

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 27, 2009

MEMBERS PRESENT: Erik Braun, John Brewer, Gary Brown, Barb Collins, Julie Gregg, Dennis Landguth, Linda Marchand, Steve Rolinger, Andrew Scull and Karen Waltman.

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

Scull called the meeting to order at 7:17 a.m.

Scull recognized Thomas Hennies for his service to the community and the Planning Commission. Scull requested a moment of silence in Hennies' honor.

Scull reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Staff requested that Items 8, 9, 12 and 13 be removed from the Consent Agenda for separate consideration.

Brown requested that Item 6 be removed from the Consent Agenda for separate consideration.

Motion by Brewer, Seconded by Waltman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 22 in accordance with the staff recommendations with the exception of Items 6, 8, 9, 12 and 13. (10 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the August 6, 2009 Planning Commission Meeting Minutes.
2. No. 08PL099 - Homestead Plaza Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 28 of Block 3; Tracts A, B, C and D of Block 4 of Homestead Plaza Subdivision, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.

Planning Commission recommended that the Preliminary Plat be continued to the September 10, 2009 Planning Commission meeting.

3. No. 09CA009 - South Boulevard Addition

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development** on Lots 31 and 32 of Block 18 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.

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

4. No. 09CA015 - Section 35, T2N, R7E

A request by City of Rapid City to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by eliminating, adding and realigning collector streets** on the E1/2 of the NE1/4 NE1/4, SE1/4 of the NE1/4 and the north 330 feet of the NE1/4 SE1/4, all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of I-190 and north of Omaha Street (S.D. Highway 44).

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

5. No. 09CA016 - Comprehensive Preservation

A request by City of Rapid City to consider an application for a **Summary of Adoption Action on an Amendment to the Comprehensive Plan to adopt the Comprehensive Preservation Plan.**

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

7. No. 09PL034 - Aspen Estates Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Walter J. Bradsky to consider an application for a **Layout Plat** for proposed Lots 5A and 5B of Aspen Estates Subdivision, legally described as Lot 5 of Aspen Estates Subdivision, located in the SW1/4 of Section 12, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Elkhart Road.

Planning Commission continued the Layout Plat to the September 10, 2009 Planning Commission meeting.

10. No. 09PL046 - Section 3, T1N, R8E

A request by Todd Fenster to consider an application for a **Layout Plat** for proposed Lot 1 of Block 1 of Expressway Subdivision, legally described as the unplatted parcel located in the N1/2 N1/2 SW1/4, less Big Sky Subdivision, less F&N Subdivision, less Lot H1 and less right-of-way, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located 1200 Elk Vale Road.

Planning Commission continued the Layout Plat to the September 10, 2009 Planning Commission meeting.

11. No. 09PL047 - PLM Subdivision

A request by Centerline, Inc. for PLM Land Development, LLC to consider an application for a **Preliminary Plat** for proposed Lots 36 thru 53 of Block 1 of PLM Subdivision, legally described as the unplatted balance located in the N1/2 NW1/4 and the unplatted SW1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located eastern extension of Conestoga Court.

Planning Commission continued the Preliminary Plat to the September 10, 2009 Planning Commission meeting.

14. No. 09PL052 - PLM Subdivision

A request by PLM Land Development, LLC to consider an application for a **Preliminary Plat** for proposed Lot 13B of Block 2 of PLM Subdivision legally described as Lot 13 of Block 2 of PLM Subdivision located in NE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest corner of the intersection of Cambria Circle and Enchantment Road.

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

1. **Upon submission of a Final Plat application, Enchantment Road shall have been constructed to the northern boundary of proposed Lot 13B, inspected and accepted by the City of Rapid City, or surety shall be posted for any improvements not completed and accepted;**
2. **Upon submission of a Final Plat application, minor redline changes to the approved plans must be submitted or revised as-built plans submitted for review and approval;**
3. **Prior to Planning Commission approval of the Preliminary Plat application, cost estimates for the subdivision improvements must be submitted for review and approval;**
4. **Upon submission of a Final Plat application, subdivision inspection fees shall be paid to the City of Rapid City in accordance with the provisions of the Rapid City Municipal Code;**
5. **Upon submission of a Final Plat application, copies of recorded easements for any storm drainage improvements located on the adjacent property shall be submitted for review and approval;**
6. **Upon submission of a Final Plat application, non-access easements shall be identified along the eastern boundary of proposed Lot 13B and along the east fifty feet of the southern boundary of proposed Lot 13B in accordance with the previously recorded easements;**
7. **Upon submission of a Final Plat application, the plat shall be revised to reflect the correct legal description, remove the drawing of Lot 13A, remove the building envelope and include the correct certificates for a Final Plat;**
8. **Prior to the City's acceptance of the public improvements, 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.**

