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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 19, 2009

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Barb Collins, Thomas Hennies, Linda Marchand and Karen Waltman.

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

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

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

Staff requested that Item 23 be removed from the Consent Agenda for separate consideration.

Motion by Brown, Seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 27 in accordance with the staff recommendations with the exception of Item 23. (7 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Marchand and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the February 5, 2009 Planning Commission Meeting Minutes.
2. No. 08CA042 - Robbinsdale Addition No. 10
A request by Sperlich Consulting, Inc. for Gary Rasmusson/Walgar Development Corp. to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to revise the future Land Use Plan by changing the land use designation from Low Density Residential to Low Density Residential II** on Lot 27 of Block 23 of Robbinsdale Addition No. 10, located in the NW1/4 SE1/4, E1/2 NW1/4 SE1/4, and in the SW/14 NE1/4 SE1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4182 Wisconsin Avenue.

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

3. No. 08OA003 - Ordinance Amendment
A request by City of Rapid City to consider an application for an **Ordinance Amendment to amend Section 17.50.335 "Sight Triangles" of the Rapid City Municipal.**

DRAFT

Planning Commission continued the Ordinance Amendment to amend Section 16.50.335 "Sight Triangles " of the Rapid City Municipal Code to the March 26, 2009 Planning Commission meeting.

4. 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 continued the Preliminary Plat to the March 5, 2009 Planning Commission meeting.

5. No. 08PL116 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Zandstra Real Estate Holdings to consider an application for a **Preliminary Plat** for proposed Lots 8 thru 12 of Block 8, Lots 5 thru 9 of Block 9, Lots 17 thru 23 of Block 10, Lots 4 thru 18 of Block 11 and Lots 1 thru 10 of Block 13 of Elks Country Estates, legally described as a portion of Tract 1 of the E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north and south sides of the intersection of Jolly Lane and Padre Drive and adjacent to Forest Oaks Court.

Planning Commission continued the Preliminary Plat to the March 5, 2009 Planning Commission meeting.

6. No. 08PL131 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Preliminary Plat** for proposed Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive

DRAFT

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 March 5, 2009 Planning Commission meeting.

7. No. 08SV047 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning: Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, more generally described as being located at 333 Concourse Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code to the March 5, 2009 Planning Commission meeting.

DRAFT

8. No. 08PL137 - Trusty Subdivision

A request by Britton Engineering & Land Surveying for Linda Weins to consider an application for a **Layout Plat** for proposed Lots 1 thru 4 of Weins Subdivision, legally described as an unplatted parcel located in the E1/2 NW1/4 SW1/4 less Lot 1 of Trusty Subdivision and less County Road Right-of-way all located in Section 15, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 13924 Neck Yoke Road.

Planning Commission recommended that the Layout Plat be denied without prejudice.

9. No. 08PL143 - Rainbow Ridge Subdivision

A request by Sperlich Consulting, Inc. for Joe Muth at Doeck, LLC to consider an application for a **Preliminary Plat** for proposed Lot 1R-2 of Block 3 of Rainbow Ridge Subdivision, 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 March 5, 2009 Planning Commission meeting.

10. No. 08PL176 - Keller Subdivision

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

Planning Commission continued the Preliminary Plat to the March 5, 2009 Planning Commission meeting.

11. No. 08SV057 - Keller Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the Black Hills Dog Track adjacent to the west side of Sturgis Road and south of the intersection of Universal Drive and Sturgis Road.

Planning Commission continued the Variance to the Subdivision

DRAFT

Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code to the March 5, 2009 Planning Commission meeting.

12. No. 08RD009 - Biernbaum Subdivision

A request by City of Rapid City to consider an application for a **Resolution naming the unnamed Right-of-way to Merrilat Lane** on the 50 foot wide unnamed right-of-way 680.36 feet in length lying south of Biernbaum Lane right-of-way and south of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Biernbaum Lane and east of South Dakota Highway 79.

