



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 5, 2009

MEMBERS PRESENT: Erik Braun, John Brewer, Gary Brown, Barb Collins, Julie Gregg, Doug Kinniburgh, Dennis Landguth, Andrew Scull and Diane Zephier. Karen Gunderson-Olsen, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Monica Heller, Vicki Fisher, Karen Bulman, Patsy Horton, Ted Johnson, Karley Halsted, Tim Behlings, Mike Schad and Risë Ficken.

Scull called the meeting to order at 7:03 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 Item 31 be removed from the Consent Agenda for separate consideration.

Scull requested that Items 12, 13, 14 and 15 be removed from the Consent Agenda for separate consideration.

Motion by Kinniburgh, Seconded by Braun and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 32 in accordance with the staff recommendations with the exception of Items 12, 13, 14, 15 and 31. (8 to 0 with Braun, Brown, Collins, Gregg, Kinniburgh, Landguth, Scull and Zephier voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the October 15, 2009 Special Planning Commission meeting minutes and the October 22, 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 19, 2009 Planning Commission meeting.

3. No. 09CA019 - Flormann Addition and West Boulevard Addition
A request by Peter Neumann for Mills Drug, Inc. 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 Residential to General Commercial** for 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 approved the Summary of Adoption and authorized publication in the Rapid City Journal.

4. No. 09CA020 - Meadowwood
A request by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks 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 Public** for 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 approved the Summary of Adoption and authorized publication in the Rapid City Journal.

5. No. 09CA021 - Meadowwood
A request by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks 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 Public** for 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 approved the Summary of Adoption and authorized publication in the Rapid City Journal.

6. No. 09CA022 - NWE Subdivision
A request by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks 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 with a Planned Commercial Development to Public for a parcel of land located in the SE1/4 NW1/4, 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 approved the Summary of Adoption and authorized publication in the Rapid City Journal.

7. No. 09CA023 - NWE Subdivision

A request by Ferber Engineering Co, Inc. for South Dakota Game Fish and Parks 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 Office Commercial with a Planned Commercial Development to Public** for 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 approved the Summary of Adoption and authorized publication in the Rapid City Journal.

8. No. 09CA024 - GFP Subdivision

A request by Ferber Engineering Co, Inc. for South Dakota Game Fish and Parks 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 Public** for a parcel of land located in SW¼ NW¼, 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 approved the Summary of Adoption 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 on 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 recommended that the Amendment to the adopted Comprehensive Plan to change the land use designation from Residential to Business Park with a Planned Commercial Development be approved.

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 recommended that the Rezoning from General Commercial District to Business Park be approved in conjunction with the associated Comprehensive Plan Amendment.

11. No. 09OA008 – Ordinance Amendment

A request by West Central Mfg. - Hoag Land Company to consider an application for an **Ordinance Amendment to Amend Chapter 17.56.030 (Business Park District) to allow the following as a conditional use if within a completely enclosed building:** 1. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soaps, toiletries and food products; 2. The 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; 3. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas; 4. The manufacture of firearms, not to include the manufacture of ammunition; 5. The manufacture of musical instruments, toys, novelties, and rubber and metal stamps; 6. Laboratories and establishments for production and repair of jewelry, eye glasses, hearing aids, prosthetic appliances and dental appliances. Retail trade of these activities must accompany the wholesale or production process.

Planning Commission recommended approval of the Ordinance Amendment to Amend Chapter 17.56.030 (Business Park District) to allow



the following as a conditional use if within a completely enclosed building:
1. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soaps, toiletries and food products; 2. The 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; 3. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas; 4. The manufacture of firearms, not to include the manufacture of ammunition; 5. The manufacture of musical instruments, toys, novelties, and rubber and metal stamps; and 6. Laboratories and establishments for production and repair of jewelry, eye glasses, hearing aids, prosthetic appliances and dental appliances. Retail trade of these activities must accompany the wholesale or production process.

