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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 4, 2009

MEMBERS PRESENT: John Brewer, Gary Brown, Thomas Hennies, Dennis Landguth, Linda Marchand, Steve Rolinger and Karen Waltman.

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Patsy Horton, Karen Bulman, Travis Tegethoff, 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.

Brown and Hennies requested that Items 5, 11 and 12 be removed from the Consent Agenda for separate consideration.

Motion by Marchand, Seconded by Brown and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 14 in accordance with the staff recommendations with the exception of Items 5, 11 and 12. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the May 19, 2009 Special Planning Commission meeting and the May 21, 2009 Planning Commission Meeting Minutes.
2. 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

DRAFT

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 June 25, 2009 Planning Commission meeting.

3. 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 June 25, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat application.

DRAFT

4. No. 08PL143 - Rainbow Ridge Subdivision

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

Planning Commission continued the Preliminary Plat to the June 25, 2009 Planning Commission meeting.

6. No. 09OA003 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to Amend the Off-street Parking Requirements to include Requirements for a Tire Sales and Service Facility by Amending Table 17.20.270 of the Rapid City Municipal.**

Planning Commission recommended that the Ordinance Amendment to Amend the Off-street Parking Requirements to include Requirements for a Tire Sales and Service Facility by Amending Table 17.20.270 of the Rapid City Municipal Code be denied without prejudice.

*7. No. 09PD016 - Vista Lake Subdivision

A request by Site Dynamics, Inc. for SWS, LLC to consider an application for **A Major Amendment to a Planned Residential Development to allow additional cellular facilities in the Office Commercial zoning district** on Lot 1, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4616 Jackson Boulevard.

Planning Commission continued the Major Amendment to a Planned Residential Development to allow additional cellular facilities in the Office Commercial zoning district to the June 25, 2009 Planning Commission meeting at the applicant's request.

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

*8. No. 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.

DRAFT

Planning Commission continued the Preliminary Plat to the July 9, 2009 Planning Commission meeting to allow the applicant to submit additional information.

9. No. 09PL022 - Green Valley Estates

A request by Britton Engineering and Land Surveying for Fredrick and Arlene White to consider an application for a **Layout Plat** for proposed Lot 7R of Block 2 of Green Valley Estates, legally described as Lots 7 and 8 of Block 2 of Green Valley Estates, located in the SE1/4 of Section 23, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5811 Green Tree Drive.

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

1. **Upon submittal of a Preliminary Plat application, the applicant shall identify and secure Major Drainage Easements as needed to limit development or encroachments into the 100 year Federally designated floodplain as per the City's adopted Flood Area Construction Regulations. In addition, a Floodplain Development Permit shall be obtained prior to the start of any construction within the 100 year Federally designated floodplain;**
2. **Upon submittal of a Preliminary Plat application, construction plans for Green Tree Drive shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb shall be located within a minimum 110 foot diameter right-of-way and constructed with a minimum 96 foot wide diameter paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. The plat document shall also be revised to provide an additional five feet of right-of-way for the cul-de-sac bulb or a Variance to the Subdivision Regulations shall be obtained;**
3. **Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a shared approach for the existing driveway located between Lot 8 and Lot 9. In addition, the shared approach shall not exceed 40 feet by 40 feet or construction plans shall be submitted for review and approval showing the driveway constructed to City Street Design Standards with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer and located within a minimum 45 foot wide right-of-way or a Variance to the Subdivision Regulations shall be obtained;**
4. **Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to**

DRAFT

- provide utility easements as needed;
5. Upon submittal of a Preliminary Plat 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 or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In addition, information shall be provided identifying the condition and location of the existing wastewater system including flood proofing measures;
6. Upon submittal of a Preliminary Plat application, a utility master plan including existing and proposed public and private utilities shall be submitted for review and approval. In addition, the applicant shall demonstrate that water and sewer extensions are being provided through the property in accordance with the Green Valley Sanitary District's Master Utility Plan or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed;
7. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval for any required subdivision improvements;
8. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with Drainage Criteria Manual shall be submitted for review and approval for any subdivision improvements;
9. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if any subdivision improvements are required;
10. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to provide a minimum 8 foot wide minor drainage and utility easement along all of the interior lot lines. In addition, the existing shed shall be relocated and/or removed in part to eliminate encroaching into this 8 foot wide area or the applicant shall obtain approval by the City Engineer to reduce the width of the easement for the area of the shed;
11. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
12. Prior to submittal of a Final Plat application, the plat document shall be revised to show the Certificates of Title for a Final Plat in lieu of a Minor Plat;
13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
14. Prior to the City's acceptance of the public improvements, a warranty

