

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 20, 2008

MEMBERS PRESENT: John Brewer, Gary Brown, Thomas Hennies, Linda Marchand, Steve Rolinger and Andrew Scull. Ron Weifenbach, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Monica Heller, Vicki Fisher, Patsy Horton, Travis Tegethoff, Jared Ball, Mary Bosworth, Ted Johnson, Karley Halsted, Bill Knight, Mike Schad and Carol Campbell.

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

Hennies 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 8, 16 and 19 be removed from the Consent Agenda for separate consideration.

Brewer and Scull requested that Items 11 and 15 be removed from the Consent Agenda for separate consideration.

A member of the audience requested that Item 21, 47 and 48 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger, Seconded by Brown and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 55 in accordance with the staff recommendations with the exception of Items 8, 11, 15, 16, 19, 21, 47 and 48. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)

1. Approval of the October 23, 2008, October 28, 2008 and November 6, 2008 Planning Commission Meeting Minutes.

2. No. 05VR014 - Sletten Addition

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the north to east curve of West Nike Road.

Planning Commission continued the Vacation of Section Line Highway request to the December 18, 2008 Planning Commission meeting.

3. No. 07PL134 - Hyland Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, legally described as a portion of the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

Planning Commission continued the Preliminary Plat to the December 18, 2008 Planning Commission meeting.

4. No. 07SV057 - Hyland Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on proposed Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the Dedicated Right-of-way, legally described as the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code to the December 18, 2008 Planning Commission meeting.

5. No. 08CA031 - Rushmore Center

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the future 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 B of Rushmore Center, located in the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly corner of Tract B of Rushmore Center, common to the southeasterly corner of Tract G of Rushmore Crossing, common to a point on the westerly edge of right-of-way of Luna Avenue, and the point of beginning. Thence, first course curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 464.00 feet, a delta angle of 17°00'58", a length of 137.80 feet, a chord bearing of S11°46'03"E, and chord distance of 137.30 feet, to a corner of said Tract B, common to a corner on the westerly edge of said Luna Avenue right-of-way; Thence, second course: N86°44'26"E, along the easterly boundary of said Tract B, common to the westerly edge of right-of-way of said Luna Avenue right-of-way, a distance of 12.00 feet, to a corner of said Tract B, common to a corner on the westerly edge of said Luna Avenue right-of-

way; Thence, third course curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of $03^{\circ}25'22''$, a length of 28.44 feet, a chord bearing of $S01^{\circ}32'53''E$, and chord distance of 28.43 feet; Thence, fourth course: $S00^{\circ}09'48''W$, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 816.29 feet; Thence, fifth course curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of $01^{\circ}48'09''$, a length of 61.97 feet, a chord bearing of $S01^{\circ}03'52''W$, and chord distance of 61.97 feet; Thence, sixth course: $S01^{\circ}57'56''W$, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 23.04 feet; Thence, seventh course: $N89^{\circ}53'25''W$, a distance of 192.65 feet; Thence, eighth course: $N00^{\circ}01'19''W$, a distance of 909.25 feet; Thence, ninth course: $N27^{\circ}50'29''W$, a distance of 175.08 feet to a point on the northerly boundary of said Tract B, common to a point on the southerly boundary of said Tract G; Thence, tenth course: $S89^{\circ}45'36''E$, along the northerly boundary of said Tract B, common to the southerly boundary of said Tract G, a distance of 238.28 feet to the northeasterly corner of said Tract B, common to the southeasterly corner of said Tract G, common to a point on the westerly edge of right-of-way of said Luna Avenue, and the point of beginning, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of East Anamosa Street and Luna Avenue.

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

6. No. 08CA032 - Rushmore Center

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the Future Land Use Designation from Medium Density Residential to General Commercial with a Planned Commercial Development** on Tract A and a portion of Tract B of Rushmore Center, located in the SE $\frac{1}{4}$, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwesterly corner of Tract B of Rushmore Center, common to the northeasterly corner of Tract A of Rushmore Center, and common to a point on the southerly boundary of Tract G of Rushmore Crossing, and the point of beginning; Thence, first course: $S89^{\circ}45'36''E$, along the northerly boundary of said Tract B, common to the southerly boundary of said Tract G, a distance of 36.69 feet; Thence, second course: $S27^{\circ}50'29''E$, a distance of 175.08 feet; Thence, third course: $S00^{\circ}01'19''E$, a distance of 909.25 feet; Thence, fourth course: $S89^{\circ}52'30''W$, a distance of 121.62, to a point on the westerly boundary of said Tract B, common to a point on the easterly boundary of Lot A of Lot 5R of Meridian Subdivision; Thence, fifth course: $N00^{\circ}09'06''E$, along the westerly boundary of said Tract B, common to the easterly boundary of said Lot A of Lot 5R, a distance of 583.94 feet, to the northeasterly corner of said Lot A of Lot 5R, common to the southeasterly corner of said Tract A, and common to a point on the westerly boundary of said Tract B; Thence, sixth course: $N00^{\circ}09'06''E$, along

the westerly boundary of said Tract B, common to the easterly boundary of said Tract A, a distance of 480.53 feet, to the northwesterly corner of said Tract B, common to the northeasterly corner of said Tract A, common to a point on the southerly boundary of said Tract G, and the point of beginning, more generally described as being located southwest of the intersection of Eglin Street and Luna Avenue.

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

7. No. 08CA040 - Cambell Square Addition

A request by Britton Engineering & Land Surveying for Steve Wynia of Wyngaard Investments and the City of Rapid City to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from Commercial to Industrial** on Lot 9 of Cambell Square Addition, located in Government Lot 4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1410 Centre Street.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Commercial to Industrial be approved.

9. 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 22, 2009 Planning Commission meeting.

10. No. 08PD051 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Roy Burr to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on a portion of the W½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 7 of Block 2 of The Villaggio at Golden Eagle, common to a point on the southerly boundary of Lot 1R of Tract B of Springbrook Acres, intersecting a 1/64 section line of said Section 22, and the Point of Beginning; Thence, first course: S00°04'39"E, along the westerly boundary of said Lot 7 of Block 2, common to a 1/64 section line of said Section 22, a distance of 112.55 feet, to an interior 1/64 section corner of Section 22, common to an angle point on the westerly boundary of said Lot 7 of Block 2; Thence, second course: S00°08'13"E, along the westerly boundary of said Lot 7 of Block 2, common to a 1/64 section line of said Section 22, a distance of 19.96 feet, to the southwesterly corner of said Lot 7 of Block 2, common to the northwesterly corner of Lot 6 of Block 2 of The Villaggio at Golden Eagle; Thence, third course: S00°08'13"E, along the westerly boundary of said Lot 6 of

Block 2, common to a 1/64 section line of said Section 22, a distance of 104.33 feet, to the southwesterly corner of said Lot 6 of Block 2, common to the northwesterly corner of Lot 5 of Block 2 of The Villaggio at Golden Eagle; Thence, fourth course: S00°08'13"E, along the westerly boundary of said Lot 5 of Block 2, common to a 1/64 section line of said Section 22, a distance of 95.12 feet, to the southwesterly corner of said Lot 5 of Block 2, common to an angle point on the northerly boundary of Lot 4R of Block 2 of The Villaggio at Golden Eagle; Thence, fifth course: S61°38'29"W, along the northwesterly boundary of said Lot 4R of Block 2, a distance of 200.00 feet, to the southwesterly corner of said Lot 4R of Block 2, common to the northwesterly corner of Lot 3R of Block 2 of The Villaggio at Golden Eagle; Thence, sixth course: S26°45'22"E, along the westerly boundary of said Lot 3R of Block 2, a distance of 106.66 feet, to the southwesterly corner of said Lot 3R of Block 2, common to the northwesterly corner of Lot 2R of Block 2 of The Villaggio at Golden Eagle; Thence, seventh course: S26°45'22"E, along the westerly boundary of said Lot 2R of Block 2, a distance of 34.44 feet to a point on the westerly boundary of said Lot 2R of Block 2; Thence, eighth course: S89°51'47"W, a distance of 237.22 feet; Thence, ninth course: N00°08'13"W, a distance of 441.23 feet, to a point on a 1/64 section line of said Section 22; Thence, tenth course: N50°09'55"E, a distance of 243.07 feet, to a point on the southerly boundary of Lot 1R of Tract B of Springbrook Acres; Thence, eleventh course: S56°59'57"E, along the southerly boundary of said Lot 1R of Tract B of Springbrook Acres, a distance of 91.30 feet, to an angle point on the southerly boundary of said Lot 1R of Tract B of Springbrook Acres; Thence, twelfth course: N85°50'49"E, along the southerly boundary of said Lot 1R of Tract B of Springbrook Acres, a distance of 87.08 feet, to the northwesterly corner of Lot 7 of Block 2 of The Villaggio at Golden Eagle, common to a point on the southerly boundary of said Lot 1R of Tract B of Springbrook Acres, intersecting a 1/64 section line of said Section 22, and the Point of Beginning, more generally described as being located north of Catron Boulevard and west of Golden Eagle Drive.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the December 4, 2008 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. 08PD057 - Tuscany Square Subdivision