15. No. 09SR048 - Section 23, T2N, R7E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to construct a water main, storm sewer and drainage improvements on public property** on the unplatted S1/2 NE1/4 less Rainbow Ridge Subdivision and less right-of-way, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Sagewood Street and Alma Street.

Planning Commission continued the SDCL 11-6-19 Review to construct a water main, storm sewer and drainage improvements on public property to the September 10, 2009 Planning Commission meeting.

16. No. 09SR063 - Westberry Trails Subdivision

A request by Hermanson Egge Engineering, Inc. for Larry and Lisa Hermanson to consider an application for a **SDCL 11-6-19 review to construct street improvements on the Section Line Highway and extend a public utility** on E1/2SE1/4NW1/4, W1/2W1/2SW1/4NE1/4, Government Lots 1 and 2 and Tract A of Westberry Trails of Section 6, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the southern terminus of Westberry Drive.

Planning Commission continued the SDCL 11-6-19 Review to construct street improvements within a section line highway and to extend a public utility to the September 10, 2009 Planning Commission meeting.

17. No. 09SR071 - Original Town of Rapid City

A request by Siaryn Duggan for Jenny Gaaskjolen of Rapid City Downtown to consider an application for a **SDCL 11-6-19 review to allow structures in the public right-of-way** on the right-of-way adjacent to south 80 feet of Lot 1; all of Lot 2, Lots 3 thru 12, the east and west half of Lot 13, 14 thru 16, 17 thru 18 and the north 55 feet of Lots 19 thru 21, and 22 thru 32, all in Block 84, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the alley right-of-way between 6th Street and 7th Street and between Main St. and St. Joseph Street.

Planning Commission approved the SDCL 11-6-19 review to allow structures in the public right-of-way.

18. No. 09SR072 - Rapid City Greenway Tract

A request by Bruce Backens to consider an application for a **SDCL 11-6-19 Review to allow structures on public property** on Tract 20 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County,

South Dakota, more generally described as being located at Memorial Park.

Planning Commission continued the SDCL 11-6-19 Review to allow structures on public property to the September 24, 2009 Planning Commission meeting.

19. No. 09SR073 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to extend public utilities** on Lot 2 of the SE1/4 NE1/4 less Lot H1 and Tract 10, Tract 10A less Lot H1 of the Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Jackson Boulevard and Mountain View Road.

Planning Commission approved the SDCL 11-6-19 Review to extend public utilities.

20. No. 09SR074 - Section 16, 17 and 20, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to install public utilities** on located in the SW1/4 of the SW1/4 of Section 16, in the SE1/4 of the SE1/4 of Section 17, in the NW1/4 of the NE1/4 and the NE1/4 and the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of Elk Vale Road and southwest of the existing Plum Creek Development.

Planning Commission continued the SDCL 11-6-19 Review to install public utilities to the September 24, 2009 Planning Commission meeting.

21. No. 09SV014 - Aspen Estates Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Walter J. Bradsky to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer along S.D. Highway 44, to waive the requirement to install curb, gutter, street light conduit, water, sewer, to reduce the pavement width from 24 feet to 22 feet and to waive the requirient to dedicate right-of-way along Elkhart Road, Kenosha Road, and Canterbury Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 5A and 5B of Aspen Estates Subdivision, legally described as Lot 5 of Aspen Estates Subdivision, located in the SW1/4 of Section 12, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Elkhart Road.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer along S.D. Highway 44 and to waive the requirement to install curb, gutter, street light conduit, water, sewer, to reduce the pavement width from 24 feet to 22 feet and to waive the requirement to dedicate right-of-way along Elkhart Road, Kenosha Road, and Canterbury Road as per Chapter 16.16 of the Rapid City Municipal

Code to the September 10, 2009 Planning Commission meeting.

