

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 5, 2009

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Julie Gregg, Thomas Hennies, 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, Tim Behlings, 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.

Hennies requested that Items 5 and 15 be removed from the Consent Agenda for separate consideration.

Motion by Gregg, Seconded by Brown and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 25 in accordance with the staff recommendations with the exception of Items 5 and 15. (7 to 0 with Anderson, Brewer, Brown, Gregg, Hennies, Scull and Waltman voting yes and none voting no)

1. Approval of the January 22, 2009 Planning Commission Meeting Minutes.
2. 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 recommended that 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 be approved.

3. 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

DRAFT

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 recommended that the Rezoning from General Agriculture District to Office Commercial District be approved in conjunction with the Comprehensive Plan Amendment to the Future Land Use Plan and the Initial Commercial Development Plan.

*4. 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 approved the Planned Commercial Development - Initial Development Plan with the following stipulations:

1. **Prior to issuance of a building permit, a Final Planned Commercial Development application shall be reviewed and approved for the proposed use(s);**
2. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
3. **Prior to submittal of a Final Commercial Development Plan application, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
4. **Prior to submittal of a Final Commercial Development Plan application, the property shall be rezoned from General Agriculture District to Office Commercial District to allow the proposed use(s). In addition, a Comprehensive Plan Amendment 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 shall be approved;**
5. **Upon submittal of a Final Commercial Development Plan application, an Approach Permit shall be obtained from the South Dakota Department of Transportation for the collector street located along the west lot line of the property as requested by the South Dakota Department of Transportation;**
6. **Upon submittal of a Final Commercial Development Plan application for Phase One, construction plans showing an east bound right turn deceleration lane and a west bound left turn lane along Catron Boulevard shall be submitted for review and approval as per the Traffic Impact Study;**
7. **Upon submittal of a Final Commercial Development Plan application for Phase One, a revised Traffic Impact Study shall be submitted for review and approval if the proposed shift work scheduling is eliminated in order to address the additional traffic created by all of**

DRAFT

- the employees working one schedule;
8. Prior to approval of a Final Commercial Development Plan application for Phase One, the applicant shall enter into an agreement with the South Dakota Department of Transportation for a portion of the cost of the future traffic signal to be located at the intersection of the collector street and Catron Boulevard as per the Traffic Impact Study;
 9. Prior to issuance of a Certificate of Occupancy, a sidewalk shall be constructed along Catron Boulevard or surety shall be posted for the improvement to defer construction of the sidewalk until the South Dakota Department of Transportation has completed the Catron Boulevard improvements for this area;
 10. Upon submittal of a Final Commercial Development Plan application, construction plans for the collector street located along the west lot shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface and additional turn lanes as per the Traffic Impact Study. In addition, the construction plans shall show the street constructed with curb, gutter, sidewalk, street light conduit, sewer and water;
 11. Prior to approval of a Final Commercial Development Plan application, an H Lot shall be recorded for that portion of the proposed collector street located outside of the section line highway or a Final Plat shall be recorded securing the right-of-way for the street. In addition, the right-of-way for the street shall be deeded to the City or State of South Dakota;
 12. Upon submittal of a Final Commercial Development Plan application, construction plans for the east-west commercial street shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 59 foot wide right of way and constructed with a minimum 26 foot wide paved surface and additional turn lanes as per the Traffic Impact Study. In addition, the construction plans shall show the street constructed with curb, gutter, sidewalk, street light conduit, sewer and water;
 13. Prior to approval of a Final Commercial Development Plan, an H Lot shall be recorded for the east-west commercial street or a Final Plat shall be recorded securing the right-of-way for the street;
 14. Upon submittal of a Final Commercial Development Plan application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then 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;
 15. Upon submittal of a Final Commercial Development application, a final drainage plan and calculations shall be submitted for review

