

**DRAFT**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
November 19, 2009

MEMBERS PRESENT: Erik Braun, John Brewer, Julie Gregg, Doug Kinniburgh, Dennis Landguth, Steve Rolinger, Andrew Scull, Pat Wyss and Diane Zephier. Karen Gundersen-Olson, Council Liaison was also present

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

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

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

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

**Motion by Rolinger, Seconded by Braun and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 38 in accordance with the staff recommendations with the exception of Items 9 and 10. (9 to 0 with Braun, Brewer, Gregg, Kinniburgh, Landguth, Rolinger, Scull, Wyss and Zephier voting yes and none voting no)**

1. Approval of the November 5, 2009 Planning Commission Meeting Minutes.
2. No. 08OA003 - Ordinance Amendment  
A request by City of Rapid City to consider an application for an **Ordinance Amendment to amend Section 17.50.335 "Sight Triangles" of the Rapid City Municipal Code.**

**Planning Commission continued the Ordinance Amendment to amend Section 16.50.335 "Sight Triangles" of the Rapid City Municipal Code to the January 21, 2010 Planning Commission meeting.**

3. 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 December 10, 2009 Planning Commission meeting.**

4. No. 09CA018 - Rapid Valley Subdivision

A request by Glen A. Elshire 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 Light Industrial with a Planned Industrial Development** for Lot A of Blocks 3 and 4 of Rapid Valley Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2507 East St. Patrick Street.

**Planning Commission approved the Summary of Adoption Action and authorized publication in the Rapid City Journal.**

5. No. 09CA030 - Fravel Tract

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 Low Density Residential to Medium Density Residential with a Planned Residential Development** Lots 1 thru 10 of Fravel Tract and Lot 1 of the NW1/4 SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2828 Orchard Lane.

**Planning Commission recommended that the Amendment to the adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development be approved for the following legal description: Lot 8-10 of Fravel Tract, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.**

6. No. 09RZ045 - Fravel Tract

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Medium Density Residential District** of Lots 1 thru 10 of Fravel Tract and Lot 1 of the NW1/4 SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2828 Orchard Lane.

**Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Residential Development – Initial and Final Development Plan for the following legal description: Lot 8-10 of Fravel Tract, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.**

\*7. No. 09PD052 - Fravel Tract

A request by Betty Fedderson to consider an application for a **Planned Residential Development - Initial and Final Development Plan** for Lots 8, 9 and 10 of Lot 1 of Fravel Tract, located in the NW1/4 SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally

described as being located at 2900 Orchard Lane.

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

- 1. Prior to obtaining a Mobile Home Hookup Permit, a Mobile Home Park License for 2009 and 2010 shall be obtained. A yearly Mobile Home Park License shall be obtained thereafter;**
- 2. A maximum of 40 mobile homes shall be allowed within the mobile home park;**
- 3. The mobile home park shall be allowed to continue with its current design standards with the approval of this Planned Residential Development. However, Chapter 15.48 of the Rapid City Municipal Code shall be continually met when mobile homes are moved into the park or relocated within the park;**
- 4. Any expansion of the units or the park area shall require that Chapter 17.50.110 be continually met;**
- 5. Mobile homes shall be used for residential uses only. No commercial or industrial uses are allowed within a mobile home in a Mobile Home Park;**
- 6. Any increase in the number of mobile homes or any expansion of the area of the Mobile Home Park shall require a Major Amendment to the Planned Residential Development;**
- 7. All mobile homes allowed in the park shall comply with Chapter 17.38.080, the manufactured home construction and safety standards of the U.S. Department of Housing and Urban Development;**
- 8. A Mobile Home Hookup Permit shall be obtained prior to locating a mobile home on a space within the Mobile Home Park;**
- 9. A Flood Plain Development Permit shall be obtained prior to locating any mobile home or accessory structures within the 100 Year Federally Designated Floodplain;**
- 10. Prior to construction of any additional accessory buildings on spaces within the Mobile Home Park, a Building Permit must be obtained;**
- 11. The internal streets shall be paved or an approved dust palliative shall be used, and the internal driveways maintained in a dust free condition;**
- 12. No structures shall be allowed in the 20 foot wide sanitary sewer easement or 15 foot wide utility easement;**
- 13. Prior to Planning Commission approval, the applicant shall submit a sign package for review and approval, showing lot directory signs at the entrance to the Mobile Home Park; and,**
- 14. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

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

***Commission.***

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

**Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the December 10, 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.***

\*11. No. 09PD053 - St. Martins Village

A request by FMG, Inc. for Good Samaritan Society to consider an application for a **Planned Residential Development - Final Development Plan** for an unplatted parcel of land located in the SE1/4 SW1/4 and the SW1/4 SE1/4 and the NE1/4 SE1/4 and the NW1/4 SE1/4 and the SW1/4 NE1/4 and less Lot A of the W1/2 SE1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 (Sturgis Road) and south of Hidden Valley Road.

