



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 8, 2009

MEMBERS PRESENT: Erik Braun, Barb Collins, Julie Gregg, Doug Kinneburgh, Linda Marchand and Andrew Scull.

STAFF PRESENT: Marcia Elkins, Monica Heller, Vicki Fisher, Karen Bulman, Ted Johnson, Karley Halsted, Mike Schad and Carol Campbell.

Scull called the meeting to order at 7:02 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.

Scull requested that Item 20 be removed from the Consent Agenda for separate consideration.

Motion by Marchand, Seconded by Braun and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 28 in accordance with the staff recommendations with the exception of Item 20. (6 to 0 with Braun, Collins, Kinneburgh, Gregg, Marchand and Scull voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the September 24, 2009 Planning Commission Meeting Minutes.
2. 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 November 5, 2009 Planning Commission meeting.
3. 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 22, 2009 Planning Commission meeting.

4. 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 22, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat application.

5. No. 09CA011 - Hillsview Subdivision
A request by City of Rapid City to consider an application for a **Summary of Adoption Action on 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 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.

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

6. No. 09CA014 - Hillsview Subdivision
A request by City of Rapid City to consider an application for a **Summary of Adoption Action on 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 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.

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

7. No. 09CA017 - Section 9, T1N, R8E
A request by City of Rapid City to consider an application for an **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Public** on the 100 foot wide railroad right-of-way lying north of Lot H-3 and H-4 in the NW1/4 of Section 9 and north of a portion of the N1/2 NW1/4 less Lot H5 of the NE1/4 NW1/4 and the N1/2 SE1/4 NW1/4 less Lot H1 of Section 9, all located in Section 9, 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 approved the summary and authorized publication in the Rapid City Journal.

8. No. 09CA019 - Flormann Addition and West Boulevard Addition
A request by Peter Neumann for Mills Drug, Inc. to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to General Commercial** on Lots 17 thru 18 of Block 15 of Flormann Addition, Section 1, T1N, R7E and Lots 4 thru 6 of Block 1 of West Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 730 St. Cloud and 1424 Mount Rushmore Road.

Planning Commission recommended that the Amendment to the adopted Comprehensive Plan to change the land use designation from Residential to General Commercial be approved.

9. No. 09RZ037 - Flormann Addition
A request by Peter Neumann for Mills Drug, Inc. to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** of Lots 17 thru 18 of Block 15 of Flormann Addition, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 730 St. Cloud.

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

10. No. 09CA020 - Meadowwood
A request by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Public** on Block 2 of Tract G of Meadowwood and the South Half of adjacent Dean Lane right-of-way located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south and west of the intersection of Dean Lane and Sturgis Road.

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 District be approved.

11. No. 09RZ038 - Meadowwood
A request by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks to consider an application for a **Rezoning from General Commercial District to Public District** of Block 2 of Tract G of Meadowwood and the South Half of adjacent Dean Lane right-of-way located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally



described as being located south and west of the intersection of Dean Lane and Sturgis Road.

Planning Commission recommended that the Rezoning from General Commercial District to Public District be approved subject to approval of the related Amendment to the Adopted Comprehensive Plan.

12. No. 09CA021 – Meadowwood

A request by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Public** on Lots 1-2 of Block 1 of Tract G, Lots 3-4 Block 1 of Tract G, Lots 5-6 & 9 of Block 1 of Tract G, the North 30 feet of West 100 feet of Lot 7 and East 124 feet of Lot 7-8, all located in Meadowwood, the East Half of the adjacent North 40th Street right-of-way and the South Half of the adjacent Dean Lane right-of-way located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeastern terminus of North 40th Street.

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

13. No. 09RZ039 - Meadowwood

A request by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks to consider an application for a **Rezoning from Low Density Residential District to Public District** of Lots 1-2 of Block 1 of Tract G, Lots 3-4 Block 1 of Tract G, Lots 5-6 & 9 of Block 1 of Tract G, the North 30 feet of West 100 feet of Lot 7 and East 124 feet of Lot 7-8, all of Meadowwood, the east half of the adjacent North 40th Street right-of-way and the south half of the adjacent Dean Lane right-of-way located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeastern terminus of North 40th Street.

