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MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
January 21, 2010

MEMBERS PRESENT: Erik Braun, John Brewer, Barb Collins, Doug Kinniburgh, Linda Marchand, Steve Rolinger and Andrew Scull. Karen Gunderson-Olsen, Council Liaison was also present

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

Scull called the meeting to order at 7:02 a.m.

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

**Staff requested that Item 7 be removed from the Consent Agenda for separate consideration.**

**Kinniburgh requested that Item 25 be removed from the Consent Agenda for separate consideration.**

**Motion by Rolinger, Seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 26 in accordance with the staff recommendations with the exception of Items 7 and 25. (7 to 0 with Braun, Brewer, Collins, Kinniburgh, Marchand, Rolinger and Scull voting yes and none voting no)**

---CONSENT CALENDAR---

1. Approval of the January 7, 2010 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 June 24, 2010 Planning Commission meeting.**

- \*3. 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 February 18, 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.***

\*4. No. 09PD096 - Black Hills Center

A request by FourFront Design, Inc. for Eagle Ridge Properties, LLC to consider an application for a **Major Amendment to a Planned Residential Development** for Lots 2A and 2B of Block 1 of Black Hills Center, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 121 Stumer Road.

**Planning Commission continued the Major Amendment to a Planned Residential Development to the February 4, 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.***

\*5. No. 09PD097 - Big Sky Business Park

A request by Dennis Hettich for Conrads Big "C" Signs to consider an application for a **Major Amendment to a Planned Commercial Development** for Lot 2 of

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Block 1 of Big Sky Business Park, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 747 Timmons Boulevard.

**Planning Commission continued the Major Amendment to a Planned Commercial Development to revise the sign package to the February 4, 2010 Planning Commission.**

***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.***

\*6. No. 09PD098 - Heartland Retail Center

A request by Dennis Hettich for Conrads Big "C" Signs to consider an application for a **Major Amendment to a Planned Commercial Development** for Lot 2 of Block 1 of Heartland Retail Center, Sections 27 and 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4030 Cheyenne Boulevard.

**Planning Commission continued the Major Amendment to a Planned Commercial Development to revise the sign package to the February 4, 2010 Planning Commission.**

***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. 09PD113 - Melody Acres No. 2

A request by City of Rapid City to consider an application for a **Major Amendment to a Planned Residential Development** for Lot 16 of Melody Acres Subdivision No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2801 Cactus Drive.

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

- 1. The proposed one stall garage shall be of the same materials and same roof pitch as the residence;**
- 2. A Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. An exception is hereby granted to allow one off-street parking space to be provided in lieu of the two required spaces;**
- 4. The off-street parking space and driveway shall be paved; and,**
- 5. 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.**

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***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.***

9. 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 acknowledged the applicant's withdrawal of the Preliminary Plat application.**

10. 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 acknowledged the applicant's withdrawal of the Variance to the Subdivision Regulations request.**

11. 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 February 18, 2010 Planning Commission meeting.**

12. 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

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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 February 18, 2010 Planning Commission meeting.**

13. 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 February 18, 2010 Planning Commission meeting to allow the applicant to submit additional information.**

14. No. 09PL072 - Hillsview Subdivision

A request by Renner & Associates for Royal Nielsen to consider an application for a **Preliminary Plat** for proposed Lots A and B of Lot 15 Revised of Hillsview Subdivision, legally described as Lot 15 revised of Hillsview Subdivision and the sought 293 feet of Lot 6 of Marshall Subdivision, located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north side of East S.D. Highway 44 between Rockhill Road and Hillside Drive.

**Planning Commission continued the Preliminary Plat to the February 4, 2010 Planning Commission meeting.**

15. No. 09PL086 - Spring Canyon Estates

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** for proposed Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, legally described as Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5703 and 5707 Pioneer Circle.