**Planning Commission continued the Planned Residential Development - Final Development Plan application to the January 7, 2010 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.***

12. 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 January 7, 2010 Planning Commission meeting.**

13. 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 January 7, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.**

14. 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.

**Planning Commission continued the Layout Plat to the December 10, 2009 Planning Commission meeting.**

15. 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.

**Planning Commission continued 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 December 10, 2009 Planning Commission meeting.**

16. No. 09PL046 - Section 3, T1N, R8E

A request by Todd Fenster to consider an application for a **Layout Plat** for proposed Lot 1 of Block 1 of Expressway Subdivision, legally described as the unplatted parcel located in the N1/2 N1/2 SW1/4, less Big Sky Subdivision, less F&N Subdivision, less Lot H1 and less right-of-way, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 1200 Elk Vale Road.

**Planning Commission continued the Layout Plat to the December 10, 2009 Planning Commission meeting to allow the applicant to submit additional information.**

17. 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 December 10, 2009 Planning Commission meeting to allow the applicant to submit additional information.**

18. No. 09PL070 - Original Town of Rapid City

A request by Terry Stocker to consider an application for a **Preliminary Plat** for proposed Lot D in Block 113 of the Original Town of Rapid City, legally described as the south 40 feet of Lots 15 and 16, the north 25 feet of the south 65 feet of Lots 15 and 16 and the balance of Lots 15 and 16 in Block 113 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 810 Mount Rushmore Road.

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

1. **Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to reduce the separation between the driveway to**

the proposed lot and the intersection of Mount Rushmore Road and Quincy Street from a minimum 50 feet as per the Street Design Criteria Manual to 35 feet or the plat document shall be revised to comply with the Street Design Criteria Manual;

2. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the installation of a sewer main along Mount Rushmore Road and Quincy Street as they abut the property or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, 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;
4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
5. 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;
6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
7. 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.

19. No. 09SV022 - Original Town of Rapid City

A request by Terry Stocker to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot D in Block 113 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the south 40 feet of Lots 15 and 16, the north 25 feet of the south 65 feet of Lots 15 and 16 and the balance of Lots 15 and 16 in Block 113 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 810 Mount Rushmore Road.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:**

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement.**

20. 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 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 December 10, 2009 Planning Commission meeting.**

21. 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 December 10, 2009 Planning Commission meeting.**

22. 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 a parcel of land 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.

**Planning Commission approved the SDCL 11-6-19 Review to extend a public utility.**

23. No. 09SR092 - Riverside Subdivision

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on the West Main Street right-



of-way adjacent to Lot AA of Block 6 of Riverside Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1104 West Main Street.

**Planning Commission acknowledged the applicant's withdrawal of the SDCL 11-6-19 Review to allow a structure on public property.**

24. No. 09SR093 - Owen Mann Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on the Sturgis Road right-of-way adjacent to Lot A-D of replat of Lot 28 of Block 4 of Owen Mann Tract, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3464 Sturgis Road.

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

25. No. 09SR094 - Workshop Addition

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on the Range Road right-of-way adjacent to Lots A & B of Workshop Addition, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3535 Range Road.

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

26. No. 09SR095 - Boulevard Addition

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on the Fulton Street right-of-way adjacent to all of Lot 1 thru 5 and the east 5 feet of Lot 6 of Block 26 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1107 Mt. Rushmore Road.

**Planning Commission acknowledged the applicant's withdrawal of 11-6-19 Review to allow a structure on public property.**

27. No. 09SR096 - Section 36, T2N, R7E

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on the North Mt. Rushmore Road right-of-way adjacent to Lot RU-302B RU Lots, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 433 North Mt. Rushmore Road.

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

28. No. 09SR097 - Section 36, T2N, R7E

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

**Review to allow a structure on public property** on Lots 20 thru 32 of Block 64 of Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 Sixth Street.

**Planning Commission continued the SDCL 11-6-19 Review to allow a structure on public property to the December 10, 2009 Planning Commission meeting.**

29. No. 09SR098 - Marshall Heights Tract  
A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on the North Maple Avenue Right-of-way adjacent to Lots S-1 (Less a portion of Tract A and MaCarthurst) of Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1501 North Maple Avenue.

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

30. No. 09SR099 - Marshall Heights Tract  
A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on the North LaCrosse Street Right-of-way adjacent to Lot B of Lot 7 of Lot K-3 of Marshall heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1375 North LaCrosse Street.

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

31. No. 09SR100 - Millard Addition  
A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on the North Maple Avenue Right-of-way adjacent to School Lot 582 feet x 680 feet, Block 12 of Millard Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 10 Van Buren Street.