Planning Commission continued the Resolution naming the unnamed Right-of-way to Merrilat Lane to the March 5, 2009 Planning Commission meeting.

13. No. 08SR078 - Rapid City Airport Subdivision No. 6

A request by Hengel Associates, P.C. for Dale Aviation, Inc. to consider an application for a **SDCL 11-6-19 Review to allow structures on public property** on located in the unplatted portion of Rapid City Airport Subdivision No. 6, Section 17, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3900 Airport Road.

Planning Commission approved the SDCL 11-6-19 Review to allow structures on public property.

14. No. 08SR089 - Rapps Addition

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

Planning Commission continued the SDCL 11-6-19 Review to allow a co-location on an existing cellular tower to the March 5, 2009 Planning Commission meeting.

15. No. 08SR093 - Section 16, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to upgrade the Jolly Lane Lift Station** on Tract 2 of the E1/2, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Jolly Lane.

Planning Commission denied the SDCL 11-6-19 Review to upgrade the Jolly Lane Lift Station without prejudice.

16. No. 08VR008 – Wise's Addition

DRAFT

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

Planning Commission continued the Vacation of Right-of-way to the March 26, 2009 Planning Commission meeting.

17. No. 09PL001 - Blake Estates Subdivision

A request by Gene Quinn to consider an application for a **Layout Plat** for proposed Tract A Revised Lots 1 thru 5 of Block 1 of Blake Estates Subdivision, 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, Rapid City, Pennington County, South Dakota, more generally described as being located at 6620 West Highway 44.

Planning Commission continued the Layout Plat to the March 26, 2009 Planning Commission meeting.

18. No. 09RZ003 - Section 4 and Section 9, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Tract C of the SE1/4 SW1/4 of Section 4 and Parcel E of the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, the portion of Lot E of the NE1/4 NW1/4 lying north of the highway right-of-way for access to Interstate Highway No. 90 Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3030 and 3086 East Highway 44.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved for the following revised legal description: Tract C of the SE1/4 SW1/4 of Section 4 and Parcel E of the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, the portion of Lot E of the NE1/4 NW1/4 lying north of the highway right-of-way for access to Interstate Highway No. 90 Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, less the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

19. No. 09RZ004 - Barnhart Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Tract B of Lot 2 of Lot A and Lot 1 of Tract A, all of Barnhart Subdivision, and the 150 foot wide East

DRAFT

Highway 44 right-of-way located south of Tract B of Lot 2 of Lot A and Lot 1 of Tract A of Barnhart Subdivision, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2800 East Highway 44.

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

20. No. 09RZ005 - Marshall Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on Lot 5 of Marshall Subdivision and the south 25 feet of Homestead Street located adjacent to Lot 5 of Marshall Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2345 Homestead Street.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be approved.

21. No. 09RZ006 - K-W Subdivision

A request by Frank Boyle to consider an application for a **Rezoning from Light Industrial District to General Commercial District** on Lot 3 of Lot D of K-W Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3637 Edwards Street.

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

22. No. 09SR007 - Owen Hibbard Subdivision

A request by Rick Holpp for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow co-location on an existing communication tower** on Lot 2 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1930 Promise Road.

Planning Commission continued the SDCL 11-6-19 Review to allow co-location on an existing communication tower to the March 5, 2009 Planning Commission meeting.

24. No. 09SR009 - Section 32, T2N, R7E

A request by City of Rapid City Park and Recreation to consider an application for a **SDCL 11-6-19 Review to allow structures in a public park** on City Springs Park located in the S1/2 NE1/4 and the NE1/4, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 514 City Springs Road.

Planning Commission continued the SDCL 11-6-19 Review to allow structures in a public park to the March 5, 2009 Planning Commission

DRAFT

meeting.