A request by Bob Brandt for Marci Wieseler to consider an application for a **Major Amendment to a Planned Commercial Development** on Tract 1 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.

Planning Commission recommended that the Major Amendment to a Planned Commercial Development be approved with the following

stipulations:

1. The structures shall be used as a 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;
2. 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;
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;
5. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
6. A minimum of 129,240 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
7. A minimum of 209 parking spaces shall be provided. Seven of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
8. 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;
9. 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;
10. All currently adopted International Fire Codes shall be met; and,
11. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

The Rapid City Planning Commission's action on this item is final unless

any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

13. No. 08PD059 - Boulevard Addition

A request by Kimberly Bertelson to consider an application for a **Major Amendment to a Planned Commercial Development** on the west 72.15 feet of the north 60 feet of Lot 1 of Block 36 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1204 Mount Rushmore Road.

Planning Commission recommended that the Major Amendment to a Planned Commercial Development be approved with the following stipulations:

1. **The use of the property shall be limited to professional offices, which includes real estate, insurance, appraiser, accountants and a medical clinic which includes a massage therapy business. Any other use shall require the review and approval of a Major Amendment to the Planned Commercial Development;**
2. **The on-site parking requirement is hereby reduced from four spaces to one space. In addition, the access aisle width is hereby reduced from 26 feet to 12 feet and the existing driveway grade of 18% is hereby allowed in lieu of the maximum 12% driveway grade;**
3. **Signage for the property shall be limited to one two-faced ground sign and one wall sign. The size of the ground sign shall be limited to five foot in height and six foot in width and shall be indirectly lighted. The size of the wall sign shall be limited to four square feet and shall be indirectly lighted (no back lighted 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 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;**
4. **A minimum of 3,433 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
5. **All currently adopted International Fire Codes shall be met, including the provision that smoke detection devices be provided;**
6. **The screening fence requirement along the east property line is hereby waived as previously granted;**
7. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; and,**
8. **The Planned Commercial Development approval shall expire if the use is not undertaken within two years of the date of approval by the**

Planning Commission, or if the use as approved has ceased for a period of two years.

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

14. No. 08PL061 - Race Track Subdivision

A request by Kadrmas, Lee and Jackson for Speedway Enterprises, LLC to consider an application for a **Layout Plat** for proposed Lots 1 and 2 of Race Track Subdivision, legally described as the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.

Planning Commission recommended that the Layout Plat be denied without prejudice.

17. No. 08PL113 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Roy Burr to consider an application for a **Preliminary Plat** for proposed Lot 8 of Block 2 of the Villaggio at Golden Eagle, legally described as a portion of the W1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5617 Villaggio Lane.

Planning Commission continued the Preliminary Plat to the December 4, 2008 Planning Commission meeting.

18. No. 08PL116 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Zandstra Real Estate Holdings to consider an application for a **Preliminary Plat** for proposed Lots 8 thru 12 of Block 8, Lots 5 thru 9 of Block 9, Lots 17 thru 23 of Block 10, Lots 4 thru 18 of Block 11 and Lots 1 thru 10 of Block 13 of Elks Country Estates, legally described as a portion of Tract 1 of the E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north and south sides of the intersection of Jolly Lane and Padre Drive and adjacent to Forest Oaks Court.

Planning Commission continued the Preliminary Plat to the December 18, 2008 Planning Commission meeting.

20. No. 08PL131 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Preliminary Plat** for proposed Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, legally described as Lot 1 of

Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, more generally described as being located at 333 Concourse Drive.

Planning Commission continued the Preliminary Plat to the December 4, 2008 Planning Commission meeting.

22. No. 08PL136 - Boulevard Addition

A request by Renner & Associates for Doug Noyes to consider an application for a **Layout Plat** for proposed Lots 1 and 2 of resubdivision of Lot 13 of Block 31 of Boulevard Addition and vacated portion of Fairview Street, legally described as Lot 13 of Block 31 of Boulevard Addition, being all of Block 31 west of the north/south Alley and a portion of Fairview Street, located in the SW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Clark Street and Forest Hills Drive/Fairview Street.

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

1. **Upon submittal of a Preliminary Plat application, a drainage and grading plan must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary;**
2. **Upon submittal of the Preliminary Plat application, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;**
3. **Upon submittal of the Preliminary Plat application, water system plans prepared by a Registered Professional engineer verifying the source and demonstrating that sufficient quantities are available for**

- domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
4. Upon submittal of the Preliminary Plat application, construction plans for Clark Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the street shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 5. Upon submittal of the Preliminary Plat application, construction plans for Fairview Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the street shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the right-of-way shall be vacated;
 6. Upon submittal of a Preliminary Plat application a detailed geotechnical report for footing, foundations, and walls shall be submitted for review and approval;
 7. Upon submittal of the Preliminary Plat application, a site plan shall be submitted for review and approval demonstrating the building envelopes for the proposed lots meet the minimum setback requirements for the Low Density Residential District or revise the plat document to comply with the setback requirements of the Rapid City Municipal Code;
 8. Upon submittal of the Preliminary Plat application, a site plan shall be submitted for review and approval demonstrating the driveway locations for each lot;
 9. Prior to Preliminary Plat approval by City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
 10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees shall be paid as required;
 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 12. 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.
23. No. 08PL137 - Trusty Subdivision
A request by Britton Engineering & Land Surveying for Linda Weins to consider an application for a **Layout Plat** for proposed Lots 1 thru 4 of Weins Subdivision, formerly an unplatted parcel located in the E1/2 NW1/4 SW1/4 less Lot 1 of Trusty Subdivision and less County Road Right-of-way, legally described as an

unplatted parcel located in the E1/2 NW1/4 SW1/4 less Lot 1 of Trusty Subdivision and less County Road Right-of-way all located in Section 15, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 13924 Neck Yoke Road.

Planning Commission continued the Layout Plat to the December 4, 2008 Planning Commission meeting.

24. No. 08PL138 - East Mall Business Center Subdivision

A request by Ferber Engineering Co., Inc. for North Street Fire Station, LLC to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Block 5 of East Mall Business Center Subdivision and dedicated public right-of-way for East North Street, legally described as a portion of the SE1/4 north of Interstate 90 less Tract A of the NE1/4 SE1/4 and less lots H5, H6, H7, H8 and H9 but including that part of vacated East Mall Drive being part of the outside edge of Lot H5; and part of the SW1/4 north of Interstate 90 including vacated East Mall Drive within said SW1/4 and less Lot 1 of NE1/4 SW1/4 and less Lots 1 and 2 of NW1/4 SW1/4 and less Lot H5 and less lot H8; and part of Lot 1 of the NE1/4 SW 1/4 including vacated East Mall Drive within said Lot 1 and less Lot H7; and part of NW1/4 including vacated East Mall Drive within said NW1/4 less Lots AR, B, C and less E1/2 NE1/4 NW1/4 and less E1/2 NW1/4 NE1/4 NW1/4 and less Lots H2 and H4; and part of Lot C of NW1/4 less Lot H3 and less Lot H1; and part of Lot 1 of Silver Strike Subdivision; and all located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of East North Street and East Mall Drive.