Planning Commission recommended that the Rezoning from Low Density Residential District to Public District be approved subject to approval of the related Amendment to the Adopted Comprehensive Plan.

14. No. 09CA022 - NWE Subdivision

A request by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Public** on a parcel of land located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, T2N, R7E, BHM, more particularly described by metes and bounds commencing at the northeast corner of Lot 2 of NWE Subdivision a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the true point of beginning, with SD State Plane Coordinates, South Zone, NAD83, N-654,283.81, E-1,193,289.54; thence S36°16'34"E at a distance of 306.27 feet to a rebar and cap marked "Renner 2652"; thence S36°16'12"E at a distance of 29.75 feet to the center of the Dean Lane right-of-way; thence



S53°30'28"W at a distance of 241.49 feet along the center of the Dean Lane right-of-way to a point of deflection; thence S86°44'35"W at a distance of 327.67 feet along the center of the Dean Lane right-of-way to a point of deflection; thence N88°04'34"W at a distance of 133.91 feet along the center of the Dean Lane right-of-way to a point of deflection; thence N88°03'13"W at a distance of 254.19 feet along the center of the Dean Lane right-of-way to its intersection with the center of the North 40th Street right-of-way; thence N01°42'42"E at a distance of 395.82 feet to a point, which is the southeast corner of Block 1 of Tract C of Meadowwood; thence N02°13'39"E at a distance of 183.88 feet to a found rebar and cap marked "Renner 2652"; thence N02°15'37"E at a distance of 20.16 feet to the center of the Knutson Lane right-of-way; thence S87°47'16"E at a distance of 424.31 feet along the center of the Knutson Lane right-of-way to a point of deflection; thence S03°04'55"W at a distance of 19.82 feet to a found rebar and cap marked "FMG 4225"; thence S02°23'18"W at a distance of 40.05 feet to a found rebar and cap marked "FMG 4225"; thence S35°16'41"E at a distance of 242.82 feet to a found 5/8" rebar; thence N53°40'47"E at a distance of 160.21 feet to the true point of beginning, more generally described as being located at 4130 Dean Lane.

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.

15. No. 09CA023 - NWE Subdivision

A request by Ferber Engineering Co, Inc. for South Dakota Game Fish and Parks to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Public** on a parcel of land located in SE¼ NW¼, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described by metes and bounds commencing at the northwest corner of Lot 2 of NWE Subdivision a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the true point of beginning, with SD State Plane Coordinates, South Zone, NAD83, N-654,277.83, E-1,192,087.69; thence S87°54'32"E at a distance of 503.66 feet to a point of deflection, which is the southeast corner of Lot 8 of Tract B of Meadowwood; thence S01°42'42"W at a distance of 395.82 feet to the intersection of the centers of the Dean Lane and North 40th Street rights-of-way; thence S01°58'09"W at a distance of 59.38 feet along the center of the North 40th Street right-of-way to a point of deflection; thence N88°15'08"W at a distance of 30.05 feet to a found rebar and cap marked "FMG 4225"; thence N87°45'28"W at a distance of 478.15 feet to a point of deflection; thence N88°01'50"W at a distance of 23.28 feet to the center of the Meadowwood Drive right-of-way; thence N02°07'57"E at a distance of 454.27 feet along the center of Meadowwood Drive right-of-way to a point of deflection; thence S87°39'05"E at a distance of 24.74 feet to the true point of beginning, more generally described as being located at 4130 Dean Lane.

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 Office Commercial with a Planned Commercial Development to Public be approved.



16. No. 09RZ040 - NWE Subdivision

A request by Ferber Engineering Co, Inc. for South Dakota Game Fish and Parks to consider an application for a **Rezoning from Mining and Earth Resources Extraction District to Public District** of Lot 2 of NWE Subdivision, the South Half of adjacent Knutson Lane right-of-way, the North Half of adjacent Dean Lane right-of-way, the West Half of adjacent North 40th Street right-of-way and the East Half of Adjacent Meadowwood Drive right-of-way, located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Knutson Lane and Sturgis Road.

Planning Commission recommended that the Rezoning from Mining and Earth Resources Extraction District to Public District be approved subject to approval of the related Amendment to the Adopted Comprehensive Plan.