**Planning Commission continued the Layout Plat to the February 4, 2010 Planning Commission meeting.**

16. No. 09SV028 - Spring Canyon Estates

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle, to**

**reduce the width of the private access and utility easement from 49 feet to a verifying width of 46.9 feet to five feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the private access and utility easement, to reduce the width of the access easement from 49 feet to a verifying width of 40 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code for proposed Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, legally described as Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5703 and 5707 Pioneer Circle.**

**Planning Commission continued the Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle, to reduce the width of the private access and utility easement from 49 feet to a varying width of 46.9 feet to 5 feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the private access and utility easement, to reduce the width of the access easement from 49 feet to a varying width of 40 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code to the February 4, 2010 Planning Commission meeting.**

17. No. 09RZ057 - West Boulevard Addition

A request by Marcy Morkert to consider an application for a **Rezoning from General Commercial District to Medium Density Residential District** of the east 35 feet of the west 71 feet of Lot 21 of Block 38 of West Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 814 Saint James Street.

**Planning Commission continued the Rezoning from General Commercial District to Medium Density Residential District to the February 4, 2010 Planning Commission meeting.**

18. No. 09SR110 - Section 29, T2N, R7E

A request by FMG, Inc. for Good Samaritan Society to consider an application for a **SDCL 11-6-19 Review to construct a public utility and authorize the acquisition of a utility easement** in the SE1/4 SW1/4 and SW1/4 SW1/4 and the NE1/4 SW1/4 and the NW1/4 SE1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Sturgis Road, south of Hidden Valley Road and west of St. Martins Drive.

**Planning Commission continued the SDCL 11-6-19 Review to construct a public utility and authorize the acquisition of a Utility Easement to the February 4, 2010 Planning Commission meeting.**

19. No. 09SR115 - Original Town of Rapid City  
A request by George Larson for American Cancer Society to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** on Seventh Street Right-of-way located adjacent to Lots 16 and 17 of Block 84 and alley right-of-way adjacent to Lots 1 and 32 of Block 83 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the Seventh Street between Main and St. Joseph Street.

**Planning Commission continued the SDCL 11-6-19 Review to allow temporary structures on public property to the February 4, 2010 Planning Commission meeting.**

20. No. 09SR118 - Section 32, T2N, R7E  
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 allow a structure on public property** on City Springs Park located in the S1/2 NE1/4 and the NE1/4, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 514 City Springs Road.

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

21. No. 09SR119 - Marshall Heights Tract  
A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a public structure on public property** on Lot K1-A of K1 Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1721 North Maple Avenue.

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

22. No. 09SR121 - Section 34, T2N, R7E  
A request by 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 along Deadwood Avenue adjacent to Lot E of SW1/4 NE1/4 less right-of-way, SW¼ SW¼ NE¼ less south 50 feet of the south 50 feet of the NW¼ SW¼ NE¼ less right-of-way, Lots A-D & R-S of the SW1/4 NE1/4, Lot C of NW1/4 SE1/4 & vacation of a portion of Deadwood Avenue adjacent to said Lot, less Lots H-1(E) & H-2 Lot FR of the NW1/4 SE1/4, Lot 3 of BHP Addition, Lot 1 of BHP Addition, along West Chicago Street adjacent to Lot 1 of BHP Addition, along Sheffer Street adjacent to Lot A of Block 12-13 of Providence Subdivision, along West Omaha Street adjacent to Lot A of Block 12-13 of Providence Subdivision, Lot BR of Block 12-13 of Providence Subdivision, Lot CR of Block 12-13 of Providence Subdivision, Lot A (of Lot 4R) and BLOCK 14R of Providence Subdivision, Lot 4R of Block 14 of Providence Subdivision, and Lot CR of Block 12-13 of Providence Subdivision, all located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Deadwood Avenue and West Chicago Street.

**Planning Commission approved the SDCL 11-6-19 Review request to install public utilities in the public right-of-way.**

23. No. 09SR122 - Section 4, T2N, R7E  
A request by 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 Lot B of Lot 1R of Block 4 of Rushmore Regional Industrial Park and the Elk Vale Road, Jet Drive and Turbine Drive rights-of-way adjacent to Lot B of Lot 1R of Block 4, Lot 1 of Block 3, Lot 7R of Block 2, Lot 1R of Block 2 of Rushmore Regional Industrial Park, all located in Section 4 T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Elk Vale Road, Turbine Drive and Jet Drive.