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

1. **Prior to City Council approval of the Preliminary Plat application, all red lined comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department;**
2. **Prior to Final Plat approval, a different road name shall be submitted for review and approval for East North Street;**
3. **Prior to Preliminary Plat approval by City Council, a cost estimate for the subdivision improvements reflecting the project phasing shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
5. **Prior to Preliminary Plat approval by City Council, revised construction plans identifying the phasing plans shall be submitted for review and approval;**
6. **Upon submittal of a Final Plat application, surety for the lift station and force main improvements or alternative gravity sewer service and any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees be paid as required;**
7. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**

8. **The approved 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.**

25. No. 08PL139 - Canyon Lake Heights Subdivision

A request by Matt Benne for Angie Charlson to consider an application for a **Layout Plat** for proposed Lots A, B, C and D of Lot 4R of Block 15 of Canyon Lake Heights Subdivision, legally described as Lot 4R in Block 15 of Canyon Lake Heights Subdivision, as shown on the plat filed in Plat Book 28, Page 87 and as corrected by Affidavit recorded December 17, 1997 in Book 69, Page 9640, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4560 Cliff Drive.

Planning Commission recommended that the Layout Plat be denied without prejudice.

26. No. 08PL144 - GFP Subdivision

A request by FMG, Inc. for Northwestern Engineering to consider an application for a **Layout and Preliminary Plat** for proposed Lots 1 thru 3 of GFP Subdivision and dedicated Right-of-way for Meadowwood Drive and North 44th Street, legally described as Tract A, Lot K and Lot 1 of Tract B all of Meadowwood Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of North 44th Street between City Springs Road and Sturgis Road.

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

1. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to reconfigure Lot 2 eliminating the unusable reserve strip or a Variance to the Subdivision Regulations shall be obtained to allow an unusable reserve strip;**
2. **Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension and/or existing water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water**

plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;

4. Prior to Preliminary Plat approval by the City Council, street construction plans for N. 44th Street shall be submitted for review and approval. In particular, the street shall be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan relocating N. 44th Street as proposed shall be approved or the plat document shall be revised to comply with the adopted plan. In addition, centerline and edge of right-of-way line profiles for the street shall be submitted for review and approval to ensure that it is feasible to construct the street in the proposed location;
6. Prior to Preliminary Plat approval by the City Council, street construction plans for the 40 foot wide right-of-way located along the east lot line of the property shall be submitted for review and approval. In particular, the street shall be located in a minimum 59 foot wide right-of-way 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. In addition, the plat document shall be revised to show the dedication of 9.5 additional feet of right-of-way;
7. Prior to Preliminary Plat approval by the City Council, street construction plans for Meadowwood Drive shall be submitted for review and approval. In particular, the street shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall show the cul-de-sac bulb located within a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
8. Prior to Preliminary Plat approval by the City Council, street construction plans for the section line highway shall be submitted for review and approval. In particular, the street shall be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;
9. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater

- Quality Manual shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
10. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 11. Prior to Preliminary Plat approval by the City Council, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed. In addition, a Floodplain Development Permit shall be obtained prior to any construction within the 100 year Federally designated Floodplain;
 12. Prior to submittal of a Final Plat application, the plat document shall be revised to exclude the improvement identified as “an existing well” located on proposed Lot 3 from the Major Drainage Easement or the improvement shall be abandoned or surety shall be posted for the abandonment requiring the structure to be removed within two years;
 13. 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;
 14. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 15. 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.
27. No. 08PL145 - Homestead Subdivision
A request by Sperlich Consulting, Inc. for Ronald Shape to consider an application for a **Preliminary Plat** for proposed Lot 13 of Block 6, Lots 2 thru 11 of Block 7, Lots 2 thru 11 of Block 8 of Homestead Subdivision, legally described as a portion of the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Homestead Street and north of Carl Avenue.

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 allow a lot twice as long as it is wide or the plat document must be revised to comply with the length to width requirement;
2. Prior to Preliminary Plat approval by the City Council, information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;
3. Prior to Preliminary Plat approval by the Planning Commission, additional drainage information for Phase Two of the development

shall be submitted for review and approval. In particular, the drainage information shall include sizing information for rip-rap, inlets and street flow calculations. In addition, the plat document shall be revised to provide drainage easements as needed;

4. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate ownership and maintenance of the "Major Drainage Easement" located on proposed Lot 13. In particular, if the applicant intends for the lot to be owned and maintained by the City, then the applicant shall obtain Planning Commission approval of a SDCL 11-6-19 Review and City Council approval of the acceptance of ownership and maintenance of the drainage lot or the Preliminary Plat shall be revised to replat the Major Drainage Easement into the adjacent lots;
5. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that adequate fire and domestic water flows are being provided for the proposed development. In addition, the water and sewer plans shall be reviewed and approved by the Rapid Valley Sanitary District;
6. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
8. Prior to submittal of a Final Plat application, the plat document shall be revised to read "Ziebach Street";
9. 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;
10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
11. 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.

28. No. 08RD006 - Catron Crossing Subdivision

A request by City of Rapid City to consider an application for a **Resolution for Road Name Change from Motherload Drive to Motherlode Drive** on Right-of-way adjacent to Lots 9 thru 17 of Block 3 and Lots 1 thru 9 of Block 4 of Catron Crossing Subdivision, located in the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Bendt Drive and Nugget Gulch Road.

Planning Commission recommended that the street name Motherload Drive be changed to Motherlode Drive.

29. No. 08RZ044 - Cambell Square Addition

A request by Britton Engineering & Land Surveying for Steve Wynia of Wyngaard Investments and the City of Rapid City to consider an application for a **Rezoning from General Commercial District to Light Industrial District** on , Lot 9 of Cambell Square Addition, located in Government Lot 4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1410 Centre Street.

Planning Commission recommended that the Rezoning from General Commercial District to Light Industrial District be approved in conjunction with the associated Amendment to the Amendment to the Adopted Comprehensive Plan.

30. No. 08RZ045 - Jackson Park

A request by Pennington County and City of Rapid City to consider an application for a **Rezoning from Park Forest District to Flood Hazard District** on Lot 1A of Block 3 of Jackson Park, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Chapel Lane and south of Jackson Boulevard.

Planning Commission recommended that the Rezoning from Park Forest District to Flood Hazard District be approved.

31. No. 08RZ046 - High View Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on Tract 20 of High View Subdivision, located in the NE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1445 Sammis Trail.

Planning Commission recommended that the Rezoning from No Use District to General Agriculture District be approved.

32. No. 08SR017 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 27 of Rapid City Greenway Tract, Section 31, T2N, R8E, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 300 E. Omaha Street.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a sign on public property to the December 18, 2008 Planning Commission meeting.

33. No. 08SR018 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract 8 of Rapid City Greenway Tract, Sections 3, 4 and 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3040 Jackson Boulevard.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a sign on public property to the December 18, 2008 Planning Commission meeting.

34. No. 08SR020 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow construction of a sign on public property** on Tract 1 thru 3 and Lot A-B of Tract 3, Section 9, T1N, R7E, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a sign on public property to the December 18, 2008 Planning Commission meeting.

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

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

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a lift station to the December 18, 2008 Planning Commission meeting.

36. No. 08SR060 - Original Town of Rapid City

A request by Advanced Engineering and Environmental Services for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow construction of public utility vaults** on Block 5 of Flormann Addition and Lots 11 thru 32 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Columbus Street and Third Street on Second Street and Third Street.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of the southern control vault located within street right-of-way to the December 18, 2008 Planning Commission meeting.