17. No. 09CA024 - GFP Subdivision

A request by Ferber Engineering Co, Inc. for South Dakota Game Fish and Parks to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Public** on a parcel of land located in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: COMMENCING at the northwest corner of Lot 2 of GFP Subdivision at a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the TRUE POINT OF BEGINNING, with SD State Plane Coordinates, South Zone, NAD83, N-654,463.48, E-1,191,278.17; THENCE S87°51'26"E at a distance of 258.44 feet to the northeast corner of said Lot 2 of GFP Subdivision; THENCE S34°43'35"E at a distance of 50.02 feet to the center of the North 44th Street right-of-way; THENCE along an arc of curve to the right having a radius of 549.84 feet, a length of 354.69 feet and a chord direction of N73°44'46"E to the point of tangency; THENCE S87°41'57"E at a distance of 171.79 feet to the intersection of the centers of North 44th Street and Meadowwood Drive rights-of-way; THENCE S02°06'11"W at a distance of 224.69 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; THENCE S02°07'57"W at a distance of 454.27 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; THENCE S01°28'49"W at a distance of 329.04 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; THENCE N87°43'42"W at a distance of 16.35 feet to a found bolt; THENCE N88°29'57"W at a distance of 9.62 feet to a found rebar and cap marked "FMG Inc. LS SD 6119"; THENCE N87°57'50"W at a distance of 402.44 feet to a point of deflection; THENCE N02°06'56"E at a distance of 129.73 feet to a found 3/8" rebar; THENCE N02°20'47"E at a distance of 260.27 feet to a found 1" pipe; THENCE N87°55'23"W at a distance of 368.75 feet to a found rebar and cap marked "FMG Inc. LS SD 6119", which is the W1/4 of Section 33; THENCE N02°16'28"E at a distance of 549.71 feet to the TRUE POINT OF BEGINNING, more generally described as being located at 603 and 620 North 44th Street.

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



18. No. 09RZ041 - GFP Subdivision

A request by Ferber Engineering Co, Inc. for South Dakota Game Fish and Parks to consider an application for a **Rezoning from Low Density Residential District to Public District** of a parcel of land located in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described by metes and bounds commencing at the northwest corner of Lot 2 of GFP Subdivision, a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the true point of beginning, with SD State Plane Coordinates, South Zone, NAD83, N-654,463.48, E-1,191,278.17; thence S87°51'26"E at a distance of 258.44 feet to the northeast corner of said Lot 2 of GFP Subdivision; thence S34°43'35"E at a distance of 50.02 feet to the center of the North 44th Street right-of-way; thence along an arc of curve to the right having a radius of 549.84 feet, a length of 354.69 feet and a chord direction of N73°44'46"E to the point of tangency; thence S87°41'57"E at a distance of 171.79 feet to the intersection of the centers of North 44th Street and Meadowwood Drive rights-of-way; thence S02°06'11"W at a distance of 224.69 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; thence S02°07'57"W at a distance of 454.27 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; thence S01°28'49"W at a distance of 329.04 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; thence N87°43'42"W at a distance of 16.35 feet to a found bolt; thence N88°29'57"W at a distance of 9.62 feet to a found rebar and cap marked "FMG Inc. LS SD 6119"; thence N87°57'50"W at a distance of 402.44 feet to a point of deflection; thence N02°06'56"E at a distance of 129.73 feet to a found 3/8" rebar; thence N02°20'47"E at a distance of 260.27 feet to a found 1" pipe; thence N87°55'23"W at a distance of 368.75 feet to a found rebar and cap marked "FMG Inc. LS SD 6119", which is the W1/4 of Section 33; thence N02°16'28"E at a distance of 549.71 feet to the true point of beginning, more generally described as being located at 603 and 620 North 44th Street.

Planning Commission recommended that the Rezoning from Low Density Residential District to Public District be approved subject to approval of the related Amendment to the Adopted Comprehensive Plan.

*19. 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 22, 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.

21. 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 22, 2009 Planning Commission meeting.

22. 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 22, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.



23. 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, located in the N1/2 N1/2 SW1/4, less Big Sky 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.