22. 09TP023 – 2010 – 2014 Rapid City Area Transportation Improvement Program – Final Report.

Planning Commission recommended approval of the 2010-2014 Rapid City Area Transportation Improvement Program.

---END OF CONSENT CALENDAR---

- *6. No. 09PD034 - Flormann Addition
A request by Renner & Associates for Rising Properties, LLC to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 15 and 16 of Block 10 of Flormann Addition, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 727 Fairview Street.

Brown stated he would be abstaining from discussion and vote due to a conflict of interest.

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

1. **A Building Permit shall be obtained prior to construction of the parking lot and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **An Erosion and Sediment Control Permit shall be obtained prior to obtaining a Building Permit;**
3. **The parking lot shall conform to the plans approved as part of this Commercial Development Plan;**
4. **Four parking spaces shall be provided and one of the parking spaces shall be a “van” accessible handicap space;**
5. **An exception to allow the east parking stall to have a 21 foot aisle width in lieu of the 26 foot required aisle width is hereby approved through this Planned Commercial Development with the stipulation that the stall is marked for compact cars only;**
6. **The 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;**
7. **An exception to waive the required screening fence along the eastern boundary of the property is approved for the proposed use only. However, if the use of the subject property changes, the screening fence shall be required along the eastern boundary;**
8. **A six foot wood screening fence shall be constructed on the northern boundary of the parking lot;**
9. **A minimum of 7,281 landscaping points shall be provided. The landscaping shall comply with the approved plan and shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as**

necessary; and,

10. **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. (9 to 0 to 1 with Braun, Brewer, Collins, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no and Brown 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.

Fisher requested that items 8 and 9 be taken concurrently.

8. No. 09PL040 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Land Co., Inc. to consider an application for a **Layout Plat** for proposed Lot 1 in Block 1 and Lots 1 thru 4 in Block 2, legally described as a parcel of land located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Fifth Street and Catron Boulevard.

9. No. 09SV015 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Land Co., Inc. to consider an application for a **Variance to the Subdivision Regulations to reduce the pavement width from 12 feet to 11 feet per lane as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1 in Block 1 and Lots 1 thru 4 in Block 2, legally described as a parcel of land located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Fifth Street and Catron Boulevard.

Fisher presented the staff recommendation to continue the Layout Plat and the Variance to the Subdivision Regulations to the September 10, 2009 Planning Commission meeting.

Brown moved, Collins seconded and unanimously carried to continue the Layout Plat and the Variance to the Subdivision Regulations to reduce the pavement width from 12 feet to 11 feet per lane as per Chapter 16.16 of the Rapid City Municipal Code to the September 10, 2009 Planning Commission meeting. (10 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

Fisher requested that items 12 and 13 be taken concurrently.

12. No. 09PL050 - Rommesmo Subdivision
A request by D.C. Scott Co. Land Surveyors to consider an application for a **Preliminary Plat** for proposed Lot 1 of Rommesmo Subdivision, legally described as the SW1/4 SW1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Lien Street and Deadwood Avenue.
13. No. 09SV019 - Rommesmo Subdivision
A request by D.C. Scott Co. Land Surveyors to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer main along Lien Street as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1 of Rommesmo Subdivision, legally described as the unplatted balance of the SW1/4 SW1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Lien Street and Deadwood Avenue.

Fisher presented the staff recommendation to continue the Preliminary Plat and the Variance to the Subdivision Regulations to the September 24, 2009 Planning Commission meeting.

Waltman moved, Collins seconded and unanimously carried to continue the Preliminary Plat and the Variance to the Subdivision Regulations to reduce the pavement width from 40 feet to 28 and 32 feet, respectively, and to waive the requirement to install curb, gutter, sidewalk and sewer along Lien Street as per Chapter 16.16 of the Rapid City Municipal Code to the September 24, 2009 Planning Commission meeting. (10 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

23. 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.