37. No. 08SR071 - Rapid City Greenway Tract

A request by Mark Olson for Black Hills Farmers Market to consider an application for a **SDCL 11-6-19 Review to allow a farmers market in a public place from 2009 through 2011** on Tract 17 less Lot H1 (also in Section 34, T2N, R7E) of the Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

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

farmers market in a public place from 2009 through 2011 to the December 4, 2008 Planning Commission meeting.

38. No. 08SR074 - Section 32, T2N, R7E

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure in a public park** on City Springs in the unplatted portion of the S1/2 of the NE1/4 and the NE1/4 of the SE1/4, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 514 City Springs Road.

Planning Commission continued the SDCL 11-6-19 Review to allow a structure in a public park to the December 4, 2008 Planning Commission meeting.

39. No. 08SR078 - Rapid City Airport Subdivision No. 6

A request by Hengel Associates, P.C. for Dale Aviation, Inc. to consider an application for a **SDCL 11-6-19 Review to allow structures on public property** on located in the unplatted portion of Rapid City Airport Subdivision No. 6, Section 17, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3900 Airport Road.

Planning Commission continued the SDCL 11-6-19 Review to allow structures on public property to the December 4, 2008 Planning Commission meeting.

40. No. 08SR080 - Carefree Subdivision

A request by Ferber Engineering Company, Inc. for City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Eglin Street** on Lot X and the vacated Section Line, Section 29, T2N, R8E, Lots 1 and 2 of Carefree Subdivision, Section 32, T2N, R8E and adjacent East North Street and Eglin Street Rights-of-way, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of South Dakota Department of Transportation Office Complex between East North Street and Eglin Street.

Planning Commission approved the SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Eglin Street with the acknowledgement that the right-of-way width for Eglin Street within the previously vacated section line highway is hereby reduced from 100 feet to 87.75 feet and 78.75 feet, respectively.

41. No. 08SR084 - Rapid City Greenway Tracts

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

Planning Commission continued the SDCL 11-6-19 Review to allow temporary structures on public property to the December 4, 2008 Planning Commission meeting.

42. No. 08SR092 - East Mall Drive Business Center Subdivision

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to authorize acquisition of property** on Lot 2 of Block 5 of East Mall Drive Business Center Subdivision, more particularly described as follows: Commencing at a found one inch IRON PIPE, accepted to be the Common 1/4 Corner of Section 29, T2N, R8E; Thence, N02°02'26"E, along the North 1/4 Section Line of said Section 29, a distance of 1,325.02 feet to the North 1/16 Line; Thence, N87°58'03"W, along the 1/16 Line, a distance of 50.00 feet to the True Point of Beginning; Thence, N87°58'03"W, along the said 1/16 Line, a distance of 392.57 feet; Thence, S02°02'25"W, a distance of 334.23 feet to the North Line of Lot C of the NW1/4 of Section 29, T2N, R8E, BHM; Thence, S88°18'16"E, along the North Line of Said Lot C, a distance of 392.57 feet to the proposed West Right-of-Way Line for North Mickelson Drive; Thence, N02°02'25"E, along the proposed West Right-of-Way Line for North Mickelson Drive, a distance of 333.06 feet to the True Point of Beginning, more generally described as being located north of Mall Drive and west of East North Street.

Planning Commission approved the SDCL 11-6-19 Review to authorize acquisition of property.

43. No. 08SR093 - Section 16, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to upgrade the Jolly Lane Lift Station** on Tract 2 of the E1/2, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Jolly Lane.

Planning Commission continued the SDCL 11-6-19 Review to upgrade the Jolly Lane Lift Station to the December 4, 2008 Planning Commission meeting.

44. No. 08SV028 - Race Track Subdivision

A request by Kadrmass, Lee and Jackson for Speedway Enterprises, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Race Track Subdivision, formerly the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SW/14 NW1/4 and a portion of the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East S.D. Highway 44 and Jolly Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

45. No. 08SV041 - Mahoney Addition

A request by Black Hills Area Habitat for Humanity to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Block 73A and 73C of Mahoney Addition, located in the SE1/4, legally described as Block 73, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1323 Midway Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement 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 improvements.**

46. No. 08SV047 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1R and Lot2 of Block 3 of Rushmore Business Park, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of

beginning, more generally described as being located at 333 Concourse Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code to the December 4, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat application.

49. No. 08SV052 - H&H Estates Subdivision

A request by Jerry Wendland for Lyle Bromwich to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Hacienda Street as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1R, 2R, 4R, 5R, 6R, 7R, 9R, 12R, 13R, 16R, 17R, 18R, 19R, 20R, 21R and Lot 4a of Block 4 of H&H Estates Subdivision, legally described as Lots 1, 2, 4, 5, 6, 7, 9, 12, 13, 16, 17, 18, 19, 20, 21 and Lot 4a of Block 4 of H&H Estates Subdivision, all located in the NW1/4 SE1/4 and NE1/4 SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located northeast of the Intersection of Hacienda Street and Williams Street and west of Plateau Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Hacienda Street 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.**

50. No. 08SV053 - Canyon Lake Heights Subdivision

A request by Matt Benne for Angie Charlson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet along Cliff Drive; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement, to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement and to reduce the width of the private roadway easement from 45 feet to 30 feet; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 40 foot wide access and utility easement and to reduce the width of the access and utility easement from 45 feet to 40 feet as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots A, B, C and D of Lot 4R of Block 15 of Canyon Lake Heights Subdivision, legally described as Lot 4R in Block 15 of Canyon Lake Heights Subdivision, as shown on the plat filed in Plat Book 28, Page 87 and as corrected by Affidavit recorded December 17, 1997 in Book 69, Page 9640, located in the SE1/4 SE1/4, Section

8 and the SW1/4 SW1/4, Section 9, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4560 Cliff Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to install curb, gutter, sidewalk, street light conduit, water and sewer along Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet along Cliff Drive, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement, to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement and to reduce the width of the private roadway easement from 45 feet to 30 feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 40 foot wide access and utility easement and to reduce the width of the access and utility easement from 45 feet to 40 feet as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

51. No. 08SV055 - GFP Subdivision

A request by FMG, Inc. for Northwestern Engineering to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the Section Line Highway; to reduce the right-of-way width from 100 feet to 80 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water along North 44th Street; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water along Meadowwood Drive; and, to reduce the right-of-way width from 59 feet to 40 feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water along the existing 40 foot wide right-of-way as it abuts the east lot line of the property and to waive the requirement that an unusable reserve strip be prohibited as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 thru 3 of GFP Subdivision and dedicated Right-of-way for Meadowwood Drive and North 44th Street, legally described as Tract A, Lot K and Lot 1 of Tract B all of Meadowwood Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of North 44th Street between City Springs Road and Sturgis Road.

Planning Commission recommended that the Planning Commission acknowledge the applicant's withdrawal of the Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 along N. 44th Street, to reduce the right-of-way width from 59 feet to 40 feet along the existing 40 foot wide right-of-way located along the east lot line of the property and to allow an unusable reserve strip;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water along Meadowwood Drive, the existing 40 foot wide right-of-way as it

abuts the east lot line of the property and along N. 44th Street 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 improvements; and, That the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway 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 improvements.

52. No. 08SV056 - Burger King Tract and Day's Inn Tract

A request by Fisk Land Surveying & Consulting Engineers for Thomas P. Walsh Sr. Family Ltd. Partnership to consider an application for a **Variance to the Subdivision Regulations to reduce the minimum access easement width from 59 feet to 24 feet; to reduce the paved surface requirement from 26 feet to 24 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Burger King Tract and Day's Inn Tract of Trijowinn Subdivision, legally described as Lot 2 of the Trijowinn Subdivision, located in the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 725, 719 and 711 Jackson Boulevard.

Planning Commission continued the Variance to the Subdivision Regulations to reduce the minimum access easement width from 59 feet to 24 feet; to reduce the paved surface requirement from 26 feet to 24 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements as per Chapter 16.16 of the Rapid City Municipal Code to the December 4, 2008 Planning Commission meeting.