Planning Commission continued the Layout Plat to the November 19, 2009 Planning Commission meeting to allow the applicant to submit additional information.

24. 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 22, 2009 Planning Commission meeting to allow the applicant to submit additional information.

25. No. 09SR048 - Section 23, T2N, R7E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to construct a water main, storm sewer and drainage improvements on public property** on the unplatted S1/2 NE1/4 less Rainbow Ridge Subdivision and less right-of-way, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Sagewood Street and Alma Street.

Planning Commission continued the SDCL 11-6-19 Review to construct a water main, storm sewer and drainage improvements on public property to the November 5, 2009 Planning Commission meeting.

26. No. 09SR088 - Rapid City Greenway Tract

A request by Hills Alive Festival to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** on Tract 20 less Lot H1 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between North Mount Rushmore Road and Fifth Street in Memorial Park.

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

27. No. 09SW001 - Original Town of Rapid City

A request by Melissa Krause to consider an application for a **Sidewalk Vendor**



Permit on Lots 1 thru 6 and the east half of Lot 7 of Block 82 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Rushmore Road and Main Street.

Planning Commission approved the Sidewalk Vendor Permit request with the following stipulations:

1. A minimum 5 foot wide clear pedestrian path shall be maintained at all times;
 2. A maximum of 60 square feet of space can be occupied by vendor and no permanent hardware shall be affixed to the sidewalk or adjacent buildings;
 3. The vendor must have an approved 2A10BC minimum rated fire extinguisher maintained in an accessible location at all times;
 4. A valid sidewalk vendor license approved by the Rapid City Council per Chapter 5.56 of the Rapid City Municipal Code be provided and renewed yearly. The Sidewalk Vendor Permit shall automatically expire if the Sidewalk Vendor License is suspended, revoked or expired;
 5. A copy of the permit issued by the State, Department of Health for food related establishments be provided and renewed yearly;
 6. Commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability shall continually be provided. The City of Rapid City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In addition, the insurance shall be renewed yearly and a copy of the insurance document submitted to the City for review and approval. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked;
 7. The proposed sidewalk vendor shall conform to the plans and design criteria submitted as part of this Sidewalk Vendor Permit and shall be operated in compliance with Chapter 12.20.020(F) of the Rapid City Municipal Code at all times; and,
 8. The Sidewalk Vendor Permit may be revoked for cause, consisting of failure to maintain the standards required for this permit as per Chapter 12.20.020(F).11.
28. 09TP026 – Final 2010 Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization.

Planning Commission recommended approval of the 2010 Unified Planning Work Program.

---END OF CONSENT CALENDAR---

- *20. 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.

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

Braun moved, Gregg seconded and carried to deny the Planned Commercial Development - Initial and Final Development Plan without prejudice at the applicant's request. (5 to 0 to 1 with Braun, Collins, Kinneburgh, Gregg and Marchand 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

*29. 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.

Fisher presented the staff recommendation to continue the Major Amendment to a Planned Commercial Development request to the October 22, 2009 Planning Commission meeting.

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

Collins moved, Marchand seconded and carried to continue the Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment to the October 22, 2009 Planning Commission meeting to allow the applicant to submit additional information. (5 to 0 to 1 with Braun, Collins, Kinneburgh, Gregg and Marchand 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.



*30. No. 09PD045 - Sunnyvale Subdivision

A request by Peggy A. Livermont of Piesano's Pacchia, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for Lot 8 less Lot 8a and Lot 11 less Lot 11a of Tract D, Lot 12 less Lot A but including Lot B of Lot 12 of Tract D of Sunnyvale Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3618 Canyon Lake Drive.

Bulman presented the staff recommendation to continue the Planned Commercial Development request to the October 22, 2009 Planning Commission meeting.

Collins moved, Marchand seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the October 22, 2009 Planning Commission meeting. (6 to 0 with Braun, Collins, Kinneburgh, Gregg, Marchand 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.

*31. No. 09PD046 - St. Elmo Subdivision No. 1

A request by Schlimgen Design Consultants, Inc. for Tim Norberg to consider an application for a **Major Amendment to a Planned Commercial Development** for Lots 12 thru 23 of Block 8 of St. Elmo Addition No. 1, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2101 Mount Rushmore Road.

