

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
December 4, 2008

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Julie Gregg, Dennis Landguth, Linda Marchand, Andrew Scull and Karen Waltman.

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

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

Waltman 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 15, 24, and 30 be removed from the Consent Agenda for separate consideration.

Motion by Brown, Seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 34 in accordance with the staff recommendations with the exception of Items 15, 24, and 30. (8 to 0 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

1. Approval of the November 18, 2008 Special Planning Commission Meeting Minutes, the November 20, 2008 Planning Commission Meeting Minutes and the November 24, 2008 Continued Planning Commission Meeting Minutes.
2. No. 08CA033 - Deadwood Avenue
A request by City of Rapid City to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by eliminating, adding and realigning arterial and collector streets in the Deadwood Avenue Neighborhood Area Future Land Use Plan** on portions of Sections 8, 9, 10, 11, 12, 13, 17, 20, 24, 25, 26, 28, 29, 33, 34 and 35, T2N, R7E, BHM, Pennington County, South Dakota and all of Sections 14, 15, 16, 21, 22, 23 and 27, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Omaha Street/West Chicago Street, east of S.D. Highway 231, south of Pennington County Line, and west of Haines Avenue.

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

3. No. 08CA034 - Deadwood Avenue



A request by City of Rapid City to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan adopting the Deadwood Avenue Neighborhood Area Future Land Use Plan** on portions of Sections 8, 9, 10, 11, 12, 13, 17, 20, 24, 25, 26, 28, 29, 33, 34 and 35, T2N, R7E, BHM, Pennington County, South Dakota and all of Sections 14, 15, 16, 21, 22, 23 and 27, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Omaha Street/West Chicago Street, east of S.D. Highway 231, south of Pennington County Line, and west of Haines Avenue.

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

4. No. 08CA037 - Section 24, T1N, R7E

A request by TSP, Inc. for Black Hills Corporation to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the Future Land Use Plan from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial District with a Planned Commercial Development** on the SW1/4 of the SW1/4, and that part of the NW1/4 of the SW1/4 lying south of Highway Right-of-way, less Lot H1, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and east of Tartan Court.

Planning Commission continued the Amendment to the Adopted Comprehensive Plan to change the Future Land Use Plan from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial District with a Planned Commercial Development to the December 18, 2008 Planning Commission meeting.

5. No. 08RZ035 - Section 24, T1N, R7E

A request by TSP, Inc. for Black Hills Corporation to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on the SW1/4 of the SW1/4, and that part of the NW1/4 of the SW1/4 lying south of Highway Right-of-way, less Lot H1, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and east of Tartan Court.

Planning Commission continued the Rezoning from General Agriculture District to Office Commercial District to the December 18, 2008 Planning Commission meeting.

*6. No. 08PD054 - Section 24, T1N, R7E

A request by TSP, Inc. for Black Hills Corporation to consider an application for a **Planned Commercial Development - Initial Development Plan** on the SW1/4 of the SW1/4, and that part of the NW1/4 of the SW1/4 lying south of Highway Right-of-way, less Lot H1, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and east of Tartan Court.



Planning Commission continued the Planned Commercial Development - Initial Development Plan to the December 18, 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.