DRAFT

surety shall be submitted for review and approval as required; and,
15. **The approved Layout 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. No. 09SR025 - Big Horn Sheep Preserve

A request by Cody Schad to consider an application for a **SDCL 11-6-19 Review to allow a trail 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.

Planning Commission continued the SDCL 11-6-19 Review to allow an access road to cross a section line highway to the June 25, 2009 Planning Commission meeting to allow the applicant to submit additional information.

13. No. 09SR045 - Section 33, T2N, R7E

A request by FMG, Inc. for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to install an eight inch water main the public right-of-way** on public rights-of-way for West St. Louis Street between Nordby Lane and 38th Street, 38th Street between West St. Louis Street and Lime Creek Drive and Lime Creek Drive between Platt Street and 38th Street all located in the S1/2, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Sturgis Road, south of West Chicago Street and north of West Main Street.

Planning Commission approved the SDCL 11-6-19 Review to install an eight inch water main in the public right-of-way.

14. No. 09SR046 - Tyler Knue Subdivision

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to install storm sewer on public property** on right-of-way for Brooke Street and Nicole Street adjacent to Lots 1R and 2 thru 20 of Block 1, Lots 9 thru 23 of Block 3, Lots 1R and 2 thru 5 of Block 4 and Lot 1 of Block 5 of Tyler Knue Subdivision, and the permanent drainage easement in a portion of the unplatted balance of the N1/2 of the NW1/4 of the NW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Brook Street and Nicole Street.

Planning Commission approved the SDCL 11-6-19 Review to install storm sewer on public property.

---END OF CONSENT CALENDAR---

5. No. 09OA002 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance**

DRAFT

Amendment to Revise Permitted and Conditional Uses and Area Regulations within the Airport Zoning District by Amending Section 17.58 of the Rapid City Municipal Code.

In response to Brown's question, Elkins stated that a billboard size sign would be allowed. Elkins further added that there is an existing sign currently located on the property and any changes would have to meet the new sizes as identified in the Sign Ordinance. Discussion followed.

Landguth moved, Rolinger seconded and unanimously carried to recommend that the Ordinance Amendment to Revise Permitted and Conditional Uses and Area Regulations within the Airport Zoning District by Amending Section 17.58 of the Rapid City Municipal Code be approved. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

11. 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.

Hennies suggested that the Planning Commission members view the proposed location of the utility substation.

Elkins reviewed the requests submitted by the applicant. Elkins added that a special Neighborhood meeting has been noticed and will be held on June 10, 2009 at 6:00 p.m. at the South Middle School Community Center.

Hennies moved, Brown seconded and unanimously carried to continue the SDCL 11-6-19 Review to expand a utility substation to the June 25, 2009 Planning Commission meeting. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

12. No. 09SR044 - Section 3, T1N, R8E

A request by CETEC Engineering for Rapid Valley Sanitary District - Water Service to consider an application for a **SDCL 11-6-19 Review to construct a public water storage tank and to extend a public water main** on Government Lot 1 less right-of-way, SE $\frac{1}{4}$ NE $\frac{1}{4}$ less right-of-way, East 53rd Street right-of-way from Lot 1 of SE $\frac{1}{4}$ SE $\frac{1}{4}$ to SE $\frac{1}{4}$ NE $\frac{1}{4}$ less right-of-way, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located approximately 0.82 miles north of the intersection of Reservoir Road and Twilight Drive.

In response to Hennies' question, Elkins stated that the request is to construct a 1.85 million gallon water reservoir. Elkins reviewed the site plan and elevations of the proposed reservoir.

DRAFT

In response to Hennies' question, Elkins identified that the proposed reservoir is not in a flight path for the Rapid City Regional Airport. Elkins stated that the reservoir would serve everyone in the Rapid Valley Sanitary District to the east.