16. No. 09CA028 - Rushmore Center

A request by Dream Design International, Inc. to consider an application for an **Amendment to the adopted Comprehensive Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** on a portion of Tract C of Rushmore Center, located in the E½ of the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northwesterly corner of Tract C of Rushmore Center, common to a corner on the southerly boundary of Tract A of Block 2 of Rushmore Crossing, and the point of beginning, Thence first course: S60°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.52 feet to the southeasterly corner of said Tract A, common to the southwestly corner of Tract B of Block 2 of Rushmore Crossing; Thence, second course: S60°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 471.28 feet; Thence, third course: S50°54'28"W, distance of 950.41, to a point on the westerly edge of Luna Avenue right-of-way; Thence, fourth course: N01°57'56"E, along the westerly edge of said Luna Avenue right-of-way, distance of 19.99 feet; Thence, fifth course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of N01°03'52"E, and chord distance of 61.97 feet; Thence, sixth course: N00°09'48"E, along the westerly edge of said Luna Avenue right-of-way, distance of 816.92 feet; Thence, seventh course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 03°25'22", a length of 28.44 feet, a chord bearing of N01°32'53"W, and chord distance of 28.43 feet; Thence, eighth course: N86°44'26"E, distance of 60.00 feet, to a point on the westerly boundary of said Tract C, common to a point on the easterly edge of said Luna Avenue right-of-way; Thence ninth



course: curving to the left, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, on a curve with a radius of 536.00 feet, a delta angle of 05°10'30", a length of 48.41 feet, a chord bearing of N05°50'50"W, and chord distance of 48.40 feet, to the point of beginning, more generally described as being located at 1520 Luna Avenue.

Planning Commission continued the Amendment to the adopted Comprehensive Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development to the November 19, 2009 Planning Commission meeting.

17. No. 09RZ048 - Rushmore Center

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** of a portion of Tract C of Rushmore Center, located in the E½ of the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northwesterly corner of Tract C of Rushmore Center, common to a corner on the southerly boundary of Tract A of Block 2 of Rushmore Crossing, and the point of beginning, Thence first course: S60°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.52 feet to the southeasterly corner of said Tract A, common to the southwest corner of Tract B of Block 2 of Rushmore Crossing; Thence, second course: S60°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 471.28 feet; Thence, third course: S50°54'28"W, distance of 950.41, to a point on the westerly edge of Luna Avenue right-of-way; Thence, fourth course: N01°57'56"E, along the westerly edge of said Luna Avenue right-of-way, distance of 19.99 feet; Thence, fifth course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of N01°03'52"E, and chord distance of 61.97 feet; Thence, sixth course: N00°09'48"E, along the westerly edge of said Luna Avenue right-of-way, distance of 816.92 feet; Thence, seventh course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 03°25'22", a length of 28.44 feet, a chord bearing of N01°32'53"W, and chord distance of 28.43 feet; Thence, eighth course: N86°44'26"E, distance of 60.00 feet, to a point on the westerly boundary of said Tract C, common to a point on the easterly edge of said Luna Avenue right-of-way; Thence ninth course: curving to the left, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, on a curve with a radius of 536.00 feet, a delta angle of 05°10'30", a length of 48.41 feet, a chord bearing of N05°50'50"W, and chord distance of 48.40 feet, to the point of beginning, more generally described as being located at 1520 Luna Avenue.

Planning Commission continued the Rezoning from General Agriculture District to General Commercial to the November 19, 2009 Planning Commission meeting.



*18. No. 09PD051 - Rushmore Center

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for a portion of Tract C of Rushmore Center, located in E½ of the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northwesterly corner of Tract C of Rushmore Center, common to a corner on the southerly boundary of Tract A of Block 2 of Rushmore Crossing, and the point of beginning, Thence first course: S60°51'06"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.46 feet to the southeasterly corner of said Tract A, common to the southwest corner of Tract B of Block 2 of Rushmore Crossing; Thence, second course: S60°52'33"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 9.77 feet; Thence, third course: S29°09'15"W, distance of 115.47 feet; Thence, fourth course: S00°06'45"W, distance of 153.92 feet; Thence, fifth course: N89°50'08"W, distance of 214.75 feet, to a point on the westerly boundary of said Tract C, common to the easterly edge of Luna Avenue right-of-way; Thence, sixth course: N00°09'48"E, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, a distance of 328.13 feet; Thence seventh course: curving to the left, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, on a curve with a radius of 536.00 feet, a delta angle of 08°35'09", a length of 80.32 feet, a chord bearing of N04°09'13"W, and chord distance of 80.25 feet, to the northwesterly corner of said Tract C, common to a corner on the southerly boundary of said Tract A, and the point of beginning, more generally described as being located at 1520 Luna Avenue.

Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the November 19, 2009 Planning Commission meeting.

*19. 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** of 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 19, 2009 Planning Commission meeting.

20. 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 19, 2009 Planning Commission meeting.

21. 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 19, 2009 Planning Commission meeting.

22. 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 November 19, 2009 Planning Commission meeting.

23. No. 09PL066 - Rushmore Center

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 1 of Tract C of Rushmore Center, legally described as Tract C of Rushmore Center, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 Luna Avenue.

Planning Commission continued the Preliminary Plat to the November 19, 2009 Planning Commission meeting.

24. No. 09SV021 - Rushmore Center

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer and street light conduit on the shared access easement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1 of Tract C of Rushmore Center, legally described as a portion of Tract C of Rushmore Center, located in E $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Tract C of Rushmore Center, common to a corner on the southerly boundary of Tract A of Block 2 of Rushmore Crossing, and the point of beginning, Thence first course: S60°51'06"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.46 feet to the southeasterly corner of said Tract A, common to the southwest corner of Tract B of Block 2 of Rushmore Crossing; Thence, second course: S60°52'33"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 9.77 feet; Thence, third course: S29°09'15"W, distance of 115.47 feet; Thence, fourth course: S00°06'45"W, distance of 153.92 feet; Thence, fifth course: N89°50'08"W, distance of 214.75 feet, to a point on the westerly boundary of said Tract C, common to the easterly edge of Luna Avenue right-of-way; Thence, sixth course: N00°09'48"E, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, a distance of 328.13 feet; Thence seventh course: curving to the left, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, on a curve with a radius of 536.00 feet, a delta angle of 08°35'09", a length of 80.32 feet, a chord bearing of N04°09'13"W, and chord distance of 80.25 feet, to the northwesterly corner of said Tract C, common to a corner on the southerly boundary of said Tract A, and the point of beginning, more generally described as being located at 1520 Luna Avenue.

Planning Commission continued the Variance to the Subdivision Regulations to the November 19, 2009 Planning Commission meeting.



25. No. 09RD006 - Jackson View Addition

A request by Olsen Development Company, Inc. to consider an application for a **Resolution for a Road Name Change from Clark Street to Clearview Lane** on the Clark Street 50 foot right-of-way between Lot 49 Shaver Block 2 and Lot 1 of Railroad Block 3 of Jackson View Addition, located in the SW1/4 NW1/4 Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Clark Street between West Fulton Street and the intersection of Jackson Boulevard and Mountain View Road.

Planning Commission recommended approval of the Road Name Change from Clark Street to Clear View Lane.

26. 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.

Planning Commission recommended approval of the Rezoning from No Use District to Low Density Residential District.

27. 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 December 10, 2009 Planning Commission meeting.

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

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

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

29. No. 09SR089 - Schnasse Addition

A request by Faulk & Foster for WWC License LLC d/b/a Alltel to consider an



application for a **SDCL 11-6-19 Review to construct communication antennas** on Lots 1 thru 5 and Lots 19 and 20 in Block 15 of Schnassee Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 115 East North Street.

Planning Commission approved the SDCL 11-6-19 Review to construct communication antennas, the Exception request to allow the alley to serve as the primary access, the Exception request to allow backing into the alley and the Exception request to allow a 192 square foot equipment shelter in lieu of a maximum 100 square foot equipment shelter.

30. No. 09SR090 - Jackson Park Subdivision

A request by Randy Lyons for City of Rapid City Parks and Recreation to consider an application for a **SDCL 11-6-19 Review to construct a public pedestrian access** on Lots 5 and 6 of Block 1, Lots 3 thru 19 of Block 2, Lots 1A, 1B, 2A, 2B, 3A, 3B, P, P-1, 4-11, 12A, 12B, 13A, 13B, 13C, 14A, 14B, and 15-17 of Block 3, Block 4 and right of way located within Blocks 2, 3 and 4, all located in Jackson Park Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located southwest of the intersection of Jackson Boulevard and Chapel Lane.

Planning Commission continued the SDCL 11-6-19 Review to construct a public pedestrian access to the November 19, 2009 Planning Commission meeting.