7. No. 08CA038 - Needles Subdivision

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the Future Land Use designation from a Planned Residential Development with one dwelling unit per acre to General Commercial with a Planned Commercial Development** on Tract AR2 of Needles Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1700 Catron Boulevard.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the future land use designation from Planned Residential Development with one dwelling unit per acre to General Commercial with a Planned Commercial Development be approved for the following revised legal description: Commencing at northwesterly corner of Tract AR2 of Needles Subdivision, common to the northeasterly corner of Tract B of Needles Subdivision, and common to the southwesterly corner of Tract A of Tucker Subdivision, and the point of beginning; Thence, first course: N89°56'00"E, along the northerly boundary of said Tract AR2, common to the southerly boundary of said Tract A, a distance of 331.61 feet, to the southeasterly corner of said Tract A; Thence, second course: S62°44'53"E, a distance of 593.67 feet, to a point on the southerly boundary of said Tract AR2, common to a point on the northerly edge of Catron Boulevard right-of-way; Thence, third course: southwesterly, curving to the right, along the southerly boundary of said Tract AR2, common to the northerly edge of said Catron Boulevard right-of-way, on a curve with a radius of 743.51 feet, a delta angle of 74°57'16", a length of 972.66 feet, a chord bearing of S59°59'16"W, and chord distance of 904.77 feet; Thence, fourth course: N82°32'06"W, along the southerly boundary of said Tract AR2, common to the northerly edge of said Catron Boulevard right-of-way, a distance of 79.87 feet, to the southwesterly corner of said Tract AR2, common to the southeasterly corner of said Tract B; Thence, fifth course: N00°15'46"E, along the westerly boundary of said Tract AR2, common to the easterly boundary of said Tract B, a distance of 713.64 feet, to the northwesterly corner of said Tract AR2, common to the northeasterly corner of said Tract B, and common to the southwesterly corner of said Tract A, and the point of beginning.

8. No. 08RZ042 - Needles Subdivision



A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** on Tract AR2 of Needles Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1700 Catron Boulevard.

Planning Commission recommended that the Rezoning from Low Density Residential District to General Commercial District be approved in conjunction with the associated Amendment to the Adopted Comprehensive Plan for the following legal description: Commencing at northwesterly corner of Tract AR2 of Needles Subdivision, common to the northeasterly corner of Tract B of Needles Subdivision, and common to the southwesterly corner of Tract A of Tucker Subdivision, and the point of beginning; Thence, first course: N89°56'00"E, along the northerly boundary of said Tract AR2, common to the southerly boundary of said Tract A, a distance of 331.61 feet, to the southeasterly corner of said Tract A; Thence, second course: S62°44'53"E, a distance of 593.67 feet, to a point on the southerly boundary of said Tract AR2, common to a point on the northerly edge of Catron Boulevard right-of-way; Thence, third course: southwesterly, curving to the right, along the southerly boundary of said Tract AR2, common to the northerly edge of said Catron Boulevard right-of-way, on a curve with a radius of 743.51 feet, a delta angle of 74°57'16", a length of 972.66 feet, a chord bearing of S59°59'16"W, and chord distance of 904.77 feet; Thence, fourth course: N82°32'06"W, along the southerly boundary of said Tract AR2, common to the northerly edge of said Catron Boulevard right-of-way, a distance of 79.87 feet, to the southwesterly corner of said Tract AR2, common to the southeasterly corner of said Tract B; Thence, fifth course: N00°15'46"E, along the westerly boundary of said Tract AR2, common to the easterly boundary of said Tract B, a distance of 713.64 feet, to the northwesterly corner of said Tract AR2, common to the northeasterly corner of said Tract B, and common to the southwesterly corner of said Tract A, and the point of beginning.

9. No. 08CA039 - Meadow View Subdivision

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the Future Land Use designation from Planned Residential Development with one dwelling unit per acre to General Commercial with a Planned Commercial Development** on Tract A of Meadow View Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard and east of U.S. Highway 16.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the future land use designation from Planned Residential Development with one dwelling unit per acre to General Commercial with a Planned Commercial Development be denied without prejudice.

10. No. 08RZ043 - Meadow View Subdivision



A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** on Tract A of Meadow View Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard and east of U.S. Highway 16.

Planning Commission recommended that the Rezoning from Low Density Residential District to General Commercial District be denied without prejudice.