Rolinger moved, Marchand seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct a public water storage tank and to extend a public water main. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

15. 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.

Elkins presented the staff recommendation to continue the SDCL 11-6-19 Review to the June 25, 2009 Planning Commission meeting.

Rolinger moved, Hennies 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 June 25, 2009 Planning Commission meeting. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

Horton requested that items 16 and 17 be taken concurrently.

16. No. 09CA008 - SSJE Subdivision and DDE Subdivision

A request by James L. Scull, Jr. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Light Industrial with a Planned Industrial Development** on a parcel of land, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. The Point of Beginning of said parcel being identical with the northwesterly corner of Lot 2 of SSJE Subdivision recorded at the Pennington County Register of Deeds Office in Plat Book 29 Page 167, said corner being marked with a 5/8" rebar with survey cap said corner being the Point of Beginning: Thence First Course: along the northerly line of said Lot 2 a bearing of S89°56'10"E and a distance of 273.99 feet to 5/8" iron rod; Thence Second Course: along a line bearing S89°57'50"E and a distance of 617.49 feet to a the northeasterly corner of said Parcel and an intersection with the Section 1/16th line of said Section 32; Thence Third Course: along said Section 1/16th line a bearing of S00°07'24"W and a distance of 813.51 feet to the West 1/16 corner of said Section 32 which is marked with a magnetic nail with flasher marked "LS 4371"; Thence Fourth Course: along the southerly section line of said Section 32 a bearing of N89°52'58"W and a

DRAFT

distance of 630.09 feet to a 5/8' rebar with survey cap marked "LS 4371"; Thence Fifth Course: continuing along the southerly section line of said Section 32 a bearing of N89°52'47"W and a distance of 170.11 feet to the southwesterly corner of Lot 7 of said SSJE Subdivision marked with a 5/8' rebar with survey cap marked "LS 4897"; Thence Sixth Course: along the westerly line of said Lot 7 a bearing of N00°09'09"E and a distance of 205.41 feet to the northwesterly corner of said Lot 7 and an intersection with the southerly right-of-way line of Jess Street marked with a 5/8' rebar with survey cap marked "LS 4897"; Thence Seventh Course: along a line with a bearing of N49°19'44"W and a distance of 87.31' to an intersection with the northerly right-of-way line of Jess Street and the southwesterly corner of Lot 2 of Lot A of D.D.E. Subdivision as recorded in Plat Book 29, Page 68; Thence Eighth Course: along the westerly line of said Lot 2 of Lot A a bearing of N00°00'30"E and a distance of 150.00 feet; Thence Ninth Course: continuing along the westerly line of said Lot 2 of Lot A a bearing of S89°53'09"W and a distance of 25.00 feet; Thence Tenth Course: continuing along the westerly line of said Lot 2 of Lot A a bearing of N00°09'42"E and a distance of 52.51 feet to the southwesterly corner of Lot 1 of said SSJE Subdivision marked with a 5/8' rebar; Thence Eleventh Course: along the westerly line of said Lot 1 a bearing of N00°26'40"E and a distance of 119.65 feet to the southwesterly corner of Lot 2 of said SSJE Subdivision marked with a 5/8' rebar; Thence Twelfth Course: along the westerly line of said Lot 2 a bearing of N00°00'48"E and a distance of 228.14 feet to the Point of Beginning. Basis of Bearings established by GPS observations, base located at the northeasterly corner of Lot K-2 S. Said Parcel of Land Contains 16.043 acres, more or less., more generally described as being located adjacent to Kermit Lane east and west, south of Jess Street.

