consider an application for a **Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment** for Lots 1 and 2 of Autumn Hills Plaza Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5312 Sheridan Lake Road.

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

Landguth moved, Braun seconded and carried to continue the Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment to the October 8, 2009 Planning Commission meeting to allow the applicant to submit additional information. (7 to 0 to 1 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, Rolinger and Scull voting yes and none voting no and Scull abstaining)

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

18. No. 09PL040 - \_\_\_\_\_ Subdivision, Section 19, T1N, R8E  
A request by Centerline, Inc. for Lazy P-6 Land Co., Inc. to consider an application for a **Layout Plat** for proposed Lot 1 in Block 1 and Lots 1 thru 4 in Block 2 of \_\_\_\_\_ Subdivision, legally described as a parcel of land located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Fifth Street and Catron Boulevard.
19. No. 09SV015 - \_\_\_\_\_ Subdivision, Section 19, T1N, R8E  
A request by Centerline, Inc. for Lazy P-6 Land Co., Inc. to consider an application for a **Variance to the Subdivision Regulations to reduce the pavement width from 12 feet to 11 feet per lane as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1 in Block 1 and Lots 1 thru 4 in Block 2 of the \_\_\_\_\_ Subdivision, legally described as a parcel of land located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Fifth Street and Catron Boulevard.

Fisher presented the staff recommendation to continue the Layout Plat and the Variance to the Subdivision requests to the October 22, 2009 Planning Commission meeting at the applicant's request.

**Rolinger moved, Brown seconded and unanimously carried to continue the Layout Plat and the Variance to the Subdivision Regulations to reduce the pavement width from 12 feet to 11 feet per lane as per Chapter 16.16 of the Rapid City Municipal Code to the October 22, 2009 Planning Commission meeting. (8 to 0 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

20. No. 09PL046 - Section 3, T1N, R8E  
A request by Todd Fenster to consider an application for a **Layout Plat** for proposed Lot 1 of Block 1 of Expressway Subdivision, legally described as the unplatted parcel located in the N1/2 N1/2 SW1/4, less Big Sky Subdivision, less F&N Subdivision, less Lot H1 and less right-of-way, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at

1200 Elk Vale Road.

Elkins presented the staff recommendation to continue the Layout Plat to the October 8, 2009 Planning Commission meeting.

**Brown moved, Braun seconded and unanimously carried to continue the Layout Plat to the October 8, 2009 Planning Commission meeting. (8 to 0 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

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

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

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

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

**Rolinger moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the construction of Phase Two and Three of Minnesota Street. (8 to 0 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

\*29. No. 09PD040 - Fox Run Subdivision

A request by Vern Osterloo for Rapid City Regional Hospital to consider an application for a **Planned Commercial Development - Initial and Final Development** for Lot 1 of Block 1 of Fox Run Subdivision, located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 301 Fox Run Drive.

Fisher presented the staff recommendation to approve the Planned Commercial Development request with stipulations. Fisher added that the adjacent property owners requested that the existing hedges be allowed to remain and that a fence not be constructed. Fisher stated that staff is supporting that the screening fence not be required at this time with the caveat that if one is ever needed that the City could require the installation of the fence. She noted that the Hospital has agreed to provide a screening fence at that time.

In response to Braun's question, Fisher stated that if the adjacent property owner were to change or the hedges were not providing adequate buffer, the City could require the installation of a screening fence.

Duane Spears, 333 Fox Run Drive, expressed his opposition to the requirement

that a screening fence be installed between the two properties. Spears stated that the fence requirement may have a negative impact to the adjacent property.

In response to Scull's question, Elkins stated that the staff is recommending that the requirement to install a screening fence be waived. Elkins further noted that based on the recommended stipulations of approval, the City may require the installation of a screening fence at a future date if the situation on the subject or adjacent properties changes, i.e. hedge, uses or property owner changes.

**Rolinger moved, Marchand seconded and unanimously carried to approve the Planned Commercial Development - Initial and Final Development with the following stipulations:**

- 1. An Exception is hereby granted waiving the requirement to provide an opaque screening fence along the east and south lot lines of the property with the stipulation that the City may require that an opaque screening fence be installed at any time in the future;**
- 2. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy. In addition, a Demolition Permit shall be obtained for the removal of the garage from the property;**
- 3. The structure shall continue to conform architecturally to the plans and elevations approved as part of this Commercial Development Plan. In addition, the color of the building shall be rose color as currently existing or may be changed to an earth tone color;**
- 6. A minimum of 16 parking spaces shall be provided. In addition, one of the parking spaces shall be a "van" accessible handicap space. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 7. 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;**
- 8. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;**
- 9. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;**
- 10. All currently adopted International Fire Codes shall be met;**
- 11. A minimum of 56,320 landscaping points shall be provided as proposed. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**