**Planning Commission approved the SDCL 11-6-19 Review request to install public utilities in the public right-of-way.**

24. No. 09SR123 - Section 35, T1N, R7E  
A request by Kent Hagg for Hagg Development Inc. to consider an application for a **SDCL 11-6-19 Review to extend public utilities** on the SW1/4 NW1/4, Section 35, T1N, R7E, BHM, and the U.S. Highway 16 Right-of-way and Moon Meadows Right-of-way located adjacent to the SW1/4 NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of U.S. Highway 16 and Sammis Trail.

**Planning Commission continued the SDCL 11-6-19 Review to extend public utilities to the February 4, 2010 Planning Commission meeting.**

26. No. 09SR126 - Original Town of Rapid City  
A request by Rushmore Plaza Civic Center to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** on Lot ER (less Hotel Lot of Lot ER) of the Original Town of Rapid City, and Lot F (formerly of Block 4, 14 and 15) Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Haines Avenue and North Street.

**Planning Commission approved the SDCL 11-6-19 Review to allow temporary structures on public property for the 2010, 2011 and 2012 Black Hills Stock Show and Rodeo.**

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

- \*7. No. 09PD099 - Tuscany Square Subdivision  
A request by Bob Brandt for Good Guys, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** for Tract 1 and Tract 2 of Tuscany Square Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 Omaha Street.



Fisher presented the staff recommendation to approve the Major Amendment with the revised site plan. Fisher reviewed the revised parking plan and landscape plan submitted by the applicant. Fisher added that the Major Amendment request approves the cosmetology esthetics and massage therapy school for three years as per the terms of the parking agreement.

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

Brandt apologized for the late submittal and expressed his appreciation for the Planning Commission's consideration of the revised site plan.

**Rolinger moved, Brewer seconded and carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:**

- 1. Prior to issuance of a Certificate of Occupancy for the cosmetology, esthetics and massage therapy school and salon, the parking lot located on Lots 20 through 30, Block 78, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, SD shall be constructed as per the approved Parking Plan. In addition, a minimum of 28,000 landscape points with one planter island shall be provided within the proposed parking lot as per the approved Landscape Plan;**
- 2. Prior to the start of construction of the off-site parking lot, a building permit shall be obtained. In addition, all red line comments shall be addressed prior to issuance of a building permit;**
- 3. The cosmetology, esthetics and massage therapy school and salon shall be allowed on the property as proposed from April 1, 2010 to April 1, 2013. Prior to April 1, 2013, a Major Amendment to the Planned Commercial Development shall be obtained demonstrating that sufficient parking is being provided for the cosmetology, esthetics and massage therapy school and salon use, or on April 1, 2013 the cosmetology, esthetics and massage therapy school and salon use shall cease. In addition, the proposed cosmetology, esthetics and massage therapy school and salon shall include no more than 65 students, 10 employees and 20 clients being on the property at any one time. The balance of the structures on the property shall be used as a bank, medical facility, personal service, carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant and storage unless otherwise specifically authorized as a subsequent Major Amendment to the Planned Commercial Development. In addition, an on-sale liquor use in conjunction with a full service restaurant shall be allowed in the 1,400 square foot restaurant. Any other use shall require a Major Amendment to the Planned Commercial Development;**
- 4. A minimum of 212 on-site parking spaces shall be provided. Seven of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, a minimum of 58 off-site parking spaces shall be provided for the cosmetology, esthetics and**

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massage therapy school and salon Three of these spaces shall be handicap accessible with one of the handicap spaces being “van accessible”. All provisions of the Off-Street Parking Ordinance shall be continually met;

5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;
7. The structure(s) shall continue to conform architecturally to the approved plans and elevations and color palette submitted as part of the original Commercial Development Plan(s);
8. A minimum of 129,240 landscaping points shall be provided on-site. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
9. All signage shall conform to the design, color and location as shown in the sign package submitted and approved as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
10. The dumpsters shall be located as shown on the site plan and screened on all four sides as proposed with a four foot high screening fence;
11. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
12. All currently adopted International Fire Codes shall be met; and,
13. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 0 to 1 with Brewer, Collins, Kinniburgh, Marchand, Rolinger and Scull voting yes and none voting no and Braun 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.***