53. No. 08VE005 - Limestone Subdivision

A request by Renner & Assoc. for Pete Lien & Sons to consider an application for a **Vacation of Access Easement** on 50 foot wide Access Easement, located in the SE1/4 NE1/4, Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Zenker Place and Sturgis Road.

Planning Commission continued the Vacation of Access Easement to the December 4, 2008 Planning Commission meeting.

54. No. 08VE026 - Silver Spur Estates

A request by City of Rapid City and Gary Kluthe to consider an application for a **Vacation of a Note on a Plat** on Lot 7 of Block 1 and Lots 3 thru 18 of Block 2 of Silver Spur Estates and Dedicated Stirrup Court Right-of-Way, located in the E1/2 NE1/4, Section 36, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located south of Sheridan Lake Road and adjacent to Stirrup Court.

Planning Commission recommended that the Vacation of the Note on a Plat be approved.

55. 08TP038 – Sheridan Lake Road Jackson Boulevard to Deadwood Avenue
Traffic Analysis and Route Alignment Study – Final Report

Planning Commission recommended approval of the Sheridan Lake Road Extension Study Final Report.

---END OF CONSENT CALENDAR---

8. No. 08CA041 - Section 33, T2N, R7E

A request by FMG, Inc. for Northwestern Engineering to consider an application for a **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a proposed minor arterial street** on the N1/2 and SW1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east and west of Sturgis Road and north of West Chicago Street.

Horton presented the staff recommendation to approve the Comprehensive Plan Amendment to revise the Major Street Plan with revised stipulations.

Brown moved, Scull seconded and unanimously carried to recommend that the Planning Commission approve the Comprehensive Plan Amendment to the Major Street Plan by relocating a proposed minor arterial street with the following stipulation:

1. **That the legal description be revised to reflect the description as follows: the NW1/4 and the W1/2 of the NE1/4 and the NE1/4 of the NE1/4, all located in Section 33, Township 2 North, Range 7 East, Rapid City, Pennington County, South Dakota. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)**
11. No. 08PD053 - Stoney Creek South Subdivision
A request by ARC International, Inc. for Chad Carpenter to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 1, 2 and 3 of Block 3 of Stoney Creek South Subdivision, Section 22, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5610 Bendt Drive.

In response to Brewer's question, Halsted stated that a drainage report has not been received from the applicant.

Brewer moved, Marchand seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the December 4, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)

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

15. 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.

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

Rolinger moved, Brown seconded and carried to continue the Preliminary Plat to the December 18, 2008 Planning Commission meeting. (5 to 0 to 1 with Brewer, Brown, Hennies, Marchand and Rolinger voting yes and none voting no and Scull abstaining)

16. No. 08PL102 - Mahoney Addition

A request by Black Hills Area Habitat for Humanity to consider an application for a **Preliminary Plat** for proposed Blocks 73A, 73B and 73C of Mahoney Addition, legally described as Block 73 of Mahoney Addition, all located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1323 Midway Street.

Tegethoff presented the staff recommendation to approve the Preliminary Plat request with an additional stipulation.

Brewer moved, Brown seconded and unanimously carried to recommend that the Preliminary Plat application be approved with the following stipulations:

- 1. Prior to City Council approval of the Preliminary Plat application, construction plans shall be submitted for review and approval identifying the location of the existing and proposed sewer mains and service lines or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to City Council approval of the Preliminary Plat application, road construction plans for Midway Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the road shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light**

- conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to City Council approval of the Preliminary Plat application, road construction plans for Doolittle Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the road shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 4. Prior to City Council approval of the Preliminary Plat application, a Zoning Variance through the Rapid City Zoning Board of Adjustment shall be obtained for the setback on the existing residence or a portion of the building shall be removed;
 5. Prior to City Council approval of the Preliminary Plat application, a revised plat document shall be submitted for review and approval meeting the requirements of Section 16.12.190 of the Rapid City Municipal Code or the applicant shall obtain an exception to allow a lot with a length that is greater than twice the width;
 6. Prior to Preliminary Plat approval by City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
 7. Prior to Preliminary Plat approval by City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees be paid as required;
 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 10. 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. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)
19. No. 08PL124 - Morningstar Subdivision
A request by CETEC Engineering Services, Inc. for OS Development, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 1 of Block 1, Lot 1 of Block 2, Lots 1 thru 40 of Block 3, Lots 1 thru 7 of Block 4, Lots 1 thru 10 of Block 5, Lots 1 thru 6 of Block 6, Lots 1 thru 12 of Block 7, Lots 1 thru 8 of Block 8, Lots 1 thru 10 of Block 9, Tracts A and B and the dedicated public Right-of-way, legally described as a tract of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 22 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East $\frac{1}{4}$ Corner of said Section 22, said point being monumented with a nail in the surface of the asphalt of Reservoir Rd and having

two reference monuments consisting of a brass cap and iron pipe, one bears N40°53'23"W 46.84 feet, the second bears S42°28'55"W 47.86 feet; Thence S11°01'40"W 211.80 feet the True Point of Beginning, said point is on the westerly Right-of-Way line of said Reservoir Rd; Thence N88°20'56"W 42.22 feet to the beginning of a curve concave to the northeast having a radius of 454.00 feet; Thence along said curve a distance of 240.79 feet to the beginning point of a reverse curve having a radius of 666.00 feet; Thence along said curve a distance of 763.21 feet to a point; Thence N42°15'21"W 103.29 feet to the beginning of a curve concave to the northeast having a radius of 740.00 feet; Thence along said curve a distance of 109.90 feet to a point; Thence N04°01'19"W 212.28 feet to a point; Thence S55°45'42"W 75.36 feet to a point; Thence N86°53'21"W 134.46 feet to a point; Thence S10°21'24"E 98.19 feet to a point; Thence S35°06'10"W 63.00 feet to a point; Thence S46°21'05"E 109.89 feet to a the beginning of a non-tangent curve concave to the southwest having a radius of 936.00 feet and a chord bearing of S45°14'35"E; Thence along said curve a distance of 97.60 feet to a point; Thence S42°15'21"E 82.00 feet to a point; Thence S47°44'39"W 267.00 feet to a point; Thence S42°15'21"E 318.00 feet to the beginning of a curve concave to the southwest having a radius of 669.00 feet; Thence along said curve a distance of 415.25 feet to a point; Thence S04°27'54"E 52.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 669.00 feet and a chord bearing of S00°04'26"E ; Thence along said curve a distance of 50.53 feet to a point; Thence S02°05'22"W 618.45 feet to a point; Thence N87°54'38"W 157.00 feet to a point; Thence S02°05'22"W 82.00 feet to a point; Thence S47°05'22"W 14.14 feet to a point; Thence N87°54'38"W 95.00 feet to a point; Thence S02°05'22"W 89.55 feet to the beginning of a curve concave to the northwest having a radius of 407.00 feet; Thence along said curve a distance of 283.67 feet to a point; Thence S42°01'34"W 129.91 feet to a point; Thence S47°44'39"W 76.00 feet to a point; Thence S42°15'21"E 25.35 feet to the beginning of a curve concave to the northeast having a radius of 1238.00 feet; Thence along said curve a distance of 692.63' to a point; Thence S32°05'22"W 61.42 feet to the beginning of a curve concave to the northwest having a radius of 2060.00 feet; Thence along said curve a distance of 464.18 feet to a point; Thence S45°00'00"W 183.94 feet to a point; Thence S45°00'00"E 172.00 feet to a point; Thence N45°00'00"E 86.99 feet to a point; Thence S90°00'00"E 14.14 feet to a point; Thence S45°00'00"E 100.00 feet to a point; Thence N45°00'00"E 478.38 feet to a point; Thence S64°12'57"E 223.55 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 254.00 feet and a chord bearing of S28°27'35"E; Thence along said curve a distance of 263.73 feet to a point; Thence S88°42'49"E 120.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 374.00 feet and a chord bearing of S01°38'45"W; Thence along said curve a distance of 4.69 feet to a point; Thence S02°00'19"W 29.40 feet to a point; Thence S87°59'41"E 199.00 feet to a point along the westerly Right-of-Way line of said Reservoir Road; Thence N02°00'19"E 678.41 feet along said Right-of-Way where it intersects the South line of the Southeast quarter of said Section 22, from which the Southeast corner of said section 22 bears S88°27'49"E 33.00 feet, said point being monumented with an iron rod below the surface of the asphalt; Thence N02°03'51"E 38.00 along the Right-of-Way of said Reservoir Rd to a point; Thence N88°27'48"W 515.70 feet to the beginning of a curve concave to the northeast having a radius of 1162.00 feet; Thence along