12. The Planned Commercial Development shall be used as a medical supply and equipment sales and rental facility with offices and a maximum of 13,987 square foot storage area to be used exclusively by this facility. Any change in use shall require the review and approval of a Major Amendment to the Planned Commercial Development;
13. The side yard setback is hereby reduced from 25 feet to 20 feet 8 inches for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot side yard setback be provided. In addition, any expansion to the existing building shall provide a minimum 25 foot side yard setback;
14. All provisions of the Office Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Commercial Development Plan or a subsequent Major Amendment; and,
15. 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 Commercial Development Plan approval expiration date, a one year extension for Final Commercial Development Plan approval may be granted. (8 to 0 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, 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.*

Fisher requested that items 30 and 31 be taken concurrently.

30. No. 09PL034 - Aspen Estates Subdivision  
A request by Fisk Land Surveying & Consulting Engineers for Walter J. Bradsky to consider an application for a **Layout Plat** for proposed Lots 5A and 5B of Aspen Estates Subdivision, legally described as Lot 5 of Aspen Estates Subdivision, located in the SW1/4 of Section 12, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Elkhart Road.
31. No. 09SV014 - Aspen Estates Subdivision  
A request by Fisk Land Surveying & Consulting Engineers for Walter J. Bradsky to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer along S.D. Highway 44, to waive the requirement to install curb, gutter, street light conduit, water, sewer, to reduce the pavement width from 24 feet to 22 feet and to waive the requirement to dedicate right-of-way**



**along Elkhart Road, Kenosha Road, and Canterbury Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 5A and 5B of Aspen Estates Subdivision, legally described as Lot 5 of Aspen Estates Subdivision, located in the SW1/4 of Section 12, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Elkhart Road.

Fisher presented the staff recommendation to approve the Layout Plat and the Variance to the Subdivision Regulations with stipulations. Fisher noted that the staff supports the upgrade of the septic system as an interim solution. Fisher further noted that staff recommends that the Variance be denied and that the applicant install a dry sewer system that would eventually connect into the city utility system as required by City Ordinance.

In response to Scull's question, Fisher stated that the applicant is in opposition to the requirement to install the dry sewer system.

In response to Braun's question, Fisher stated that the applicant's engineer would be responsible to submit a utility plan and identify the size of the sewer mains in the area.

In response to Landguth's question, Fisher stated that the existing approach has a permit from the Highway authority.

Janelle Finck, Fisk Land Surveying, identified the access restriction on the plat and added that there is no proposed change in the access. Finck stated the applicant is opposed to the requirement to install dry sewer. Finck identified the location of proposed sewer and further identified the existing aquifers and Source Water Protection Study tier boundaries and the possible future expansion of the City of Rapid City sewer mains. Finck reviewed the Source Water Protection Study and its relation the subject property. Finck expressed her opinion that the requirement to install dry sewer along the adjacent rights-of-way as they abut the subject property would create an unnecessary financial burden to the applicant. Finck proposed an advanced treatment systems approved by the Department of Environment and Natural Resources and further reviewed the various types of advanced treatment systems.

Lengthy discussion followed regarding treatment systems, regulations, inspection requirements and the dry sewer line requirement to the subject property.

Walter Bradsky, property owner presented additional information regarding the proposed advanced septic system. Bradsky requested that the Planning Commission approve the Variance request regarding the dry sewer line requirement. Discussion followed.

Warren Fisk, Fisk Land Surveying, expressed his opinion that installing a dry sewer line in the area is an unnecessary burden to the land owner at this time.

Steve Moore, contractor for the applicant expressed his opinion that the extension of sewer lines is not necessary at this point and that the applicant would be willing to hook into the sewer line once it is extended to the area.

Lengthy discussion followed regarding the study areas relating to tiers and the aquifer sensitive area.

Stacy Titus, Public Works Department identified the location of the aquifer sensitive area boundaries and the master planning border for the 2030 year planning window.

In response to Rolinger's question, Elkins stated that staff has approved the proposed treatment system.

Scull expressed his support of waiving the requirement to install the sewer line extension at this time.

Discussion followed regarding potential future development in the area.

