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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 7, 2009

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

STAFF PRESENT: Vicki Fisher, Monica Heller, Travis Tegethoff, Jared Ball, Ted Johnson, Karley Halsted, Richard Broderick, Mike Schad and Carol Campbell.

Waltman called the meeting to order at 7:04 a.m.

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

Staff requested that Items 4 and 13 be removed from the Consent Agenda for separate consideration.

Waltman requested that Item 1 be removed from the Consent Agenda for separate consideration.

Motion by Brewer, Seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 13 in accordance with the staff recommendations with the exception of Items 1, 4 and 13. (8 to 0 with Brewer, Brown, Collins, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

2. No. 08PL131 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Preliminary Plat** for proposed Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of

13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, more generally described as being located at 333 Concourse Drive.

Planning Commission continued the Preliminary Plat to the May 21, 2009 Planning Commission meeting.

3. No. 08SV047 - Rushmore Business Park

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

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code to the May 21, 2009 Planning Commission meeting.

*5. No. 09PD016 - Vista Lake Subdivision

A request by Site Dynamics, Inc. for SWS, LLC to consider an application for a

Major Amendment to a Planned Residential Development to allow additional cellular facilities in the Office Commercial Zoning District on Lot 1, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4616 Jackson Boulevard.

Planning Commission continued the Major Amendment to a Planned Residential Development to allow additional cellular facilities in the Office Commercial Zoning District to the May 21, 2009 Planning Commission meeting.

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

6. No. 09PL004 - Eastern Acres Subdivision

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

Planning Commission continued the Preliminary Plat to the May 21, 2009 Planning Commission meeting.

7. No. 09SV004 - Eastern Acres Subdivision

A request by D.C. Scott Co. Land Surveyors for Herbert Jones to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 11AR of Block 7 of Eastern Acres Subdivision, legally described as Lot 11A and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5581 Corbin Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code to the May 21, 2009 Planning Commission meeting.

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

A request by Koozie Johnson for West River Electric Association, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the construction of a public utility line and to authorize the granting of a utility easement** on N1/2 SE1/4 NW1/4 Less Lot H1, S1/2 SE1/4 NW1/4; NE1/4 SW1/4; W1/2 SE1/4,

excepting therefrom Tract A of the E1/2 SW1/4 and the W1/2 SE1/4, and the Department of Transportation Railroad Right-of-way lying in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, Department of Transportation Railroad, all in Section 10, T1N, R8E, BHM, Pennington County, South Dakota, and Department of Transportation Railroad, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of the intersection of the Southeast Connector and S.D. Highway 44, at the eastern terminus of Garden Lane and west of Pioneer Drive.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a public utility line and to authorize the granting of a utility easement to the May 21, 2009 Planning Commission meeting.

9. No. 09SR025 - Big Horn Sheep Preserve

A request by Cody Schad to consider an application for a **SDCL 11-6-19 Review to allow a trail to cross a section line** on Lot 2 of Bighorn Sheep Preserve of Section 7, T1S, R7E, BHM and Government Lot 6 of Section 6, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northern terminus of Strato Bowl Road.

Planning Commission continued the SDCL 11-6-19 Review to allow an access road to cross a section line to the May 21, 2009 Planning Commission meeting.

10. No. 09SR026 - South Boulevard Addition

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

Planning Commission continued the SDCL 11-6-19 Review to expand a utility substation to the May 21, 2009 Planning Commission meeting.

11. No. 09SR030 - Original Town of Rapid City

A request by Sandra Schwan for Rapid City Downtown Association to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** on the Sixth Street right-of-way and adjacent alley adjacent to Lots 1 and 32 of Block 84 and the Seventh Street right-of-way and adjacent alley adjacent to Lots 1 and 32 of Block 83 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Seventh and Sixth Streets between Main Street and St. Joseph Street.

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

12. No. 09SR031 - Original Town of Rapid City

A request by Jenny Gaaskjolen to consider an application for a **SDCL 11-6-19**

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Review to allow temporary structures on public property on in the Sixth Street right-of-way adjacent to Lots 16 thru 23 of Block 75 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the Sixth Street right-of-way between Main Street and the railroad right-of-way and on the property described as 530 and 541 Main Street.

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

---END OF CONSENT CALENDAR---

1. Approval of the April 23, 2009 Planning Commission Meeting Minutes.

Waltman requested that a correction be made to the April 23, 2009 Planning Commission minutes on item Number 22 to correct the minutes to reflect the change in the vote that she abstained.

