



MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
October 22, 2009

MEMBERS PRESENT: Erik Braun, John Brewer, Dennis Landguth, Linda Marchand, Steve Rolinger and Andrew Scull. Karen Gunderson-Olsen, Council 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 23 be removed from the Consent Agenda for separate consideration.**

**Scull requested that Items 12 be removed from the Consent Agenda for separate consideration.**

**Motion by Landguth, Seconded by Braun and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 24 in accordance with the staff recommendations with the exception of Items 12 and 23. (6 to 0 with Braun, Brewer, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

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

1. Approval of the October 8, 2009 Planning Commission Meeting Minutes.
2. No. 07PL134 - Hyland Crossing Subdivision  
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

**Planning Commission recommended that the Preliminary Plat be denied without prejudice.**



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** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the Dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

**Planning Commission recommended that 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 be denied without prejudice.**

4. No. 08PL131 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Preliminary Plat** on Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 3 Rushmore Business Park, 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 333 Concourse Drive.

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



5. No. 08SV047 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 3 Rushmore Business Park, 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 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 November 5, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat application.**

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

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

**Planning Commission denied the SDCL 11-6-19 Review to allow the construction of a lift station without prejudice.**



7. No. 09CA012 - 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 Low Density Residential to General Commercial** for that portion of Lot 15 Revised of Hillsview Subdivision described as follows: Commencing at the southwest corner of Lot 15 Revised; thence N00°03'23"W 283.51 feet, more or less, to the Point of Beginning; thence N00°03'23"W 198.47 feet, more or less; thence N90°00'00"E 129.91 feet, more or less; thence S00°00'00"E 198.82 feet, more or less; thence N89°50'46"W 129.72 feet, more or less, to the Point of Beginning; located in the NE¼ SE¼ of 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.**

8. No. 09CA013 - 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 Low Density Residential to Light Industrial with a Planned Industrial Development** for that portion of Lot 15 Revised of Hillsview Subdivision described as follows: Beginning at the northeast corner of Lot 15 Revised; thence S00°00'00"E 349.61 feet, more or less; thence N89°50'46"W 200.00 feet, more or less; thence N00°00'00"W 198.82 feet, more or less; thence N90°00'00"W 129.91 feet, more or less; thence N00°03'23"W 150.00 feet, more or less; thence N89°56'06"E 330.06 feet, more or less, to the Point of Beginning; located in the NE¼ SE¼ of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the south 293 feet of Lot 6 of Marshall Subdivision, located in the SE¼ NE¼ of 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.**

9. No. 09CA025 - Section 6, T1N, R8E  
A request by James Hoag for Hoag Land Co., - West Central Mfg. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Business Park with a Planned Commercial Development** for Lots 1 thru 4 of Lot H of Lot 1 of the SW1/4 SE1/4, vacated alley adjacent to said Lots 3 and 4, Lots 3 thru 9 and Lots 5 thru 8 of Lot H of Lot 1 of the SW1/4 SE1/4, Section 6, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 818, 910 and 920 E. St. Andrew Street.

**Planning Commission continued the Amendment to the adopted Comprehensive Plan to change the land use designation from Residential to Business Park with a Planned Commercial Development be continued to the November 5, 2009 Planning Commission meeting at the applicant's**



**request.**

10. No. 09RZ042 - Section 6, T1N, R8E  
A request by James Hoag for Hoag Land Co., - West Central Mfg. to consider an application for a **Rezoning from General Commercial District to Business Park District** of Lots 1 thru 4 of Lot H of Lot 1 of the SW1/4 SE1/4, vacated alley adjacent to said Lots 3 and 4, Lots 3 thru 9 and Lots 5 thru 8 of Lot H of Lot 1 of the SW1/4 SE1/4, Section 6, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 818, 910 and 920 E. St. Andrew Street.

