

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 23, 2009

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Barb Collins, Thomas Hennies, Dennis Landguth, Linda Marchand, Steve Rolinger, Andrew Scull and Karen Waltman.

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

Waltman called the meeting to order at 7:04 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 6, 10 and 18 be removed from the Consent Agenda for separate consideration.

Scull and Hennies requested that Items 2 and 15 be removed from the Consent Agenda for separate consideration.

Motion by Brown, Seconded by Collins and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 21 in accordance with the staff recommendations with the exception of Items 2, 6, 10, 15 and 18. (10 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the April 9, 2009 Planning Commission Meeting Minutes.
3. 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 May 7, 2009 Planning Commission meeting.

4. 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 May 7, 2009 Planning Commission meeting.

5. No. 09CA004 - Section 4, T1N, R8E
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 change the land use designation from General Commercial to Public** of the 100 foot wide railroad right-of-way lying north of Lot D of the SW1/4 SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of South Valley Drive and south of S.D. Highway 44.

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

7. No. 09SV004 - Eastern Acres Subdivision
A request by D.C. Scott Co. Land Surveyors for Herbert Jones to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 11AR of Block 7 of Eastern Acres Subdivision, legally described as Lot 11A and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5581 Corbin Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code to the May 7, 2009 Planning Commission meeting.

8. No. 09PL014 - Discovery Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1, 2 and 3 of Tract 3 of Discovery Subdivision, legally described as Tract 3 of Discovery Subdivision located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1851 Discovery Circle.

Planning Commission continued the Preliminary Plat to the May 7, 2009 Planning Commission meeting to allow the applicant to submit additional information.

9. No. 09PL015 - Engesser Subdivision

A request by Sperlich Consulting, Inc. for Tim Engesser to consider an application for a **Layout Plat** for proposed Lots 1R, 2R and Lots 3 thru 6 of Engesser Subdivision, legally described as Lots 1 and 2 of Engesser Subdivision, located in the E1/2 SE1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Dunn Road and Radar Hill Road.

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

1. **Prior to Preliminary Plat approval by Planning Commission, a revised plat document addressing the outstanding balance of Lot 1 of Engesser Subdivision shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by City Council, a drainage and grading plan must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document must be revised to provide drainage easements as necessary;**
3. **Prior to Preliminary Plat approval by City Council, water system plans prepared by a Registered Professional Engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;**
4. **Prior to Preliminary Plat approval by City Council, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;**
5. **Prior to Preliminary Plat approval by the City Council, plans for Radar Hill Road shall be submitted showing Radar Hill Road constructed with a minimum 36 feet wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
6. **Prior to Preliminary Plat approval by the City Council, plans for Dunn Road must be submitted showing Dunn Road constructed with a minimum 40 feet wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
7. **Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
8. **Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
9. **Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees be paid as required;**
10. **Prior to Final Plat approval, portions of the property shall be rezoned or the lots shall be reconfigured to meet the minimum lot size**

requirements of the General Agricultural District or a Lot Size Variance shall be obtained; and,

- 11. Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.**

11. No. 09SV011 - Anamosa Crossing Subdivision

A request by Centerline, Inc. for Action Development, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water and sewer along East North Street and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water along Century Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 2 thru 7, 9, and 10 of Anamosa Crossing Subdivision, legally described as Tract 1 of Century 21 Subdivision, located in the NW1/4, Section 32, T2N R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of East North Street and East Anamosa Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and sewer along East North Street be approved with the following stipulations:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,**
- 2. A sidewalk shall be provided along the west side of the street;**

That the Variance to the Subdivision Regulations to waive the requirement to install water along East North Street be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along Century Road be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,**
- 2. The Century Road connection between E. North Street and the section line highway located along the north lot line of the property shall be maintained until Century Road is reconstructed as shown on the applicant's Master Plan.**

12. No. 09PL018 - Skyline Village Subdivision

A request by Centerline, Inc. for Hidden Valley, Inc. to consider an application for a **Preliminary Plat** for proposed Tracts 1 thru 3, Lots 1A thru 12B and Lot Z of Block 1, Lots 1A thru 11B of Block 2 of Skyline Village Subdivision, legally described as the south 495 feet of the NE1/4 SE1/4 less Lot 1, the SE1/4 SE1/4 all in Section 22, T1N, R7E, BHM, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2000 Golden Eagle Drive.