*11. 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 $W\frac{1}{2}$ of the $NW\frac{1}{4}$ of the $SE\frac{1}{4}$, 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: $S00^{\circ}04'39''E$, 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: $S00^{\circ}08'13''E$, 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: $S00^{\circ}08'13''E$, 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: $S00^{\circ}08'13''E$, 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: $S61^{\circ}38'29''W$, 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: $S26^{\circ}45'22''E$, 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: $S26^{\circ}45'22''E$, 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: $S89^{\circ}51'47''W$, a distance of 237.22 feet; Thence, ninth course: $N00^{\circ}08'13''W$, a distance of 441.23 feet, to a point on a $1/64$ section line of said Section 22; Thence, tenth course: $N50^{\circ}09'55''E$, 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: $S56^{\circ}59'57''E$, 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 denied the Planned Residential Development - Initial and Final Development Plan without prejudice.

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. 08PL113 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Roy Burr to consider an application for a **Preliminary Plat** for proposed Lots 7 and 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 recommended that the Preliminary Plat be approved with the following stipulations:

1. **Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show the vacation of the existing 20 foot wide access easement on proposed Lot 8 or construction plans shall be submitted for review and approval showing the access easement located within a 45 foot wide easement 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;**
2. **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;**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of any required subdivision improvements shall be submitted for review and approval;**
4. **Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Low Density Residential District with a Planned Development Designation or a Variance from the Zoning Board of Adjustment shall be obtained to reduce the minimum lot size for a dwelling on a lot in the General Agriculture District from 20 acres to 3.715 acres;**
5. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be**



posted and the subdivision inspection fees shall be paid;

- 6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
- 7. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.**

13. No. 08RZ034 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Roy Burr to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** 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 southwestly 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 southwestly 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 southwestly 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 southwestly 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 southwestly 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 recommended that the Rezoning request from General Agriculture District to Low Density Residential District be approved with the following stipulation:

- 1. Prior to City Council approval, a Planned Development Designation shall be approved.**

14. 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 18, 2008 Planning Commission meeting.

16. 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, 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 13924 Neck Yoke Road.

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

17. 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.

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

18. No. 08RD007 - Biernbaum Subdivision

A request by City of Rapid City to consider an application for a **Resolution renaming the unnamed right-of-way to Biernbaum Lane** on Right-of-way lying adjacent to Lots A and B of Biernbaum Subdivision, located in the NW1/4 SW1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of East Minnesota Street and S.D. South Highway 79.

Planning Commission recommended that the portion of unnamed right-of-way be named Biernbaum Lane.

19. No. 08RZ038 - Jackson Park Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from Park Forest District to Flood Hazard District** on Lot 1B of Block 3 of Jackson Park Subdivision, 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.

20. No. 08RZ039 - Jackson Park Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from Low Density Residential District to Flood Hazard District** on Lots 5 thru 6 of Block 1 of Jackson Park Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2917 Chapel Lane.

Planning Commission recommended that the Rezoning from Low Density Residential District to Flood Hazard District be approved.



21. No. 08RZ040 - I-90 Heartland Business Park

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Light Industrial District** on Lots 6 thru 8 of Block 2 of I-90 Heartland Business Park, a portion of Reardon Court, all less the south 33 feet, all located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Seger Drive, west of Elk Vale Road and east of Dyess Avenue.

Planning Commission recommended that the Rezoning from No Use District to Light Industrial District be approved.