Elkins presented the SDCL 11-6-19 Review request. Elkins stated that the applicant proposes to remove the adjacent house and expand the existing substation. Elkins presented the site plan, landscaping and revised fence elevations. Elkins added that a special neighborhood meeting was conducted on June 10, 2009 at which concerns have been raised by adjacent property owners. Elkins reviewed the existing and possible increase to the noise levels submitted by the applicant. Elkins commented that the applicant has taken readings with regard to the noise levels and possible alternate locations for the substation improvement. Elkins reviewed the setback reduction request. Elkins commented that the applicant has submitted a landscape plan that would be in compliance

with the applicable requirements of the Rapid City Municipal Code relating to the sight distance triangle requirements. Elkins stated that the Council approved the Fence Height exception submitted by the applicant. Elkins addressed the information that was not submitted with regard to the underground cabling. Elkins further noted that the applicant has requested that the Planning Commission act only on the above ground improvements. Elkins added that the City Attorney has concurred in allowing the applicant to bring forward a separate SDCL 11-6-19 application for the below ground facilities and cabling. Elkins reviewed concerns presented by the public. Elkins identified the existing zoning and land use and the allowed uses. Elkins commented on the various concerns submitted by adjacent property owners. Elkins stated that the applicant has taken significant steps to buffer the possible negative impact to the adjacent property owners with increased landscaping, fencing and a reduction in the size of the units that will be installed on the subject property.

Steven Dunn, Black Hills Power, reviewed the details of the proposed expansion on the subject property. Dunn stated that the Black Hills Power has determined that the neighborhood is a problem area based on the load and type of equipment. Dunn stated that the design and location is preferable to service the area. Dunn commented on concerns presented by the public.

In response to Brewer's question, Dunn referred the question to Mark Carda regarding the noise level readings.

In response to Brown's question regarding noise level, Dunn referred the question to Mark Carda. Dunn stated that alternate sites have been reviewed and were not found to be suitable.

Mark Carda, Black Hills Power addressed the noise issues. Carda stated that noise readings were taken around the substation on the subject property. Carda stated that the proposed transformers and location should considerably reduce the noise level. Carda identified that the alternate locations that have been reviewed would entail additional expense because of topography. Carda expressed his opinion that the site is the most viable for improvements to provide service to the neighborhood.

In response to Waltman's question, Carda stated that when a site is removed from the load center the difficulty in providing service increases and the number of power failures increase.

In response to Rolinger's question, Carda stated that the site south of the hospital would need to have transmission lines installed to the location. Carda added that extensive trenching would be required to install the infrastructure to provide service. Carda commented that the intent is to replace the transformers on the existing subject property. Discussion followed.

In response to Brewer's question, Carda estimated the possible cost approximately 4 million dollars and that the alternative sites would be approximately 10 million dollars to build transmission substation and install infrastructure. Discussion followed.

In response to Scull's question, Carda stated that the upgrade is increasing the capacity by more than 50% and should limit the need for immediate future expansion. Sarda stated that the existing substation has been in existence since the 1950's.

In response to Braun's question, Carda stated that standard transformers with a redesign can reduce the noise levels at the subject property. Carda added that the vendors have designed the transformers to reduce the noise levels.

In response to Brown's question, Carda identified measures to mitigate noise level to reduce the possible negative impact to the adjacent property owners. Discussion followed.

Collins expressed her opposition to the improvements to the facility noting concern with the impact on the neighborhood.

In response to Scull's question. Carda stated that the design is to increase the capacity and reduce the noise levels.

Gene Brown, area resident expressed his concern with the proposed wall used to buffer noise levels. Brown added his concerns with the possible negative long term health effects.

Patsy Brown, area resident expressed her opposition to the proposed increased use and expansion at the site. Brown stated that Black Hills Power did not advise the neighbors regarding the request. Brown expressed concern for the impact on her property and her quality of life.

Gerry Brown, parents live in the neighborhood, expressed his concern regarding the possible negative impact to the property values in the adjacent neighborhood. Brown requested that Black Hills Power reconsider relocating to an alternate site. Brown expressed his concern with regard to health issues.

George Brown, area resident expressed his opposition to the proposed increased construction of the substation at the subject property and noted the negative impact on his property.

Jim Stedjee, area resident expressed his opposition to the increased use and the noise levels on the subject property and it's negative impact on the neighborhood.