17. No. 09RZ025 - SSJE Subdivision and DDE Subdivision

A request by James L. Scull, Jr. to consider an application for a **Rezoning from General Commercial District to Light Industrial District** on a parcel of land, located in the SW¼ SW¼ of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. The Point of Beginning of said parcel being identical with the northwesterly corner of Lot 2 of SSJE Subdivision recorded at the Pennington County Register of Deeds Office in Plat Book 29 Page 167, said corner being marked with a 5/8" rebar with survey cap said corner being the Point of Beginning: Thence First Course: along the northerly line of said Lot 2 a bearing of S89°56'10"E and a distance of 273.99 feet to 5/8" iron rod; Thence Second Course: along a line bearing S89°57'50"E and a distance of 617.49 feet to a the northeasterly corner of said Parcel and an intersection with the Section 1/16th line of said Section 32; Thence Third Course: along said Section 1/16th line a bearing of S00°07'24"W and a distance of 813.51 feet to the West 1/16 corner of said Section 32 which is marked with a magnetic nail with flasher marked "LS 4371"; Thence Fourth Course: along the southerly section line of said Section 32 a bearing of N89°52'58"W and a distance of 630.09 feet to a 5/8' rebar with survey cap marked "LS 4371"; Thence Fifth Course: continuing along the southerly section line of said Section 32 a bearing of N89°52'47"W and a distance of 170.11 feet to the southwesterly corner of Lot 7 of said SSJE Subdivision marked with a 5/8' rebar with survey cap marked "LS 4897"; Thence Sixth Course: along the westerly line of said Lot 7 a bearing of N00°09'09"E and a distance of 205.41 feet to the northwesterly corner of said Lot 7 and an

DRAFT

intersection with the southerly right-of-way line of Jess Street marked with a 5/8' rebar with survey cap marked "LS 4897"; Thence Seventh Course: along a line with a bearing of N49°19'44"W and a distance of 87.31' to an intersection with the northerly right-of-way line of Jess Street and the southwesterly corner of Lot 2 of Lot A of D.D.E. Subdivision as recorded in Plat Book 29, Page 68; Thence Eighth Course: along the westerly line of said Lot 2 of Lot A a bearing of N00°00'30"E and a distance of 150.00 feet; Thence Ninth Course: continuing along the westerly line of said Lot 2 of Lot A a bearing of S89°53'09"W and a distance of 25.00 feet; Thence Tenth Course: continuing along the westerly line of said Lot 2 of Lot A a bearing of N00°09'42"E and a distance of 52.51 feet to the southwesterly corner of Lot 1 of said SSJE Subdivision marked with a 5/8' rebar; Thence Eleventh Course: along the westerly line of said Lot 1 a bearing of N00°26'40"E and a distance of 119.65 feet to the southwesterly corner of Lot 2 of said SSJE Subdivision marked with a 5/8' rebar; Thence Twelfth Course: along the westerly line of said Lot 2 a bearing of N00°00'48"E and a distance of 228.14 feet to the Point of Beginning. Basis of Bearings established by GPS observations, base located at the northeasterly corner of Lot K-2 S. Said Parcel of Land Contains 16.043 acres, more or less, more generally described as being located adjacent to Kermit Lane east and west, south of Jess Street.

Horton presented the staff recommendation to approve the Amendment to the Comprehensive Plan and Rezoning requests.

Brewer moved, Rolinger seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to revise the Future Land Use Plan by changing the land use designation from General Commercial to Light Industrial with a Planned Industrial Development and Rezoning from General Commercial District to Light Industrial District be approved. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

*18. No. 09PD012 - Section 4, T1N, R7E

A request by J. Scull Construction to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots A and B of Lot 14, less North 80 feet of the East 255 feet of Lot B, platted, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1626 Evergreen Street.

Tegethoff presented the staff recommendation to deny the Planned Residential Development request. Tegethoff identified the proposed location of the garages on the subject property. Tegethoff further commented that concern for drainage issues resulting from the existing development have been expressed by adjacent property owners.

Jim Scull, J. Scull Construction on behalf of the Condominium Association, stated that they would address the drainage issues presented by adjacent property owners. Scull requested that the Planning Commission approve the Planned Commercial Development request.

Steven Brenden, area resident, expressed his concern with non-adherence to the

DRAFT

Canyon Lake Overlay District. Brenden expressed his opposition to the increased development on the subject property.

In response to Brewer's question, Elkins stated that staff has had meetings with adjacent property owners that have had water in their basements that have attributed the runoff to the development. Elkins commented on the certification of the Engineers. Dominicak reviewed conversations with the Engineer and adjacent property owners. Discussion followed.