**Rolinger moved, Landguth seconded and unanimously carried recommend that the Layout Plat be approved with the following stipulations:**

- 1. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow an easement to serve more than four lots or the plat document shall be revised to show Canterbury Road, Kenosha Road and Elkhart Road as rights-of-way;**
- 2. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to include the previously recorded note as follows: "Prior to obtaining a permit or constructing any structure, petitioner, his heirs, assigns or successors in interest agree to install a total wastewater containment system for each lot. Prior to installation of such system, plans stamped by a Registered Professional Engineer shall be submitted for review and approval by the City of Rapid City and Pennington County. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City and County subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified Professional Engineer to demonstrate that the proposed conventional or alternative system meets all state, county, and local regulations."**
- 3. Upon submittal of a Preliminary Plat application, construction plans for S.D. Highway 44 shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with curb, gutter, water and sewer or Variance to the Subdivision Regulations shall be obtained. In addition, an Exception must be obtained to waive the requirement to provide street light conduit along S.D. Highway 44 as it abuts the property;**
- 4. Upon submittal of a Preliminary Plat application, construction plans for Canterbury Road, Kenosha Road and Elkhart Road shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**

5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized as proposed, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
6. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then a "total" wastewater containment system shall be designed by a Registered Professional Engineer and submitted for review and approval by the City and Pennington County. Alternatively, plans for a conventional or alternative on-site wastewater system may be approved by the City and Pennington County subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified Professional Engineer to demonstrate that the proposed conventional or alternate system meets all state, county and local regulations. In addition, prior to Preliminary Plat approval by the City Council, a wastewater permit, which includes the design of the proposed non-conventional system(s), shall be reviewed and approved by South Dakota Department of Environment and Natural Resources, the City and Pennington County;
7. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval for any required subdivision improvements;
8. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with Drainage Criteria Manual shall be submitted for review and approval for any subdivision improvements;
9. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if any subdivision improvements are required;
10. Prior to submittal of a Final Plat application, the covenant agreement submitted to demonstrate road maintenance for Canterbury Road, Kenosha Road and Elkhart Road shall be revised if and as determined by the City Attorney's Office;
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;
13. The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date

of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and water along S.D. Highway 44 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;

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along S. D. Highway 44 be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, to reduce the pavement width from 24 feet to 22 feet and to waive the requirement to dedicate right-of-way along Elkhart Road, Kenosha Road, and Canterbury Road be approved with the following stipulation:

1. Prior to Planning Commission approval, well data for the existing well shall be submitted for review and approval demonstrating the current flows and cistern reserve capacity is adequate for domestic use and fire flows; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along S.D. Highway 44, Elkhart Road, Kenosha Road, and Canterbury Road 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. (8 to 0 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)

32. No. 09SR079 - Section 27, T2N, R7E

A request by Britton Engineering and Land Surveying for Jim Meier to consider an application for a **SDCL 11-6-19 Review request to extend a public water main in the right-of-way** on Deadwood Avenue right-of-way located adjacent to Lot 4 of the NW1/4 NW1/4 less right-of-way and Lot 5A of the NW1/4 NW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2460 Deadwood Avenue.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review request to the October 8, 2009 Planning Commission meeting.

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

**Braun moved, Marchand seconded and carried to continue the SDCL 11-6-19 Review request to extend a public water main in the right-of-way to the October 8, 2009 Planning Commission meeting. (7 to 0 to 1 with Braun, Gregg, Kinneburgh, Landguth, Marchand, Rolinger and Scull voting yes and none voting no and Brown abstaining)**

33. No. 09SR081 - Ridge Park No. 3 and No. 4 Subdivisions

**DRAFT**

A request by CETEC Engineering Services, Inc. for Timothy Rensch to consider an application for a **SDCL 11-6-19 Review to extend a sewer main in a public right-of-way** on that portion of Roosevelt Avenue adjacent to Lots 25 and 26 and Lot 31R of Ridge Park No. 4 Subdivision; and adjacent to Lot 2A of Lot 2, Lot 2B, Lot 3 Revised, and Lot 4 Revised, Ridge Park No. 3 Subdivision, all in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Roosevelt Avenue south of St. Patrick Street and north of St. Anne Street.

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

**Rolinger moved, Gregg seconded and unanimously carried to approve the SDCL 11-6-19 Review to extend a sewer main in a public right-of-way. (8 to 0 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

\*34. No. 09UR022 - Section 5, T1N, R8E

A request by Four Front Design, Inc. for the Humane Society of the Black Hills to consider an application for a **Major Amendment to a Conditional Use Permit** on Lot 1 of the SE1/4 SW1/4 and the SW1/4 SE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1820 East St. Patrick Street.

Fisher presented the staff recommendation to continue the Conditional Use Permit request to the October 8, 2009 Planning Commission meeting.