**Planning Commission continued the Rezoning from General Commercial District to Business Park to the November 5, 2009 Planning Commission meeting at the applicant's request.**

11. No. 09OA007 – Ordinance Amendment  
A request by West Central Mfg. - Hoag Land Company to consider an application for an **Ordinance Amendment to Amend Chapter 17.56 (Business Park District) of the Rapid City Municipal Code to allow light manufacturing as a conditional use in Business Park and add Section 17.04.413 to add a definition for light manufacturing.**

**Planning Commission denied the Ordinance Amendment to Amend Chapter 17.56 (Business Park District) of the Rapid City Municipal Code to allow light manufacturing as a conditional use in Business Park and add Section 17.04.413 to add a definition for light manufacturing without prejudice at the applicant's request.**

- \*13. No. 09PD032 - Section 24, T1N, R7E  
A request by Centerline, Inc. for PLM Land Development, LLC to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on 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 November 5, 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.***

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

A request by Bob Brandt for Good Guys, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Tract 1 and Tract 2 of Tuscany 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 approved the Major Amendment to a Planned Commercial Development with the following stipulations:**

- 1. Prior to Planning Commission approval, a Variance from the Sign Code Board of Appeals shall be obtained for the sign located along 3<sup>rd</sup> Street to reduce the setback from ten feet to seven feet or the sign shall be relocated to provide the minimum ten foot setback. In addition, a sign permit shall be obtained;**
- 2. A minimum of 212 parking spaces shall be provided. Seven of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
- 3. The structures shall be used as a bank, medical facility, personal service, carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant and storage unless otherwise specifically authorized as a subsequent Major Amendment to the Planned Commercial Development. In addition, an on-sale liquor use in conjunction with a full service restaurant shall be allowed in the 1,400 square foot restaurant. Any other use shall require a Major Amendment to the Planned Commercial Development;**
- 4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 5. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;**
- 6. The proposed structure(s) shall continue to conform architecturally to the approved plans and elevations and color palette submitted as part of the original Commercial Development Plan(s);**
- 7. A minimum of 129,240 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually**



- maintained in a live vegetative state and replaced as necessary;
8. All signage shall conform to the design, color and location as shown in the sign package submitted and approved 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;
  9. The dumpsters shall be located as shown on the site plan and screened on all four sides as proposed with a four foot high screening fence;
  10. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
  11. All currently adopted International Fire Codes shall be met; and,
  12. 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.

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

\*15. No. 09PD049 - DDE Subdivision

A request by Robert Wordeman to consider an application for a **Planned Industrial Development - Initial and Final Development Plan** on Lot 2 of Lot A of DDE Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1330 Jess Street.

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

1. The following uses shall be allowed: manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, rubber, textiles, tin, iron, steel, wood (excluding saw mill), yard and paint not involving a boiling process; new and used car, truck, motorcycle, snowmobile and boat sales and rentals; farm implement and machinery new and used sales; retail and distribution establishments, including sales, display and show rooms and lots;



offices, studios, clinics and laboratories; printing and secretarial services; mail and parcel services; commercial indoor recreational uses, including gymnasiums, ice skating rinks and similar establishments; the manufacture and maintenance of electronic and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilation ducts and equipment, cornices, eaves and the like; the manufacture of musical instruments, toys, novelties, and rubber and metal stamps; automobile assembling, painting, upholstering, rebuilding, recondition, body and fender work, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing; blacksmith shop and machine shop; foundry casting, lightweight nonferrous metal not causing noxious fumes or odors; and, wholesale or warehouse enterprise. Any change in land uses not approved by this Planned Industrial Development will require a Major Amendment to the Planned Industrial Development;

2. A Building Permit shall be obtained prior to occupancy of the building, the construction of the parking lot, and the construction of the storefront. In addition, a Certificate of Occupancy shall be obtained prior to use of the building;
3. The proposed storefront improvement shall conform architecturally to the approved plans and elevations and a Building Permit shall be obtained prior to construction;
4. Prior to construction of the asphalt parking lot, a Building Permit shall be obtained and a drainage analysis and drainage report shall be submitted for review and approval;
5. A minimum of 31 parking spaces shall be provided. In addition, two 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;
6. 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;
7. All signage shall conform to the approved sign package. 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. The currently adopted International Fire Codes shall be continually met;
9. A minimum of 33,924 landscaping points shall be provided. The landscaping shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live





- vegetative state and replaced as necessary; and,
10. **The Planned Industrial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning commission for the approved uses, or if the use as approved has ceased for a period of two years. However, the additional parking lot and store front construction may be phased over time and extend beyond the 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.***

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

18. 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 eastern extension of Conestoga Court.