Brewer moved, Hennies seconded and unanimously carried to approve the April 23, 2009 Planning Commission minutes as revised. (8 to 0 with Brewer, Brown, Collins, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

- *4. No. 09PD015 - Schoenhard Subdivision

A request by Site Dynamics, Inc. for SWS, LLC to consider an application for a **Major Amendment to a Planned Commercial Development to allow a communication facility and a car sales and display lot in the General Commercial Zoning District** on Lot BR of Schoenhard Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3400 West Chicago.

Tegethoff presented the staff recommendation to approve the Major Amendment to the Planned Commercial Development request.

Hennies moved, Collins seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development to allow a communication facility and a car sales and display lot in the General Commercial Zoning District with the following stipulations:

1. **A Building Permit shall be obtained prior to initiation of any construction and that a Certificate of Occupancy shall be obtained prior to occupying the building;**
2. **Prior to issuance of a Building Permit, all plans shall be prepared and stamped by a Registered Professional Engineer per SDCL 36-18A;**
3. **The permitted uses shall be an auto sales office and a communication tower or a Major Amendment to the Commercial Development Plan shall be obtained;**
4. **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;**

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5. Any additional signage requested for the property shall to be submitted for review and approval prior to the Planning Commission meeting or a subsequent Amendment to the Planned Commercial Development shall be submitted when the signage information is available;
6. A minimum of 6 parking spaces shall be provided. In addition, 1 of the parking spaces shall be a handicap accessible space. All provisions of the Off-Street Parking Ordinance shall be continually met;
7. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and maintained in a live vegetative state;
8. Prior to issuance of a Building Permit, the applicant shall submit a grading and erosion control plan for review and approval as necessary;
9. All applicable provisions of the International Fire Codes shall be continually met;
10. Prior to issuance of a Certificate of Occupancy, the area shall be reseeded to provided the demonstrated landscape points;
11. Prior to issuance of a building permit, stamped plans by a Registered Professional Engineer shall be submitted for review and approval of the existing wood retaining wall;
12. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Major Amendment to a Planned Commercial Development or a subsequent Major Amendment; and,
13. The Major Amendment to a 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. (8 to 0 with Brewer, Brown, Collins, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

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

13. No. 09SR033 - Rapid City Greenway Tracts

A request by Alan Van Bochove for Black Hills Power to consider an application for a **SDCL 11-6-19 Review to authorize granting of a utility easement and to construct a public utility on public property** on Lots 1 and 2 of the SE1/4 NE1/4 of Section 3, T1N, R7E (as shown in the Plat Book 7 page 59) and Tract 10A of the Rapid City Greenway Tracts as shown in Plat Book 17 page 106, located in the SE1/4 NE1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1015 and 915 Mountain View Road.

Fisher presented the staff recommendation to approve the SDCL 11-6-19 Review request as all required information has been submitted.

Brewer moved, Marchand seconded and unanimously carried to approve the SDCL 11-6-19 Review to authorize granting of a utility easement and to construct a public utility on public. (8 to 0 with Brewer, Brown, Collins, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

14. No. 09SR034 - Original Town of Rapid City

A request by Don Holloway for Pennington County to consider an application for a **SDCL 11-6-19 Review to allow a public use** on Lot 17 thru 22 of Block 108 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 230 Quincy.

Fisher presented staff's recommendation to deny the SDCL 11-6-19 Review request. Fisher reviewed the proposed use. Fisher identified the negative impact to the adjacent neighborhood due to the increased traffic and the short term parking issues. Fisher stated that the facility was previously approved and currently used by the National American University as part of the Planned Development for the veterinary program. Fisher identified the location of the facility in relation to adjacent properties. Fisher commented on neighborhood concerns with the negative impact to the community. Fisher stated the number of participants would be in excess of 634 required parking spaces on the site. Fisher added that the structure is not large enough to accommodate all of the participants, requiring that the participants wait outside the building.

In response to Hennies' question, Fisher identified the locations of double parking in the street right-of-way that were witnessed during the staff inspection of the site. Discussion followed.

Collins expressed her concerns with the negative impact to the adjacent neighborhoods and commercial uses. Collins expressed her opposition to the use on the subject property.