Fisher presented the staff recommendation to approve the Major Amendment request with revised stipulations. Fisher identified the revisions to the subject property that have been recommended by staff to provide screening and buffering to the adjacent neighborhood. Fisher further noted that neighbors have expressed concern regarding parking and screening.

Gregg moved, Collins seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

- 1. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing the dumpster relocated to an area on the property that precludes encroachment into the alley right-of-way. In addition, the site plan shall be revised to show screening around the dumpster and the grease barrels. The screening fence shall be a six foot high wooden fence with a gate to match the existing exterior elevation along the buildings west side;**
- 2. Prior to Planning Commission approval, the applicant shall demonstrate paved access to all areas on the site accessed from the**



- alley;
3. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing the existing curb stops located along the west side of the northern parking space and the west side of the southern parking space as they abut the alley;
 4. Prior to Planning Commission approval, the site plan shall be revised showing the existing permanent bench located west of the southwestern corner of the building to insure that it does not encroach into the alley right-of-way;
 5. Prior to the extension of the temporary Certificate of Occupancy, surety shall be posted for the painting of the rooftop equipment and the roof membrane to match the existing brown shingles on the balance of the roof;
 6. Prior to issuance of a permanent Certificate of Occupancy, all required site improvements shall be completed;
 7. An Exception is hereby granted to waive the requirement to provide an opaque ornamental screening fence along the west lot line of the property; however, an opaque ornamental screening fence shall be provided around the dumpster and grease barrel storage area;
 8. Prior to issuance of a permanent Certificate of Occupancy, the water and sewer service lines shall be abandoned at the main as per the City's Utility Construction Code;
 9. Prior to issuance of a permanent Certificate of Occupancy, the broken sidewalk along St. Anne Street shall be repaired;
 10. A minimum 6 foot rear yard setback shall be maintained along the west lot line for the existing commercial structure. No further encroachments into the 15 foot rear yard setback shall be allowed. All other setbacks shall be provided in compliance with the General Commercial District;
 11. All provisions of the General Commercial District shall be met unless an Exception is specifically authorized as a stipulation of this Major Amendment to the Commercial Development Plan or a subsequent Major Amendment;
 12. A permanent Certificate of Occupancy shall be obtained;
 13. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of the previously approved Initial and Final Commercial Development Plan;
 14. The signage shall conform to the design, color and location as shown in the sign package approved with the original Initial and Final Planned Commercial Development. 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;
 15. 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;
16. A minimum of 35,780 landscaping points shall be provided. In addition, the landscaping shall be designed to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 17. A minimum of 58 parking spaces shall be provided. In addition, three of the parking spaces shall be handicap accessible spaces as shown on the site plan. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;
 18. The currently adopted International Fire Code shall be continually met;
 19. A full service restaurant with on-sale liquor, an arcade and a gift store shall be allowed on the property unless otherwise specifically authorized as a Major Amendment to the Commercial Development Plan; and,
 20. 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 Braun, Collins, Kinneburgh, Gregg, Marchand 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. 09PD047 - Original Town of Rapid City
A request by Lisa Holbrook to consider an application for a **Planned Commercial Development - Initial and Final Development to include an on-sale liquor establishment** for 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 approve the Planned Commercial Development request with stipulations. Bulman identified the parking issues relating to the subject property. Bulman reviewed the available parking for adjacent properties. Bulman added that the existing signs on the property are in compliance with the applicable sign ordinance requirements.



Elkins stated that staff has received objections from adjacent property owners and the objections are linked on line. Discussion followed.

In response to Braun's question, Elkins stated that if the use is changed then a Major Amendment to the Planned Commercial Development may be required.