**Planning Commission continued the Preliminary Plat to the November 5, 2009 Planning Commission meeting to allow the applicant to submit additional information.**

19. No. 09PL060 - North Rapid Addition

A request by Renner & Associates for Black Hills Workshop to consider an application for a **Layout Plat** for proposed Lots A & B of Lot 22R of Block 18 of North Rapid Addition, legally described as Lot 22R of Block 18 of North Rapid Addition, located in the S1/2 of the NW1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 702 Allen Avenue.

**Planning Commission recommended 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 the alley to serve as the principal means of access in lieu of a secondary means of access as per the Street Design Criteria Manual or the principal means of access shall be taken from Allen Avenue;**
2. **Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow an approach width in excess of 20 feet or the plat document shall be revised to show a non-access easement along the alley as per the Street Design Criteria Manual;**
3. **Upon submittal of a Preliminary Plat application, a Master Utility Plan showing private and public utilities for the entire site shall be submitted for review and approval. In addition, the plat document shall be revised to show utility easements as needed;**
4. **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 if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;**
5. **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;**
6. **Upon submittal of a Preliminary Plat application, road construction plans for Allen Avenue shall be submitted for review and approval. In particular, the road construction plans shall show the extension of water along the southern 30 feet as it abuts the property and the extension of sewer or a Variance to the Subdivision Regulations shall be obtained;**
7. **Upon submittal of a Preliminary Plat application, road construction plans for North Street shall be submitted for review and approval. In particular, the road construction plans shall show the extension of water and sewer or a Variance to the Subdivision Regulations shall be obtained;**



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 a Preliminary Plat application, a site plan shall be submitted showing the wetlands located on the property, if applicable. In addition, the plat document shall be revised to show these areas within drainage easements as needed;
  11. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along North Street and the first 50 feet of Allen Avenue;
  12. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show the existing drainage easement extended to include the northern portion of the existing drainage pipe located in the southeast corner of the property;
  13. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  14. 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;
  15. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
  16. 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.
20. No. 09PL063 - Blakes Addition  
A request by Lund Associates, Ltd. For Pennington County Housing to consider an application for a **Preliminary Plat** for proposed Lot A of Blakes Addition, legally described as Lots 21 thru 24, 25 thru 30, 31 thru 34 and 40 feet of East St. Louis Street between Racine Street and LaCrosse Street of Blakes Addition, located in the SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 101 and 115 Lacrosse Street.



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

1. **Prior to Preliminary Plat approval by the Planning Commission, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, applicant shall submit a copy of the recorded Permanent Access Easement to the Water Shutoff Valve;**
3. **Upon submittal of a Final Plat, all certificates should be corrected to comply with the Final Plat certificate requirements;**
4. **Upon submittal of a Final Plat application, surety shall be posted for any required subdivision improvements that have not been completed and the subdivision inspection fees shall be paid;**
5. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and**
6. **The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.**

21. No. 09SR087 - Blakes Addition

A request by Lund Associates LTD for Pennington County Housing and Redevelopment to consider an application for a **SDCL 11-6-19 Review to allow structures on public property and to extend public utilities** on Lots 21 thru 34 of Block 16 of Blakes Addition and the north 40 feet of East St. Louis Street between Racine Street and LaCrosse Street all located in the SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 101 and 115 LaCrosse Street.

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

22. No. 09RD005 - Century 21 Subdivision

A request by City of Rapid City to consider an application for a **Resolution for a Road Name Change renaming a portion of Century Road to Utica Street** on Century Road right-of-way abutting that portion of Tract 1 of Century 21 Subdivision lying north of Lot H1 of Tract 1 of Century 21 Subdivision, located in the NW1/4 of Section 32, T2N, R8E, and in the SW1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Century Road north of the intersection of E. Anamosa Street and Century Road.

**Planning Commission recommended that the old portion of Century Road north of Century 21 Subdivision be changed to Utica Street.**

24. No. 09SR086 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19**



**Review to allow 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 at 301 North Fifth Street.

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

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

\*12. 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** on 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 because of a customer relationship.