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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the**

DRAFT

- red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. Prior to Final Plat approval, the plat shall be signed by all of the affected property owners for the proposed vacation of the section line highway or the vacation of the section line highway shall be removed from the plat and the section line highway shall be properly labeled;
 3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to include the adjacent property, Lot 4, Owen Hibbard Subdivision, or the vacation of the eastern three feet of the Promise Road right-of-way shall be submitted as a separate vacation of right-of-way request;
 4. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the proposed intersection of Promise Road and Golden Eagle Drive provides adequate elevation to construct the future street connection of Golden Eagle Drive to the service road located in the U.S. Highway 16 right-of-way in accordance with American Association of State Highway and Transportation Officials;
 5. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a "T" intersection between Vineyard Lane and Golden Eagle Drive located within the section line highway located along the south lot line. In addition, the plat document shall be revised to show the right-of-way for the "T" intersection if it is located outside of the section line highway;
 6. Prior to Preliminary Plat approval by the City Council, construction plans for the H Lot located along the west lot line shall be submitted for review and approval. In particular, the construction plan shall show the street 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;
 7. Prior to Preliminary Plat approval by the City Council, a grading plan showing any proposed grading, including cut and fill quantities shall be submitted for review and approval;
 8. 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;
 9. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show non-access easements in compliance with the Street Design Criteria Manual or an Exception shall be obtained as needed;
 10. Prior to Preliminary Plat approval by the City Council, the proposed decorative street light design shall be approved by the City Council or the design of the street lights shall be changed to a standard design;
 11. Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval;

12. **Prior to Preliminary Plat approval by the City Council, the applicant shall identify the location of the proposed access street to Lot 1, Bendert Subdivision. In addition, the street shall be secured within a minimum 45 foot wide access 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. The applicant shall also demonstrate that access is being maintained to Lot 1, Bendert Subdivision during the construction phase of this project;**
 13. **Prior to submittal of a Final Plat application, the existing 40 foot wide access easement extending from Promise Road to Lot 1, Bendert Subdivision shall be vacated or the plat document shall be revised to insure that a building envelope exists on each of the proposed lots. If the 40 foot wide access easement is not vacated, then construction plans for the easement shall be submitted for review and approval showing the easement with a minimum 49 foot width and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
 14. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page for the previously recorded eastern 33 feet of Promise Road right-of-way located along the east lot line of the property;**
 15. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;**
 16. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
 17. **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. 09SV010 - Skyline Village Subdivision
A request by Centerline, Inc. for Hidden Valley, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to waive the requirement to pave the H Lot as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Tracts 1 thru 3, Lots 1A thru 12B and Lot Z of Block 1, Lots 1A thru 11B of Block 2 of Skyline Village Subdivision, legally described as the south 495 feet of the NE1/4 SE1/4 less Lot 1, the SE1/4 SE1/4 all in Section 22, T1N, R7E, BHM, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2000 Golden Eagle Drive.

DRAFT

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to waive the requirement to pave the H Lot as per Chapter 16.16 of the Rapid City Municipal Code be approved.

14. No. 09RZ020 - Hillsview Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** of Lots 4 and 5 of Hillsview Subdivision and the 75 foot wide S.D. Highway 44 right-of-way lying adjacent to and south of Lot 5 of the Hillsview Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Valley Drive and north of S.D. Highway 44.

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

16. No. 09SR013 - Robbinsdale Park Addition

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct a sidewalk in a public park** on Robbinsdale Park less Lot 1 of Robbinsdale Park Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 626 East Fairmont Boulevard.

Planning Commission approved the SDCL 11-6-19 Review to construct a sidewalk in a public park.

17. No. 09SR024 - Section 9, T1N, R8E

A request by Koozie Johnson for West River Electric Associateion, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the construction of a public utility line and to authorize the granting of a utility easement** on a portion of the N1/2 NW1/4 less Lot H5 of NE1/4 NW1/4; N1/2 SE1/4 NW1/4 Less Lot H1, Lot 7 of the SW1/4 NW1/4, Lots 5 and 6 of the SW1/4 NW1/4, Lot A of lot 5 of the SW1/4 NW1/4, S1/2 SW1/4 NE1/4, excepting therefrom Lot H1 as shown on the Plat filed in Highway Plat Book 2 Page 246, and also excepting therefrom the Railroad right of way as conveyed in Warranty Deed Recorded May 11, 1906, In Deed Book 23, Page 590; S1/2 SE1/4 NW1/4; NE1/4 SW1/4; W1/2 SE1/4, excepting therefrom Tract A of the E1/2 SW1/4 the W1/2 SE1/4, Lot 1 WREA Subdivision, Lot 1 Wally Byam Addition, Lytle Lane Road Right-of-way from South Dakota Highway 44 South, (DOT RAILROAD), all in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, Lot A Revised, formerly Lot A of Plat No.1 in the NW1/4 SW1/4, (DOT RAILROAD) all in Section 10, T1N, R8E, BHM, Pennington County, South Dakota, (DOT RAILROAD) in Section 15, T1N, R8E, BHM, Pennington County, South Dakota, that portion of E1/2 SE1/4 NE1/4 lying South of Hwy 44 & the Railroad Right-of-way less Lot H2; NW1/4 SW1/4; W1/2 W1/2 NE1/4 SW1/4; S1/2 SW1/4; E1/2 E1/2 SE1/4 less Lot H1, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, South Dakota Highway 44 Road Right-of-Way from Twilight Drive to Reservoir Road, all in Sections 9, 10, 15, T1N, R8E, BHM, Pennington County, South Dakotamore

generally described as being located south of the intersection of the Southeast Connector and S.D. Highway 44, at the eastern terminus of Garden Lane and west of Pioneer Drive.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a public utility line and to authorize the granting of a utility easement to the May 7, 2009 Planning Commission meeting.