22. No. 08RZ041 - Section 21, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on a portion of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at section corner common to Sections 20, 21, 28, and 29 T2N, R8E, BHM, and the point of beginning. Thence, first course: N00°02'15"W, along the section line common to Sections 20 and 21, a distance of 2650.74 feet, to the Section ¼ Corner common to Sections 20 and 21; Thence second course: N00°00'41"W, along the section line common to Sections 20 and 21, a distance of 1325.18 feet, to the north Section 1/16 Corner common to Sections 20 and 21; Thence third course: N89°59'19"E, a distance of 33.10 feet, to the southwesterly corner of Lot 3 of Beard Subdivision; Thence fourth course: S89°56'52"E, along the southerly boundary of said Lot 3 of Beard Subdivision, a distance of 564.86 feet, to the southeasterly corner of said Lot 3 of Beard Subdivision, common to a southerly corner of Lot 2R of Beard Subdivision; Thence fifth course: S89°56'31"E, along the southerly boundary of said Lot 2R of Beard Subdivision, a distance of 727.10 feet, to the southeasterly corner of said Lot 2R of Beard Subdivision; Thence, sixth course: S74°37'29"E, a distance of 1202.78 feet; Thence, seventh course: S31°45'55"E, a distance of 1350.20 feet; Thence, eighth course: S70°52'51"E, a distance of 905.89 feet; Thence, ninth course: S20°31'58"E, a distance of 434.44 feet; Thence tenth course: N89°55'51"E, a distance of 1099.64 feet, to a point on the section line common to Sections 21, and 22; Thence eleventh course: S00°04'09"E, along the section line common to Sections 21 and 22, a distance of 418.04 feet; Thence, twelfth course: S89°55'51"W, a distance of 450.00 feet; Thence, thirteenth course: S00°07'41"E, a distance of 64.98 feet, to a point on the section 1/16 line; Thence, fourteenth course: N89°57'24"W, along the section 1/16 line a distance of 212.93 feet, to the section 1/64 line; Thence, fifteenth course: S00°03'47"E, along the section 1/64 line, a distance of 1324.19 feet, to a point on the section line common to Sections 21 and 28, common to a point on the northerly boundary of Lot 2, Block 2 of I-90 Heartland Business Park; Thence, sixteenth course: N89°58'46"W, along the section line common to Sections 21 and 28, common to the northerly boundary of said Lot 2, Block 2, a distance of 63.55 feet, to the southeasterly corner of Lot 6, Block 2 of I-90 Heartland Business Park; Thence, seventeenth course: N55°40'20"W, along the northeasterly boundary of said Lot 6, a distance of 878.48 feet, to a corner on the northerly boundary of said Lot 6; Thence, eighteenth course: N72°39'36"W, along the northerly boundary of said Lot 6, a distance of 162.98 feet, to a corner on the northerly boundary of said Lot



6; Thence nineteenth course: N89°58'06"W, along the northerly boundary of said Lot 6, a distance of 148.07 feet, to the northwesterly corner of said Lot 6, common to the northeasterly corner of Lot 7, Block 2 of I-90 Business Park; Thence twentieth course: N89°58'06"W, along the northerly boundary of said Lot 7, a distance of 221.93 feet, to the northwesterly corner of said Lot 7; Thence twenty-first course: S26°44'43"W, along the westerly boundary of said Lot 7, a distance of 333.04 feet, to the southwesterly corner of said Lot 7, common to the northwesterly corner of Lot 8, Block 2 of I-90 Heartland Business Park; Thence twenty-second course: S26°44'43"W, along the westerly boundary of said Lot 8, a distance of 275.39 feet, to the southwesterly corner of said Lot 8, common to the northwesterly corner of Lot 1, Block 7 of I-90 Heartland Business Park, common to the northeasterly corner of Lot 2, Block 7 of I-90 Heartland Business Park, common to a point on the section line common to Sections 21 and 28; Thence twenty-third course: N89°58'00"W, along the northerly boundary of said Lot 2, Block 7, common to the section line common to Sections 21 and 28, a distance of 400.61 feet, to the northwesterly corner of said Lot 2, Block 7, common to the Section ¼ Corner common to Sections 21 and 28; Thence twenty-fourth course: N89°58'52"W, along the section line common to Sections 21 and 28, a distance of 2651.70 feet, to the section corner common to Sections 20, 21, 28, and 29 T2N, R8E, BHM, and the point of beginning; and a portion of the NE¼ SE¼, Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 21, 22, 27 and 28, T2N, R8E, BHM, thence, N00°04'09"W, a distance of 1324.14 feet to the South 1/16 Corner common to Sections 21 and 22 and the point of beginning; Thence, first course: 89°57'24"W, a distance of 449.93 feet; Thence, second course: N00°07'41"W, a distance of 64.98 feet; Thence, third course: N89°55'51"E, a distance of 450.00 feet, to a point on the section line common to Sections 21 and 22; Thence fourth course: S00°04'09"E, along the section line common to Sections 21 and 22, a distance of 65.89 feet, to the south 1/16 corner common to Sections 21 and 22 and the point of beginning, more generally described as being located north of U.S. I-90, west of Elk Vale Road and east of Dyess Avenue.