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

32. No. 09SR101 - Floodway Tract  
A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on the North Street right-of-way adjacent to Drainage Right of Way located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the 100 Block of North Street.

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

33. No. 09SR102 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on the Waterloo Street right-of-way and Tract 27 (also in Section 6, T1N, R8E) of the Rapid City Greenway Tract, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 125 Waterloo Street.

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

34. No. 09SR103 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on the Fifth Street right-of-way adjacent to Tract B of Regional Hospital Addition, located in the SW1/4, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Fifth Street and Elk Street.

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

35. No. 09SR104 - Horizon Subdivision

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on the East St. Patrick right-of-way adjacent to Lot 1 of Horizon Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 621 East St. Patrick Street.

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

36. No. 09SR105 - Section 6, T1N, R8E

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure** on the 70 foot easement for highway purposes in DM&E right-of-way as described in Book 104, page 353 located in the SE1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East St. Joseph Street and East St. Charles Street.

**Planning Commission approved the SDCL 11-6-19 Review to allow a structure.**

37. No. 09SR106 - Section 4, T1N, R7E

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on the Soo San Drive right-of-way adjacent to Tract A of the SE1/4 NE1/4 and Tract B of the NE1/4 SE1/4, Section 4, T1N, R7E Rapid City, Pennington County, South Dakota, more generally described as being located at 1003 Soo San Drive.

**Planning Commission approved the SDCL 11-6-19 Review to allow a**

**structure on public property.**

38. No. 09SR107 - Original Town of Rapid City

A request by Robert Melvin for Cortez, LLC d/b/a Hotel Alex Johnson to consider an application for a **SDCL 11-6-19 Review to allow structures in the right-of-way** on Sixth Street right-of-way located adjacent to Lots 30 thru 32 of Block 84 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 523 Sixth Street.

**Planning Commission approved the SDCL 11-6-19 Review to allow structures in the right-of-way.**

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

Bulman requested that items 9 and 10 be taken concurrently.

\*9. No. 09PD050 - Melody Acres Subdivision 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.

10. No. 09RZ044 - Melody Acres Subdivision 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 presented the staff recommendation to continue the Planned Residential Development and Rezoning requests to the December 10, 2009 Planning Commission meeting.

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

**Rolinger moved, Gregg seconded and carried to continue the Planned Residential Development - Initial and Final Development Plan and Rezoning from No Use District to Mobile Home Residential District to the December 10, 2009 Planning Commission meeting. (8 to 0 to 1 with Braun, Brewer, Gregg, Landguth, Rolinger, Scull, Wyss and Zephier voting yes and none voting no and Kinniburgh abstaining)**

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

---BEGINNING OF REGULAR AGENDA ITEMS---

Horton requested that item 39 thru 43 be taken concurrently; however she requested that a separate motion for each be given.

39. 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 southwesterly 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.

Horton presented the staff recommendation to approve the Comprehensive Plan Amendment, the Rezoning, the Planned Commercial Development, the Preliminary Plat and the Variance to the Subdivision Regulations requests.

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

Horton identified the location of the proposed pedestrian connections from the street to the structure. Horton stated that the staff recommends approval with the following stipulations.

1. Prior to Building Permit approval, the applicant shall submit a revised site plan demonstrating that the driveway spacing requirements between the access easement along the north property line and the northern access driveway are met or obtain an exception to the Street Design Criteria Manual;
2. Prior to Building Permit approval, the applicant shall submit a revised site plan demonstrating that the driveway spacing requirements between Luna Avenue and the driveway onto the Tract C are met or obtain an exception to the Street Design Criteria Manual;
3. Prior to Building Permit approval, the applicant shall submit revised construction plans demonstrating that the driveways are constructed of reinforced concrete in accordance with Section 8.2.1 of the Street Design Criteria Manual or obtain an exception to the Street Design Criteria Manual;
4. Prior to Planning Commission approval, the applicant shall submit a revised landscaping plan demonstrating that the location of plant material is not impacted by the proposed exit doors and that the landscaping plan demonstrates that the landscaping points provided and the proposed planting schedule are consistent;
5. The proposed landscaping shall conform to the plans with a minimum of 80,260 points including the specific plant material submitted as part of this Planned Commercial Development Plan. In particular, the landscaping plan shall comply with all requirements of the Zoning Ordinance;
6. Prior to Building Permit approval, the applicant shall submit a revised site plan demonstrating pedestrian access from the north driveway to the structure;
7. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
8. The proposed sign package shall be limited to include one monument sign measuring 10 feet wide by 15 feet high, one on-premise wall sign measuring 15 feet wide by 6 feet tall along the main entry of the structure, and two double-faced directional signs measuring 3 feet wide by 4 feet tall. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be submitted for review and approval as a Major Amendment to 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. 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 International Fire Code shall be continually met. In particular, fire

hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrants shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structure shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;

10. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Commercial Development Plan application or a subsequent Major Amendment;
11. The proposed structure shall be used as a restaurant unless otherwise specifically authorized as a stipulation of this Final Commercial Development application or a subsequent Major Amendment is approved changing the use; 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.