said curve a distance of 264.57 feet to a point; Thence N32°05'22"E 194.31 feet to the beginning of a curve concave to the northwest having a radius of 1066.00 feet; Thence along said curve a distance of 465.06 feet to a point; Thence S87°56'54"E 23.94 feet to the southwest corner of Tract 1 of the Bradeen Subdivision, said point being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence N02°05'22"E 986.42 feet along the west line of said Tract 1 to the beginning of a non-tangent curve concave to the southwest having a radius of 1014.96 feet and a chord bearing N22°20'38"W said point is also the northwest corner of said Tract 1 and being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence along said curve a distance of 695.42 feet to a point; Thence N42°03'11"W 203.20 feet to a point; Thence N41°26'28"W 12.09 feet to the beginning of a non-tangent curve concave to the south having a radius of 613.96 feet and a chord bearing of S89°59'42"E; Thence along said curve a distance of 686.58 feet to the beginning point of a reverse curve having a radius of 506.00 feet; Thence along said curve a distance of 268.36 feet to a point; Thence S88°20'56"E 41.85 feet to a point on the westerly Right-of-Way line of said Section 22; Thence N02°03'51"E 52.00 feet along said Right-of-Way line to the True Point of Beginning, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Reservoir Road and south of the intersection of S.D. Highway 44 and Reservoir Road.

Fisher presented the staff recommendation to continue the Preliminary Plat to the January 22, 2009 Planning Commission meeting with the applicant's concurrence.

Scull 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 Preliminary Plat to the January 22, 2009 Planning Commission meeting. (5 to 0 to 1 with Brewer, Brown, Hennies, Marchand and Rolinger voting yes and none voting no Scull abstained)

21. No. 08PL135 - Una Del Acres

A request by Dream Design International, Inc. for Robert Sundby to consider an application for a **Preliminary Plat** for proposed Lots A and B of Lot 4 of Una Del Acres, legally described as the N1/2 of Lot 4, less Lot H1, the N1/2 of the east 198 feet of Lot 13 of Una Del Acres, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5755 Sheridan Lake Road.

Tanya Tordsen, Dream Design International, Inc. requested that the Planning Commission approve the Preliminary Plat application.

Elkins reviewed the Planning Commission's policy that consideration of information submitted after the staff report was distributed to the Planning Commission not be allowed. Elkins noted the staff recommendation is to continue the Preliminary Plat to the December 4, 2008 Planning Commission meeting.

Brewer moved, Marchand seconded and unanimously carried to continue the Preliminary Plat application to the December 4, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)

47. No. 08SV049 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Roy Burr to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 66 foot wide private drive and utility easement; to reduce the width of the access easement from 45 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 Lot 8 of Block 2 of Villaggio at Golden Eagle, legally described as a portion of the W1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard and west of Golden Eagle Drive.

Fisher presented the Variance to the Subdivision Regulations request. Fisher identified the proposed location of the driveway on the subject property. Fisher further added that State Regulations state that that a property must connect to a municipal sewer system when available within 400 feet of the property. Fisher presented the staff recommendation to continue the Variance to the Subdivision Regulations request to the December 4, 2008 Planning Commission meeting to await the decision of the Zoning Board of Adjustment on the related issue.

Kale McNaboe, Sperlich Consulting, requested that the Planning Commission approve the Variance to the Subdivision Regulations request. McNaboe identified the existing surface of the right-of-way to the subject property. McNaboe added that the applicant would file a miscellaneous document to allow the private driveway and allow service lines down the easement.

In response to Scull's question, McNaboe agreed that the applicant's purpose for the request is to provide City services to the subject property. Discussion followed.

Fisher cautioned Planning Commission that until the Variance and the Exception requests are acted upon by the Zoning Board of Adjustments and City Council respectively, staff is unable to make a recommendation on the utility extension.

Roy Burr, the applicant, requested that the Planning Commission approve the Variance to the Subdivision Regulations request. Burr added that negotiations are currently underway to obtain the adjacent lot. Burr stated that he understands that the service/water lines would need to be installed. Discussion followed.

Rolinger moved, Brewer seconded and unanimously carried to continue the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer

along the 66 foot wide private drive and utility easement; to reduce the width of the access easement from 45 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 December 18, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)

48. No. 08SV051 - Boulevard Addition

A request by Renner & Associates for Doug Noyes to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Clark Street, to waive the requirement to construct sewer, water, street light conduit, sidewalk, asphalt and curb and gutter along Fairview Street as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of resubdivision of Lot 13 of Block 31 of Boulevard Addition and vacated portion of Fairview Street, legally described as Lot 13 of Block 31 of Boulevard Addition, being all of Block 31 west of the north/south Alley and a portion of Fairview Street, located in the SW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Clark Street and Forest Hills Drive/Fairview Street.

Ralph Farrar, representing Ellen Farrar, an area resident, expressed concerns with the possible negative impact to the adjacent property from development on the subject property. Farrar identified the location of the previous drainage ditch. Discussion followed.

Rolinger moved, Brown seconded and unanimously carried to continue the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Clark Street, to waive the requirement to construct sewer, water, street light conduit, sidewalk, asphalt and curb and gutter along Fairview Street as per Chapter 16.16 of the Rapid City Municipal Code to the December 4, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

56. No. 08AN011 – Resolution of Annexation

A request by City of Rapid City to consider an application for a **Resolution of Annexation - South Valley Drive** on Lot 6 – 7 less Lot H-1, Block 2, Johnson School Subdivision in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Part of Tract D located in the NE1/4NW1/4 of Section 9 and the east 88 feet of Lot D of the NE1/4NW1/4 less Lot H-1 in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot H-3 and H-4 in NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot H-1 in Lot E in NE1/4NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 1-6 of Lot D, Wood Subdivision in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1E of NE1/4NW1/4 and the south part of Lot E of the NE1/4NW1/4