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

23. No. 08RZ047 - I-90 Heartland Business Park

A request by FMG, Inc. for Bypass, LLC to consider an application for a **Rezoning from General Agriculture District to Light Industrial District** on that portion of the south 33 feet of the SE1/4 that falls within Lot 6 and Lot 8 of Block 2 of I-90 Heartland Business Park and within Rearden Court right-of-way, all located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2620 and 2621 Reardon Court.

Planning Commission recommended that the Rezoning from General Agriculture District to Light Industrial District be approved.

25. No. 08SR065 - North Haines Subdivision



A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation d/b/a Verizon Wireless to consider an application for a **SDCL 11-6-19 Review to allow the construction of a telecommunication tower** on Lot 1 of North Haines Subdivision, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 1290 Country Road.

Planning Commission acknowledged the applicants withdrawal of the SDCL 11-6-19 Review to allow the construction of a telecommunications tower.

26. 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 January 22, 2009 Planning Commission meeting.

27. 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 18, 2008 Planning Commission meeting.

28. 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 18, 2008 Planning Commission meeting.

29. 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 January 22, 2009 Planning Commission meeting to allow the applicant to submit additional information.

31. 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 18, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat application.

32. 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.

Planning Commission continued 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 18, 2008 Planning Commission meeting.

33. 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 recommended that 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 be approved with the following stipulations:

1. **Prior to City Council approval, an Exception shall be obtained to allow the water service line serving the proposed Days Inn Tract to cross the proposed Burger King Tract or construction plans shall be submitted in compliance with City design standards;**
2. **Prior to City Council approval, a request to authorize the Mayor and Finance Officer to sign the Covenant Agreement for the water service line serving the proposed Days Inn Tract to cross the proposed Burger King Tract shall be approved by the City Council; and,**
3. **Prior to submittal of a Final Plat application, the Covenant Agreement to allow a water service line to cross another lot and the Hold Harmless Agreement to allow a City sewer main to be located under**



the Days Inn Motel shall be recorded at the Register of Deed's Office and a copy of the recorded documents shall be submitted to the Growth Management Department.

34. 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 18, 2008 Planning Commission meeting.

---END OF CONSENT CALENDAR---

15. 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.

Tegethoff presented the Preliminary Plat request. Tegethoff stated that the Preliminary Plat was pulled to allow discussion regarding the detention facility.

In response to Brewer's question, Halsted stated that drainage for the specific property would not be a concern until development occurs. Halsted added that the owner would be required to meter the flows from the subject property to the detention facility. Discussion followed regarding detention facilities in the area.

Elkins reviewed the requirement for the property owner to meter the drainage from the subject property to the detention facility.

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

- 1. Prior to Preliminary Plat approval by City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
- 2. Prior to Preliminary Plat approval by City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be obtained as required;**
- 3. 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;**
- 4. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**



5. **The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council. (8 to 0 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand, Scull and Waltman voting yes and none voting no)**

24. No. 08SR044 - Sections 15 and 22, T1N, R8E

A request by CETEC Engineering Services, Inc. for OS Development, Inc. to consider an application for a **SDCL 11-6-19 Review to construct a water main** on the E1/2 SE1/4, Section 15 and the NE1/4 NE1/4, Section 22, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to Reservoir Road and south of the intersection of Reservoir Road and East Highway 44 approximately 2.1 miles.