Kinniburgh moved, Collins seconded and unanimously carried to approve the Planned Commercial Development - Initial and Final Development to include an on-sale liquor establishment with the following stipulations:

- 1. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant;**
- 2. An Exception is hereby granted to allow zero off-street parking spaces to be provided in lieu of the 123 required spaces; however, a change in use or building alteration increasing the parking requirement shall require a Major Amendment to the Planned Commercial Development;**
- 3. The proposed structure shall conform architecturally to the plans and elevations submitted. Any changes to expand the use or to expand the property shall require that a Major Amendment to the Planned Commercial Development be submitted for review and approval;**
- 4. 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;**
- 5. A Sign Permit shall be obtained prior to any future signs being placed on the subject property and all signage shall comply with the Sign Code Regulations;**
- 6. The proposed structure shall conform architecturally to the plans and elevations submitted. Any expansion to the use will require a Major Amendment to the Initial and Final Planned Commercial Development;**
- 7. An Exception is hereby granted to eliminate the screening requirement for the dumpster. However, any future expansions or changes in use may require the dumpster to be screened;**
- 8. All applicable provisions of the International Fire Codes shall be continually met;**
- 9. A full service restaurant with on-sale liquor, offices and retail commercial uses shall be allowed on the property unless otherwise specifically authorized as a Major Amendment to the Commercial Development Plan; and,**
- 10. 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. (6 to 0 with Braun, Collins, Kinneburgh, Gregg, Marchand 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. 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 approve the SDCL 11-6-19 Review request.

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

34. No. 09SR083 - Original Town of Rapid City

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct improvements in the public right-of-way** on St. Joseph Street right-of-way adjacent to Blocks 85, 86, 87, 88, 89 and 90, 5th Street right-of-way adjacent to Lot 32 of Block 85 and Lot 1 of Block 95, 4th Street right-of-way adjacent to Lot 32 of Block 86 and Lot 1 of Block 96, 3rd Street right-of-way adjacent to Lot 32 of Block 87, 2nd Street right-of-way adjacent to Lot 32 of Block 88 and Lot 1 of Block 98, and 1st Street right-of-way adjacent to Lot 32 of Block 89 and Lot 1 of Block 99, all located in the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on St. Joseph Street from First Street to Fifth Street.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review to the October 22, 2009 Planning Commission meeting.

Marchand moved, Collins seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct improvements in the public right-of-way to the October 22, 2009 Planning Commission meeting. (6 to 0 with Braun, Collins, Kinneburgh, Gregg, Marchand and Scull voting yes and none voting no)

35. No. 09SR084 - Sections 23, 24 and 26, T1N, R7E

A request by Britton Engineering for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct sewer main** on adjacent to the NE1/4 SE1/4 less Lot H1, the NW1/4 SE1/4 less Lot H1, NE1/4 SW1/4 less Lot H1, the unplatted portion of the NW1/4 SW1/4 lying south of Highway right-of-way less Lot H1, the unplatted portion of the SW1/4 SW1/4 less Lot H2 and less right-of-way, all in Section 24, T1N, R7E, BHM, Pennington County, South Dakota, Lots 1, 2, 4 of Tract 1 of Par Subdivision, Section 23, T1N, R7E, BHM, Pennington County, South Dakota, and the unplatted balance of the NW1/4 NE1/4, Lot 9R of Block 2 of South Hill Subdivision, Lot 28B of Wellington Heights Subdivision, Section 26, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at East Catron Boulevard and Catron



Boulevard between Fifth Street and Wellington Drive.

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

Collins moved, Marchand seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct sewer main. (6 to 0 with Braun, Collins, Kinneburgh, Gregg, Marchand and Scull voting yes and none voting no)

36. No. 09TI002 - Walpole Heights Subdivision and Arches Addition
A request by FourFront Design, Inc. to consider an application for a **Second Revised Project Plan for Tax Increment District #47 - Tower Road** on Lot H1 of the SW1/4, Lot 1 of the SE1/4 SW1/4, the eastern most 402.4 feet of section line right-of-way in the SW1/4, all located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; the N1/2 SE1/4 less Walpole Heights Subdivision less Lot AB of the E1/2 SE1/4 and less Fairmont Boulevard dedicated right-of-way, Lots H1 and H2 of the SE1/4, Lots B and C of the SW1/4SE1/4, Lots A and B of the SE1/4 SE1/4, Lots H3, H4, H5, H6, H7 and H8 of the E1/2 SE1/4, and all of the section line right-of-way in the SE1/4 less that portion of section line right-of-way abandoned as recorded in Miscellaneous Book 54, Page 1976, all located in the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Lot H2 of the W1/2 SW1/4 less Lot X of the W1/2SW1/4, Lot H4 of the W1/2 SW1/4, and that portion of a 60 foot dedicated public right-of-way located between Tract 3R and 4R of Arches Addition in the SW1/4, all located in the SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Tower Road west of U.S. Highway 16.