Hani Shafai, Dream Design International requested that the Planning Commission approve the signs as submitted.

Elkins identified the existing adjacent Planned Development in place and further commented that staff recommends that no pole signs be approved to maintain consistency with the adjacent development.

Orville Van Roekel, Pizza Ranch Corporation requested approval of the pole sign to provide more visibility with surrounding businesses.

Kinniburgh commented on options available for signage.

Horton presented the staff recommendation to approve the Amendment to the Adopted Comprehensive Plan request.

**Brewer moved, Braun seconded and carried to recommend that 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 be approved. (8 to 0 to 1 with Braun, Brewer, Gregg, Kinniburgh, Landguth, Rolinger, Wyss and Zephier voting yes and none voting no and Scull abstaining)**

40. 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 southwesterly 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.

Horton reiterated the staff recommendation to approve the Rezoning request.

**Rolinger moved, Kinniburgh seconded and carried to recommend that the Rezoning from General Agriculture District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Commercial Development application. (8 to 0 to 1 with Braun, Brewer, Gregg, Kinniburgh, Landguth, Rolinger, Wyss and Zephier voting yes and none voting no and Scull abstaining)**

\*41. 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 southwesterly 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.

Horton reiterated the staff recommendation to approve the Planned Commercial Development request with stipulations.

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

- 1. Prior to Building Permit approval, the applicant shall submit a revised site plan demonstrating that the driveway spacing requirements between the access easement along the north property line and the northern access driveway are met or obtain an exception to the Street Design Criteria Manual;**
- 2. Prior to Building Permit approval, the applicant shall submit a revised site plan demonstrating that the driveway spacing requirements between Luna Avenue and the driveway onto the Tract C are met or obtain an exception to the Street Design Criteria Manual;**
- 3. Prior to Building Permit approval, the applicant shall submit revised construction plans demonstrating that the driveways are constructed of reinforced concrete in accordance with Section 8.2.1 of the Street Design Criteria Manual or obtain an exception to the Street Design Criteria Manual;**
- 4. Prior to Planning Commission approval, the applicant shall submit a revised landscaping plan demonstrating that the location of plant material is not impacted by the proposed exit doors and that the landscaping plan demonstrates that the landscaping points provided and the proposed planting schedule are consistent;**
- 5. The proposed landscaping shall conform to the plans with a minimum of 80,260 points including the specific plant material submitted as part of this Planned Commercial Development Plan. In particular, the landscaping plan shall comply with all requirements of the Zoning Ordinance;**
- 6. Prior to Building Permit approval, the applicant shall submit a revised site plan demonstrating pedestrian access from the north driveway to the structure;**
- 7. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;**
- 8. The proposed sign package shall be limited to include one monument sign measuring 10 feet wide by 15 feet high, one on-premise wall sign measuring 15 feet wide by 6 feet tall along the main entry of the structure,**

and two double-faced directional signs measuring 3 feet wide by 4 feet tall. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be submitted for review and approval as a Major Amendment to 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. 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 International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrants shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structure shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;
10. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Commercial Development Plan application or a subsequent Major Amendment;
11. The proposed structure shall be used as a restaurant unless otherwise specifically authorized as a stipulation of this Final Commercial Development application or a subsequent Major Amendment is approved changing the use; 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. (8 to 0 to 1 with Braun, Brewer, Gregg, Kinniburgh, Landguth, Rolinger, Wyss and Zephier 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.***

42. 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.

Horton reiterated the staff recommendation to approve the Preliminary Plat

request with stipulations.

**Brewer moved, Gregg seconded and carried to recommend that the Preliminary Plat be approved with the following stipulations:**

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans for the access easement shall be submitted for review and approval. The plat document shall be revised to show a minimum 59 foot wide access easement and construction plans shall be submitted for review and approval showing the access easement constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, applicant shall submit a copy of the recorded Covenant Agreement providing access to the Water Shutoff Valve;**
- 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 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. (8 to 0 to 1 with Braun, Brewer, Gregg, Kinniburgh, Landguth, Rolinger, Wyss and Zephier voting yes and none voting no and Scull abstaining)**

43. 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 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.

Horton reiterated the staff recommendation to approve the Variance to the Subdivision Regulations request with stipulations and deny in part.

In response to Gunderson-Olsen's question, Elkins identified that the adjacent easement is a service route for Rushmore Crossing and that it was determined as a part of that development that sidewalks should not be provided along the service road in order to separate pedestrian traffic from the truck traffic.