Ed Thompson, area resident expressed his opposition to the proposed increased use on the subject property. Thompson added that he is not opposed to an upgrade but to an expansion and increase of the building foot print. Thompson further noted his concerns for the possible negative impact from the noise levels as well as the loss of equity and negative effect on property values. Thompson stated that he believes that there are no guarantees that the site would not need to be upgraded within 5 to 10 years.

Aida Compton, area resident expressed her opposition to the proposed expansion. Compton expressed her opinion regarding the decibel noise levels and the proposed landscaping. Compton stated that the neighborhood is in opposition to the proposed expansion on the subject property.

Peggy Hettick, area resident requested that the Planning Commission consider if they would want this use adjacent to their home. Hettick expressed her opposition to the proposed expansion on the subject property and further commented on her concerns with the possible negative impact to the neighborhood.

Bill Aby, area resident expressed his opposition to the proposed expansion of a utility substation on the subject property due to the negative impact on the neighborhood and on property values. Aby requested that Black Hills Power consider the expansion at an alternate location.

Landguth stated that he would be abstaining from discussion and vote due to a possible perception of a conflict of interest due his family's connection to the applicant.

In response to Scull's question, Carda stated that the current location serves the needs of Rapid City Regional Hospital and further identified the area that is served by the substation on the subject property.

Linda Hendrickson, area resident, expressed her opposition to the proposed increase to the substation at the subject property. Hendrickson requested that the Planning Commission deny the SDCL 11-6-19 Review request.

Gary Brown expressed his opinion that the applicant has not completely investigated the possibility of alternate locations to serve the area.

Brown moved, Collins seconded to deny the SDCL 11-6-19 Review to expand the utility substation.

Substitute motion by Brewer, seconded by Rolinger to continue the SDCL 11-6-19 Review to expand the utility substation.

Brewer requested that the applicant bring information forward regarding the cost to expand the substation on the subject property. Brewer added that information also be provided regarding possible costs associated with the alternate sites reviewed by the applicant.

Rolinger and Scull expressed their support for allowing for applicant to provide additional information with regard to costs for improvements on the subject property and the alternate locations.

In response to Rolinger's question, Elkins reviewed the approval process regarding 11-6-19 Review by the Planning Commission and possible future decisions by the City Council. Discussion followed.

Elkins requested that the Planning Commission identify a date specific for review by the Planning Commission.

Collins expressed her support for allowing the applicant to provide additional information.

Lengthy discussion followed regarding the alternate locations available to Black Hills Power and the provision of additional cost information.

Substitute Motion by Brewer, seconded by Rolinger and carried to continue the SDCL 11-6-19 Review to expand a public utility and the exception to reduce the required front yard setback from 35 feet to 30 feet to the September 10, 2009 Planning Commission meeting. (9 to 0 to 1 with Braun, Brewer, Brown, Collins, Gregg, Marchand, Rolinger, Scull and Waltman voting yes and none voting no and Landguth abstaining)

24. 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 to the SDCL 11-6-19 Review request to the September 10, 2009 Planning Commission meeting.

Rolinger moved, seconded by Braun 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 September 10, 2009 Planning Commission meeting. (10 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

*25. No. 09PD029 - Autumn Hills Plaza Subdivision

A request by N.W.E. Management for Autumn Hills Properties, LLC to consider an application for a **Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment** on Lots 1 and 2 of Autumn Hills Plaza Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 5312 Sheridan Lake Road.

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

Fisher presented the staff recommendation to continue the Major Amendment request to the September 24, 2009 Planning Commission meeting.