19. No. 09SR026 - South Boulevard Addition

A request by Steven Dunn for Black Hills Power to consider an application for a **SDCL 11-6-19 Review to expand a utility substation** on Lots 23 thru 26 with ten foot wide of an adjacent vacated alley of South Boulevard Addition, located in the NW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east side of Fifth Street between Cleveland and Oakland Street.

Planning Commission continued the SDCL 11-6-19 Review to expand a utility substation to the May 7, 2009 Planning Commission meeting.

20. No. 09SR027 - Original Town of Rapid City

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct a public sewer main** on the East Boulevard Right-of-way adjacent to the north 90 feet of Lots 1 thru 3, the south 50 feet of Lots 1 thru 3, the north 75 feet of Lots 29 thru 32, the south 65 feet of Lots 29 thru 32, and the alley right-of-way adjacent to the south 50 feet of Lots 1 thru 3; Lots 3 and 4, Lots 27 and 28 and the north 75 feet of Lots 29 thru 32, all in Block 110 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the alley and right-of-way east of East Boulevard between Kansas City Street and Quincy Street.

Planning Commission continued the SDCL 11-6-19 Review to construct a public sewer main to the May 7, 2009 Planning Commission meeting.

21. No. 09SR028 - Airport Subdivision No. 4

A request by Claudia Murphy for the Rapid City to consider an application for a **SDCL 11-6-19 Review to allow concrete pad at the airport** on Lot 1 in SW1/4 Section 5 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 2 and 3 in S1/2 Section 6 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 4 and 5 in E1/2 Section 7 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 in the SE1/4 of Section 7, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in NW1/4 Section 8 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 1, Lots 3, 4, 5 and 6 in the SW1/4 Section 8, T1N, R9E,

BHM, Pennington County, South Dakota; and, Lots 1 and 2 of the SW1/4 Section 8 and Lot 1 of SW1/4SE1/4 Section 8, all located in T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 7 of R.C. Airport Subdivision No. 1 in SW1/4, Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in SE1/4 Section 8 of R.C. Airport Subdivision No. 2 in SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 2, Lots 2, 3, 4 & 5 in the SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 3, Lots 1 & 2 in the SW1/4, Section 9, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 of NW1/4, Section 16, T1N, R9E, BHM, Pennington County, South Dakota; and, All of Section 17, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 2 in SE1/4 Section 20 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, All of the N1/2 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot A and B of SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Section line right-of-way in the SW1/4 of Section 20 located north of Lot H-1 of Lot A in the SW1/4 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 3, 4, 5 & 6 in Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 5A in SW1/4SW1/4 of Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, W1/2NW1/4, NW1/4SW1/4, Pt. SW1/4SW1/4, Tracts G and H in the SE1/4NW1/4 and E1/2SW1/4, and Tract I in the SW1/4SW1/4, Section 21, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 7 and 8 in N1/2 of Section 28 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota, containing 1,719.78 acres, more or less, more generally described as being located at the Rapid City Regional Airport.

Planning Commission approved the SDCL 11-6-19 Review to a allow concrete pad at the airport.

---END OF CONSENT CALENDAR---

2. No. 08PL124 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 1 of Block 1, Lot 1 of Block 2, Lots 1 thru 40 of Block 3, Lots 1 thru 7 of Block 4, Lots 1 thru 10 of Block 5, Lots 1 thru 6 of Block 6, Lots 1 thru 12 of Block 7, Lots 1 thru 8 of Block 8, Lots 1 thru 10 of Block 9, Tracts A and B and the dedicated public Right-of-way, legally described as a tract of land located in the SW¹/₄ NE¹/₄, SE¹/₄ NE¹/₄, SE¹/₄ of Section 22 and the NE¹/₄ NE¹/₄, of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East ¹/₄ Corner of said Section 22, said point being monumented with a nail in the surface of the asphalt of Reservoir Rd and having two reference monuments consisting of a brass cap and iron pipe, one bears

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

of 1162.00 feet; Thence along said curve a distance of 264.57 feet to a point; Thence N32°05'22"E 194.31 feet to the beginning of a curve concave to the northwest having a radius of 1066.00 feet; Thence along said curve a distance of 465.06 feet to a point; Thence S87°56'54"E 23.94 feet to the southwest corner of Tract 1 of the Bradeen Subdivision, said point being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence N02°05'22"E 986.42 feet along the west line of said Tract 1 to the beginning of a non-tangent curve concave to the southwest having a radius of 1014.96 feet and a chord bearing N22°20'38"W said point is also the northwest corner of said Tract 1 and being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence along said curve a distance of 695.42 feet to a point; Thence N42°03'11"W 203.20 feet to a point; Thence N41°26'28"W 12.09 feet to the beginning of a non-tangent curve concave to the south having a radius of 613.96 feet and a chord bearing of S89°59'42"E; Thence along said curve a distance of 686.58 feet to the beginning point of a reverse curve having a radius of 506.00 feet; Thence along said curve a distance of 268.36 feet to a point; Thence S88°20'56"E 41.85 feet to a point on the westerly Right-of-Way line of said Section 22; Thence N02°03'51"E 52.00 feet along said Right-of-Way line to the True Point of Beginning, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Reservoir Road and south of the intersection of S.D. Highway 44 and Reservoir Road.