DRAFT

- and approval. The drainage plan shall be submitted in a format to serve as an amendment to the South Truck Route Drainage Basin Plan. The drainage plan shall also include the phasing plan for the drainage improvements and demonstrate adequate pipe sizes, collection system and size of detention area(s). In addition, drainage easements shall be recorded as needed;
16. Upon submittal of a Final Commercial Development Plan application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
 17. Upon submittal of a Final Commercial Development Plan application, water plans prepared by a Registered Professional Engineer demonstrating that adequate fire and domestic flows are being provided shall be submitted for review and approval. In addition, the construction plans shall include any off-site improvements as needed to serve the development. The water plans shall also be in compliance with the City's Master Utility Plan. In addition, if oversize costs are submitted, the applicant shall request oversize cost reimbursement from the City Council if it is determined that oversizing of the water system is needed in order to serve additional properties within the area;
 18. Upon submittal of a Final Commercial Development Plan application for Phase Two, a water analysis shall be submitted for review and approval to determine if extending water through this site is needed in order to serve the properties located south and east of this parcel. In addition, utility easements shall be recorded as needed;
 19. Upon submittal of a Final Commercial Development Plan application, 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. In particular, the sanitary sewer plans and profiles shall show mains, manholes and services through the property and extending to the adjacent properties. In addition, the construction plans shall include any off-site improvements as needed to serve the development. If oversize costs are submitted, then the applicant shall request oversize cost reimbursement from the City Council if it is determined that oversizing of the sewer system is needed in order to serve additional properties within the area. In addition, utility easements shall be recorded as needed;
 20. Upon submittal of a Final Commercial Development Plan application, elevations of the proposed structures shall be submitted for review and approval. The elevations shall also include the design of the roof top and screening as needed for any roof top mechanical units. In addition, a list of building materials and the proposed color palette shall be submitted for review and approval. The roof top shall be a black membrane, non-reflective roof as proposed by the applicant;
 21. Upon submittal of a Final Commercial Development Plan application, a complete landscaping plan shall be submitted for review and approval identifying specific plant material. In addition, the

DRAFT

- landscaping plan shall comply with all requirements of the Zoning Ordinance. The landscaping plan shall also include minimum sized landscaping along Catron Boulevard to serve as a screen along Catron Boulevard;
22. Upon submittal of a Final Commercial Development Plan application, a complete sign package, including any entryway signs, signage on the buildings and direction signs within the parking lot, shall be submitted for review and approval;
 23. Upon submittal of a Final Commercial Development Plan application for each phase of the development, a complete parking plan in compliance with the adopted Off-street Parking Regulations shall be submitted for review and approval. In addition, loading dock areas and the truck route(s) through the site shall be identified if applicable. All loading dock areas shall also be screened as needed. In addition, all parking structures shall be designed in compliance with the currently adopted International Fire Code and Building Code;
 24. Upon submittal of a Final Commercial Development Plan application, a complete lighting package identifying the design of the proposed lighting shall be submitted for review and approval. In addition, 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;
 25. Upon submittal of a Final Commercial 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;
 26. Upon submittal of a Final Commercial Development Plan application, the location, size and noise rating of all exterior mechanical equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
 27. 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). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed as per the current adopted International Fire Code;
 28. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
 29. Prior to issuance of a building permit, surety shall be posted for the off-site water and sewer main extensions and for the street improvements along Catron Boulevard. In addition, prior to issuance of a Certificate of Occupancy, the improvements shall be constructed

DRAFT

- and accepted;
30. A call center and office complex with a recreational area and a utility substation shall be allowed on the property unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment to the Commercial Development Plan shall be obtained;
 31. All provisions of the Office Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial Commercial Development Plan, the Final Commercial Development Plan application or a subsequent Major Amendment; and,
 32. 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.

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

6. No. 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

DRAFT

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 February 19, 2009 Planning Commission meeting.

7. No. 08SV047 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, legally described as Lot 1 of Block 3 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 February 19, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat application.

8. 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 all located in Section 15,

DRAFT

T1S, R7E, BHM, Pennington County, South Dakota, 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 February 19, 2009 Planning Commission meeting.

9. 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, located in E1/2 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, 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 February 19, 2009 Planning Commission meeting.

10. No. 08PL176 - Keller Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the Black Hills Dog Track adjacent to the west side of Sturgis Road and south of the intersection of Universal Drive and Sturgis Road.

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

11. No. 08SV057 - Keller Subdivision

A request by Renner & Associates for Pete Lien and Sons 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 Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the Black Hills Dog Track adjacent to the west side of Sturgis Road and south of the intersection of Universal Drive and Sturgis Road.

DRAFT

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code to the February 19, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

12. 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 February 19, 2009 Planning Commission meeting.

13. 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 March 5, 2009 Planning Commission meeting to allow the applicant to submit additional information.

14. No. 08SR089 - Rapps Addition

A request by Quinn Kayser-Cochran for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow a co-location on an existing cellular tower** on Lot 2A of Block 2 of Rapps Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 640 Eglin Street.

Planning Commission continued the SDCL 11-6-19 Review to allow a co-location on an existing cellular tower to the February 19, 2009 Planning Commission meeting.

16. No. 08VR008 - Wise's Addition

A request by D.C. Scott Co. Land Surveyors for William Taylor to consider an application for a **Vacation of Right-of-way** on the Monroe Street right-of-way from the east right-of-way line of Milwaukee Street to the west right-of-way line of the D.M.&E. railroad, located between and adjacent to Lots 11 thru 17 of Block 13, and Lot A of Block 18 of Wise's Addition to Rapid City, located in the S1/2 NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South

DRAFT

Dakota, more generally described as being located Monroe Street between Milwaukee Street and Waterloo Street and west of the DM&E Railroad Right-of-way.