25. No. 09SR124 - Section 20, T1N, R9E  
A request by Rapid City Regional Airport to consider an application for a **SDCL 11-6-19 Review to construct a sign on public property** on Lot A located in the

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SW1/4 of Section 20, T1N, R9E, BHM, Rapid City and the S.D. Highway 44 right-of-way lying adjacent to Lot A located in the SW1/4 of Section 20, T1N, R9E, BHM, all located in Pennington County, South Dakota, more generally described as being located at 4550 Terminal Road.

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

**Brewer moved, Rolinger seconded and carried to continue the SDCL 11-6-19 Review to construct a sign on public property to the February 4, 2010 Planning Commission meeting. (6 to 0 to 1 with Braun, Brewer, Collins, Marchand, Rolinger and Scull voting yes and none voting no and Kinniburgh abstaining)**

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

Scull requested that Item 28 be taken first, stating that he would need to abstain from Items 27, 29, 30, 31 and 32.

28. No. 09SR114 - Robbinsdale Addition No. 10

A request by James Walz to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on Lot 2 of Block 11, less Lot H1, H2, H3 and right-of-way, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4415 Parkview Drive.

Flaen presented the staff recommendation to approve the SDCL 11-6-19 Review to allow a structure on public property.

**Rolinger moved, Marchand seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow a structure on public property. (7 to 0 with Braun, Brewer, Collins, Kinniburgh, Marchand, Rolinger and Scull voting yes and none voting no)**

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

A request by Sperlich Consulting, Inc. for J. Scull Construction to consider an application for a **Planned Commercial Development - Initial and Final Development to include an on-sale liquor establishment** 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 to the February 4, 2010 Planning Commission meeting at the applicant's request.

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

**Collins moved, Marchand seconded and carried to continue the Planned**

**Commercial Development - Initial and Final Development Plan to the February 4, 2010, Planning Commission meeting. (6 to 0 to 1 with Braun, Brewer, Collins, Kinniburgh, Marchand and Rolinger voting yes and none voting no and Scull abstaining)**

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

29. No. 09SR117 – Meadowwood

A request by Feber Engineering Co., Inc. for South Dakota Game Fish and Parks to consider an application for a **SDCL 11-6-19 Review to allow construction of a street in the public right-of-way and to extend public utilities on public property** on Lot 2 of NWE Subdivision and the Dean Lane right-of-way adjacent to Lot 2 of NWE Subdivision, Block 2 of Tract G, Lots 1, 2, 3, 4, 5, 6 and 9 of Block 1 of Tract G and the north 30 feet of the west 100 feet of Lot 7 and the east 124 feet of Lots 7 and 8 of Meadowwood Subdivision all located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4130 Dean Lane.

Horton presented the staff recommendation to approve the SDCL 11-6-19 Review. Horton reviewed the proposed site plan, road configurations and utility locations of the subject property.

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

In response to Brewer's question, Horton stated that the SDCL 11-6-19 Review identifies the pedestrian paths for the facility. Horton stated that the applicant has recorded a utility easement for access to the utilities.

**Kinniburgh moved, Marchand seconded and carried to approve the SDCL 11-6-19 Review to allow construction of a street in public right-of-way and to extend public utilities on public property. (6 to 0 to 1 with Braun, Brewer, Collins, Kinniburgh, Marchand and Rolinger voting yes and none voting no and Scull abstaining)**

30. No. 09SR125 - Meadowwood

A request by Ferber Engineering Co. for South Dakota Game Fish and Parks to consider an application for a **SDCL 11-6-19 Review to construct public improvements on public land** on Lot 2 of NWE Subdivision, Block 2 of Tract G, Lots 3 - 4 of Block 1 of Tract G and the north 30 feet of the west 100 feet of Lot 7 and the east 124 feet of Lots 7 - 8 of Meadowwood, Lot 3 of GFP Subdivision, and Lots 1 - 2 of Block 1 of Tract G of Meadowwood, Section 3, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4130 Dean Lane west of Sturgis Road and north of North 40th Street.