lying south of access highway in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Portion of the N1/2NW1/4 less Lot H5 of NE1/4NW1/4 and the N1/2SE1/4NW1/4 less Lot H1, all in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1, Lot B of Lot 2, Lot A of Lot 2-3, Lot 5 including Lot A of Lot 5, Lot 6, Lot 7, Lot W of Lot 8B & Lot 1 of Lot 9B, Lot 3A of Lot 3 and the balance of Lot 3, Lot 3D of Lot 3, Lot 3E of Lot 3, all of SW1/4NW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots A-E, Lots 1 and 2 of Lot F, Lots G–P of Lot 2B of Lot 2 and south half vacated right-of-way adjacent to lots G, H, I, J, & K and including Sherman Drive and the north half vacated right-of-way adjacent to lots A-C, Lots 1-4 of Lot 2A in Lot 2, Lot 2C of Lot 2 less Lot 1, all in NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 3A-1, 3A-2, 3A-3 of Lot 3A Revised, W157 feet of Lot 3A Revised, Lots 3B and 3C of Lot 3, W1/2 of Lot 3D of Lot 3, Lot 3E and E1/2 of Lot 3D of Lot 3, Lot 3F of Lot 3, Lot 3G of Lot 3, Lot 3H of Lot 3, Lot 3J of Lot 3, Lot 3K Revised of Lot 3, Lot 3L Revised of Lot 3, Lot 3M of Lot 3, Lot 3N of Lot 3, Lot 3P of Lot 3, Lot 3Q of Lot 3, Lot 3R of Lot 3, Lot 4, Lot 5, Lot 6, all in Melody Acres located in the NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; All of Orchard Subdivision, Eden Gardens Addition, and Melody Acres Subdivision No. 2, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 3 of Tract A in E1/2SW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 1-10 of Fravel Tract Subdivision of Lot 1 of NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1 of Well Addition less Lot H1 and less dedicated right-of-way in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Garden Lane, Orchard Lane, Melody Lane, E. Fairmont Street, Cactus Drive, Scott Street, Eden Lane, School Drive, Lancer Drive, and S. D. Highway 44 including Lot H-1 and Lot H-2 in the NE1/4NW1/4, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; The 100 foot railroad right-of-way of the South Dakota Department of Transportation acting through the Office of Railroads, lying in the N1/2NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Hawthorne Ditch located in the NW1/4NW1/4 in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; E. St. Patrick right-of-way located north of Lot H-3 in NW1/4 of Section 9 and north of Rapid Valley Subdivision in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; All of Blocks 1 and 2, Blocks 5 and 6, Lots 1-12 of Block 3, Lots 7-12 of Block 4, all of Rapid Valley Subdivision in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; All of Long Acres Square and Sedivy Subdivision, located in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Lot A of Watco Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Tract B of Jepsen Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota; SW1/4NE1/4NE1/4, W1/2SE1/4NE1/4, S1/2SW1/4NE1/4, E1/2SE1/4NE1/4 less Block 1 & 2 and Lot 7 of Sedivy Subdivision, W1/2SE1/4, W1/2NE1/4SE1/4, E1/2NE1/4SE1/4 less Watco Subdivision and less Jepsen Subdivision, SE1/4SE1/4 less Jepsen Subdivision, all in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Beechwood Lane, Pecan Lane, Olive Lane, E. St. Francis Street, Blanche Drive, Long Acre Drive, and Garden Lane, all located in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Sedivy Lane, that portion not in the City limits of Rapid City, located in the NE1/4 of Section 8, T1N, R8E, BHM, Pennington County, South Dakota; NW1/4 less Lot H-1 as recorded in Book 9 Hwy of Plats – Page 54 and less Lot H-1 as

recorded in Book 9 Hwy of Plats – Page 52 (Elk Vale Road right-of-way) in Section 16, T1N, R8E, BHM, Pennington County, South Dakota, T1N, R8E, BHM, Pennington County, South Dakota; NE1/4 and the N1/2SE1/4 including Lot H-2 of the NE1/4SE1/4 and less lot H1 of NE1/4SE1/4 otherwise known as Elk Vale Road right-of-way, all in Section 17, T1N, R8E, BHM, Pennington County, South Dakota; and, That portion of the Section line highway known as South Valley Drive lying within 33 feet each side of the north-south line between Section 9 and Section 8 and between the Northwest quarter of Section 16 and the Northeast quarter of Section 17, and the north 550 feet of the 33 feet section line highway on the east boundary of the NE1/4SE1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located.

Elkins presented the staff recommendation to approve the Annexation of the platted properties. Elkins identified the location of the proposed annexation boundaries.

In response to Brewer's questions, Elkins identified the changes and cost impact reduction. Elkins noted that the residents of the area have expressed their objections to the annexation.

In response to Brewer's question, Elkins stated that a mutual aide response agreement is in place with the Volunteer Fire Department.

Ellen Rook, President of South Valley Neighborhood Association, expressed opposition to be annexed. Rook expressed her opinion that the need for Annexation has not been sufficiently proven. Rook requested that the Resolution of Annexation be denied.

Elkins reviewed that items that were basis for annexation as noted in the staff report. Discussion followed.

Scull expressed his support of the proposed annexation. Discussion followed.

Brewer moved, Brown seconded and unanimously carried to recommend that the property listed in the attached Resolution of Annexation, an area of 262.73 acres more or less, be approved for annexation to the City of Rapid City for the following legal description: Lot 6 – 7 less Lot H-1, Block 2, Johnson School Subdivision in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Part of Tract D located in the NE1/4NW1/4 of Section 9 and the east 88 feet of Lot D of the NE1/4NW1/4 less Lot H-1 in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot H-3 and H-4 in NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot H-1 in Lot E in NE1/4NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 1-6 of Lot D, Wood Subdivision in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1E of NE1/4NW1/4 and the south part of Lot E of the NE1/4NW1/4 lying south of access highway in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1, Lot B of Lot 2, Lot A of Lot 2-3, Lot 5 including Lot A of Lot 5, Lot 6,

Lot 7, Lot W of Lot 8B & Lot 1 of Lot 9B, Lot 3A of Lot 3 and the balance of Lot 3, Lot 3D of Lot 3, Lot 3E of Lot 3, all of SW1/4NW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots A-E, Lots 1 and 2 of Lot F, Lots G-P of Lot 2B of Lot 2 and south half vacated right-of-way adjacent to lots G, H, I, J, & K and including Sherman Drive and the north half vacated right-of-way adjacent to lots A-C, Lots 1-4 of Lot 2A in Lot 2, Lot 2C of Lot 2 less Lot 1, all in NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 3A-1, 3A-2, 3A-3 of Lot 3A Revised, W157 feet of Lot 3A Revised, Lots 3B and 3C of Lot 3, W1/2 of Lot 3D of Lot 3, Lot 3E and E1/2 of Lot 3D of Lot 3, Lot 3F of Lot 3, Lot 3G of Lot 3, Lot 3H of Lot 3, Lot 3J of Lot 3, Lot 3K Revised of Lot 3, Lot 3L Revised of Lot 3, Lot 3M of Lot 3, Lot 3N of Lot 3, Lot 3P of Lot 3, Lot 3Q of Lot 3, Lot 3R of Lot 3, Lot 4, Lot 5, Lot 6, all in Melody Acres located in the NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; All of Orchard Subdivision, Eden Gardens Addition, and Melody Acres Subdivision No. 2, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 3 of Tract A in E1/2SW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lots 1-10 of Fravel Tract Subdivision of Lot 1 of NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1 of Well Addition less Lot H1 and less dedicated right-of-way in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; Garden Lane, Orchard Lane, Melody Lane, E. Fairmont Street, Cactus Drive, Scott Street, Eden Lane, School Drive, Lancer Drive, and S. D. Highway 44 including Lot H-1 and Lot H-2 in the NE1/4NW1/4, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota; The 100 foot railroad right-of-way of the South Dakota Department of Transportation acting through the Office of Railroads, lying in the N1/2NW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; E. St. Patrick right-of-way located north of Lot H-3 in NW1/4 of Section 9 and north of Rapid Valley Subdivision in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; All of Blocks 1 and 2, Blocks 5 and 6, Lots 1-12 of Block 3, Lots 7-12 of Block 4, all of Rapid Valley Subdivision in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; All of Long Acres Square and Sedivy Subdivision, located in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Lot A of Watco Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Tract B of Jepsen Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota; Beechwood Lane, Pecan Lane, Olive Lane, E. St. Francis Street, Blanche Drive, Long Acre Drive, and Garden Lane, all located in Section 8, T1N, R8E, BHM, Pennington County, South Dakota; and, Sedivy Lane, adjacent to Lots 10-12, Block 4 and Lot 12, Block 5, all of Rapid Valley Subdivision and adjacent to E. St. Francis Right of way, all located in Section 8, T1N, R8E, BHM, Pennington County, South Dakota. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)

57. No. 08PD012 - WREA Subdivision

A request by Geiger Architecture for West River Electric Association to consider an application for a **Planned Light Industrial Development - Initial and Final**

Development Plan on Lots 1 and 2 of WREA Subdivision, located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3250 East Highway 44 and 3454 Twilight Drive.

Fisher presented the staff recommendation to continue the Planned Industrial Development request to the December 18, 2008 Planning Commission meeting with the applicant's concurrence.

Brewer moved, Rolinger seconded and unanimously carried to continue the Planned Industrial Development - Initial and Final Development Plan to the December 18, Planning Commission meeting. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)

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

58. No. 08PD056 - Kashmir Subdivision

A request by Michael Derby to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots B, C, H, J, K, L, M & W of Kashmir Subdivision, located in the NE1/4 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2720 Chapel Lane.