In response to Scull's question, Fisher stated that when a new use is introduced to a structure, it initiates the need for a building permit.

In response to Brewer's question, Fisher stated that the traffic concern is one of the major issues. Pedestrian safety, character of the program and insufficient size of the building resulting in visibility of the participants are also issues. Discussion followed.

Don Holloway, Pennington County Sheriff, stated that the difficulty with the type of program is finding a suitable location within the community. Holloway commented that initially 70 participants were serviced. Holloway added that all of the participants are not at the facility at the same time. Holloway stated that parking is always available. Holloway added that the National American University students are not using the parking at the same time as the participants

of the 24/7 program. Holloway commented that a traffic study was conducted and reviewed the type of traffic and the use and speed. Holloway identified other suggested locations within the community. Holloway requested that the Planning Commission approve the SDCL 11-6-19 Review request.

In response to Waltman's question, Holloway stated that the reason the location was selected was due to the close proximity to the Court and Public Safety building providing convenience for staff and participants.

In response to Collins, Holloway stated that there was not a traffic survey conducted prior to the current use. Holloway added that law enforcement has tried to minimize the noise issue that results from the use.

In response to Landguth's question, Holloway stated that the Old Mills west building on East Boulevard, near Job Services is an area that has been suggested as an alternate location. Holloway added that the fees received from the participants are what pay the rent for the facility.

In response to Landguth's question, Holloway commented on the viability of functioning on a joint site with the State Department of Corrections. Holloway added that a work release facility should be in the same structure as the 24/7 facility.

Brewer expressed his support for the program. Brewer expressed concern for the negative impact to the National American University Planned Development and parking for the college. Brewer expressed his opinion regarding the difficulty of finding locations for these types of facilities. Discussion followed.

Holloway stated that a public meeting will be held to review the impact to the adjacent neighborhood.

In response to Hennies' question, Holloway stated that the Adams Street facility would need to be vacated by late 2011.

Natalie Neuman, area resident expressed her concern with regard to the negative impact of the increased traffic and the noise from the use on the subject property. Neuman submitted a petition of adjacent property owners opposing the proposed use on the subject property. Neuman reminded the Commission of the close proximity of the neighborhood schools and to the Library. Neuman requested that the Planning Commission deny the SDCL 11-6-19 Review request. Discussion followed.

Brown commented on the difficulty in placing of these uses in the community. Brown expressed his opinion that more effort should be given to combining facilities. Discussion followed.

Fisher identified zoning districts and possible locations that would support the proposed use.

Scull expressed his opinion regarding the need for the use and that the

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discussions need to be reviewed by the community. Scull commented on the need for the community to allow non-productive citizens to become productive citizens. Scull commented on the need for community support.

Hennies commented regarding difficulty in traffic within residential neighborhoods. Hennies stated that he watched traffic in the area and further noted that the primary traffic is through traffic. Hennies commented on his observations of the use on the subject property with regard to traffic and parking. Hennies expressed his opinion that the participants that use the facility are not violent offenders.

Hennies moved, seconded by Brewer to approve the SDCL 11-6-19 Review to allow a public use.

Brewer expressed his opinion that the community need to begin discussion with regard to these types of uses. Brewer added that the negative impact from increased traffic and parking from the use must be addressed. Brewer further commented that the City and the County need to work together to resolve these issues.

Fisher stated that a SDCL 11-6-19 review cannot be approved with stipulations. Discussion followed.

Fisher outlined options available to the Planning Commission with regard to the SDCL 11-6-19 Review request. Fisher recommended that the SDCL 11-6-19 Review be continued to allow the applicant to revise the application to address the constraints being discussed. Discussion followed.

In response to Hennies' question, Holloway agreed to address the issues of concern identified by the Planning Commission.

Fisher stated that upon approval, a building permit must be submitted. Building and Fire Code issues will be addressed as a part of the building permit.

Hennies moved, Brewer seconded and carried to approve the SDCL 11-6-19 Review to allow a public use. (7 to 1 with Brewer, Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and Collins voting no)

Larry Elwess, area resident, expressed his opinion that some of the participants of the 24/7 still drink while on the program.

Collins expressed her opinion that some of the participants still drink while on the program.

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

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

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

Tegethoff presented staff's recommendation to continue the Planned Development request to the May 23, 2009 Planning Commission meeting.