**Braun moved, Marchand seconded and carried to approve the Major Amendment to the Planned Commercial Development with the exclusion of an on-sale liquor establishment and with revised uses which include the following stipulations:**

1. **The following uses shall be allowed: sports club or health spa, a veterinary establishment, provided that all animals shall be kept inside soundproof, air conditioned buildings, retail sales, medical offices not to include drop in patients and/or emergency care facilities, professional and business offices and/or storage. Any other use shall require a Major Amendment to the Planned Commercial Development. In particular, a Major Amendment to the Planned Commercial Development shall be required in order to allow on-sale liquor on the subject property;**
2. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
3. **Prior to issuance of a building permit, the site plan shall be revised to show the "Keep Right" sign within the approach off Sheridan Lake Road. In addition, prior to issuance of a Certificate of Occupancy, the sign shall be placed as identified.**
4. **The proposed structure(s) shall continue to conform architecturally to the approved plans, color palette and elevations;**
5. **All signage shall conform to the previously approved sign package. 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;
6. A minimum of 76,023 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  7. A minimum of 47 parking spaces shall be provided with two handicap accessible spaces. One of the handicap spaces shall be "van" accessible. In addition, three stacking lanes shall be provided for the coffee shack's drive through window. All provisions of the Off-Street Parking Ordinance shall be continually met. Expansion of the permitted uses shall be allowed contingent upon the minimum number of off-street parking spaces being provided pursuant to the Parking Regulations;
  8. A six foot high wood privacy fence shall be maintained in compliance with the approved location and design plans;
  9. All currently adopted International Fire Codes shall be met; 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 City Council, or if the use as approved has ceased for a period of two years. (5 to 0 to 1 with Braun, Brewer, Landguth, Marchand and Rolinger 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.*

23. No. 09RZ043 - Marshall Subdivision  
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** of the south 293 feet of Lot 6 of Marshall Subdivision, 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.

Bulman presented the staff recommendation to continue the Rezoning from No Use District to Low Density Residential District to the November 5, 2009 Planning Commission meeting.

**Rolinger moved, Brewer seconded and unanimously carried to continue the Rezoning from No Use District to Low Density Residential District to the November 5, 2009 Planning Commission meeting. (6 to 0 with Braun, Brewer, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

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

25. No. 09SR026 - South Boulevard Addition



A request by Steven Dunn for Black Hills Power to consider an application for a **SDCL 11-6-19 Review to expand a utility substation** on Lots 19 thru 26 of Block 32 of South Boulevard Addition and the ten foot wide portion of the adjacent vacated alley all located in the NW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east side of Fifth Street between Cleveland and Oakland Street.

Elkins presented the staff recommendation to approve the SDCL 11-6-19 request noting general compliance with the adopted Comprehensive Plan with the exception of requested reductions in the required setbacks.

Peggy Vettick, area resident expressed her concern for the proposed expansion to the substation. Vettick asked if issues raised by the neighborhood had been documented. Vettick expressed concern for vehicle access and visibility. Vettick commented on legal issues that may arise from the proposed increased expansion of the substation. Vettick expressed her opposition to the proposed increase in use and concern with the potential impact on the health and safety of the area residents and on property values.

Scull stated that staff would provide information regarding the use by Rapid City Regional Hospital.

Jim Stedjef, area resident, expressed his opposition to the expansion of the substation on the subject property. Stedjef expressed concern for the lack of maintenance to the landscaping by Black Hills Power, the impact on his residence and on his property values.

Aida Compton, area resident expressed her concern with information submitted by Black Hills Power assessment of the alternative locations. Compton reviewed other alternate locations that were addressed by Black Hills Power. Compton commented that Black Hills Power attempted to address concerns presented by the neighborhood. Compton stated that impact to property values were not addressed by Black Hills Power. Compton requested information on the alternative sites so as not to affect property values.

Ed Thompson, area resident expressed concern with the lack of effort on the part of the applicant to find alternative locations. Thompson expressed concern for increased noise levels and drainage issues, reduced property values and health concerns. Thompson commented that with the requested reduction in setbacks the lot size appears to be inadequate.

George Brown, area resident expressed opposition to the close proximity to his residence noting the request for a reduced setback to the area adjacent to his home and the lack of a buffer along the property line adjacent to his home. Brown expressed concern for the possible negative impact to his property.