Elkins indicated that if the Planning Commission wished to approve the extension of the letter of credit they should approve the Major Amendment to a Planned Commercial Development request with the stipulations outlined in the Staff Report.

Rolinger moved, Brown seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development should with the following stipulations:

- 1. A Certificate of Occupancy shall be obtained prior to occupancy of the structures;**
- 2. All paving requirements shall be completed no later than May 15, 2009 with the Letter of Credit to extend to November 15, 2009;**
- 3. The uses allowed within the Planned Commercial Development shall be limited to the current uses allowed for a specialty resort, a motel, laundromat, storage, and restaurant with on-sale liquor to include outdoor seating;**
- 4. All requirements of the International Fire Code must be continually met and the structures intended for alcohol use, specialty resort or motel use shall be sprinklered. The specialty resort shall be sprinklered no later than May 30, 2009;**

5. All paving requirements shall be completed no later than May 15, 2009 with the Letter of Credit to extend to November 15, 2009;
6. Any additional signage on the property will require a Major Amendment to the Planned Commercial Development;
7. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met and all required landscaping shall be maintained in a live vegetative state;
8. All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met. The parking lots shall be paved, striped and wheel guards placed in areas that abut a public or private sidewalk, public right-of-way, building entrance or exit or plant material located within a parking lot. All access to parking lots shall be paved;
9. All applicable life, safety, building and fire codes shall be met;
10. Any future development modification to the restaurant or motel complex would require a Major Amendment of the Planned Commercial Development;
11. All development on the site shall be done in compliance with the Rapid City Floodplain Ordinance requirements;
12. The use of the property shall continue as shown on the approved site plan or a Major Amendment to the Planned Commercial Development shall be obtained; and,
13. The Major Amendment to a Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)

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

59. No. 08PD058 - Trijowinn Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Thomas P. Walsh Sr. Family Ltd. Partnership to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on a portion of Lot 2 of Trijowinn Subdivision, located in the NW $\frac{1}{4}$, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat filed in the office of the Pennington County Register of Deeds on February 7, 1997 and recorded in Book 27 of Plats on Page 183, and more fully described as follows: Beginning at the southeast corner of said Lot 2 of Trijowinn Subdivision, said corner being marked by a 5/8" rebar; thence, northwesterly along the southwesterly line of said Lot 2 of Trijowinn Subdivision, N43°50'26"W, a distance of 290.70 feet more or less to a point marked by a rebar with survey cap "LS 1019"; thence, continuing northwesterly along the southwesterly line of said Lot 2 of Trijowinn Subdivision, N44°03'21"W, a distance of 38.59 feet more or less, to the

southwest corner of said Lot 2, said corner being marked by a mag nail in asphalt; thence, northeasterly along the westerly line of said Lot 2 of Trojowinn Subdivision, N46°07'16"E, a distance of 174.11 feet more or less to a point marked by an "x" in concrete; thence, S60°37'55"E, a distance of 25.24 feet more or less, to a point marked by a mag nail in asphalt; thence, S43°30'00"E, a distance of 145.00 feet more or less, to a point marked by a mag nail in asphalt; thence, S66°00'00"E, a distance of 65.00 feet more or less, to a point marked by a mag nail in asphalt; thence, N23°54'33"E, a distance of 30.00 feet more or less, to a point marked by a rebar with survey cap "RW Fisk 6565"; thence, S66°00'00"E, a distance of 15.00 feet more or less to a point on the easterly line of said Lot 2 (Two) of Trijowinn Subdivision, said point being marked by a rebar with survey cap "RW Fisk 6565"; thence, southwesterly along the easterly line of said Lot 2 of Trijowinn Subdivision, S23°54'33"W, a distance of 257.51 feet more or less to the point of beginning, more generally described as being located at 725, 719 and 711 Jackson Boulevard.

Fisher presented the staff recommendation that the Planned Commercial Development request be continued to the December 4, 2008 Planning Commission meeting.

Brown moved, Brewer seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the December 4, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)

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

60. No. 08PD060 - North 80 Subdivision

A request by Geiger Architecture for First Evangelical Free Church to consider an application for a **Planned Residential Development - Final Development Plan** on Lot 2 of North 80 Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Parkview Drive.

Tegethoff presented the staff's recommendation that the Planned Residential Development request be continued to the December 4, 2008 Planning Commission meeting.

Brown moved, Brewer seconded and unanimously carried to continue the Planned Residential Development - Final Development Plan to the December 4, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)

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

Tegethoff requested that items 61 and 62 be taken concurrently.

61. No. 08PL143 - Rainbow Ridge Subdivision

A request by Sperlich Consulting, Inc. for Joe Muth at Doeck, LLC to consider an application for a **Preliminary Plat** for proposed Lot 1R-2 of Block 3 of Rainbow Ridge Subdivision, legally described as Lot 1R of Block 3 of Rainbow Ridge Subdivision, located in the SE1/4 NE1/4, and a portion of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest terminus of Bunker Drive.

Tegethoff presented staff's recommendation to continue the Preliminary Plat and to deny the Variance to the Subdivision Regulations request without prejudice. Tegethoff identified staff's concerns with the proposed water main easement. Tegethoff identified the location of the proposed easement along the east side of the subject property. Tegethoff added that the applicant is requesting a variance to not be required to install a water main at this time, Tegethoff stated that staff recommends that the request be denied. Tegethoff commented that staff recommends that a cul-de-sac be constructed at this time.

Hennies requested that items 61 and 62 be acted on separately.

Brewer moved, Brown seconded and unanimously carried to continue the Preliminary Plat the December 4, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)

62. No. 08SV054 - Rainbow Ridge Subdivision

A request by Sperlich Consulting, Inc. for Joe Muth at Doeck, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1R-2 of Block 3 of Rainbow Ridge Subdivision, legally described as Lot 1R of Block 3 of Rainbow Ridge Subdivision, located in the SE1/4 NE1/4, and a portion of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest terminus of Bunker Drive.

Kale McNaboe, Sperlich Consulting, Inc. requested that the Planning Commission approve the Variance to the Subdivision Regulations request. McNaboe identified the location of the proposed water main on the subject property. McNaboe stated that the applicant does not have an immediate need to construct the water main.

In response to Hennies question, McNaboe stated that none of the infrastructure is in place at this time.

Elkins identified the staff's concerns Variance to the Subdivision Regulations requested by the applicant.

Scull moved, and Rolinger seconded to approve the Variance request with the stipulation that the applicant be responsible for the cost of installation of the waterline. The motion failed. (1 to 5 with Rolinger voting yes and Hennies, Marchand, Brewer, Brown and Scull voting no)

Elkins stated that if it is the Planning Commission's wish to recommend approval, the Planning Commission should require that the applicant sign a waiver of right to protest assessment prior to City Council approval of the Subdivision Variance.

Rolinger moved, Scull seconded and carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install water service as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that a Waiver of Right to Protest be signed prior to City Council approval. (4 to 2 with Brewer, Brown, Rolinger and Scull voting yes and Hennies and Marchand, voting no)

63. No. 08SR042 - Schnasse Addition

A request by Faulk & Foster for WWC License LLC, d/b/a Alltel to consider an application for a **SDCL 11-6-19 Review to allow the construction of a cellular tower** on Lots 1 thru 5 and Lots 19 and 20 in Block 15 of Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 115 East North Street.

Elkins presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the January 22, 2009 Planning Commission meeting.

Brown moved, Rolinger seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a cellular tower to the December 4, 2008 Planning Commission meeting. (6 to 0 with Brewer, Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)

Brown moved, Marchand seconded and unanimously carried to continue the November 20, 2008 Planning Commission meeting to Monday, November 24, 2008 at 7:00 a.m. (5 to 0 with Brown, Hennies, Marchand, Rolinger and Scull voting yes and none voting no)

Hennies recessed the meeting.