**Brown moved, Rolinger seconded and unanimously carried to continue the Major Amendment to a Conditional Use Permit to the October 8, 2009 Planning Commission meeting. (8 to 0 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, 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.***

\*35. No. 09UR023 - Marshall Heights Subdivision No. 2

A request by Shawn Shortbull for Ken Herslip to consider an application for a **Conditional Use Permit to allow an on sale liquor establishment** on Lot 1 of Tract G of Marshall Heights Subdivision No. 2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2200 North LaCrosse Street.

Bulman presented the staff recommendation to continue the Conditional Use Permit request to the October 22, 2009 Planning Commission meeting at the applicant's request.

**Marchand moved, Gregg seconded and unanimously carried to continue the Conditional Use Permit to allow an on sale liquor establishment to the October 22, 2009 Planning Commission meeting. (8 to 0 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, 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.***

\*36. No. 09UR024 - Original Town of Rapid City

A request by Lisa Holbrook to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lots 1 thru 5 of Block 88 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 201 Main Street.

Bulman presented the staff recommendation to continue the Conditional Use Permit request to the October 8, 2009 Planning Commission meeting.

**Rolinger moved, Brown seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the October 8, 2009 Planning Commission meeting. (8 to 0 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, 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.***

37. Discussion Items

- A. Sidewalk Café issues (June 25, 2009 Planning Commission meeting discussion (Vino 100)).

Elkins presented the staff recommendation to continue the Sidewalk Café issues to the December 10, 2009 Planning Commission meeting.

**Planning Commission continued the sidewalk café discussion to the December 10, 2009 Planning Commission meeting. (8 to 0 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

38. Staff Items

Elkins reminded the Planning Commission that a training session has been scheduled for October 15, 2009 from 11:30 a.m. to 1:00 p.m.. Elkins

added that a discussion regarding ex-parte communications will be held at that time.

39. Planning Commission Items

- A. Appointment of two (2) Planning Commission members to the Future Land Use Committee.

Elkins requested volunteers to serve on the Future Land Use Committee.

Brown encouraged other Planning Commissioners to volunteer. Brown stressed the importance of the Committee and the service to the Community. Discussion followed.

**Gregg moved, Rolinger seconded to appoint Braun and Marchand to the Future Land Use Committee and to change the time of the Future Land Use Committee meetings to 7:00 a.m. on alternate Thursdays from Planning Commission. (8 to 0 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

40. Committee Reports

- A. City Council Report (September 8, 2009)  
The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

On July 23, 2009 the Planning Commission recommended that the following Comprehensive Plan Amendment and Rezoning requests be denied. On September 8, 2009 the City Council approved the following Comprehensive Plan Amendment and Rezoning requests.

No. 09CA011 - Hillsvie Subdivision

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 Heavy Industrial with a Planned Industrial Development** on Lots 4 and 5 of Hillsvie Subdivision and the 75 foot wide S.D. Highway 44 right-of-way lying adjacent and south of Lot 5 of Hillsvie Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Valley Drive and north of S.D. Highway 44.

No. 09CA014 - Hillsvie Subdivision

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 Heavy Industrial Industrial with a Planned Industrial Development** on that portion of Lot 15 Revised of Hillsvie Subdivision described as follows: Beginning at the southeast corner of Lot 15 Revised; thence N51°22'18"W 320.51 feet, more or less; thence N38°37'42"E 80.71 feet, more or less; thence N00°00'00"W 283.40 feet, more or less; thence S89°50'46"E 200.00 feet,

more or less: thence S00°00'00"E 546.00 feet, more or less to the Point of Beginning; located in the NE¼ SE¼ of Section 5, and the 75 foot wide right-of-way located adjacent and south of the above described parcel, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Valley Drive and north of S.D. Highway 44.

No. 09RZ028 - Hillsview Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Heavy Industrial District** on Lots 4 and 5 of Hillsview Subdivision and the 75 foot wide S.D. Highway 44 right-of-way lying adjacent and south of Lot 5 of Hillsview Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Valley Drive and north of S.D. Highway 44.

No. 09RZ030 - Hillsview Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Heavy Industrial District** on that portion of Lot 15 Revised of Hillsview Subdivision described as follows: Beginning at the southeast corner of Lot 15 Revised; thence N51°22'18"W 320.51 feet, more or less; thence N38°37'42"E 80.71 feet, more or less; thence N00°00'00"W 283.40 feet, more or less; thence S89°50'46"E 200.00 feet, more or less: thence S00°00'00"E 546.00 feet, more or less to the Point of Beginning; located in the NE¼ SE¼ of Section 5, and the 75 foot wide right-of-way located adjacent and south of the above described parcel, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Valley Drive and north of S.D. Highway 44.

**There being no further business, Landguth moved, Gregg seconded and unanimously carried to adjourn the meeting at 8:41 a.m. (8 to 0 with Braun, Brown, Gregg, Kinneburgh, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**