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

Hennies moved, Rolinger seconded and carried to continue the Preliminary Plat to the July 23, 2009 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no and Scull abstaining)

6. No. 09PL004 - Eastern Acres Subdivision

A request by D.C. Scott Co. Land Surveyors for Herbert Jones to consider an application for a **Preliminary Plat** for proposed Lots 11AR of Block 7 of Eastern Acres Subdivision, legally described as Lot 11A and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5581 Corbin Drive.

Dominicak presented the staff recommendation to continue the Preliminary Plat to the May 7, 2009 Planning Commission meeting.

Hennies moved, Collins seconded and unanimously carried to continue the Preliminary Plat to the May 7, 2009 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

10. No. 09PL017 - Anamosa Crossing Subdivision

A request by Centerline, Inc. for Action Development, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 2 thru 7, 9, and 10 of

Anamosa Crossing Subdivision, legally described as Tract 1 of Century 21 Subdivision, located in the NW1/4, Section 32, T2N R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of East North Street and East Anamosa Street.

Dominicak presented the staff recommendation to approve the Preliminary Plat request with stipulations.

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

- 1. Prior to Preliminary Plat approval by the City Council, construction plans for E. North Street shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with sewer and sidewalk or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, construction plans for the existing Century Road right-of-way located along the west lot line of the property shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show non-access easements as per the Street Design Criteria Manual or an Exception shall be obtained;**
- 4. Prior to submittal of a Final Plat application, a Final Plat for Phase One of the development shall be approved or this plat document shall be revised to include the internal street rights-of-way for Century Road and Lando Lane;**
- 5. Prior to submittal of a Final Plat application, the existing Century Road right-of-way located along the east lot line shall be renamed and the plat document shall be revised to show the approved street name;**
- 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show "Anamosa Street" as "E. Anamosa Street";**
- 7. 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;**
- 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
- 9. 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. (10 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)**

15. No. 09RZ021 - Hillsview Subdivision
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** of Lot 15 Revised less the north 350 feet and Lot 17 all of Hillsview Subdivision and the north 75 feet of the S.D. Highway 44 right-of-way lying adjacent and south of Lot 17 and Lot 15 Revised of Hillsview Subdivision all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Valley Drive and north of S.D. Highway 44.

Shawn Nielsen requested that the subject property remain General Commercial District to allow the existing use.

Bulman clarified that the property the speaker was addressing is item 31.

Nielsen stated that he would speak to Item 31.

Brown moved, Anderson seconded and unanimously carried to recommend that the Rezoning from No Use District to General Commercial District be approved. (10 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

18. No. 09SR025 - Big Horn Sheep Preserve
A request by Cody Schad to consider an application for a **SDCL 11-6-19 Review to allow an access road to cross a section line** on Lot 2 of Bighorn Sheep Preserve of Section 7, T1S, R7E, BHM and Government Lot 6 of Section 6, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northern terminus of Strato Bowl Road.

Dominicak presented the staff recommendation to continue the SDCL 11-6-19 Review request to the May 7, 2009 Planning Commission meeting.

Brewer moved, Scull seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow an access road to cross a section line to the May 7, 2009 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

- *22. No. 09UR009 - Original Town of Rapid City
A request by Rapid City Fine Arts Council to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** for Lots 1 thru 5 and the north half of the adjacent vacated alley, the east half of Lot 26, Lots 27 thru 32, and the south half of the adjacent vacated alley, Block 103, Original Town of Rapid City, all located in the NE1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 713 Seventh Street.

Tegethoff presented the staff recommendation to approve the Conditional Use Permit request with stipulations.

Barb Evanson, Dahl Fine Arts Center stated that the previous applications have been submitted for single use events. Evanson expressed concern for the wording for on an "invitation only basis". Evanson listed the events that would be held at the Dahl Fine Arts Center. Evanson requested that the Planning Commission approve the Conditional Use permit request.

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

Hennies identified the concerns that had been expressed by the surrounding property owners regarding a bar opening in the Dahl Fine Arts Center at the previous meeting. Hennies requested that the applicant describe the proposed use.

Evanson stated that the use is only for wine and beer sales. Evanson stated that the intent is not for a full service bar; rather the use will include only serving wine and beer in the context of an event. Evanson stated that the service of beer and wine is for a short duration. Evanson stated that training is being provided to staff to prohibit overuse by patrons and service to underage patrons. Evanson stated that the requested use currently exists on the property.

Brewer expressed his concern with the language "by invitation only." Brewer requested that the language be modified so that there is no misinterpretation. Discussion followed.