Ron Dahlinger, Engineering Director for Black Hills Power reviewed the alternate locations they had explored. Dahlinger noted the proposed landscaping plan to mitigate visibility to the substation. Dahlinger stated that low noise transformers are proposed and the noise level would be reduced.



In response to Scull's question, Dahlinger stated that Rapid City Regional Hospital is part of load that needs to be served. Dahlinger identified other commercial businesses that would be served by the substation. Dahlinger stated that there is a 15 to 20 percent load that is drawn from the substation for the Rapid City Regional Hospital. Dahlinger stated that the Rapid City Regional Hospital may be hamstrung in its future growth from the limited power available from the existing substation. Dahlinger stated that the expansion is necessary to serve the existing and future loads in the area.

In response to Scull's question, Dahlinger stated that the south substation is currently utilized as back up, but as development occurs south of Minnesota Street along Fifth Street, the South substation will not be available for back up.

In response to Scull's question, Dahlinger stated that the goal is to provide service at a reasonable cost. Dahlinger expressed his support for the proposed expansion of the location to provide service to the customer base.

In response to Scull's question, Elkins reviewed the location of the City's detention cell along Mt. Rushmore Road.

Elkins requested clarification on the noise levels from the proposed unit in contrast to the existing units noting the information previously submitted indicated that the noise levels would increase with the expansion.

Dahlinger presented additional information regarding the proposed equipment. Discussion continued regarding the anticipated noise levels.

In response to Scull's question, Steven Dunn of Black Hills Power reviewed the noise levels and indicated they were measured by walking around the perimeter of the fence. Discussion followed.

In response to Rolinger's question, Dunn stated that equipment is different than the equipment at the Old Folsom Road Intertie. Dunn stated that the equipment on Old Folsom Road is larger than what currently exists on the site or the proposed expansion.

Rolinger expressed his concern with Rapid City Regional Hospital's unwillingness to allow a substation on their property to serve the electrical demand they are creating.

In response to Rolinger's question, Dahlinger stated that Rapid City Regional Hospital did not have land available to accommodate a substation.

In response to Braun's question, Dahlinger stated that the plan for the site is to provide service for the additional load. Dahlinger reviewed the need to increase the capacity on the site. Dahlinger commented on possible growth scenarios.

Marchand expressed concern for the safety of surrounding pedestrian traffic including young children.





Dahlinger stated that landscape design have been designed to mitigate negative impact of the facility on the pedestrian traffic.

In response to Braun's question, Dahlinger reviewed the design requirements of the proposed expansion.

In response to Scull's question, Dahlinger stated he has no information regarding the impact of the proposed expansion to area property values.

Rolinger expressed his concern with the noise levels resulting from the increased use of the substation.

In response to Scull's question, Elkins reviewed the issue of possible health impacts of electro-magnetic fields noting the lack of conclusive evidence relative to previous cellular tower discussions. Elkins cited the lack of definitive studies regarding the possible health impacts. Discussion followed.

In response to Scull's question, Dahlinger reviewed difficulties in getting a transmission line to a possible alternate site. Discussion continued.

Aida Compton asked if the substation is currently on a hillside. Compton suggested that the facility could be located at the vacant site at Mt. Rushmore Road and Cleveland Street.

In response to Scull's question, Elkins reviewed the location suggested and the current use of a portion of the site as a detention cell for storm water runoff. Elkins stated that an underground storm water storage unit has been installed.

Brown expressed concern that there would be lack of a noise buffer between the subject property and his property.

In response to Stedjef, Dahlinger stated that the existing transmission line is 12,000 volts and that the overhead line would be taken down and placed underground. Discussion followed.

Landguth stated that he would be abstaining from discussion and voting due to a potential perceived conflict of interest due to his family's long term connection with Black Hills Power.

Vettick stated that she has concerns as a health care provider with the impact of the facility on the health of the area residents.

Brewer expressed his support for the neighborhood concerns and would confirm the denial.