25. No. 09SV001 - Elks Crossing 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 Lots 1 thru 5 of Block 1, Lots 1 thru 7 of Block 2, Lot 1 of Block 3 and the drainage Lot 1, Elks Crossing Subdivision, legally described as the NW1/4 SW1/4 less Plum Creek Subdivision less Lot H1 and less Right-of-way, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the Elk Vale Road lying west of Willowbend Road.

Planning Commission acknowledged the applicant's withdrawal of 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.

*26. No. 09UR002 - Moon Ridge Subdivision

A request by FMG, Inc. for Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints to consider an application for a **Conditional Use Permit to allow a Church in a Medium Density Residential Zoning District** on Lot 1 of Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2250 Moon Meadows Drive.

Planning Commission approved the Conditional Use Permit to allow a Church in a Medium Density Residential Zoning District with the following stipulations:

1. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **Prior to issuance of a building permit, all necessary changes shall be made to the construction plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
3. **Prior to the issuance of a building permit, the construction plans shall be revised to show a sidewalk along Moon Meadows Drive or a Variance shall be obtained as per the City's Sidewalk Ordinance. In addition, prior to issuance of a Certificate of Occupancy, the sidewalk shall be constructed;**
4. **Prior to the issuance of a building permit or the start of construction, whichever occurs first, a drainage easement shall be obtained from the United States Forest Service for that portion of the drainage to be placed on their property or a revised drainage plan shall be submitted for review and approval as needed;**
5. **Prior to the issuance of a building permit, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
6. **The proposed structures shall conform architecturally to the plans**

DRAFT

- and elevations and color palette approved as part of this Conditional Use Permit;
7. All fencing shall conform architecturally to the proposed elevations, color palette and design plans submitted as part of this Conditional Use Permit;
 8. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
 9. A minimum of 78 parking spaces shall be provided. In addition, five of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
 10. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Residential 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 Residential Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. A sign permit shall also be obtained for each individual sign;
 11. 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;
 12. The dumpster and exterior mechanical equipment shall be located as shown on the site plan and screened on all four sides as proposed;
 13. A minimum of 257,800 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;
 14. All currently adopted International Fire Codes shall be met;
 15. All provisions of the Medium Density Residential District shall be met unless an exception is specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;
 16. The Conditional Use Permit shall allow a church with a pavilion and a mechanical shed to be constructed on the property. The class rooms, offices, gym, nursery and the kitchen and eating area shall be allowed as accessory uses to the church. Any change in use shall require the review and approval of a Major Amendment to the Conditional Use Permit; and,
 17. The Conditional Use Permit 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.

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

DRAFT

business on the seventh full calendar day following action by the Planning Commission.

27. No. 09VR001 - Plainview Second Addition

A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-way** on the east 180 feet of the 20 foot alley in Block 11 of Plainview Second Addition, lying between Sunnyside Avenue and Anamosa Street and west of the west boundary of Riley Avenue, the entire 20 foot alley in Block 12 of Plainview Second Addition lying between Sunnyside Avenue and the railroad right-of-way and east of the east boundary of Riley Avenue, North Riley Avenue 80 foot right-of-way lying north of East Anamosa Street, Cambell Street right-of-way lying north of the railroad right-of-way, Sunnyside Avenue 80 foot right-of-way east of the east boundary of Riley Avenue and west of the west boundary of Cambell Street, all located in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the intersection of North Riley Avenue and East Anamosa Street.

Planning Commission recommended that the Vacation of Right-of-way be approved.

---END OF CONSENT CALENDAR---

23. No. 09SR008 - Section 12, T1N, R7E

A request by Rick Holpp for SWS, LLC to consider an application for a **SDCL 11-6-19 Review allow the construction of one additional cellular communication antenna** on Tract A of Lot 2, Section 12, T1N, R7E, platted, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 636 Cathedral Drive.