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

- 1. The on-sale liquor establishment shall only be operated in conjunction with special events, fund raisers or other previously scheduled events.**
- 2. The facility shall be allowed to sell wine and malt beverages only;**
- 3. Prior to Planning Commission approval of the Conditional Use Permit for an on-sale liquor establishment the required sign permits shall be obtained for the previously installed signage;**
- 4. The on-sale liquor establishment shall be operated in conjunction with an art center and any change in use on the property shall require a Major Amendment to the Conditional Use Permit;**
- 5. The currently adopted International Fire Code shall be continually met;**
- 6. All provisions of the Central Business District shall be met unless an exception is specifically authorized as a stipulation of this Conditional Use Permit application or a subsequent Major Amendment; and,**
- 7. The Conditional Use Permit 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 1 to 1 with Anderson, Brewer, Brown, Collins, Hennies, Landguth, Rolinger and Waltman voting yes and Marchand, 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.

23. 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 May 7, 2009 Planning Commission meeting.

Hennies moved, Collins seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of Phase Two and Three of Minnesota Street to the May 7, 2009 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

Bulman requested that items 24 and 25 be taken concurrently.

24. No. 09CA007 - South Boulevard Addition

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the Land Use Designation from Residential to Office Commercial** of Lots 31 and 32 of Block 19 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 336 Meade Street.

25. No. 09RZ023 - South Boulevard Addition

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** of Lots 31 and 32 of Block 19 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 336 Meade Street.

Bulman presented the Future Land Use Committee recommendation to deny the

Comprehensive Plan Amendment and the staff recommendation to deny the Rezoning request. Bulman stated that the goal of the Comprehensive Plan is to prevent encroachment of commercial land uses into adjacent residential neighborhoods. Bulman added that there is no other Office Commercial zoning in the neighborhood and as such, this rezoning would result in spot zoning. Bulman stated that the proposed land use would not be consistent with the Fifth Street Overlay District.

Edward Lynch, property owner stated that the property in question has been zoned neighborhood commercial since the 1940's. Lynch stated that his intended use for the property is for parking for staff and employees. Lynch stated that there would not be a high traffic volume from the proposed use. Lynch stated that he would upgrade the property with additional landscaping. Lynch stated that he has had conversations with adjacent property owners that now support the proposed use.

In response to Scull's question, Lynch stated that his intent is to expand the current use of the adjacent Neighborhood Commercial property.

Scull expressed his concern for an increase in commercial use and the possible negative impact to adjacent property owners. Discussion followed.

Collins expressed her concern with security on the property. Lynch stated that he would have lighting for the parking lot.

Collins moved and Rolinger seconded to approve the Amendment to the adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial and the request to Rezone the property from Medium Density Residential District to Office Commercial District.

Loren Collins, area resident expressed his support for the Amendment to the adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial and the related rezoning request.

In response to Hennies' question, Lynch stated that he would provide buffering from the commercial use to adjacent property owners.

Hennies expressed his support for requests.

Brewer expressed his support for the proposed expanded use in the subject neighborhood.

In response to Anderson's question, Elkins reminded the Planning Commission that the request was to rezone the property to Office Commercial. Elkins reviewed the uses authorized under the Office Commercial Zoning District. Elkins added that the current or future owner could convert the property to another use.

Discussion followed regarding the applicant submitting a Planned Development

Designation application.

Elkins stated that the Planning Commission could deny the application without prejudice and allow the applicant to submit an Initial Planned Commercial Development Designation with the Rezoning and a revised Comprehensive Plan Amendment request. Discussion followed.

Anderson requested that the motion maker alter the motion to deny without prejudice and request the applicant to submit an Initial Planned Development Designation application.

Amended motion by Collins, seconded by Rolinger and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial and the Rezoning from Medium Density Residential District to Office Commercial District be denied without prejudice to allow the applicant to resubmit a Comprehensive Plan Amendment with a Planned Commercial Development and a Rezoning application and an Initial Planned commercial Development. (10 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

*26. No. 09PD008 - Boulevard Addition

A request by Rob Larson to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for Lots 13 thru 20 of Block 4 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1124 Kansas City Street.

Tegethoff presented the staff recommendation to approve the Planned Commercial Development request. Tegethoff reviewed the language in stipulations one and two.

Roger Gallimore Executive Director of the YMCA, reviewed how the subject property was acquired and the intended future use. Gallimore expressed his concern with modifications to the subject property. Gallimore requested that the Planning Commission not require an improvement that will be removed at a later date.

In response to Brewer's question, Tegethoff stated that the staff requirement is for sidewalk for pedestrian access and landscaping to buffer of the two uses.

In response to Brewer's question, Tegethoff identified the location of existing parking. Tegethoff added that there is currently no controlled access to the parking lot. Tegethoff identified the possible location of a controlled access, sidewalk and landscape buffering.

Rolinger left the meeting at this time.

Gallimore expressed his opinion that the parking lot was not necessary for the proposed use on the subject property. Gallimore added that he is aware that the parking lot needs improvement. Gallimore would prefer to make those improvements at a future date.

In response to Collins question, Gallimore stated that the YMCA's intent is not to do anything with the lot at this time.

In response to Scull's question, Gallimore stated that he is concurrence with the other stipulations.