32. No. 09VR007 - Deadwood Avenue Tract and Fowler Subdivision

A request by FMG, Inc. for Horst Properties, LLC to consider an application for a **Vacation of Right-of-way** on a 20 foot wide section of Rand Road right-of-way adjacent to Lot B of Tract F of Deadwood Avenue Tract and Lot C of Fowler Subdivision all located in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34, T2N, Range R7E, BHM, Pennington County, Rapid City, South Dakota, Commencing at a point which is a $\frac{1}{2}$ " rebar marking the northeast corner of Lot B of Tract F of Deadwood Avenue Tract located in in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 34, T2N, Range R7E, BHM, Pennington County, Rapid City, South Dakota which is the point of beginning, Thence N00°15'22"E a distance of 74.44 feet to a point; Thence S80°32'39"E a distance of 20.26 feet to a point; Thence S00°15'21"W a distance of 71.14 feet to a point; Thence S00°05'08"E a distance of 384.52 feet to a point; Thence S89°54'52"W a distance of 20.00 feet to a point; Thence N00°00'00"E a distance of 385.00 feet to the point of beginning, more generally described as being located on that portion of Rand Road south of Commerce Road and east of Deadwood Avenue.

Planning Commission recommended that the Vacation of Right-of-way be approved with the following stipulations:

1. **Prior to City Council approval, the applicant shall submit a signed utility easement retaining this portion of Rand Road as a "Public and Private Utility Easement"; and,**
2. **Approval of this Vacation of Right-of-way request by the Planning**



Commission shall authorize the vacation of the right-of-way pursuant to SDCL 11-6-22.

---END OF CONSENT CALENDAR---

Elkins advised that Kinniburgh indicated that he would abstain from voting on Items 12, 13, 14 and 15. Elkins requested that the items be considered concurrently.

12. No. 09CA026 - Jepsen Subdivision
A request by City of Rapid City to consider an application for an **Amendment to the adopted Comprehensive Plan to change the land use designation from Light Industrial with a Planned Industrial Development to Low Density Residential** on Tract B of Jepsen Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3033 South Valley Drive.
13. No. 09RZ046 - Jepsen 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 Tract B of Jepsen Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3033 South Valley Drive.
14. No. 09CA027 - Section 9, T1N, R8E
A request by City of Rapid City to consider an application for an **Amendment to the adopted Comprehensive Plan to change the land use designation from Public to Low Density Residential** on Lot A of Lot 5, Lot 7 and a portion of Lots 5 and 6 of the SW1/4 NW1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington, more generally described as being located at 2819 and 2826 Garden Lane.
15. No. 09RZ047 - Section 9, T1N, R8E
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** of Lot A of Lot 5, Lot 7 and a portion of Lots 5 and 6 of the SW1/4 NW1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2819 and 2826 Garden Lane.

Landguth moved, Collins seconded and carried to recommend approval of the Amendment to the adopted Comprehensive Plan to change the land use designation from Light Industrial with a Planned Industrial Development to Low Density Residential, to recommend that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with the Comprehensive Plan Amendment, to recommend approval of the Amendment to the adopted Comprehensive Plan to change the land use designation from Public to Low Density Residential, and, to recommend that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with the Comprehensive Plan Amendment. (7 to



0 to 1 with Braun, Brown, Collins, Gregg, Landguth, Scull and Zephier voting yes, none voting no and with Kinniburgh abstaining)

31. No. 09VR006 - Section 27, T2N, R8E

A request by Renner & Associates for South Dakota Board of Regents to consider an application for a **Vacation of Section Line Highway** on the Section Line right-of-way located adjacent to the SW1/4 of Section 27, T2N, R8E, and the NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Cheyenne Boulevard.

Elkins provided a brief description of the request and noted staff's recommendation to continue this item to allow the applicant to submit a master plan for the development. Elkins indicated that the applicant met with staff yesterday, submitted a copy of the plans and is requesting that this item proceed at this time in an effort to accommodate their time schedule for the project. Elkins added that the applicant has indicated that they will submit an application for a SDCL 11-6-19 Review for the project for consideration at the November 19, 2009 Planning Commission meeting. Elkins noted staff's recommendation for approval of the Vacation of Section Line Highway.