Pat O'Neill, area resident, expressed concern for the negative impact to pedestrian traffic from the increased use on the subject property.

Steven Brenden, expressed his opposition to increased development on the subject property. Brenden requested that the Planning Commission deny the Planned Development request.

Veda Wojciechowski, area resident expressed her opposition to increased development on the subject property. Wojciechowski requested that the Planning Commission deny the Planned Development request.

Andy Scull for Scull Construction, the applicant, commented on the issues presented by speakers. Scull requested that the Planning Commission continue the Planned Development request to the June 4, 2009 Planning Commission meeting.

Lisa Gallagher, area resident, expressed her concerns with the negative impact to the adjacent neighborhood from the increased traffic from the subject property.

In response to Landguth's question, Fisher stated that staff will bring information back to the Planning Commission as requested. Discussion followed.

In response to Brewer's question, Tegethoff identified the location and paving surface of the Fire Lane on the subject property. Discussion followed.

Brewer moved, Collins seconded and carried to continue the Planned Residential Development - Initial and Final Development Plan to the June 4, 2009 Planning Commission meeting. (7 to 0 to 1 with Brewer, Brown, Collins, Hennies, Landguth, Marchand, 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.

16. 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,

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more generally described as being located at the northwest terminus of Bunker Drive.

Tegethoff presented the staff recommendation to continue the Preliminary Plat request to the May 21, 2009 Planning Commission meeting.

Collins moved, Hennies seconded and unanimously carried to continue the Preliminary Plat to the May 21, 2009 Planning Commission meeting. (8 to 0 with Brewer, Brown, Collins, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

17. 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.

Brown left the meeting at this time.

Fisher presented the staff recommendation to continue to the SDCL 11-6-19 Review request to the May 21, 2009 Planning Commission meeting.

Hennies moved, Landguth seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of Phase Two and Three of Minnesota Street to the May 21, 2009. (7 to 0 with Brewer, Collins, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

*18. No. 09PD008 - Boulevard Addition

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

Tegethoff presented the staff recommendation to continue the Planned Commercial Development request to the May 21, 2009 Planning Commission meeting.

Roger Gallimore, applicant, reviewed items of concern as presented previously by the Planning Commission. Gallimore expressed his opinion that there is sufficient parking and further reviewed the current and proposed uses on the subject property. Gallimore requested that the Planning Commission approve the Planned Commercial Development request less stipulations from the staff report.

In response to Waltman's question, Tegethoff stated that staff did not have

complete information regarding the required parking.

In response to Hennies question, Tegethoff identified the parking requirements.

Hennies moved, Landguth seconded to approve the Planned Commercial Development - Initial and Final Development Plan be approved with the revised legal description of Lots 15 thru 18 of Block 4 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota with stipulations.

Brewer moved, Landguth seconded and unanimously carried to continue the Planning Commisison meeting past the 9:00 a.m. deadline. (7 to 0 with Brewer, Collins, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

Fisher presented possible stipulations of approval. Discussion followed.

Hennies moved, Landguth seconded and unanimously carried to approve the Planned Commercial Development - Initial and Final Development Plan be approved with the revised legal description of Lots 15 thru 18 of Block 4 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and the following stipulations:

- 1. An exception is hereby granted to allow the existing parking stalls that back into the alley remain in place until such time as the building is expanded or removed and a new structure is built on the property. At the time the building is expanded or removed and a new structure is built the subject property shall conform to all of the regulations of the district in which it is located;**
- 2. The parking requirement is hereby reduced from 110 parking stalls to 23 parking stalls until such time as the building is expanded or removed and a new structure is built on the property. At the time the building is expanded or removed and a new structure is built the subject property shall conform to all of the regulations of the district in which it is located;**
- 3. The currently adopted International Fire Code shall be continually met;**
- 4. The hours of operation shall be from 5:30 a.m. to 7:00 p.m. for the child care center;**
- 5. A maximum of 75 children shall be allowed at the child care center at any one time;**
- 6. Prior to Planning Commission approval, a complete sign package shall be submitted for review and approval or a Major Amendment to the Planned Commercial Development shall be obtained prior to the installation of any signage**
- 7. A minimum of 35 square feet of play space shall be provided per child as per Section 17.50.150 of the Rapid City Municipal Code;**
- 8. All signage shall conform to the existing signage located on the property. Changes to the proposed signage, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to**

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the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;

9. The day care facility shall not be in operation during church activities;
10. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
11. The Planned Commercial Development to allow a Child Care Center shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
12. The church use shall be relocated from the property as soon as possible. (7 to 0 with Brewer, Collins, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

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

*19. No. 09PD009 - Rushmore Mall Addition

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

Tegethoff presented the staff recommendation to continue the Planned Commercial Development to the May 21, 2009 Planning Commission meeting.