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

Hennies moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the construction of six additional cellular communications antennas and to allow 16 antennas on a single building rooftop in lieu of the maximum allowed six antennas and allows the equipment shelter associated with a microcell wireless site to be 12,500 square feet in floor area in lieu of the maximum allowed 100 square feet in floor area. (7 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Marchand and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*28. No. 09PD001 - Section 5, T1N, R8E

A request by Ron Bengs for Ross and Judy Rohde to consider an application for a **Planned Industrial Development - Initial and Final Development Plan** on Lot 1 of Lot J except Lot 3 of Lot 1 of Lot J in the SE1/4 NW1/4 and the NE1/4 SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South

DRAFT

Dakota, more generally described as being located at 1125 Kennel Drive.

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

In response to Brown's question, Tegethoff stated that the applicant has had discussions with the Parks and Recreation Department staff regarding the development of a secondary access to the Star of the West Complex.

Collins moved, Hennies seconded and unanimously carried to approve the Planned Industrial Development - Initial and Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval of a Planned Industrial Development - Initial and Final Development Plan, the applicant shall submit a complete set of building elevations for review and approval;**
- 2. Prior to Planning Commission approval of a Planned Industrial Development - Initial and Final Development Plan, a complete sign package, including any proposed signage on the buildings and direction signs within the parking lot shall be submitted for review and approval;**
- 3. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s);**
- 4. Prior to issuance of a building permit the required permits from the South Dakota Department of Transportation shall be obtained;**
- 5. Prior to issuance of a building permit, the applicant shall demonstrate that the existing on-site septic system is functioning adequately. When the on-site septic system fails or the property is subdivided the applicant shall connect all existing and proposed structures to the City of Rapid City sanitary sewer system;**
- 6. Prior to issuance of a building permit, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 7. Prior to issuance of a building permit, a complete site plan demonstrating the location of the floodplain shall be submitted for review and approval and if necessary a Floodplain Development Permit shall be obtained;**
- 8. Prior to issuance of a building permit, the applicant shall submit an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual for review and approval;**
- 9. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy. All plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A;**
- 10. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 11. A minimum of 200,380 landscaping points shall be provided. The**

DRAFT

landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;

12. The lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
13. A minimal amendment shall be obtained for the future expansions of the proposed building in phase one; and,
14. The Planned Industrial Development - Initial and Final Development Plan shall expire if the use is not undertaken within two years and completed within thirteen years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Marchand 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.

29. No. 09RZ007 - Section 4, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Lot 1A of Lot 1 of Lot A of the SW1/4 SW1/4, and the 150 foot wide East Highway 44 right-of-way located south of Lot 1A of Lot 1 of Lot A of the SW1/4 SW1/4, and the 66 foot wide Valley Drive right-of-way located west of the Lot 1A of Lot 1 of Lot A of the SW1/4 SW1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2700 East Highway 44.

Bulman presented the staff recommendation to approve the rezoning request.

Brown abstained from discussion and voting due to a conflict of interest. Brown identified that a family member owns the subject property.

In response to Hennies' question, Bulman stated that the South Valley Drive Annexation is on the ballot on June 9, 2009 and does not impact the rezoning of the property in the North Valley Drive area. Discussion followed.

Marchand moved, Hennies seconded and carried to recommend that the Rezoning from No Use District to General Commercial District be approved. (6 to 0 to 1 with Anderson, Brewer, Collins, Hennies, Marchand and Waltman voting yes and none voting no and Brown abstaining)

30. No. 09RZ008 - Hillsvew Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Lot 14 less the west 100

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feet of Hillsview Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1475 Valley Drive.

Bulman presented the staff recommendation to approve the rezoning request. Bulman identified the uses that currently exist on the property.

Brown abstained from discussion and voting due to a conflict of interest. Brown identified that a family member owns the adjacent property.

Anderson abstained from discussion and voting due to a conflict of interest. Anderson identified that he has an ownership position on the subject property.