Bill Noordermeer, property owner's representative, stated that the requested vacation of the section line highway is a housekeeping issue that was not addressed during the platting process. Noordermeer requested approval of the section line highway vacation at this time noting that staff will provide additional review of the project plans to be submitted as a SDCL 11-6-19 application.

Collins moved, Brown seconded and carried unanimously to recommend approval of the Vacation of Section Line Highway. (8 to 0 with Braun, Brown, Collins, Gregg, Kinniburgh, Landguth, Scull and Zephier voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

33. 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 of 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 at 333 Concourse Drive.

34. 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 of 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 at 333 Concourse Drive.

Elkins advised that updated staff reports, along with a copy of the master plan, were distributed to the Planning Commission. Elkins provided a brief review of the project and the master plan noting staff's discussions with the applicant relating to issues associated with the City's potential acceptance of the drainage easement on the property. Elkins stated that signed and sealed plans have been



received and cost estimates have been submitted. Elkins noted staff's recommendation for approval of the Preliminary Plat with the stipulations as outlined.

Elkins added that staff recommends that the related Subdivision Variance request be denied without prejudice noting that the application is no longer necessary as the improvements are now being provided.

Brown moved, Gregg seconded and unanimously carried to recommend approval of the Preliminary Plat with the following stipulations:

- 1. Prior to initiation of construction or submission of a Final Plat application, whichever shall occur first, an Erosion and Sediment Control Permit shall be obtained;**
- 2. Prior to City Council approval of the Preliminary Plat application, the developer and the City shall have entered into an agreement for the payment of any oversize costs for public improvements;**
- 3. 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;**
- 4. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
- 5. 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 Preliminary Plat shall be deemed to be expired. However, the owner or applicant of the property proposed to be platted may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council; and,**

to recommend that 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 be denied without prejudice. (8 to 0 with Braun, Brown, Collins, Gregg, Kinniburgh, Landguth, Scull and Zephier voting yes and none voting no)

Scull relinquished the gavel to Landguth.

Elkins requested that Items 35 and 36 be considered concurrently.

35. No. 09CA029 - Hilltop Park Subdivision

A request by James L. Scull, Jr. to consider an application for an **Amendment to the adopted Comprehensive Plan to change the land use designation from General Commercial to Light Industrial** on Lot 1 of Block 2 of Hilltop Business Park Subdivision, located in the SE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 925 Elk Vale Road.



36. No. 09RZ049 - Hilltop Park Subdivision

A request by James L. Scull, Jr. to consider an application for a **Rezoning from General Commercial District to Light Industrial District** of Lot 1 of Block 2 of Hilltop Business Park Subdivision, located in the SE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 925 Elk Vale Road.

Elkins stated that these applications are related to the proposed relocation of two new businesses to Rapid City and do not involve a work release facility in any way, shape or form. Elkins provided a brief review of the staff reports, displayed an aerial map and described existing and proposed zoning and development in the area.

Elkins distributed a letter staff received from an adjacent property owner requesting that a planned development be required for the property. Elkins stated that the issue was reviewed by the Future Land Use Committee noting that the Comprehensive Plan for this area did not require planned developments. Elkins noted that an additional letter addressing these applications was previously distributed to the Planning Commission on the dais.

Jim Scull stated that he was available to answer questions.

Brown stated that the Future Land Use Committee reviewed the request carefully noting that the Committee feels that the proposed zoning and use appear to be a good fit.

Brown moved to recommend approval of the Amendment to the adopted Comprehensive Plan to change the land use designation from General Commercial to Light Industrial, and to recommend that the Rezoning from General Commercial District to Light Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment.

Olson requested clarification concerning how issues associated with sidewalks for the property have been addressed and how building aesthetics can be addressed without requiring a planned development for the properties.

Elkins stated that during the platting process it was determined that sidewalk will not be required along Elk Vale Road as sidewalk is required to be provided along the Homestead Street frontage when building permits are issued for new construction on the property. She clarified that sidewalks will not be required to be constructed with the change in use proposed for the property. Elkins indicated that the building on the property is already constructed noting that there will be not be any architectural review of additional buildings or expansions without a planned development.

Scull stated that a bond has been posted with the City to guarantee the construction of the sidewalk along the Homestead Street frontage for this property. Scull indicated that a number of concrete, precast and pre-engineered



steel structures have already been built within the industrial park.