**Braun moved, Wyss seconded and carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to construct water and sewer, storm sewer and street light conduit in the access easement be approved; and**

**That the Variance to the Subdivision Regulations to waive the requirement to construct pavement and curb and gutter in the access easement be denied. (8 to 0 to 1 with Braun, Brewer, Gregg, Kinniburgh, Landguth, Rolinger, Wyss and Zephier voting yes and none voting no and Scull abstaining)**

\*44. 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 presented the staff recommendation to continue the Planned Commercial Development request to the December 10, 2009 Planning Commission meeting.

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

**Rolinger moved, Braun seconded and carried to continue the Planned Commercial Development - Initial and Final Development Plan to the December 10, 2009, Planning Commission meeting. (8 to 0 to 1 with Braun, Brewer, Gregg, Kinniburgh, Landguth, Rolinger, Wyss and Zephier 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.***

45. No. 09PL069 - Huffman Subdivision

A request by Frontera Chicos, LLC to consider an application for a **Layout Plat** for proposed Lots A thru C of Lot 2 of Huffman Subdivision, legally described as Lot 2 of Huffman Subdivision, located in the N1/2 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of East North Street and North Cambell Street.

Fisher presented the staff recommendation to approve the Layout Plat request with stipulations. Discussion followed.

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

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

- 1. Prior to Layout Plat approval by the Planning Commission, the expired Air Quality Permit shall be renewed or a new permit shall be obtained;**
- 2. Upon submittal of a Preliminary Plat application, a Master Utility Plan showing private and public utilities shall be submitted for review and approval. In addition, the plat document shall be revised to show utility easements as needed;**
- 3. Upon submittal of a Preliminary Plat application, a drainage plan addressing the existing stormwater flows that currently drain along internal pathways within the parcel shall be submitted for review and approval. In addition, the plat document shall be revised to secure the existing drainage within defined and dedicated drainage easements;**
- 4. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show access to proposed Lots B and C. In addition, construction plans for the access street shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 59 foot wide right-of-way or easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 6. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the existing access aisles that provide circulation between the three proposed lots located within access easement(s). In addition, construction plans for the access easement(s) shall be submitted for review and approval. In particular, the access easements shall be located within a minimum 59 foot wide easement and constructed with a minimum 26 foot wide**

- paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
7. Upon submittal of a Preliminary Plat application, construction plans for the 33 foot wide dedicated access easement shall be submitted for review and approval. In particular, the construction plans shall show the easement with a minimum 59 foot width and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  8. Upon submittal of a Preliminary Plat application, construction plans for the 20 foot wide shared access easement shall be submitted for review and approval. In particular, the construction plans shall show the easement with a minimum 59 foot width and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  9. Upon submittal of a Preliminary Plat application, construction plans for the service road located within the E. North Street right-of-way shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  10. Upon submittal of a Preliminary Plat application, construction plans for E. North Street shall be submitted for review and approval. In particular, the construction plans shall show a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained;
  11. Upon submittal of a Preliminary Plat application, the plat document shall be revised to secure the truck turnaround located on Lots B and C within a shared access easement. In addition, construction plans for the shared access easement shall be submitted for review and approval showing the easement with a minimum 59 foot width and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  12. 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 showing the sewer system in compliance with the City's design standards for location and accessibility shall be submitted for review and approval or an Exception shall be obtained to allow the existing sewer system to cross over adjacent properties. If an Exception is obtained, then the applicant shall submit a copy of a recorded covenant agreement securing perpetual maintenance of the private sewer system. In addition, the plat document shall be revised to provide a minimum 25 foot wide sewer main easements as needed;
  13. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the water

- system in compliance with the City's design standards for location and accessibility shall be submitted for review and approval or an Exception shall be obtained to allow the existing water system to cross over adjacent properties. If an Exception is obtained, then the applicant shall submit a copy of a recorded covenant agreement securing perpetual maintenance of the private water system. Accurate as-built drawings must also be submitted for review and approval. In addition, the plat document shall be revised to provide a minimum 20 foot wide water main easement as needed;
14. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  15. 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;
  16. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to secure the existing sidewalks within pedestrian access easements;
  17. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow the existing sign advertising "On the Border" as an off-premise sign as per Section 15.28.050.Q or the plat document shall be revised to show the sign on the same lot as the use or the sign shall be removed;
  18. Prior to submittal of a Final Plat application, the applicant shall submit a copy of a recorded Covenant Agreement establishing a shared parking agreement between the three lots if the existing parking lot is to be used as shared parking for all three lots;
  19. Prior to submittal of a Final Plat application, the plat title shall be revised to show the proposed legal as "Lots 2A, 2B and 2C of Huffman Subdivision";
  20. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
  21. 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. (8 to 0 to 1 with Braun, Brewer, Gregg, Kinniburgh, Landguth, Rolinger, Wyss and Zephier voting yes and none voting no and Scull abstaining)
46. No. 09SR108 - Sections 27 and 34, T2N, R8E  
A request by Renner Associates, LLC for South Dakota Board of Regents to consider an application for a **SDCL 11-6-19 Review request to construct a public school on public property** on that part of the NE1/4 SW1/4 and that part of the S1/2 SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying south of Lot H7 as conveyed to the Chicago and North Western Railway Company in Deed Book 145, Page 192 and shown on the plat filed in Highway Plat Book 4, Page 90, excepting there from Lot A of Tract B, as shown on the plat filed in Plat Book 10, Page 4; excepting there from that portion