Anderson stated that he would be abstaining from discussion and voting.

Hennies expressed his support with the applicant's request.

Gallimore expressed his opinion that there is sufficient parking for the use. Discussion followed.

In response to Hennies question, Elkins stated that the change of use triggers the parking requirements and would require that the improvements be made to bring the property into compliance with the Zoning Ordinance.

Hennies moved and Collins seconded to continue the Planned Commercial Development - Initial and Final Development Plan to the May 7, 2009 Planning Commission meeting.

Discussion continued regarding pedestrian safety and the required parking lot improvements.

In response to Scull's question, Gallimore stated that he did not have information regarding the dimension of the parking lot. Discussion followed.

Waltman expressed her concern with the parking requirements. Discussion followed.

In response to Collins question, Gallimore stated there may be other activities that would require additional parking.

Collins expressed concern that the applicant does not have complete information on the proposed request. Discussion followed.

Hennies moved, Collins seconded and carried to continue the Planned Commercial Development - Initial and Final Development Plan to the May 7, 2009 Planning Commission meeting. (6 to 2 to 1 with Brewer, Brown, Collins, Hennies, Marchand and Waltman voting yes and Landguth and Scull voting no and Anderson 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.

*27. No. 09PD009 - Rushmore Mall Addition

A request by Tom Danson for Running Supply, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for Lot 18 of Rushmore Mall Addition in the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and in a portion of Lot M-2 of Marshall Heights Tract in the NW1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2200 North Maple Avenue.

Tegethoff presented the staff recommendation to continue the Planned Commercial Development request to the May 7, 2009 Planning Commission meeting.

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

Brewer moved, Brown seconded and carried to continue the Planned Commercial Development - Initial and Final Development Plan to the May 7, 2009 Planning Commission meeting. (8 to 0 to 1 with Anderson, Brewer, Collins, Brown, Hennies, Landguth, Marchand, and Scull voting yes and none voting no and Waltman 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.

*28. No. 09PD013 - Rushmore Crossing Subdivision

A request by Mark Bigelbach for Kendra Lettau to consider an application for a **Major Amendment to a Planned Commercial Development to expand the development area and allow a Financial Institution** for Tract G of Rushmore Crossing of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 851 Eglin Street.

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

Tegethoff presented the staff recommendation to continue the Major Amendment request to the May 7, 2009 Planning Commission meeting.

Kendra Lettau, applicant requested that the stipulations be reviewed. Lettau addressed the stipulations and identified the applicant's compliance with a number of the stipulations.

In response to Brewer's question, Elkins identified the location of the approach and added that the applicant would need to come into compliance with the Street Design Criteria Manual and the concerns stated within the traffic impact study. Elkins indicated that she was not aware of any speed analysis being conducted recently. Discussion followed.

In response to Anderson's question, Jerry Foster, FMG Engineering stated that access was discussed with staff previously. Foster expressed his opinion that staff had indicated that full access on Eglin Street would be allowed. Foster stated that modification can be made to address the traffic issues presented by staff. Discussion followed.

Mark Biglebach, the applicant's stated that the modifications are minimal to address the traffic impact with regard to the access. Bigelbach requested that the Planning Commission approve the Major Amendment request.

In response to Collins, Dominicak stated that intent is to install the median in the future.

Elkins stated that the Planning Commission can approve the Major Amendment request with revised stipulations "that prior to issuance of a building permit" replace the "Prior to Planning Commission approval" on the first six stipulations.

Landguth moved, Anderson seconded and carried to approve the Major Amendment to a Planned Commercial Development to expand the development area and allow a Financial Institution with the following stipulations:

- 1. Prior to issuance of a Building Permit, that the approach must be revised to a maximum width of 28 feet per the Rapid City Street Design Criteria Manual or the applicant must obtain an exception to the Rapid City Street Design Criteria Manual;**
- 2. Prior to issuance of a Building Permit, that the staff provide approval, the approach shall be revised to be constructed as a right-in and right-out approach to comply with the previously approved construction plans for Eglin Street;**
- 3. Prior to issuance of a Building Permit, that revised structural elevations including the color of the roof shall be submitted for review and approval. In addition, the revised elevations must show screening along all roof top mechanical equipment;**
- 4. Prior to to issuance of a Building Permit that, 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;**
- 5. Prior to issuance of a Building Permit that, a sign package shall be submitted for review and approval. 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 Industrial 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;
6. Prior to issuance of a Building Permit that, the location and size of all dumpsters must be submitted for review and approval. In addition, the dumpsters must be screened and elevations of the screening fence must be submitted for review and approval;
 7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 8. The permitted uses shall be a department store and a financial institution or a Major Amendment to the Commercial Development Plan shall be obtained;
 9. 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;
 10. An Air Quality Permit must be obtained prior to any surface disturbance of one acre or more;
 11. The currently adopted International Fire Code shall be continually met;
 12. A minimum of 612 parking spaces shall be provided. In addition, 14 of the parking spaces shall be handicap accessible spaces. Two of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
 13. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;
 14. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment;
 15. All applicable stipulations of the previously approved Planned Commercial Development still apply to this Major Amendment to a Planned Commercial Development; and,
 16. 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. (7 to 0 to 2 with Anderson, Brewer, Brown, Hennies, Landguth and Marchand voting yes and none voting no with Waltman and Scull abstaining)

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

*29. No. 09PD014 - Stoney Creek South Subdivision

A request by Uncork'd Wine and Tapis Bar to consider an application for a **Major Amendment to a Planned Commercial Development to expand the area of the on-sale liquor establishment to include an outside service area** for Lot 3 of Block 1 of Stoney Creek South Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5734 Sheridan Lake Road.