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

Collins moved, Landguth seconded and carried to continue the Planned Commercial Development - Initial and Final Development Plan to the May 21, 2009 Planning Commission meeting. (5 to 0 to 2 with Brewer, Collins, Hennies, Landguth and Marchand voting yes and none voting no and Scull and Waltman abstaining)

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

Tegethoff requested that items 20 and 21 be taken concurrently.

20. No. 09PL003 - Hilltop Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 1 of Block 2 of Hilltop Business Park Subdivision, legally described as a portion of the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Homestead Street and Elk Vale Road.

21. No. 09SV002 - Hilltop Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1 of Block 2 of Hilltop Business Park Subdivision, legally described as a portion of the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Homestead Street and Elk Vale Road.

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

Tegethoff presented the staff recommendation to continue the Preliminary Plat and the Variance to the Subdivision Regulations to the May 21, 2009 Planning Commission meeting.

Marchand moved, Brewer seconded and carried to continue the Preliminary Plat and 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 to the May 21, 2009 Planning Commission meeting. (6 to 0 to 1 with Brewer, Collins, Hennies, Landguth, Marchand, and Waltman voting yes and none voting no and Scull abstaining)

22. No. 09PL014 - Discovery Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1, 2 and 3 of Tract 3 of Discovery Subdivision of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, 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.

Fisher presented the staff recommendation to continue the Preliminary Plat to the May 21, 2009 Planning Commission meeting.

Brewer moved, Hennies seconded and unanimously carried to continue the Preliminary Plat to the May 21, 2009 Planning Commission meeting. (7 to 0 with Brewer, Collins, Hennies, Landguth, Marchand, Scull and Waltman

voting yes and none voting no)

23. No. 09PL016 - Blake Estates Subdivision

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

Fisher presented the staff recommendation to continue the Layout Plat to a Special Planning Commission date. Fisher recommended that Wednesday, May 20, 2009 at 8:00 a.m. for the date of the Special Planning Commission meeting. Discussion followed. Planning Commission confirmed the date of the Special Planning Commission.

Fisher presented the staff recommendation to continue the Layout Plat to the June 4, 2009 Planning Commission meeting.

Brewer moved, Hennies seconded and unanimously carried to recommend that the Layout Plat be continued to the June 4, 2009 Planning Commission meeting. (7 to 0 with Brewer, Collins, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

24. No. 09SE003 - 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 the 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 in Memorial Park.

Tech presented the staff recommendation to deny the Special Exception to the Flood Area Construction Regulations for the year 2010. Discussion followed.

Brewer moved, Collins seconded and unanimously carried to recommend that the Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodway be approved with the following stipulations:

- 1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director; and,**
- 2. That the structures for the event be removed that evening after the event has ceased. (7 to 0 with Brewer, Collins, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)**

25. No. 09SR019 - Rapid City Greenway Tracts

A request by James L. Scull, Jr. to consider an application for a **SDCL 11-6-19 Review to allow structures on public property** on Tract 1 of Rapid City Greenway Tracts located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the

intersection of Chapel Lane and Shore Drive.

Tegethoff presented the staff recommendation to continue the SDCL 11-6-19 Review request to the May 21, 2009 Planning Commission meeting.

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

Collins moved, Marchand seconded and carried to continue to the SDCL 11-6-19 Review to allow structures on public property to the May 21, 2009 Planning Commission meeting. (6 to 0 to 1 with Brewer, Collins, Hennies, Landguth, Marchand and Waltman voting yes and none voting no and Scull abstaining)

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

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

Ball presented the staff recommendation to continue the SDCL 11-6-19 Review request to the May 21, 2009 Planning Commission meeting.