Planning Commission continued the Vacation of Right-of-way to the February 19, 2009 Planning Commission meeting to allow the applicant to submit additional information.

17. No. 09RD001 - Marshall Subdivision
A request by City of Rapid City to consider an application for a **Resolution naming the unnamed right-of-way to Glenside Street** on an unnamed right-of-way lying adjacent to Lot D of Lot 3 and Lot 7C and 7D of Lot 7 of Marshall Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located lying north and south of Homestead Street and west of Valley Drive.

Planning Commission recommended that naming the unnamed right-of-way within Marshall Subdivision, Glenside Street be approved.

18. No. 09RZ001 - Barnhart Subdivision
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Lot 2 of Tract A of Barnhart Subdivision, and the 150 foot wide East Highway 44 Right-of-way located south of Lot 2 of Tract A of Barnhart Subdivision, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2808 East Highway 44.

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

19. No. 09RZ002 - Barnhart Subdivision
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Lot 3 of Barnhart Subdivision, and the 150 foot wide East Highway 44 right-of-way lying south of Lot 3 of Barnhart Subdivision, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2990 East Highway 44.

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

20. No. 09RZ003 - Section 4 and Section 9, T1N, R8E
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Tract C of the SE1/4 SW1/4 of Section 4 and Parcel E of the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, the portion of Lot E of the NE1/4 NW1/4 lying north of the highway right-of-way for access to Interstate Highway No. 90 Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4,

DRAFT

T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3030 and 3086 East Highway 44.

Planning Commission continued the Rezoning from No Use District to General Commercial District to the February 19, 2009 Planning Commission meeting.

21. No. 09SR002 - Thompson Tower Tract

A request by Rick Holpp for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow co-location on an existing cellular communication tower** on the balance of Lot B of Lot C of the NW1/4 less right-of-way and less portion of Thompson Tower Tract, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3850 Tower Road.

Planning Commission approved the SDCL 11-6-19 Review to allow co-location on an existing cellular communication tower.

22. No. 09SR003 - Fountain Springs Business Park

A request by Rick Holpp for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow co-location on an existing communication tower** on Tract E of Fountain Springs Business Park, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2727 North Plaza Drive.

Planning Commission approved the SDCL 11-6-19 Review to allow co-location on an existing communication tower.

23. No. 09SR005 - Wise's Addition

A request by Youth and Family Services, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the installation of a transformer on public property** on Lot A of Block 12 of Wise's Addition, located in the SE1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 410 E. Monroe.

Planning Commission approved the SDCL 11-6-19 Review to allow the installation of a transformer on public property.

24. No. 09VR001 - Plainview Second Addition

A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-way** on the east 180 feet of the 20 foot alley in Block 11 of Plainview Second Addition, lying between Sunnyside Avenue and Anamosa Street and west of the west boundary of Riley Avenue, the entire 20 foot alley in Block 12 of Plainview Second Addition lying between Sunnyside Avenue and the railroad right-of-way and east of the east boundary of Riley Avenue, North Riley Avenue 80 foot right-of-way lying north of East Anamosa Street, Cambell Street right-of-way lying north of the railroad right-of-way, Sunnyside Avenue 80 foot right-of-way east of the east boundary of Riley Avenue and west of the west

DRAFT

boundary of Cambell Street, all located in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the intersection of North Riley Avenue and East Anamosa Street.

Planning Commission continued the Vacation of Right-of-way to the February 19, 2009 Planning Commission meeting.

25. 09TP002 – 2009-2013 Transportation Improvement Program Amendment No. 09-002.

Planning Commission recommended approval of the 2009-2013 Transportation Improvement Program Amendment No. 09-003.

---END OF CONSENT CALENDAR---

5. 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.

In response to Hennies question, Elkins stated that the staff recommends that the Preliminary Plat be continued to the February 19, 2009 Planning Commission meeting.

Hennies moved, Gregg seconded and unanimously carried to continue the Preliminary Plat to the February 19, 2009 Planning Commission meeting to allow the applicant to submit additional information. (7 to 0 with Anderson, Brewer, Brown, Gregg, Hennies, Scull and Waltman voting yes and none voting no)

15. No. 08SR090 - Blakes Addition

A request by Quinn Kayser-Cochran for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow a co-location on an existing cellular tower** on Lots 5 thru 10 of Block 4 of Blakes Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 612 East Boulevard North.

Hennies requested information regarding the Rezoning request.

Elkins identified the location of the proposed cellular tower.

DRAFT

Quinn Kayser-Cochran, agent for the applicant, stated that the tower would be located inside the flag pole canister. Discussion followed.