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

Ball stated that the applicant has provided a complete site plan. Ball added that the applicant has been requested to modify the ground cover and has posted surety for those improvements.

Anderson moved, Landguth seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development to expand the area of the on-sale liquor establishment to include an outside service area with the following stipulations:

- 1. Prior to Planning Commission approval, the applicant shall submit a complete site plan that is drawn to scale for review and approval;**
- 2. Prior to Planning Commission approval, the applicant shall complete the required landscaping improvements or post surety for the improvements;**
- 3. Prior to Planning Commission approval, the applicant shall submit a revised site plan that is drawn to scale and includes the location of the proposed fence. In addition, the applicant shall provide elevations and building materials for the proposed fence;**
- 4. The on-sale liquor establishment shall only be operated in conjunction with a full service restaurant;**
- 5. A minimum of 161 parking spaces shall be provided. Six 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;**
- 6. 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;**
- 7. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;**
- 8. All applicable stipulations of the initial Planned Commercial Development shall be continually met; and,**

9. **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. (9 to 0 with Anderson, Brewer, Brown, Collins, Hennies, 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.

30. No. 09PL016 - Blake Estates Subdivision

A request by Renner & Associates for Gene Quinn to consider an application for a **Layout Plat** for proposed Lots 1 thru 3 of Blake Estates, legally described as Tract A of Government Lot 1 and Tract A of Government Lot 2, located in the W1/2 of the NW1/4, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6620 West Highway 44.

Fisher presented the staff recommendation to continue the Layout Plat to May 7, 2009 Planning Commission meeting. Fisher identified the proposed lots. Fisher reviewed the required information. Fisher stated that as a part of platting the property, a road connection to the adjacent properties must be provided as required.

In response to Collins, Fisher stated that the requirement for the applicant provide a soil analysis upon submittal of a Preliminary Plat. Fisher added that the applicant has submitted geotechnical data but that it does not include information with regard to soils for drain fields.

Gene Quinn, the applicant identified the previous plat applications that have been submitted. Quinn stated that the topography of the subject property prohibit dense development. Quinn expressed his opposition to the requirement to provide access to the adjacent properties.

Bob Quinn, applicant reviewed options for alternate roadway connections on the subject property.

Fisher identified the staff recommendation for road networking. Discussion followed regarding street standards.

Scull expressed his opinion regarding the difficulty in providing access to adjacent properties because of the topography. Scull suggested a site meeting with the Planning Commission.

Elkins reviewed the various developments within the City and commented on the need for inter-connection of streets and a planning for future development.

Marchand left the meeting at this time.

Brewer moved, Brown seconded to continue the Planning Commission meeting past the 9:00 a.m. deadline. (8 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

Scull expressed his opinion that the developable area of the lots is reduced due to the topography of the subject property. Scull reiterated his suggestion for a site visit by the Planning Commission.

Elkins stated that the road connection for parcels would need to be accommodated as development proceeds. Discussion followed.

Brown left the meeting at this time.

Collins moved, Landguth seconded and unanimously carried to recommend that the Layout Plat be continued to the May 7, 2009 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Collins, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

Elkins stated that staff would coordinate setting a Special Planning Commission meeting. Discussion followed.

31. No. 09RZ022 - Hillsview Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** of the north 350 feet of Lot 15 Revised of Hillsview Subdivision and the south 293 feet of Lot 6 of Marshall Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Valley Drive and north of S.D. Highway 44.

Karen Bulman presented staff recommendation to approve the Rezoning from No Use District to Low Density Residential District. Bulman identified the adjacent zoning surrounding the subject property. Bulman stated that with the zoning designation the owner could continue with the existing use but could not expand the use.

Shawn Nielsen requested that the current use be allowed to continue and stated his acceptance of the Low Density Residential Zoning designation.

Anderson moved, Collins seconded and unanimously carried to recommend that the Rezoning from No Use District to Low Density Residential District be approved. (7 to 0 with Anderson, Brewer, Collins, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

32. No. 09SR019 - Rapid City Greenway Tracts

A request by James L. Scull, Jr. to consider an application for a **SDCL 11-6-19 Review to allow structures on public property** on Tract 1 of Rapid City

Greenway Tracts located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Chapel Lane and Shore Drive.

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

Tegethoff presented the staff recommendation to continue the SDCL 11-6-19 Review request to the May 7, 2009 Planning Commission meeting.