Brown moved, seconded by Landguth and carried to continue the Major

Amendment to a Planned Commercial Development to allow an on-sale liquor establishment to the September 24, 2009 Planning Commission meeting. (9 to 0 to 1 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no and Scull abstaining)

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

*26. No. 09PD032 - Section 24, T1N, R7E (PLM Subdivision)

A request by Centerline, Inc. for PLM Land Development, LLC to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on a portion of the unplatted balance of the N1/2 NW1/4 and the unplatted balance of the SW1/4 NW1/4, all in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: commencing from the Point of Beginning, the northeast corner of Lot 33 in Block 1 of PLM Subdivision consisting of a 5/8" rebar with Hanson #6251 cap, thence first course - N85°57'24"E a distance of 32.35', thence second course - N78°30'13"E a distance of 229.00', thence third course - S84°12'27"E a distance of 224.17', thence fourth course - N86°55'12"E a distance of 205.00', thence fifth course - N80°28'46"E a distance of 241.41', thence sixth course - S83°06'22"E a distance of 205.42', thence seventh course - S70°31'14"E a distance of 300.02', thence eighth course - S20°04'47"W a distance of 407.59' to the southwest corner of Lot 16 of Block 1 of PLM Subdivision, thence ninth course - N89°42'39"W a distance of 564.79' along the north boundary of Eastridge Estates Subdivision, thence tenth course - N88°31'55"W a distance of 119.66', thence eleventh course - N72°48'55"W a distance of 309.01', thence twelfth course - N72°34'37"W a distance of 131.54', thence thirteenth course - N90°00'00"W a distance of 164.21', thence fourteenth course - N0°00'00"E a distance of 294.68' to the Point of Beginning. Said Parcel containing 13.1855 acres more or less, more generally described as being located east and north of Stumer Road, south of Enchanted Pines Drive at the eastern terminus of Conestoga Court.

Fisher presented the staff recommendation to continue the Planned Residential Development request to the September 10, 2009 Planning Commission meeting.

Waltman moved, seconded by Collins and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the September 10, 2009 Planning Commission meeting. (10 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand, Rolinger, 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.

Horton requested that items 27, 28 and 29 be taken concurrently.

*27. No. 09PD036 - Menard Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots B1 and B2 of Menard Subdivision, located in the SE1/4 NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Menard Subdivision located in the SE1/4 NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1830 Eglin Street.

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. 09PL049 - Menard Subdivision

A request by FMG, Inc. for Menard, Inc. to consider an application for a **Layout and Preliminary Plat** for proposed Lots B1 and B2 of Menard Subdivision, legally described as Lot B of Menard Subdivision located in the SE1/4 NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1830 Eglin Street.

29. No. 09SV018 - Menard Subdivision

A request by FMG, Inc. for Menard, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on Menard Drive, to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on shared access easement to Lots B1 and B2, and to waive the requirement to construct sidewalk and sewer on E North Street as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots B1 and B2 of Menard Subdivision, legally described as Lot B of Menard Subdivision located in the SE1/4 NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1830 Eglin Street.

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

Horton presented the staff recommendation to continue the Planned Commercial Development application the Layout and Preliminary Plat and the Variance to the Subdivision requests to the September 10, 2009 Planning Commission meeting.

Brown moved, seconded by Marchand and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan, the Layout and Preliminary Plat, the Variance to the Subdivision Regulations to waive the requirement to construct sewer along

East North Street, the Variance to the Subdivision Regulations to waive the requirement to construct water and sewer in Menard Drive, the Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, street light conduit in Menard Drive, the Variance to the Subdivision Regulations to waive the requirement to install sidewalk on East North Street and the Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer, street light conduit on the shared access easement to Lots B1 and B2 to the September 10, 2009 Planning Commission meeting. (8 to 0 to 2 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger and Waltman voting yes and none voting no with Collins and Scull abstaining)

30. No. 09PL023 - Murphy Ranch Estates Subdivision

A request by Davis Engineering, Inc. to consider an application for a **Layout and Preliminary Plat** for proposed Lots 3R, 4, 5, 6 and 7 of Block 7, Lots 3, 4, 5 and 6 of Block 8 of Murphy Ranch Estates Subdivision, legally described as the unplatted portion of Tract F of the NE1/4 of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Springfield Road and Knuckleduster.

Fisher stated that the applicant has submitted a revised plat. Fisher presented the staff recommendation to continue to the Layout and Preliminary Plat to the September 10, 2009 Planning Commission meeting. Fisher identified the outstanding issues that the applicant would need to resolve prior to approval by the Planning Commission.

In response to Collins' question, Fisher identified the location of the subject development.

In response to Rolinger's question, Fisher identified the outstanding issues and the time frames that have previously been established for completion of the project. Fisher added that the staff would not support approval of the application without the required improvements. Discussion followed.