Ball presented the staff recommendation to continue the SDCL 11-6-19 Review request to the December 18, 2008 Planning Commission meeting.

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

In response to Anderson's questions, Elkins stated that the portion of the development is outside of the Tax Increment Finance District boundary.

Brewer moved, Marchand seconded and carried to continue the SDCL 11-6-19 Review to allow the construction of a water main to the December 18, 2008 Planning Commission meeting. (7 to 0 to 1 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand and Waltman voting yes and none voting no and Scull abstaining.)

30. 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.

Fisher requested that the SDCL 11-6-19 Review request be continued to the January 22, 2009 Planning Commission meeting.

Marchand moved, Brown seconded and unanimously carried to continue the SDCL 11-6-19 Review to upgrade the Jolly Lane Lift Station to the January 22, 2009 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*35. 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.

Tegethoff presented the staff recommendation to approve the Planned Commercial Development request with stipulations.

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

Brewer moved, Gregg seconded and carried to approve the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:

- 1. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;**
- 2. The air handling units and dumpsters shall be located in compliance with the proposed plan and screened along all four sides;**
- 3. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s);**
- 4. Prior to issuance of a building permit the property shall be replatted in accordance with the Rapid City Municipal Code or a developmental lot agreement must be approved and recorded at the Pennington County of Register of Deeds office and the existing easements shall be vacated;**
- 5. Prior to issuance of a building permit, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 6. Prior to issuance of a building permit, an Erosion and Sediment Control Permit shall be obtained;**
- 7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 8. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
- 9. A minimum of 24 parking spaces shall be provided with one of the**



- parking spaces being handicap “van accessible”. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
10. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
 11. A minimum of 101,320 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;
 12. The lighting shall be designed to be reflected within the property boundaries so as not to 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; and,
 13. The Planned Commercial Development 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. (7 to 0 to 1 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand and Waltman voting yes and none voting no and Scull abstained.)

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.

*36. 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 staff recommendation to approve the Planned Commercial Development request with stipulations. Fisher stated that the Exceptions have been approved by City Council and Agreements have been signed to allow the existing sewer mains and service lines as proposed. Fisher reviewed the reduction of the parking requirement as outlined in the stipulations of approval.

Brewer moved, Scull seconded and unanimously carried to approve the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval, the advertisement banners located on the exterior of the building shall be removed. The balance of the signage shall continually conform to the design, color and location as shown in the sign package submitted and approved as a part of this 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);**
- 2. Prior to Planning Commission approval, sewer plans shall be submitted for review and approval showing the relocation of the sewer main from under the Days Inn Motel structure or the applicant shall enter into an agreement with the City to hold the City harmless from any damages resulting in the location of the sewer main and to provide maintenance for this portion of the sewer main;**
- 3. Prior to Planning Commission approval, Exceptions shall be obtained to allow a water and/or sewer service line to cross another lot or construction plans shall be submitted for review and approval showing the relocation of the service lines in compliance with the regulations;**
- 4. The minimum parking requirement is hereby reduced from 146 parking spaces to 67 parking spaces contingent upon no public use of the meeting rooms from May through September of each year. In addition, prior to Planning Commission approval, a parking agreement shall be secured to allow five parking spaces located on the Burger King Tract to be used by this facility;**
- 5. The proposed structure shall conform architecturally to the plans, elevations and color palette submitted as part of this Planned Commercial Development Plan;**



6. A minimum of 42,000 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
7. 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;
8. The dumpster(s) shall be located and screened as shown on the site plan;
9. The currently adopted International Fire Code shall be continually met;
10. The structure shall be used as a hotel and lounge with meeting rooms. The meeting rooms shall be used exclusively by the occupants of the hotel during the months of May through September of each year. The meeting rooms may be used by the public and/or occupants of the hotel during the months of October through April of each year. Any other use of the property will require the review and approval of a Major Amendment to the Planned Commercial Development;
11. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Planned Commercial Development or a subsequent Major Amendment; and,
12. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (8 to 0 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand, Scull and Waltman 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.