Collins moved, Landguth seconded and carried to continue the SDCL 11-6-19 Review to allow structures on public property to the May 7, 2009 Planning Commission meeting. (6 to 0 to 1 with Anderson, Brewer, Collins, Hennies, Landguth and Waltman voting yes and none voting no and Scull abstaining)

33. No. 09SR023 - Robbinsdale Addition No. 10

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct structures on public property** on Lot 2 less Lot H1, Lot H2, Lot H3 and right-of-way of Block 10 of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4415 Parkview Drive.

Fisher presented the staff recommendation to approve the SDCL 11-6-19 Review.

Collins moved, Landguth seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct structures on public property. (7 to 0 with Anderson, Brewer, Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

34. No. 09SR029 - Boulevard Addition

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to extend a sanitary sewer main in the public right-of-way** on the South Street right-of-way adjacent to Tracts E, F, G, H and I of Block 19 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located South Street between West Street and 12th Street.

Tegethoff presented the staff recommendation to continue the SDCL 11-6-19 Review request to the May 7, 2009 Planning Commission meeting.

Brewer moved, Landguth seconded and unanimously carried to continue the SDCL 11-6-19 Review to extend a sanitary sewer main in the public right-of-way to the May 7, 2009 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

*35. No. 09UR011 - Providence Addition

A request by Kennedy Design Group for Cimarron Casino, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment with video lottery** for Lots 15 thru 18 of Block 22 of Providence Addition and all of the vacated east-west alley lying adjacent to and north of said lots, as vacated in Resolution of Vacation recorded April 11, 1988 in Book 33, Page 9044, and by Resolution Vacating a Utility and Drainage Easement recorded June 8, 1988, in Book 34, page 3924 and the vacated east 25 feet of Sheridan Lake Road, lying adjacent to and west of Lot 15 and the vacated east-west alley, as vacated in Resolution recorded June 8, 1988 in Book 34, Page 3926, excepting therefrom Lot PE1 of said Lot 15, as shown on the plat file in Book of Plats 11, Page 132 all located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2530 West Main Street.

Tegethoff presented the staff recommendation to continue the Conditional Use Permit request to the May 7, 2009 Planning Commission meeting.

Anderson left the meeting at this time.

Steve Wynia, applicant requested that the Planning Commission approve the Conditional Use Permit request. Wynia expressed his opinion that there is no significant concentration of similar businesses within the neighborhood.

Elkins stated that there are concerns with the proximity to other alcohol establishments and in proximity to the offset intersection. Elkins reviewed the other concerns outlined in the staff report.

Wynia stated that he would provide landscaping with hydro-seeding. Wynia added that the remaining portion of the building would provide additional storage for lottery machines and chairs relating to the business. Discussion followed.

Collins expressed her concern with the saturation of alcohol establishments within the neighborhood.

Collins moved to deny the Conditional Use Permit to allow an on-sale liquor establishment with video lottery, the motion died for the lack of a second.

Wynia expressed his opinion that there are no similar uses within the area.

Hennies moved, Landguth seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment with video lottery to the May 7, 2009 Planning Commission meeting. (6 to 0 with Brewer, Collins, Hennies, Landguth, 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.

36. No. 08PL143 - Rainbow Ridge Subdivision

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

Tegethoff presented the staff recommendation to approve the Preliminary Plat with stipulations.

Kale McNaboe, Sperlich Consulting commented that at the time of the Layout Plat, the options to build the cul-de-saq or to provide a revised plat document incorporating this property with the currently platted lot to the south were identified in the staff report. McNaboe requested that the Planning Commission approve the Preliminary Plat and remove stipulation number one that pertains to the construction of the cul-de-saq.

Elkins stated that access to the lots to the north would need to be provided with potential development. Elkins stated that the adjacent property owner will dedicate additional right-of-way.

In response to Scull's question, McNaboe stated that the property owner would use the existing street. McNaboe expressed his opinion that the City Council has previously agreed with the applicant that the construction of a cul-de-sac at this location was not necessary.

Elkins stated that staff recommends that a turnaround be built to City standards anticipating that there will be multiple homes on the subject property and adjacent properties. Discussion followed.

Collins moved, Landguth seconded and unanimously carried to recommend that the Preliminary Plat be continued to the May 7, 2009 Planning Commission meeting. (6 to 0 with Brewer, Collins, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

37. Discussion Items

A. Notification for a SDCL 11-6-19 Review application.

Elkins requested that the Planning Commission approve the requirement to provide legal notification with regard to the 24/7 Program application. Elkins stated that normally, 11-6-19 Review applications do not require legal notification. Discussion followed.

Landguth moved, Collins seconded that first class mailing notice be provided to adjacent property owners within 250 feet of the subject property. (6 to 0 with Brewer, Collins, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

38. Staff Items

39. Planning Commission Items

40. Committee Reports

- A. City Council Report (April 6, 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

There being no further business, Hennies moved, Scull seconded and unanimously carried to adjourn the meeting at 9:53 a.m. (6 to 0 with Brewer, Collins, Hennies, Landguth, Scull and Waltman voting yes and none voting no)