In response to Scull's question, Fisher reviewed the outstanding issues.

Ron Davis, the applicant commented that he has been aware of the delays. Davis reviewed the status of the outstanding issues.

Brown moved, Landguth seconded to continue the Planning Commission meeting past the 9:00 a.m. deadline. (10 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

Fisher stated that the staff recommends that the Layout and Preliminary Plat be continued to the September 10, 2009 Planning Commission meeting.

Davis requested that the Planning Commission approve the Layout Plat and Preliminary Plat request.

Fisher identified the requirements and the information presented to the applicant for approval by the Planning Commission.

Marchand expressed her opinion that the applicant has had ample time to complete the work.

In response to Rolinger's question, Fisher reviewed the time line regarding to phasing and improvements.

Collins moved, seconded by Braun and unanimously carried to continue the Layout and Preliminary Plat to the September 10, 2009 Planning Commission meeting. (10 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

31. No. 09PL048 - Discovery Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 1 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, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1851 Discovery Circle.

Elkins identified the location of the proposed development. Elkins further noted that the property is zoned General Commercial. Elkins identified the history of the plat on the subject property. Elkins identified the location of the proposed improvements.

Rolinger moved, Brown seconded to approve the Preliminary Plat with stipulations.

In response to Landguth's question, Elkins stated that his staff is concerned with the traveling public's ability to find the Visitor Information Center. Elkins added that a Planned Development is in place and will allow a review process to address issues of visibility and access to the Visitor information Center.

Gregg left the meeting at this time.

Waltman left the meeting at this time.

In response to Brown's question, Elkins stated that the applicant is uncertain as to the location of future streets with the subject property. Elkins further noted that there is no provision in the agreements for costs of infrastructure.

In response to Brewer's question, Elkins stated that the plat would leave a non-transferable balance. Elkins added the City of Rapid City is the owner per the agreement.

Rolinger moved, seconded by Brown and unanimously carried to

recommend that the Preliminary Plat be approved with the following stipulations:

1. Upon Final Plat submission, the property owner's certificate on the mylar shall be corrected;
2. Upon Final Plat submission, copies of drainage easements recorded as miscellaneous documents shall be submitted for review and approval as needed;
3. Upon Final Plat submission, an exception to allow the conversion of the on-premise sign to an off-premise sign shall be approved or the sign shall be removed from the Balance of Tract 3;
4. Prior to City Council approval of the Preliminary Plat, a Storm Water Quality Management Plan shall be submitted for review and approval for any required subdivision improvements;
5. Upon Final Plat submission, surety shall be posted for any required subdivision improvements that have not been completed and subdivision inspection fees shall be paid as required;
6. Prior to City Council approval of the Preliminary Plat, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
7. Prior to the City's acceptance of any required subdivision improvements, warranty surety shall be submitted for review and approval as required;
8. Prior to Planning Commission approval of the Preliminary Plat, a landscaping plan documenting compliance with all applicable provisions of the Rapid City Municipal Code shall be submitted for review and approval;
9. Prior to City Council approval of the Preliminary Plat, an agreement on the number of off-street parking spaces to be provided (including over size spaces) as well as addressing the use of the existing spaces, maintenance of the existing spaces and construction of the revised parking lot layout shall be approved by the City Council;
10. Prior to City Council approval of the Preliminary Plat, construction plans for the extension of sewer and water mains shall be submitted for review and approval, or a Subdivision Variance waiving the requirement for the extension of sewer and water mains in the proposed access and utility easement shall be granted and an exception to allow non-conforming water and sewer lines to cross an adjacent property shall be granted.
11. Prior to City Council approval of the Preliminary Plat, construction plans for the widening of Discovery Circle to a minimum of 26 foot wide paved surface and for the construction of sidewalks shall be submitted for review and approval, or a Variance to the Subdivision Regulations shall be obtained;
12. Upon submission of any additional platting of Tract 3 or of any Initial or Final Development Plan application, a Traffic Impact Study shall be submitted for review and approval;
13. Upon submission of any additional platting of the Balance of Tract 3 or of any Initial or Final Development Plan application, a Master Plan for the Balance of Tract 3 shall be submitted for review and approval; and,