- *37. 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 recommendation to approve the Planned Residential Development request with stipulations.

Brown moved, Marchand seconded and unanimously carried to approve the Planned Residential Development - Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval of a Final Development Plan application, revised structural elevations and a complete building materials list and color palette for the structure, including the color of the roof, shall be submitted for review and approval. In addition, the elevations shall show screening from all four sides of all roof top mechanical equipment and adjacent views from the residential development;**
- 2. Prior to Planning Commission approval of a Final Development Plan application, the applicant shall submit an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual for review and approval;**
- 3. Prior to Planning Commission approval of a Final Development Plan application, a revised landscape plan in compliance with Section 17.50.300 of the Rapid City Municipal Code shall be submitted for review and approval;**
- 4. Prior to Planning Commission approval of a Final Development Plan application, a sign package shall be submitted showing all signage proposed or a Major Amendment to the Planned Residential Development must be obtained;**
- 5. Prior to Planning Commission approval of a Final Development Plan application, the location and size of all dumpsters shall be submitted for review and approval. In addition, elevations of the screening fence for the dumpsters shall be submitted for review and approval and shall include building material(s) and the proposed color palette;**
- 6. Prior to Planning Commission approval of a Final Development Plan application, the location, size and noise rating of all exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;**
- 7. The currently adopted International Fire Code shall be continually met;**
- 8. Prior to issuance of a building permit, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 9. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 10. A minimum of 149 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;**
- 11. An Air Quality Permit shall be obtained prior to any surface**



- disturbance of one acre or more;
12. The lighting shall be designed to be reflected within the property boundaries so as not to 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; and,
 13. The Planned Industrial Development 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. (8 to 0 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand, Scull and Waltman 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.

38. No. 08RZ027 - South Hill Subdivision

A request by Kent and Karin Hagg to consider an application for a **Rezoning from Low Density Residential District to General Agriculture District** on of Open Space and Open Space with Major Drainage and Utility Easement, Block 3, South Hill Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Catron Boulevard and north, west and south of Wellington Drive.

Tegethoff presented the staff recommendation to deny the Rezoning request without prejudice with the applicant's concurrence.

Scull moved, Gregg seconded and unanimously carried to deny the Rezoning from Low Density Residential District to General Agriculture District without prejudice. (8 to 0 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

39. 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.

Ball presented the staff recommendation to deny the SDCL 11-6-19 Review request without prejudice. Ball noted that there are outstanding zoning violations on the subject property.

David Newton, agent for Faulk and Foster expressed his opposition to the staff recommendation. Newton stated that the location of the equipment is primarily inside the building and on the roof. Newton expressed his opinion that the landowner should be the responsible party for the landscaping requirements and the existing zoning code violations. Newton submits that the building already



complies with the parking requirements. Newton requested that the Planning Commission approve the SDCL 11-6-19 Review request.

Elkins reviewed the requirement to correct the Zoning violation prior to expanding the use of the property.

Newton stated that the applicant is only a tenant and that Alltel's position is that they not be held accountable for the landowners' obligations for the Zoning Code violations.

In response to Brewer's question, Schad reviewed the City's legal position with regard to the Federal Telecommunications Act requirements. Schad stated that the position of the applicant as a tenant does not circumvent the obligation to comply with the Zoning Ordinance.

In response to Brewer's question, Schad stated that the City Attorney's Office will draft a letter to the landowner noting the code violations on the property.

In response to Brewer's question, Elkins reviewed the process to rectify the code violations on the property. Discussion followed.

Anderson noted that requiring the property to be brought into compliance with the Ordinance before allowing the proposed expansion is consistent with the policy of the Planning Commission.