of Lots 1, 2 and 3 in Block 1 of Heartland Retail Center located in the SW1/4 SW1/4 of Section 27, as shown on the plat filed in Plat Book 31, Page 111, and that portion of the NW1/4 NW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying north of Lot H3 (Cheyenne Boulevard), as shown on the plat filed in Highway Plat book 11, Page 126 and lying north of Cheyenne Boulevard, as shown on the plat filed in Plat Book 31, Page 111, excepting there from Lots 1, 2 and 3 in Block 1 of Heartland Retail center, all as shown on the plat filed in Plat Book 31, Page 111, and that portion of the NE1/4 NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying north of the Lot H3 (Cheyenne Boulevard), as shown on the plat filed in Highway Plat Book 11, Page 162, more generally described as being located north of Cheyenne Boulevard and east of Elk Vale Road.

Fisher presented the staff recommendation to approve the SDCL 11-6-19 request. Fisher added that all information required for approval has been submitted, reviewed and approved.

In response to Braun's question, Fisher stated that the applicant is providing adequate parking for the proposed development.

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

In response to Brewer's question, Fisher stated that the height limitation for the General Commercial Zoning District is 45 feet.

Fisher identified the location of the proposed structure on the subject property. Fisher further identified the location of possible expansion. Fisher reviewed the proposed landscaping and elevations of the development.

In response to Gundersen-Olson, Fisher reviewed the maximum height requirement allowed in the General Commercial District.

Elkins reviewed height regulations with open space and availability of sunlight to properties.

In response to Kinniburgh's questions, Elkins reviewed the height variances that have been granted to the height requirements in similar situations.

Scull reviewed the Planning Commission's previous discussions regarding the height limitations on the General Commercial Zoning District.

Brewer commented on the General Commercial Zoned areas that interface residential communities.

Rolinger expressed his support to review requests for variances or exceptions to the maximum height requirement in the General Commercial Zoning District.

**Rolinger moved, Braun seconded and carried to approve the SDCL 11-6-19 Review request to construct a public school on public property if the**



following issues are addressed prior to Planning Commission approval:

1. All necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. An Exception shall be obtained to allow a 40 foot wide driveway in lieu of a maximum 28 foot wide driveway as per the Street Design Criteria Manual or the site plan shall be revised accordingly;
3. An Exception is hereby granted to allow a 52 foot 8 inch structure in lieu of a maximum 45 foot structure in the General Commercial District;
4. The applicant shall identify whether the water and sewer mains being extended into the property to serve the school are private mains or public mains. If the mains are to be private mains, the construction plans shall be revised to show valves and curb stops in the right-of-way as needed. If the mains are to be public mains, easements shall be secured and maintenance identified;
5. The maximum number of students projected to attend the school shall be identified in order to determine if parking is being provided at a ratio of 0.5 parking spaces per student as per the City's adopted Parking Regulations or if an Exception must be granted; and,
6. A revised landscape plan shall be submitted for review and approval identifying the square footage of the "developed area" in order to determine if sufficient landscape points are being provided. In addition, the landscape plan shall be revised to provide additional landscape points if needed. (8 to 0 to 1 with Braun, Brewer, Gregg, Kinniburgh, Landguth, Rolinger, Scull and Zephier voting yes and none voting no and Wyss abstaining)

\*47. No. 09UR025 - Mann Subdivision

A request by Alan Ponto to consider an application for a **Conditional Use Permit to allow a child care center** on 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 presented the staff recommendation to approve the Conditional Use Permit request with stipulations noting that the applicant is providing an afterschool care center on the premises. Horton stated that staff recommends that the dumpster be screened.

In response to Scull's question, Horton identified the types of adjacent businesses.

Alan Ponto, the applicant requested that the dumpster screening be waived. Ponto stated that the dumpster is not visible from traffic or other individuals. Ponto expressed his opinion that screening the dumpster at this time is an unnecessary expense.

In response to Brewer's question, Ponto stated that the child care facility is in a separate area within the structure. Discussion followed.

In response to Landguth's question, Ponto reviewed the costs to install a screening fence to the dumpster.

In response to Landguth's question, Elkins stated the additional purposes of providing a screening fence around dumpsters are to contain trash and debris, secure the position of the dumpster and limit access.