Brewer expressed his concerns with increased development on the subject property.

Elkins reviewed the permit process and development on the subject property. Elkins stated that the garages were not part of the original building permit that was approved. Discussion followed.

In response to Hennies' question, Scull addressed the snow removal, parking and drainage impact to adjacent property owners. Scull expressed his opinion that there is no fire safety issue on the subject property.

In response to Hennies' question, Tegethoff identified the location of a gate installed on the subject property that limits access through the property. Tegethoff further commented that the gate is not a requirement. Discussion followed.

Brenden stated that there is parking available on one side of Harmony Lane. Discussion followed.

Rolinger moved, Marchand seconded and unanimously carried to deny the Planned Residential Development - Initial and Final Development Plan without prejudice. (6 to 1 with Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and Brewer 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.

*19. No. 09PD019 - Park Addition

A request by Fisk Land Surveying & Consulting Engineers for Dennis Tebeau of T & M, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan in the General Commercial zoning district** on Lots 14, 15 and 16 of Block 3 of Park Addition, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 520 Maple Avenue.

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

DRAFT

Janelle Finck, Fisk Land Surveying expressed her opinion that it would be difficult to provide sidewalk improvements to bring the subject property into compliance. Finch requested that the asphalt walkway remain. Finch requested that stipulation one be omitted from the stipulations of approval.

In response to Hennies question, Finck stated that there is no designated curb area on the property. Finck added that "No Parking" signs would be provided.

In response to Hennies question, Elkins stated that action by Council may be required for the no parking requirement on the street.

In response to Brewer's question, Finck stated that she did not witness any pedestrian traffic. Finck added that the area is generally commercial uses. Discussion followed.

Elkins suggested that the Planning Commission could approve the Planned Development request with a stipulation that the applicant sign a Waiver of Right to Protest for a standard sidewalk to be install in a future assessment project.

Brewer moved, Brown seconded and unanimously carried to approve the Planned Commercial Development - Initial and Final Development Plan in the General Commercial Zoning District with the following stipulations:

- 1. Prior to the issuance of a Building Permit, the property owner shall sign a Waiver of Right to Protest an Assessment for the sidewalk improvements;**
- 2. Prior to Planning Commission approval, an Exception shall be obtained to waive the requirement that the approach be located directly opposite the existing approach on the west side of Maple Avenue or the site plan shall be revised to show the approach in alignment with the existing approach;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;**
- 5. The structure shall conform architecturally to the plans and elevations and color palette approved as part of this Commercial Development Plan;**
- 6. A minimum of 9 parking spaces shall be provided. In addition, one of the parking spaces shall be a "van" accessible handicap space. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 7. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition,**

DRAFT

- 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;
8. 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;
 9. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;
 10. All currently adopted International Fire Codes shall be met;
 11. A minimum of 8,648 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 12. The Planned Commercial Development shall be used as a dental laboratory with offices and storage. Any change in use shall require the review and approval of a Major Amendment to the Planned Commercial Development;
 13. The front yard setback is hereby reduced from 25 feet to 19.2 feet and 8 feet, respectively, for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be provided. In addition, any expansion to the existing building shall provide a minimum 25 foot front yard setback;
 14. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Commercial Development Plan or a subsequent Major Amendment; and,
 15. 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 Commercial Development Plan approval expiration date, a one year extension for Final Commercial Development Plan approval may be granted. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger 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.

Tegethoff requested items 20 and 21 be taken concurrently.

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20. No. 09PL003 - Hilltop Business Park Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 1 of Block 2 of Hilltop Business Park Subdivision, legally described as a portion of the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Homestead Street and Elk Vale Road.
21. No. 09SV002 - Hilltop Business Park Subdivision
A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1 of Block 2 of Hilltop Business Park Subdivision, legally described as a portion of the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Homestead Street and Elk Vale Road.

Tegethoff presented the staff recommendation to approve the Preliminary Plat and the Variance to the Subdivision Regulations with stipulations.