Hennies moved, Collins seconded and carried to recommend that the Rezoning from No Use District to General Commercial District be approved. (5 to 0 to 2 with Brewer, Collins, Hennies, Marchand and Waltman voting yes and none voting no and Brown and Anderson abstaining)

31. No. 09SE001 - Rapid City Greenway Tract

A request by Hills Alive Festival to consider an application for a **Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodway** on Tract 20 less Lot H1 of Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between North Mount Rushmore Road and Fifth Street.

Dale Tech, City Engineer for the City of Rapid City, presented the staff recommendation to deny the Special Exception request for the Hills Alive Festival. Tech stated that the Flood Plain Development Permit that was submitted did not include certification from a registered professional engineer that the proposed temporary structures could be adequately flood proofed.

In response to Brewer's comments and questions on the staff recommendation to deny, Tech stated that as part of the Flood Plain Development Permit process for any structure to be located in the floodway and the floodplain, an engineer must certify that whatever structure is placed can meet the Federal Emergency Management Agency (FEMA) requirements for anchoring or is able to withstand the hydrodynamic forces of a 100 year. Discussion followed.

In response to Brewer's question, Tech stated that the proposed structures cannot be certified as being in compliant with the current regulations. Further discussion followed.

In response to Brewer's question, Elkins stated that additional permits are required for events through the SDCL 11-6-19 Review process. Discussion followed.

In response to Hennies' question, Tech stated that possibly the only way that these uses could be permitted would be to amend the Floodplain Regulations.

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Tech reviewed the current definitions in the Municipal Codes.

Elkins reviewed the requirements and the processes for applicants to hold an event in the Memorial Park.

In response to Hennies' question, Schad stated that the concern is the structures obstructing the flow of water during a catastrophic flood event. Schad reviewed the Municipal Code provisions on which the Commission should base its decision.

In response to Hennies' question, Schad stated that conditions of the Ordinance need to be weighed in making a determination to allow types of events in the floodplain. Discussion followed.

In response to Anderson's question, Tom Schoenstedt and Cathy Cook, Event Directors for Hills Alive, stated that the Festival moved to Rapid City in 1998. Schoenstedt stated that modifications have been made to the set up of the event to be in compliance with the Flood Plain Ordinance. Schoenstedt expressed concern for the event's outcome and financial liability if the requested Exception is denied.

In response to Anderson's question, Elkins stated that adjustments have been made to the location of the event to move the structures outside of the hydraulic floodway and as a result of the additional construction at the Civic Center. Elkins identified that the structures are all located inside the 100 year flood plain and not in the hydraulic floodway.

Brewer's expressed his support for the Hills Alive event. Brewer further commented on the issues and liabilities of structures in the floodplain and floodway with the possibility of a catastrophic flood event. Brewer added that he was not in favor of a decision that would jeopardize the Federal Emergency Management Agency (FEMA) Insurance. Brewer expressed concern with the temporary structures inhibiting water flow. Discussion followed.

Brewer moved, Brown seconded to approve the Special Exception request.

Hennies' requested that stipulations be added that would require that the only type of structures allowed are those that can be removed immediately and second that the vendors will remove them immediately upon the request of an authority by the City.

Elkins commented that the major stage that is constructed for the event would be difficult to tear down in a short period of time. Discussion followed.

Schoenstedt stated that the stage is an integral part of the Hills Alive Festival.

Lengthy discussion followed regarding height, building materials and the basic structure of the stage.

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In response to Anderson's questions, Elkins identified the floodway and floodplain boundaries on the subject property and the proposed location of the stage structure for the event. Additional discussion followed regarding the stage construction.

Hennies' expressed his concern with any structures in the floodplain that would inhibit the flow of water.

Schoenstedt expressed his appreciation for the Commission's concern for public safety. Schoenstedt requested that the Planning Commission approve the Exception request.

Collins expressed her opinion that the stage could be deconstructed in a shorter period of time that it took to construct. Collins expressed her support for the Exception request.

Brewer expressed support for the Exception request.

Hennies requested that a stipulation be added to the motion stating that the structures be taken down and that the event must cease at the request of an emergency authority.