**Braun moved, Marchand seconded and carried to deny the SDCL 11-6-19 Review to expand a public utility (for the above ground improvements only) due to the fact that the applicant has not examined in enough detail all of the alternative sites available for the location of the substation expansion**



**and the fact that the facility cannot comply with the minimum required setbacks outlined in the Zoning Ordinance. (5 to 0 to 1 with Braun, Brewer, Marchand, Rolinger and Scull voting yes and none voting no and Landguth abstaining)**

\*26. 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** on 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.

Elkins presented the staff recommendation to continue the Planned Commercial Development – Initial and Final Development Plan to the December 10, 2009 Planning Commission meeting.

**Rolinger moved, Marchand seconded and unanimously carried to recommend that the Planned Commercial Development - Initial and Final Development Plan be continued to the December 10, 2009 Planning Commission meeting. (6 to 0 with Braun, Brewer, 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.***

\*27. No. 09PD048 - Stoney Creek South Subdivision

A request by Sperlich Consulting, Inc. for J. Scull Construction to consider an application for a **Planned Commercial Development - Initial and Final Development to include an on-sale liquor establishment** on 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 at 5550 Sheridan Lake Road.

Elkins presented the staff recommendation to continue the Planned Commercial Development - Initial and Final Development to include an on-sale liquor establishment to the November 5, 2009 Planning Commission meeting.

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

**Brewer moved, Marchand seconded and carried to recommend that the Planned Commercial Development - Initial and Final Development Plan be continued to the November 5, 2009 Planning Commission meeting. (5 to 0 to 1 with Braun, Brewer, Landguth, Marchand and Rolinger 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.***

Fisher requested that items 28 and 29 be taken concurrently.

28. 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.
29. 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 Regulations requests to the November 19, 2009 Planning Commission meeting.

**Rolinger moved, Marchand 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 November 19, 2009 Planning Commission meeting. (6 to 0 with Braun, Brewer, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

Fisher requested that items 30 and 31 be taken concurrently.

30. No. 09PL061 - Clemmons Addition  
A request by Fisk Land Surveying & Consulting Engineers for Hewey Clemmons to consider an application for a **Layout and Preliminary Plat** for proposed Lots A and B of Clemmons Addition, legally described as a portion of the balance of Lot 3 of the S½SW¼, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter



section line, S00°04'53"W a distance of 1,050.36 feet, more or less; thence, N63°41'40"W a distance of 205.00 feet, more or less; thence, N84°39'26"W a distance of 270.00 feet, more or less; thence, N33°30'20"W a distance of 84.00 feet, more or less; thence, N00°00'00"W a distance of 796.70 feet, more or less; thence, N57°23'22"W a distance of 117.40 feet, more or less; thence, N03°48'46"E a distance of 95.00 feet, more or less; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'31", an arc length of 442.55 feet, and a chord bearing and distance of S62°19'02"E 442.44 feet, more or less; thence, continuing southeasterly along the southerly edge of the adjoining right-of-way, S64°32'29"E a distance of 72.19 feet more or less, to the point of beginning, more generally described as being located at 6299 East Highway 44.

31. No. 09SV020 - Clemmons Addition

A request by Fisk Land Surveying & Consulting Engineers for Hewey Clemmons 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 and to reduce the street surface width from 24 feet to 18 and 10 feet, respectively, as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots A and B of Clemmons Addition, legally described as a portion of the balance of Lot 3 of the S½SW¼, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet, more or less; thence, N63°41'40"W a distance of 205.00 feet, more or less; thence, N84°39'26"W a distance of 270.00 feet, more or less; thence, N33°30'20"W a distance of 84.00 feet, more or less; thence, N00°00'00"W a distance of 796.70 feet, more or less; thence, N57°23'22"W a distance of 117.40 feet, more or less; thence, N03°48'46"E a distance of 95.00 feet, more or less; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'31", an arc length of 442.55 feet, and a chord bearing and distance of S62°19'02"E 442.44 feet, more or less; thence, continuing southeasterly along the southerly edge of the adjoining right-of-way, S64°32'29"E a distance of 72.19 feet more or less, to the point of beginning, more generally described as being located at 6299 East Highway 44.

Fisher presented the staff recommendation to approve the Layout and Preliminary Plat and to deny in part and to approve in part the Variance to the Subdivision Regulations with stipulations. Fisher added that staff is sensitive to the requirement for improvements to accommodate any future development.