Scull noted the cost of installing a screening fence around a dumpster on a recent project he worked on.

**Kinniburgh moved, Wyss seconded and carried to approved the Conditional Use Permit to allow a child care center with the following stipulations:**

- 1. Prior to Planning Commission approval, the applicant shall submit for review and approval elevations and color palette of the dumpster screening fence to ensure the fence is compatible with the existing on-site development; and**
- 2. Prior to the issuance of a Certificate of Occupancy for the Child Care Center, the applicant shall designate loading only parking stalls at the Fit-n-Fun entrance, with 10 minute loading restrictions to coincide with the Fit-n-Fun hours of operation. (7 to 2 with Braun, Gregg, Kinniburgh, Landguth, Rolinger, Wyss and Zephier voting yes and Brewer and Scull 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.***

\*48. 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** on 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 presented the staff recommendation to approve the Conditional Use Permit request with stipulations. Horton identified the map of the location of alcohol service businesses in the downtown area. Horton further identified the types of businesses surrounding the subject property.

In response to Scull's question, Horton identified the three businesses that do not serve food in conjunction with the alcohol licenses.

Charles Desmond, the applicant stated that the Hookah Lounge is under new ownership. Desmond suggested that an ordinance be proposed with regard to public intoxication. Desmond commented on his partner's diligence to prohibit underage drinking.

In response to Brewer's question, Desmond reviewed the business's hours of operation. Desmond added that food service may be available at some time in the future. Discussion followed.

In response to Braun's question, Elkins stated that the request is to allow an on-sale liquor establishment and she identified the license requirements. Elkins stated that a stipulation could be added that the only liquor be a malt-beverage. Discussion followed.

In response to Gundersen-Olson's question, Elkins stated that the Conditional Use Permit is connected to the property. Elkins further noted that the license is connected to the individual. Discussion followed.

In response to Rolinger's question, Elkins stated that the stipulation can be added that the Conditional Use Permit be for beer and wine service only.

**Rolinger moved, Kinniburgh seconded to approve the Conditional Use Permit request with the following stipulations:**

- 1. Prior to Planning Commission approval, the applicant shall obtain a change of occupancy building permit, including construction plans stamped by a registered professional per SDCL 36-18A;**
- 2. Prior to Planning Commission approval, the applicant shall obtain a Temporary Certificate of Occupancy as required by the 2006 International Building Code and a Certificate of Occupancy on or before March 1, 2010;**
- 3. Prior to Planning Commission approval, the applicant shall submit a sign package for review and approval demonstrating the size and location of all existing and proposed signs on the property. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. No LED reader board signs shall be allowed. 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 Conditional Use Permit. No electronic signs are being approved as part of this sign package. The addition of electronic signs and LED signs shall be considered a major amendment to the Conditional Use Permit. 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;**
- 4. The proposed structure shall conform architecturally to the plans and elevations submitted. Any expansion to the use will require a Major Amendment to the Conditional Use Permit;**
- 5. All applicable provisions of the International Fire Codes shall be continually met;**
- 6. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, and that the business operate as a Hooka**

- Lounge in conjunction with the Conditional Use Permit, or if the use as approved has ceased for a period of two years; and,**
- 7. That the sale of alcohol shall be limited to on-sale beer and wine sales in conjunction with the business operating as a smoke or hookah lounge.**

In response to Scull's question, Desmond stated that they are aware of the possibility of a State law prohibiting smoking. Desmond stated that the ban would not affect the smoking but that they would not be able to sell alcohol.

In response to Brewer's question, Elkins reviewed changes to the stipulations allowing a temporary certificate of occupancy.

In response to Wyss's question, Elkins stated that there is a separate application for a sidewalk café permit.

In response to Gunderson-Olsen's question, Elkins indicated that staff would consider a request for LED signs to be a major amendment. Elkins stated that the stipulations of approval could be modified to specifically prohibit LED signs.

Reverend Bob Evans, Pastor of the First Presbyterian Church expressed his concern with the proximity of the Hookah Lounge to a religious institution. Discussion continued.

In response to Landguth's question, Evans stated that there are child care facilities and youth programs within the church during in evening hours.