Scull suggested that the applicant resolve the zoning violation with the property owner.

In response to Elkins question, Newton stated he could not speak for Alltel and added that Alltel feels that they have met the requirement.

Brewer moved, Brown seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a cellular tower to the December 18, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

40. No. 08SR063 - McMahon Industrial Park No. 2

A request by Quinn Kayser-Cochran for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow the expansion of an existing cellular communication tower** on Lot 2 of Block 9 of McMahon Industrial Park No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3060 Haines Avenue.

Ball presented the staff recommendation to continue the SDCL 11-6-19 Review request to the December 18, 2008 Planning Commission meeting.

Gregg moved, Anderson seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow a telecommunication tower to the December 18, 2008 Planning Commission meeting. (8 to 0 with Anderson,



Brewer, Brown, Gregg, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

41. No. 08SR083 - McMahon Industrial Park No. 2

A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation d/b/a Verizon Wireless to consider an application for a **SDCL 11-6-19 Review to allow a telecommunications tower** on Lot 1 of Block 10 of McMahon Industrial Park No. 2, located in the SW1/4 SE1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2870 Haines Avenue.

Ball presented the staff recommendation to deny the SDCL 11-6-19 Review request. Ball reviewed his typographic error in the staff report regarding the ground elevation of the two towers.

Gregg moved to deny SDCL 11-6-19 Review to allow a telecommunications tower.

John Rowe, Buell Consulting, agent for the applicant, requested that the SDCL 11-6-19 Review request be approved. Rowe reviewed the applicant's policy to enter into an agreement with a property owner of a proposed location to install a cellular tower. Rowe stated that Alltel has been unable to reach an agreement with the property owner to resolve the issues. Rowe identified the proposed cellular coverage resulting from the location of the tower.

In response to Waltman's questions, Schad stated that there would be no conflict of interest with Waltman participating in the discussion and vote on the item.

Elkins corrected the comments made by the applicant's representative regarding staff discussions with the property owner. Elkins reviewed the staff's recommendation to deny the SDCL 11-6-19 Review request. Discussion followed.

Gregg moved, Landguth seconded and carried to deny the SDCL 11-6-19 Review to allow a telecommunications tower. (6 to 2 with Anderson, Gregg, Landguth, Marchand, Scull and Waltman voting yes and Brewer and Brown voting no)

42. No. 08SR076 - Sections 16 and 21, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Minnesota Street** on right-of-way located in the NW1/4 of the SW1/4 and in the S1/2 of the S1/2, Section 16, T1N, R8E, also in the NE1/4 of the NW1/4 and in the N1/2 of the NE1/4 of Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and south of the Existing Plum Creek Development.

Fisher presented the staff recommendation to continue the SDCL 11-6-19



Review request to the January 22, 2009 Planning Commission meeting.

Anderson moved, Marchand seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of Minnesota Street to the January 22, 2009 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

43. Discussion Items

- A. City's legal position regarding Cellular Communication Towers.

Commissioner Waltman noted that the City's position had already been discussed.

44. Staff Items

45. Planning Commission Items

46. Committee Reports

- A. City Council Report (November 17, 2008)
The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:
- B. Sign Code Board of Appeals
 - C. Zoning Board of Adjustment
 - D. Parks and Recreation Subcommittee
 - E. Capital Improvements Subcommittee
 - F. Americans With Disabilities Act Compliance Committee
 - G. Drinking Water Protection Committee
 - H. Tax Increment Financing Committee
 - I. Off-Premise Sign Permit Committee
 - J. Infrastructure Development Partnership Fund Committee
 - K. Floodplain Boundary Policy Committee
 - L. Landscape Code Committee
 - M. Smart Growth Committee
 - N. Others

There being no further business, Anderson moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:59 a.m. (8 to 0 with Anderson, Brewer, Brown, Gregg, Landguth, Marchand, Scull and Waltman voting yes and none voting no)