14. Upon Final Plat submission, copies of the recorded easement for the access, utility and parking easement, the water line easement and the sewer line easement shall be submitted for review and approval. (8 to 0 with Braun, Brewer, Brown, Collins, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)

32. No. 09SV016 - Discovery 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 sidewalk, water and sewer and to reduce the pavement width from 26 feet to 20 feet along the access easement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1 of Tract 3 of Discovery Subdivision, legally described as Tract 3 of Discovery Subdivision, located in the NE1/4 of SE1/4 and the SE1/4 of the NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1851 Discovery Circle.

Elkins presented staff's recommendation to approve the Variance to the Subdivision request with stipulations.

In response to Braun's question, Elkins stated that the sewer and water lines will be relocated and paid for by the developer.

Rolinger moved, seconded by Collins and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water and sewer and to reduce the pavement width from 26 feet to 20 feet along the access easement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

- 1. Prior to City Council approval of the Subdivision Variance, a Planned Development Designation shall be submitted and approved for Tract 3, Discovery Subdivision; and,**
- 2. Prior to City Council approval of the Subdivision Variance, the applicant shall obtain an exception to allow non-conforming water and sewer lines to cross adjacent property on a temporary basis. (8 to 0 with Braun, Brewer, Brown, Collins, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)**

33. No. 09SR068 - Wise's Addition

A request by FourFront Design, Inc. for Youth and Family Services, Inc. to consider an application for a **SDCL 11-6-19 Review to allow expansion of an existing structure on public property** on Lot A and the vacated North 14 feet of Monroe Street contiguous to said Lot A of Block 12 of Wise's Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of East Monroe Street and Racine Street.

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

Brown left the meeting at this time.

Collins moved seconded by Rolinger and unanimously carried to approve the SDCL 11-6-19 Review to allow expansion of an existing structure on public property. (7 to 0 with Braun, Brewer, Collins, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)

34. No. 09SV017 - Heartland Retail Center

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 Tract A of Block 2 of Heartland Retail Center, legally described as the unplatted balance of the NW1/4 of the NW1/4, less the east 200 feet lying south of Cheyenne Boulevard right-of-way of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Cheyenne Boulevard and North Elk Vale Road.

Brown returned to the meeting at this time.

Fisher presented the staff recommendation to approve the Variance to the Subdivision Regulations with the stipulation that the applicant sign a Waiver of Right to Protest.

Rolinger moved, seconded by Collins and unanimously carried to approve the 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 with the stipulation that the applicant sign a Waiver of Right to Protest. (8 to 0 with Braun, Brewer, Brown, Collins, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)

35. Discussion Items

Elkins advised that the Election of the new Chairperson will be on the September 10, 2009 Planning Commission Agenda.

36. Staff Items

37. Planning Commission Items

Landguth requested that study information regarding electronic reader boards be discussed at the September 10, 2009 Planning Commission meeting.

38. Committee Reports

A. City Council Report (August 3, 2009)

The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

No. 08SV054 - Rainbow Ridge Subdivision

A request by Sperlich Consulting, Inc. for Joe Muth at Doeck, LLC to consider an application for a **Variance to the Subdivision Regulations**

to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code on Lot 1R-2 of Block 3 of Rainbow Ridge Subdivision, located in E1/2 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1R of Block 3 of Rainbow Ridge Subdivision, located in the SE1/4 NE1/4, and a portion of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest terminus of Bunker Drive.

On November 20, 2008 the Planning commission recommended that the **Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code** be approved with one stipulation. On August 3, 2009 the City Council denied the **Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code** without prejudice.

No. 09SV009 - Discovery 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 and Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code** 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.

On April 9, 2009 the Planning Commission approved the **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road and Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code** with stipulations. On August 8, 2009, the City Council denied the **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road and Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code** without prejudice.

In response to Brewer's question, Elkins reviewed Council's action.

There being no further business, Landguth moved, Rolinger seconded and unanimously carried to adjourn the meeting at 9:21 a.m. (8 to 0 with Braun, Brewer, Brown, Collins, Landguth, Marchand, Rolinger and Scull voting yes and none voting no)