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

1. **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;**
2. **Prior to Preliminary Plat approval by the City Council, plans for Elk Vale Road shall be submitted showing Elk Vale Road constructed with a minimum 36 feet wide paved surface, curb, gutter, 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, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
4. **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 if necessary;**
5. **Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees be paid as required;**
6. **Prior to the City's acceptance of the public improvements, a warranty surety be submitted for review and approval as required.**

That the Variance to the Subdivision Regulations to waive the requirement to install water along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,**

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The Variance to the Subdivision Regulations to waive the requirement to install sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code denied without prejudice. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

22. 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.

Elkins presented the staff recommendation to approve the Layout Plat request with stipulations. Elkins stated that staff requires that a road network be provided to the adjacent property to the north of the subject property.

In response to Hennies' question, Elkins identified the location of the existing access to the subject property.

Gene Quinn, applicant expressed his opposition to the requirement to provide access to the adjacent property to the north. Quinn commented on increased additional expense for the requirement to provide a road network to the adjacent property to the north.

Robert Quinn, co-applicant expressed his opinion that the topography of the subject property decreases the feasibility to provide an access through the property. Discussion followed.

In response to Rolinger's question, Elkins stated that staff has concern that future development could increase the density and that an access would not be provided as required. Discussion followed.

In response to Brewer's question, Quinn requested that the road connection requirement in stipulation number one be omitted. Discussion followed.

Hennies expressed his opposition to the proposed Layout Plat request.

Landguth moved, Brown seconded to recommend that the Layout Plat be approved with the following stipulations:

1. **Prior to Planning Commission approval, the plat document shall be revised to provide access to the properties located north of this site pursuant to Chapter 16.20.030B of the Rapid City Municipal Code. In particular, the Layout Plat shall be revised to show a street extending from S.D. Highway 44 through the site to the north lot line of the property. In addition, the street shall be located within a minimum 45 foot wide right-of-way. Upon submittal of a Preliminary Plat application, construction plans shall be submitted for review and approval showing the street constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and**

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- water or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Planning Commission approval of the Layout Plat, the property shall be rezoned from a Planned Unit Development to Limited Agriculture District as proposed or a Major Amendment to the Planned Unit Development shall be reviewed and approved by Pennington County to allow the proposed development;
3. Upon submittal of a Preliminary Plat application, a grading plan, including cut and fill quantities, for all improved areas shall be submitted for review and approval;
4. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to include drainage easements as needed;
5. Upon submittal of a Preliminary Plat application, design plans, with supporting calculations, for the proposed drainage channel as shown on the plat document shall be submitted for review and approval;
6. Upon submittal of a Preliminary Plat application, construction plans for West S.D. Highway 44 shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained to waive the requirement to install additional pavement, water and sewer and an Exception shall be obtained to waive the requirement to install sidewalk, street light conduit, sewer and water;
7. Upon submittal of a Preliminary Plat application, construction plans for Blake Road shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the proposed turnaround located along the front lot line of Lots 2 and 3 shall be constructed to in compliance with the Street Design Criteria Manual in order to accommodate fire apparatus access;
8. Upon submittal of a Preliminary Plat application, road construction plans for the section line highways located along the north lot line and the west lot line shall be submitted for review and approval. In particular, the road construction plans shall show the streets within the section line highway(s) located within a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway(s) shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway(s) or a Variance to the Subdivision Regulations shall be

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- obtained to allow platting half a right-of-way;
9. Upon submittal of a Preliminary Plat application, the applicant shall demonstrate that a driveway can be constructed in the narrow flagpole configuration of Lot 2 or Lot 2 shall be reconfigured to provide additional area for a driveway;
10. Upon submittal of a Preliminary Plat 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 or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In addition, dry sewer shall be provided to allow for the future connection to a community sewer system or a Variance to the Subdivision Regulations shall be obtained;
11. Upon submittal of a Preliminary Plat application, the previously submitted Geotechnical Study which addressed pavement sections and subgrade preparation for proposed street(s) that are not shown on this plat, shall be revised to address the soil suitability for on-site wastewater systems if it is the applicant's intent to submit the Study as a source of information demonstrating soil suitability for on-site wastewater systems. In particular, the boring information shall reflect the proposed location for the on-site wastewater systems to be located on each individual lot in lieu of the street locations and the proposed design of the street(s);
12. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. If fire flows can not be provided, then the applicant shall record a Covenant Agreement to insure that all residential structures shall be provided with a fire sprinkler protection as per the National Fire Protection Association Code 13D;
13. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;
14. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
15. Upon submittal of a Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval;
16. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;
17. Upon submittal of a Preliminary Plat application, the plat document