**Amended motion by Rolinger, seconded by Kinniburgh that the Conditional Use Permit request be approved with the following stipulations:**

- 1. Prior to Planning Commission approval, the applicant shall obtain a change of occupancy building permit, including construction plans stamped by a registered professional per SDCL 36-18A;**
- 2. Prior to Planning Commission approval, the applicant shall obtain a Temporary Certificate of Occupancy as required by the 2006 International Building Code and a Certificate of Occupancy on or before March 1, 2010;**
- 3. Prior to Planning Commission approval, the applicant shall submit a sign package for review and approval demonstrating the size and location of all existing and proposed signs on the property. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. No LED reader board signs shall be allowed. 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 Conditional Use Permit. No electronic signs are being approved as part of this sign package. The addition of electronic signs and LED signs shall be considered a major amendment to the Conditional Use Permit. 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;**

- 4. The proposed structure shall conform architecturally to the plans and elevations submitted. Any expansion to the use will require a Major Amendment to the Conditional Use Permit;**
- 5. All applicable provisions of the International Fire Codes shall be continually met;**
- 6. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,**
- 7. That the sale of alcohol shall be limited to on-sale beer and wine sales in conjunction with the business operating as a smoke or hookah lounge.**

The original motion maker and second concurred with the friendly amendment.

Wyss expressed his opinion that the type of business is out of character with the adjacent properties. Discussion followed.

Kinniburgh expressed his preference to centralize the locations of alcohol service businesses.

Desmond stated that the smoking ban would restrict the alcohol service portion of the business. Desmond identified the similar businesses that are open adjacent to the proposed business.

Rolinger expressed his support for this type of business in the community.

Scull expressed his support for the new type of business in the downtown area.

Evans reiterated his concerns with the concentration of liquor sales in the downtown business area. Lengthy discussion followed.

Elkins noted that the Conditional Use Permit request would only be forwarded to City Council if there is an appeal submitted.

**Rolinger moved, Kinniburgh seconded and carried to approve the Conditional Use Permit to allow an on-sale liquor establishment with the following stipulations:**

- 1. Prior to Planning Commission approval, the applicant shall obtain a change of occupancy building permit, including construction plans stamped by a registered professional per SDCL 36-18A;**
- 2. Prior to Planning Commission approval, the applicant shall obtain a Temporary Certificate of Occupancy as required by the 2006 International Building Code and a Certificate of Occupancy on or before March 1, 2010;**

3. **Prior to Planning Commission approval, the applicant shall submit a sign package for review and approval demonstrating the size and location of all existing and proposed signs on the property. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. No LED reader board signs shall be allowed. 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 Conditional Use Permit. No electronic signs are being approved as part of this sign package. The addition of electronic signs and LED signs shall be considered a major amendment to the Conditional Use Permit. 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;**
4. **The proposed structure shall conform architecturally to the plans and elevations submitted. Any expansion to the use will require a Major Amendment to the Conditional Use Permit;**
5. **All applicable provisions of the International Fire Codes shall be continually met;**
6. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,**
7. **That the sale of alcohol shall be limited to on-sale beer and wine sales in conjunction with the business operating as a smoke or hookah lounge.  
(ROLL CALL VOTE: 6 to 3 with Braun, Gregg, Kinniburgh, Landguth, Rolinger and Scull voting yes and Brewer, Wyss and Zephier 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.***

49. Discussion Items

- A. Request for Amendment to Section 17.18.030(16) to Allow Manufactured Homes as a Caretaker Residence.

Elkins presented the request.

In response to Brewer's question, Elkins stated that staff would review inspection requirements and other additional standards. Discussion followed.

In response to Braun's question, Behlings stated that the Fire Department has no concerns with the proposed Ordinance Amendment. Discussion followed.

Scull expressed his support for the proposed Ordinance Amendment.

**Brewer moved, Rolinger seconded to authorize staff to advertise for a public hearing to consider an amendment to Section 17.18.030(16) of the Rapid City Municipal Code to allow manufactured homes to be used as a caretaker residence as a Conditional Use in the General Commercial Zoning District. (9 to 0 with Braun, Brewer, Gregg, Kinniburgh, Landguth, Rolinger, Scull, Wyss and Zephier voting yes and none voting no)**

B. Sidewalk Requirements.

Heller presented the request to authorize staff to advertise or an Ordinance Amendment.

Landguth expressed his concerns with developer's not being required to install sidewalk on undevelopable lots.

**Brewer moved, Rolinger seconded and unanimously carried to continue the Planning Commission meeting past the 9:00 a.m. deadline. (8 to 0 with Braun, Brewer, Kinniburgh, Landguth, Rolinger, Scull, Wyss and Zephier voting yes and none voting no)**

Elkins suggested that an information meeting be scheduled to address these options.

Gregg left the meeting at this time.

**Rolinger moved, Brewer seconded to schedule a Planning Commission Training workshop in January. (8 to 0 with Braun, Brewer, Kinniburgh, Landguth, Rolinger, Scull, Wyss and Zephier voting yes and none voting no)**

50. Staff Items

Staff introduced Ali DeMersseman to the Growth Management staff.

**There being no further business, Landguth moved, Brewer seconded and unanimously carried to adjourn the meeting at 9:04 a.m. (8 to 0 with Braun, Brewer, Kinniburgh, Landguth, Rolinger, Scull, Wyss and Zephier voting yes and none voting no)**