Collins seconded Brown's motion and carried to recommend approval of the Amendment to the adopted Comprehensive Plan to change the land use designation from General Commercial to Light Industrial, and to recommend that the Rezoning from General Commercial District to Light Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment. (7 to 0 to 1 with Braun, Brown, Collins, Gregg, Kinniburgh, Landguth and Zephier voting yes, none voting no and with Scull abstaining)

*37. 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** 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 at 5550 Sheridan Lake Road.

Horton requested that the Initial and Final Development Plan be continued to the November 19, 2009 Planning Commission meeting to allow the applicant to submit additional information.

Collins moved, Braun seconded and carried unanimously to continue the Planned Commercial Development - Initial and Final Development Plan to the November 19, 2009, Planning Commission meeting. (7 to 0 to 1 with Braun, Brown, Collins, Gregg, Kinniburgh, Landguth and Zephier voting yes, none voting no and with Scull abstaining)

Landguth relinquished the gavel to Scull.

Bulman requested that Items 38 and 39 be considered concurrently.

*38. No. 09PD050 - Melody Acres No. 2

A request by Jerry Pabst for Lee Adams to consider an application for a **Planned Residential Development - Initial and Final Development Plan** for Lot 70 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2850 Terra Street.

39. No. 09RZ044 - Melody Acres No. 2

A request by City of Rapid City to consider an application for a Rezoning from No Use District to Mobile Home Residential District of Lot 70 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2850 Terra Street - East of Valley Drive.

Bulman advised that the stipulations of approval have not been met and requested that Items 38 and 39 be continued to the November 19, 2009 Planning Commission meeting.



Collins moved, Braun seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan and the Rezoning from No Use District to Mobile Home Residential District to the November 19, 2009 Planning Commission meeting. (8 to 0 with Braun, Brown, Collins, Gregg, Kinniburgh, Landguth, Scull and Zephier voting yes and none voting no)

40. No. 09PL065 - U Lazy Two Ranch Estates Subdivision

A request by U Lazy Two, LLC for Kevin Kuehn to consider an application for a **Layout Plat** for proposed Lots 1 thru 5 of B&M Meadows Subdivision, legally described as Lot 1 (also in Section 23) of U Lazy Two Ranch Estates Subdivision, Section 14, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Nemo Road between Schmitz Trail and Palmer Road.

Fisher presented the request and identified the location of the proposed subdivision. Fisher noted that the proposed plat does not meet the minimum lot size for the existing zoning in Pennington County. Fisher noted staff's recommendation to deny the Layout Plat without prejudice in order to allow the applicant to address the zoning with Pennington County and to address the on-site wastewater issue.

Brown moved, Collins seconded and carried unanimously to recommend that the Layout Plat be denied without prejudice. (8 to 0 with Braun, Brown, Collins, Gregg, Kinniburgh, Landguth, Scull and Zephier voting yes and none voting no)

41. 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.

Fisher presented the request noting that the required utility conflict plan and site plan have been submitted, reviewed and approved.

Braun moved, Gregg seconded and unanimously carried to approve the SDCL 11-6-19 Review to install a public utility in the public right-of-way. (8 to 0 with Braun, Brown, Collins, Gregg, Kinniburgh, Landguth, Scull and Zephier voting yes and none voting no)

42. No. 09SR091 - Fish Hatchery Subdivision and Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to extend a public utility** on beginning in Lot F-2 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Pennington County, South Dakota,



extending in the Jackson Boulevard (South Dakota State Highway 44) right-of-way adjacent to Lot F-2 of Fish Hatchery Subdivision and Lot R Revised of Fish Hatchery Subdivision located in Section 8, T1N, R7E, BHM, Pennington County, South Dakota, extending along and across a portion of Tract 1 thru 3 and Lot A-B of Tract 3 of Rapid City Greenway Tract (Canyon Lake Park) located in Sections 8 and 9, T1N, R7E, BHM, Pennington County, South Dakota, extending in and along the Park Drive right-of-way adjacent to Tract 4 and North 27 feet of the vacated Flormann Street of the Rapid City Greenway Tract (Meadowbrook Golf Course) located in Sections 9, T1N, R7E, BHM, Pennington County, South Dakota, ending at the intersection of Jackson Boulevard and Park Drive, and extending in the Canyon Lake Drive right-of-way adjacent to Lot B of Lots 1 thru 3 of South Part of Lot 3 in the SW1/4 NW1/4 and Lot A of Lots 1 thru 3 of the South Part of Lot 3 in the SW1/4 NW1/4 in Section 9, T1N, R7E, BHM, Pennington County, South Dakota, ending at the intersection Canyon Lake Drive and Lakeview Drive, more generally described as being located at the Cleghorn State Fish Hatchery and Canyon Lake Park.