DRAFT

shall be revised to show a ten foot wide planting screen easement along S.D. Highway 44 or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s);

18. Upon submittal of a Preliminary Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
19. Prior to submittal of a Preliminary Plat application, an Approach Permit shall be obtained from the South Dakota Department of Transportation to allow the approach from Lot 1 onto the S.D. Highway 44;
20. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the community water facility for review and approval;
21. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
22. 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;
23. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
24. The approved Layout 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.

Substitute motion by Hennies and seconded by Brown to deny the Layout Plat without prejudice.

Hennies moved, Rolinger seconded and unanimously carried to recommend that the Layout Plat be denied without prejudice. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

23. No. 09SR024 - Section 9, T1N, R8E
A request by Koozie Johnson for West River Electric Association, 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 the N1/2 SE1/4 NW1/4 Less Lot H1, S1/2 SE1/4 NW1/4; NE1/4 SW1/4; W1/2 SE1/4, excepting therefrom Tract A of the E1/2 SW1/4 and the W1/2 SE1/4, and the Department of Transportation Railroad Right-of-way lying in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, Department of Transportation Railroad, all in Section 10, T1N, R8E, BHM, Pennington County, South Dakota, and Department of Transportation Railroad, Section 15, T1N, R8E, BHM,

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Pennington County, South Dakota, more 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.

Elkins presented the staff recommendation to continue the SDCL 11-6-19 Review request to the June 25, 2009 Planning Commission meeting.

Brewer moved, Marchand seconded and unanimously carried to continue 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 June 25, 2009 Planning Commission meeting. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

24. 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.

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

Rolinger moved, Landguth seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct a public sewer main be approved. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

25. No. 09SR040 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 to authorize the relocation of a right-of-way, to relocate a street, to create a stormwater facility and to extend a public utility** on a portion of Tracts 5, 6 and 7 Rapid City Greenway Tracts and adjacent Hartland Court right-of-way, located in Sections 3, 4, 9 and 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Jackson Boulevard and west of 32nd Street.

Elkins presented the staff recommendation to continue the SDCL 11-6-19 Review request to the June 25, 2009 Planning Commission meeting.

Hennies moved, Marchand seconded and unanimously carried to continue the SDCL 11-6-19 to authorize the relocation of a right-of-way, to relocate a street, to create a stormwater facility and to extend a public utility to the June 25, 2009 Planning Commission meeting. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none

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voting no)

26. No. 09SR042 - Section 6, T1N, R8E

A request by South Dakota School of Mines and Technology to consider an application for a **SDCL 11-6-19 Review to allow structures on public property** on the unplatted balance of the SE1/4 SW1/4 NW1/4, the unplatted balance of the SW1/4 SE1/4 NW1/4 less Lot H3, the unplatted balance of the N1/2 SW1/4 less SDSM&T Campus Subdivision, that portion of the vacated Clark Street in the NW1/4 SW1/4, Tract 3 and the unplatted balance of the E1/2 SE1/4 SW1/4, Lot J of Lot 1 of the SW1/4 SE1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the terminus of Hawthorne Avenue.

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

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

27. No. 09SR043 - Skyview Subdivision

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to extend a public utility in public right-of-way** on the Tower Road Right-of-way adjacent to Lot C of Skyview Subdivision, located in the NW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Skyline Drive and Tower Road.