Hewey Clemmons, the applicant reviewed the complications of development of the subject property. Clemmons requested that the Planning Commission approve the Variances as requested. Clemmons expressed his opinion that the requirement to install sidewalks, sewer, pavement and a sprinkler system to the proposed new residence is an unnecessary and a financial burden. Clemmons added that he would be willing to increase the access width.

In response to Scull's question, Fisher identified the lot in question.

In response to Scull's question, Clemmons opposed the requirement for a sprinkler system to be installed in new residential construction claiming an unnecessary financial burden. Discussion followed.

In response to Braun's question, Behlings identified the Fire Code requirements to install a sprinkler system in new residential construction. Behlings reviewed how a residential sprinkler system functions. Discussion followed.

In response to Landguth's question, Finck identified the difficulty and expense in installing a sewer line connection to the main sewer trunk line.

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

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans for the access street extending south from S.D. Highway 44 to the property shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, a copy of the approved driveway permit from the South Dakota Department of Transportation for the access street shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, 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 a Variance to the Subdivision Regulations is obtained and individual on-site wastewater systems are utilized as proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
- 4. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a Variance to the Subdivision Regulations is approved and a private water system is utilized as proposed, then a note shall be placed on**



the plat stating that "All new residential structures shall be fire sprinklered". In addition, the plat document shall be revised to show utility easements as needed;

5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
8. The approved Layout and Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council; and

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and water along the access street be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;
2. Prior to City Council approval, construction plans shall be submitted for review and approval showing a sidewalk along one side of the access street;
3. Prior to submittal of a Final Plat application, a note shall be placed on the plat stating that "All new residential structures shall be fire sprinklered"; and,

That the Variance to the Subdivision Regulations to reduce the minimum required 24 foot wide paved surface be approved with the following stipulations:

1. That a minimum 20 foot wide paved surface be provided; and,
2. That the existing 15 foot wide cattle guard be replaced with a minimum 20 foot wide cattle guard; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied. (5 to 1 with Braun, Brewer, Landguth, Marchand and Rolinger voting yes and Scull voting no)

\*34. 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.

Elkins presented the staff recommendation to deny the Conditional Use Permit request without prejudice.

**Landguth moved, Rolinger seconded and unanimously carried to deny the Conditional Use Permit to allow an on sale liquor establishment without**



**prejudice. (6 to 0 with Braun, Brewer, 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.***

**Rolinger moved, Landguth seconded and unanimously carried to extend the Planning Commission meeting past the 9:00 a.m. deadline. (6 to 0 with Braun, Brewer, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

32. 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 St. Joseph Street from First Street to Fifth Street.

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

**Brewer moved, Marchand seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct improvements in the public right-of-way. (6 to 0 with Braun, Brewer, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

33. No. 09SR085 - Lien Subdivision

A request by Chris Haiar for SDN Communications to consider an application for a **SDCL 11-6-19 Review request to install public utilities in the public right-of-way** on the right-of-way adjacent to Lot 4 of Tract A less the north 960 feet of Lien Subdivision, located in the NE1/4 SE1/4, Section 21, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3555 Deadwood Avenue North.

Elkins presented the staff recommendation to continue the SDCL 11-6-19 Review to the November 5, 2009 Planning Commission meeting.

**Rolinger moved, Brewer seconded and unanimously carried to continue the SDCL 11-6-19 Review to install a public utility in the public right-of-way to the November 5, 2009 Planning Commission meeting. (6 to 0 with Braun, Brewer, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**



35. Discussion Items

36. Staff Items

- A. Appointment of Janet Kaiser to represent the Rapid City Area School District on the Future Land Use Committee.

Elkins presented the recommendation to approve Janet Kaiser to represent the Rapid City Area School District on the Future Land Use Committee.

**Marchand moved, Braun seconded and unanimously carried to approve the appointment of Janet Kaiser to represent the Rapid City Area School District on the Future Land Use Committee. (6 to 0 with Braun, Brewer, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

38. Committee Reports

**There being no further business, Landguth moved, Rolinger seconded and unanimously carried to adjourn the meeting at 9:08 a.m. (6 to 0 with Braun, Brewer, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**