Elkins suggested that perhaps the focus should be on evacuating people rather than tearing down structures and removing them. Discussion followed.

Hennies moved to amend the motion on the floor to require that the Festival be stopped and the structures be removed if ordered to do so by a City official or emergency authority.

Elkins stated that a second would be required.

The motion failed for the lack of a second.

Brewer requested that a specific individual or individuals authorized to stop the Festival be identified such as the Mayor, the Chief of Police or the head of Emergency Management Services.

Substitute motion by Hennies, Seconded by Brewer to recommend approval of the Special Exception to the Flood Area Construction Standards with the stipulation that the Festival will be stopped and the structures removed if ordered so by the Police Chief, Fire Chief, Mayor or Emergency Management Director.

In response to Brown's question, Schoenstedt identified the individuals on premise at the Hills Alive Festival during the event. Discussion followed.

Elkins stated that an emergency response plan can be required through the 11-6-19 Review process. Discussion followed.

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Substitute motion by Hennies, Seconded by Brewer to recommend approval of the Special Exception to the Flood Area Construction Standards with the stipulation that the Festival will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, or Emergency Management Director. (7 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Marchand and Waltman voting yes and none voting no)

32. No. 09SR006 - Original Town of Rapid City

A request by Rick Holp for SWS, LLC to consider an application for a **SDCL 11-6-19 Review to allow the construction of one additional cellular communication antenna** on Lots 1 thru 16 of Block 91 of Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 909 St. Joseph Street.

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

In response to Brewer's question, Elkins stated that the use is utility service and thus is subject to an 11-6-19 Review.

Collins moved, Marchand seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow 13 antennas on a single building rooftop in lieu of the maximum allowed six antennas. (7 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Marchand and Waltman voting yes and none voting no)

*33. No. 09UR003 - Marshall Heights Tract

A request by Coco Palace to consider an application for a **Major Amendment to a Conditional Use Permit for an on-sale liquor establishment** on Lot 1 of Lot K2-C of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1900 North Maple Avenue.

Tegethoff presented the staff recommendation to continue the Conditional Use Permit request to the March 5, 2009 Planning Commission meeting.

Hennies moved, Marchand seconded and unanimously carried to continue the Major Amendment to a Conditional Use Permit for an on-sale liquor establishment to the March 5, 2009 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Marchand 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.

34. Discussion Items

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- A. Elkins asked if the Planning Commission wished to hold a follow-up discussion regarding activities in the floodplain.

Brewer requested that Council hold discussions to allow events in the floodplain. Discussion followed.

Elkins suggested that the Flood Plain Policy Committee be brought back together to discuss these issues. Discussion followed

Karen Gunderson-Olsen, Alderwoman, expressed her support for further review of the Floodplain Policy with regard to the scheduled festivals that take place at local parks and the uses of temporary structures. Olsen added that additional issues need to be brought forward for discussion.

Anderson commented on the Federal Emergency Management Agency Insurance. Elkins stated that Federal Emergency Management Agency has a minimum ordinance and any changes to the City's Ordinances would need to be approved by Federal Emergency Management Agency.

Hennies expressed his support regarding policy changes with regard to temporary structures.

In response to Brewer's question, Elkins suggested that a committee be created to work on policy modifications and that the Planning Commission request staff brings forward a policy for review by the Planning Commission.

Collins, Waltman, Brown and Hennies volunteered to serve on a Committee to discuss policy modifications regarding the Ordinance permitting temporary structures in the flood plain within 30 days.

35. Staff Items

Elkins welcomed Collins back to the Planning Commission.

36. Planning Commission Items

37. Committee Reports

- A. City Council Report (February 2, 2009)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee

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- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Brown moved, Anderson seconded and unanimously carried to adjourn the meeting at 8:16 a.m. (7 to 0 with Anderson, Brewer, Brown, Collins, Hennies, Marchand, and Waltman voting yes and none voting no)