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

Rolinger moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to extend a public utility in public right-of-way. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

28. No. 09TI001 - Sections 28 and 29, T2N, R8E

A request by Ferber Engineering Co., Inc. for North Street Fire Station, LLC to consider an application for a **Revised Project Plan for Tax Increment District No. 69** on that portion of the SE1/4 north of Interstate 90 less Tract A of the NE1/4 SE1/4 including that portion of vacated East Mall Drive being part of the outside edge of Lot H5; Lot B-1 of Lot B of SE1/4 NE1/4; Lot A of Lot 1 and the balance of Lot 1, Lot A & B of Lot 3 and Lot 3 less Lots A & B, Lot 2, all of Silver Strike Subdivision; that portion of SW1/4 north of Interstate 90 including vacated East Mall Drive within said SW1/4 less Lot 1 of NE1/4 SW1/4, less Lots 1 & 2 of NW1/4 SW1/4; Lot 1 of NE1/4 SW1/4 including vacated East Mall Drive within said lot; NW1/4 including vacated East Mall Drive located within said NW1/4, less lots AR, B, C less E1/2 NE1/4 NW1/4, less E1/2 NW1/4 NE1/4 NW1/4; Lots B & C of NW1/4; Lot AR; E1/2 NW1/4 NE1/4 NW1/4; SE1/4 NE1/4 NW1/4; NE1/4

DRAFT

NE1/4 NW1/4; that portion of Lot D located in the NW1/4 NE1/4; Lot A and Lot C in NW1/4 NE1/4; Right of way of East Mall Drive; Right of way of North Street; Right of way of Distribution Lane; all located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the Intersection of East Mall Drive and Dyess Avenue located in the western portion of Section 28 and the eastern portion of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of U.S. Interstate 90, east of LaCrosse Street and west of Dyess Avenue.

Bulman presented the Tax Increment Financing Committee's recommendation to approve the revised Project Plan. Bulman identified the revised allocation costs for the Tax Increment District.

Brown moved, Landguth seconded and unanimously carried to recommend that the Revised Project Plan for Tax Increment District No. 69 be approved. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

*29. No. 09UR013 - Robbinsdale Addition No. 10

A request by B. L. and Darlene Buchanan to consider an application for a **Conditional Use Permit to allow an oversized garage in the Low Density Residential zoning district** on Lot 11 of Block 3 of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 235 E. Nebraska Street.

Tegethoff presented the staff recommendation to continue the Conditional Use Permit request to the June 25, 2009 Planning Commission meeting.

Rolinger moved, Marchand seconded and unanimously carried to continue the Conditional Use Permit to allow an oversized garage in the Low Density Residential zoning district to the June 25, 2009 Planning Commission meeting. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger 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. Discussion Items

A. A request from the Historic Preservation Commission to adopt the Comprehensive Preservation Plan as an element of the City of Rapid City's Comprehensive Plan.

Elkins presented the staff recommendation to continue the Historic Preservation Commission to adopt the Comprehensive Preservation Plan to the June 25, 2009 Planning Commission meeting.

In response to Brewer's question, Elkins reviewed the Grant process.

DRAFT

Rolinger moved, Landguth seconded to continue the Historic Preservation Commission to adopt the Comprehensive Preservation Plan as an element of the City of Rapid City's Comprehensive Plan to the June 25, 2009 Planning Commission meeting. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

31. Staff Items

Elkins reminded the Planning Commission of the neighborhood meeting on June 10, 2009 at the South Middle School Community Center at 6:00 p.m.

Elkins also reminded Planning Commission of the Special Planning Commission meeting on Thursday, June 11, 2009 at 7:00 a.m. with regard to the Black Hills Heritage Festival.

Elkins stated that the meeting on temporary structures in the Flood plain has been cancelled. Elkins stated that staff would find another time.

In response to Brewer's question, Elkins stated that staff has reviewed the Flood Plain Policy. Elkins indicated that staff would place the Flood Plain Policy Subcommittee recommendations on the June 25, 2009 Planning Commission Agenda as a discussion item. Discussion followed.

Hennies requested that staff provide notification of the Work Release Penitentiary facility to area landowners when an application is received.

Elkins stated that to date no application has been received for the Work Release facility. Elkins reviewed the process.

Hennies moved, Marchand seconded and unanimously carried to authorize staff to notice adjacent property owners within 250 feet for the Department of Corrections application for an SDCL 11-6-19 Review request when it is submitted. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)

32. Planning Commission Items

33. Committee Reports

- A. City Council Report (May 18, 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

DRAFT

- 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, Marchand seconded and unanimously carried to adjourn the meeting at 8:47 a.m. (7 to 0 with Brewer, Brown, Hennies, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no)