Anderson moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow a co-location on an existing cellular tower. (7 to 0 with Anderson, Brewer, Brown, Gregg, Hennies, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

26. 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.

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

Hennies moved, Scull seconded and unanimously carried to continue the SDCL 11-6-19 Review to upgrade the Jolly Lane Lift Station to the February 19, 2009 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Brown, Gregg, Hennies, Scull and Waltman voting yes and none voting no)

*27. No. 08UR016 - Original Town of Rapid City

A request by Gillian Avvampato to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lot 11 of Block 93 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 725 St. Joseph Street.

Elkins presented the staff recommendation to acknowledge the applicant's request to withdraw the Conditional Use Permit request.

In response to Scull's question, Elkins stated that a motion to deny without prejudice would allow the applicant to reapply without a filing fee.

Hennies moved, Brown seconded and unanimously carried to deny the Conditional Use Permit to allow an on-sale liquor establishment without prejudice with the applicant's concurrence. (7 to 0 with Anderson, Brewer, Brown, Gregg, Hennies, 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.

DRAFT

*28. No. 09UR001 - Original Town of Rapid City

A request by Aida Compton for Bully Blends Coffee & Tea to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lots 11 thru 16 of Block 76 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 410 Fifth Street.

Elkins presented the staff recommendation to continue the Conditional Use Permit request to the February 19, 2009 Planning Commission meeting.

Hennies stated that he had visited with the applicant previously.

Peter Compton, the applicant, stated that the City's concerns are that the parking lot is not up to Code. Compton stated that the new landlord has expressed his intention to improve the parking lot. Compton requested that the Planning Commission approve the Conditional Use request.

Aida Compton presented a letter from the present landlord of the subject property. Compton identified the current parking lot surface materials and the proposed surface materials.

Elkins stated that the Planning Commission has required that the applicant bring the property to Code or post surety. Elkins suggested that the Planning Commission approve the Conditional Use Permit request with the stipulation that the applicant post surety prior to the issuance of an alcohol license. Discussion followed.

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

Elkins added that the Planning Commission may also wish to require that the on-sale liquor establishment be operated as a full service restaurant. Discussion followed.

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

1. **That the applicant post surety prior to the issuance of an alcohol license; and,**
2. **That the on-sale liquor establishment be operated in conjunction with a full service restaurant. (6 to 0 to 1 with Anderson, Brewer, Brown, Gregg, Hennies and Waltman voting yes and none voting no and Scull abstaining.)**

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

DRAFT

29. Discussion Items

A. Submittal requirements for Conditional Uses.

Fisher presented the staff recommendation that the Planning Commission authorize staff to bring forward an application for an Ordinance Amendment clarifying the requirements for a Conditional Use Permit application.

Hennies moved, Gregg seconded and unanimously carried to authorize staff to bring forward an application for an Ordinance Amendment updating the submittal requirements for Conditional Use Permits. (7 to 0 with Anderson, Brewer, Brown, Gregg, Hennies, Scull and Waltman voting yes and none voting no)

B. Ex-parte Communications Policy – Joel Landeen.

Elkins presented the staff recommendation to continue the Ex-parte Communications Policy presentation to the March 5, 2009 Planning Commission meeting to allow Mr. Schad to research the issue.

Anderson moved, Brewer seconded and unanimously carried to continue the Ex-parte Communication Policy to the March 5, 2009 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Brown, Gregg, Hennies, Scull and Waltman voting yes and none voting no)

30. Staff Items

Brewer requested information on why the handouts regarding issuance of alcohol licenses in the downtown are that had been distributed on the dais.

Elkins stated that the staff has received a number of questions from Commissioner Hennies regarding the issuance of liquor licenses in the downtown area and staff felt the information would assist the entire Commission.

In response to Brewer's question regarding potential new dining establishments, Elkins stated that this is an opportunity to allow the City to closely examine the uses for liquor licenses in the downtown business district.

In response to Anderson's question, Elkins stated that the Planning Commission could provide a recommendation to Council to address the existing resolutions.

Hennies expressed his opinion supporting the limitation of liquor licenses in the downtown business area and commented on the original intent of the Resolutions.

DRAFT

Brewer indicated he would review the resolutions as they relate to the downtown revitalization efforts.

31. Planning Commission Items

32. Committee Reports

- A. City Council Report (January 20, 2009)
The City Council concurred with the recommendations of the Planning Commission.
- 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

Brown thanked staff.

There being no further business, Anderson moved, Gregg seconded and unanimously carried to adjourn the meeting at 7: 34 a.m. (7 to 0 with Anderson, Brewer, Brown, Gregg, Hennies, Scull and Waltman voting yes and none voting no)