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Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review to the February 4, 2010 Planning Commission meeting. Fisher further identified the proposed uses on the subject property. Fisher reviewed additional pedestrian access to be provided.

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

**Collins moved, Marchand seconded and carried to continue the SDCL 11-6-19 Review to construct public improvements on public property to the February 4, 2010 Planning Commission meeting. (6 to 0 to 1 with Braun, Brewer, Collins, Kinniburgh, Marchand and Rolinger voting yes and none voting no and Scull abstaining)**

31. No. 09VR009 - NWE Subdivision

A request by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks to consider an application for a **Vacation of Right-of-Way** on Dean Lane Right-of-Way located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as: Commencing at a found plastic cap marked Renner #2652 at the Northwest corner of Lot 4 of Block 1 of Tract G of Meadowwood Subdivision the True Point of Beginning; Thence, N02°03'12"E, a distance of 60.58 feet; Thence, S88°00'10"E, a distance of 356.54 feet; Thence, N86°54'00"E, a distance of 24.87 feet to a found nail; Thence, N86°41'03"E, a distance of 292.86 feet to a found cap marked Renner #2652; Thence, S03°05'15"E, a distance of 60.14 feet; Thence, S86°45'56"W, a distance of 320.15 feet to a found cap marked FMG #6119; Thence, N88°05'47"W, a distance of 135.29 feet, to a found cap marked Renner #2652; Thence, N88°09'07"W, a distance of 224.20 feet to the True Point of Beginning, more generally described as being located west of Sturgis Road and east of North 40th Street.

Horton presented the staff recommendation to approve the Vacation of Right-of-way with stipulations. Horton further identified alternate access proposed by the applicant.

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

**Marchand moved, Braun seconded and carried to recommend that the Vacation of Right-of-way be approved with the following stipulations:**

1. **Prior to Planning Commission approval, the applicant shall provide copies of the recorded Pedestrian Access Easement and Public Access 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. (6 to 0 to 1 with Braun, Brewer, Collins, Kinniburgh, Marchand and Rolinger voting yes and none voting no and Scull abstaining)**

32. No. 09VR010 - NWE Subdivision

A request by Ferber Engineering Company for South Dakota Game Fish and Parks to consider an application for a **Vacation of Right-of-way** on the North 40th Street Right-of-Way located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as: Commencing at a found plastic cap marked Renner #2652 at the Northwest corner of Lot 4 of Block 1 of Tract G of Meadowwood along the southern right-of-way line of Dean Lane, the true point of beginning; THENCE, S01°57'54"W, a distance of 149.60' feet along the east right-of-way line to a found cap marked Polenz #4208; THENCE, S01°57'54"W, a distance of 130.02 feet along the east right-of-way line; THENCE, N88°03'10"E, a distance of 60.06 feet; THENCE, N01°58'10"E, a distance of 279.68 feet along the west right-of-way line to a found cap marked FMG #4225; THENCE, N00°22'58"E, a distance of 89.86 feet along the west right-of-way line to a found cap marked Renner #2652; THENCE, S88°00'09"E, a distance of 60.09 feet along the north right-of-way line; THENCE, S02°03'12"W, a distance of 60.58 feet to the true point of beginning, more generally described as being located at the northern terminus of North 40th Street and west of Sturgis Road.

Fisher presented the staff recommendation to continue the Vacation of Right-of-way to the February 4, 2010 Planning Commission meeting.

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

**Collins moved, Braun seconded and unanimously carried to continue the Vacation of Right-of-way to the February 4, 2010 Planning Commission meeting. (6 to 0 to 1 with Braun, Brewer, Collins, Kinniburgh, Marchand and Rolinger voting yes and none voting no and Scull abstaining)**

**There being no further business, Rolinger moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:25 a.m. (7 to 0 with Braun, Brewer, Collins, Kinniburgh, Marchand, Rolinger and Scull voting yes and none voting no)**