Bulman presented the Tax Increment Finance Committee's recommendation to approve the Second Revised Project Plan for Tax Increment District #47 - Tower Road. Bulman identified the reallocation of funds. Bulman further noted that the total cost of the Project Plan will not change and therefore the base of the tax increment district will not be affected.

In response to Scull's question, Bulman reviewed the proposed reallocation of the funds. In response to the question, Elkins reviewed the Tax Increment Finance Committee's discussions regarding use of the funds.

In response to Scull's question, Mike Towey, FourFront Design reviewed the progress of the development on the subject property.

Marchand moved, Gregg seconded and unanimously carried to recommend that the Second Revised Project Plan for Tax Increment District #47 - Tower Road be approved. (6 to 0 with Braun, Collins, Kinneburgh, Gregg, Marchand and Scull voting yes and none voting no)

- *37. 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**



for 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 approve the Major Amendment to a Conditional Use Permit with stipulations.

In response to Braun's question, Fisher stated that adjacent property owners have expressed support for the proposed improvements.

Braun moved, Marchand seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit with the following stipulations:

1. **Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing the eastern approach closed with vertical curb and gutter to match the existing curb and gutter located along East St. Patrick Street. In addition, the site plan shall show curb stops along any additional parking proposed within this area;**
2. **Prior to Planning Commission approval, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that discharge from the proposed improvements will not exceed pre-development flow rates or local detention facilities shall be provided. In addition, the drainage plan shall include a stormwater treatment plan and calculation for the run-off generated by the first 0.5 inch of rainfall;**
3. **Prior to issuance of a building permit, a waste management plan shall be submitted for review and approval addressing the removal of animal waste and the procedure to clean and sanitize the concrete pad(s). In addition, an Industrial Pre-treatment Permit shall be obtained from the Public Works Department if needed. Waste shall be removed from the site daily in compliance with the approved waste management plan;**
4. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy. In addition, a building permit shall be obtained for the existing surgery trailer;**
5. **The concrete slab and kennels shall be constructed in compliance with the approved Floodplain Development Permit. In addition, no grading or fill shall occur within the Rapid Creek 100 year Floodway;**
6. **The proposed kennels shall conform architecturally to the plans and elevations and color palette submitted as part of this Major Amendment to a Conditional Use Permit;**
7. **The existing structures shall continue to conform architecturally to the plans and elevations previously approved. In particular, the south elevation of both structures shall continue to include a brick veneer to the bottom of the existing windows. The balance of the buildings shall have a dryvet stucco exterior finish and match in color;**
8. **A minimum of 28 parking spaces shall be provided. In addition, one**



- of the parking spaces shall be “van” handicap accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;
9. All provisions of the Light Industrial District and the Flood Hazard District shall be met;
 10. The property shall be used as an animal shelter consisting of the two existing shelter, office and storage buildings, outdoor kennels, a surgery trailer and a canine walk path. The building located closest to East St. Patrick Street shall be used exclusively for storage. Use of the outdoor kennels shall conform with the approved operational plan. In particular, animals shall be allowed outside in the kennels from 7:00 a.m. to 5:00 p.m. No overnight outdoor kenneling of animals shall be allowed. The animals shall not be left outside unattended. Any other use of the property shall require a Major Amendment to the Conditional Use Permit; and,
 11. The Major Amendment to the Conditional Use Permit shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 0 with Braun, Collins, Kinneburgh, Gregg, Marchand 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.

*38. 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** for 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 deny the Conditional Use Permit request without prejudice.

Collins moved, Braun seconded and unanimously carried to deny the Conditional Use Permit to allow an on-sale liquor establishment without prejudice. (6 to 0 with Braun, Collins, Kinneburgh, Gregg, Marchand 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.

There being no further business, Marchand moved, Collins seconded and unanimously carried to adjourn the meeting at 7:33 a.m. (6 to 0 with Braun,



Collins, Kinneburgh, Gregg, Marchand and Scull voting yes and none voting no)