Fisher provided a brief review of the request noting staff's recommendation that the application be continued to the November 19, 2009 Planning Commission meeting to allow the recorded utility easements to be submitted for review.

Collins moved, Kinniburgh seconded and unanimously carried to continue the SDCL 11-6-19 Review to extend a public utility to the November 19, 2009 Planning Commission meeting. (8 to 0 with Braun, Brown, Collins, Gregg, Kinniburgh, Landguth, Scull and Zephier voting yes and none voting no)

*43. No. 09UR025 - Mann Subdivision

A request by Alan Ponto to consider an application for a **Conditional Use Permit to allow a child care center** for Tracts D & E of Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3660 Sturgis Road.

Horton requested that this item be continued to the November 19, 2009 Planning Commission meeting to allow the applicant to submit a revised site plan.

Braun moved, Collins seconded and carried unanimously to continue the Conditional Use Permit to allow a Child Care Center to the November 19, 2009 Planning Commission meeting. (8 to 0 with Braun, Brown, Collins, Gregg, Kinniburgh, Landguth, Scull and Zephier voting yes and none voting no)

Brewer entered the meeting at this time.

*44. No. 09UR026 - Original Town of Rapid City

A request by Charles Desmond to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** for Lot 11 of Block 93 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 725 St. Joseph Street.

Horton requested that this item be continued to the November 19, 2009 Planning Commission meeting to allow the applicant to submit an application for a building permit.

Collins moved to continue the Conditional Use Permit to allow an on-sale liquor establishment to the November 19, 2009 Planning Commission meeting.

Reverend Robert Evans, First Presbyterian Church, expressed concern regarding the continued expansion of alcohol usage in the Downtown area. Reverend Evans advised that there are on-going security issues at the Church created by vagrants and people under the influence and he expressed concern that the proposed alcohol license is linked to another addictive activity. Reverend Evans noted that there are already numerous outlets for the sale of alcoholic beverages in this area. Reverend Evans stated that the First Presbyterian Church is opposed to the proposed on-sale liquor establishment by a unanimous vote.

Landguth requested that a map showing the liquor establishments in the area be provided. Elkins indicated that staff will prepare a map for the next meeting. Reverend Evans requested that both Main Street and St. Joseph Street be included on the map.

Reverend Evans stated that his congregation is not opposed to the consumption of alcohol in limited quantities.

Olson requested that the map distinguish between businesses that have full service restaurants in conjunction with an on-sale liquor license.

Brewer stated that these concerns have been expressed as they are working to revitalize Downtown noting the need to be conscious of all the neighborhood interests in granting these licenses.

Horton identified the location of the property.

In response to a question from Collins, discussion followed concerning the potential impact to the existing business at this location if the smoking ban becomes effective in South Dakota.

Discussion followed concerning the percentage of sales that must come from food to meet the definition of a full-service restaurant.

In response to a question from Brewer, Elkins advised that the applicant has provided a menu outlining extremely limited food service noting that the menu will be included at the next meeting. Elkins stated that the applicant is not claiming



that they will be a full-service restaurant.

In response to a question from Brewer, Elkins clarified that the application could be approved with stipulations that could include limiting the type of alcohol sales that can be made under the license.

Braun seconded Collins' motion and carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the November 19, 2009 Planning Commission meeting. (9 to 0 with Braun, Brewer, Brown, Collins, Gregg, Kinniburgh, Landguth, Scull and Zephier voting yes and none voting no)

45. Discussion Items
None.

46. Staff Items
Elkins thanked the Growth Management staff for covering the office during her vacation.

There being no further business, Collins moved, Braun seconded and unanimously carried to adjourn the meeting at 7:51 a.m. (9 to 0 with Braun, Brewer, Brown, Collins, Gregg, Kinniburgh, Landguth, Scull and Zephier voting yes and none voting no)