Collins moved, Marchand seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct a public sewer main to the May 21, 2009 Planning Commission meeting. (7 to 0 with Brewer, Collins, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

27. No. 09SR029 - Boulevard Addition

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

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

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

28. No. 09SR032 - Original Town of Rapid City

A request by Steve Rolinger for Suzette Cuny and the Rapid City Downtown Association to consider an application for a **SDCL 11-6-19 Review to allow temporary structures in the public right-of-way** on in the Sixth Street right-of-way adjacent to Lots 16 and 17 of Block 75 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Sixth Street from Main Street north to the alley in Block 75 of the Original Town of Rapid City.

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

Hennies moved, Landguth seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow temporary structures in the public right-of-way. (7 to 0 with Brewer, Collins, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

29. No. 09SR039 - Rapid City Greenway Tract

A request by Dale Salway to consider an application for a **SDCL 11-6-19 Review to allow structures on public property** on Tract 20 less Lot H1 of the Rapid City Greenway Tract, Section 36, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Rushmore Civic Center.

Fisher presented the staff recommendation to approve the SDCL 11-6-19 Review request. Fisher stated that the tepees are located outside of the 100 year floodplain.

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

*30. No. 09UR011 - Providence Addition

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

Tegethoff presented the staff recommendation to deny the Conditional Use Permit request without prejudice. Tegethoff added that staff has concerns with

on-sale liquor concentration and proximity to residential neighborhoods.

Steve Wynia, applicant/owner, expressed his opinion that there have been no opposition expressed to the proposed use. Wynia further commented on the that there is not an undue concentration of similar uses. Wynia requested that the Planning Commission approve the Conditional Use Permit request.

In response to Collins question, Wynia stated that the storage is for the business on premises. Discussion followed.

Landguth expressed his opinion regarding the possible negative impact from the increase in traffic and the difficulty of the topography at the location.

Brewer expressed support for the Conditional Use Permit request on the subject property.

Fisher presented possible stipulations of approval. Discussion followed regarding possible stipulations of approval.

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

- 1. The hours of operation shall be limited from 8:00 a.m. to midnight.;**
- 2. The permitted uses shall be a on-sale liquor establishment with video lottery and storage or a Major Amendment to the Conditional Use Permit shall be obtained;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. A minimum of 14 parking spaces shall be provided and one of the parking spaces shall be a handicap accessible space. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 5. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 6. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. 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 Conditional Use Permit. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
- 7. 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;**
- 8. The currently adopted International Fire Code shall be continually**

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- met;
9. **Prior to issuance of a Certificate of Occupancy, the parking lot shall be repaired;**
 10. **All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of this Conditional Use Permit application or a subsequent Major Amendment; and,**
 11. **The Conditional Use Permit shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 1 with Brewer, Collins, Hennies, Marchand, Scull and Waltman voting yes and Landguth voting no)**

Marchand left the meeting at this time.

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.

31. Discussion Items

- A. Ordinance Amendment to revise permitted and conditional uses and area regulations within the Airport Zoning District.

Heller presented the staff recommendation to authorize staff to advertise for public hearing to consider an amendment to revise permitted and conditional uses in the Airport Zoning District and eliminate the front yard, side yard and rear yard setbacks on lease lines within the Airport Zoning District. Discussion followed.

Scull moved, Landguth seconded and unanimously carried to authorize staff to advertise for public hearing to consider an amendment to revise the permitted and conditional uses in the Airport Zoning District and eliminate the front yard, side yard and rear yard setbacks on lease lines within the Airport Zoning District. (6 to 0 with Brewer, Collins, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

- B. Parking Determination for a Tire Sales and Service Facility.

Heller presented the staff recommendation to authorize staff to advertise for a public hearing to consider an amendment to revise the Off-Street Parking Requirements to include specific requirements for a Tire Sales and Service Facility.

Scull moved, Collins seconded and unanimously carried to authorize staff to advertise for public hearing to consider an amendment to revise the Off-Street Parking Requirements to include specific requirements for a Tire Sales and Service Facility. (6 to 0 with

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Brewer, Collins, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

32. Staff Items

Ball stated that he would be leaving the Growth Management staff and thanked the City of Rapid City Planning Commission and the Growth Management staff.

33. Planning Commission Items

Heller reminded the Planning Commission of the Special Planning Commission on May 19, 2009 at 5:30 p.m.

34. Committee Reports

- A. City Council Report (April 20, 2009)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Brewer moved, Landguth seconded and unanimously carried to adjourn the meeting at 9:37 a.m. (6 to 0 with Brewer, Collins, Hennies, Landguth, Scull and Waltman voting yes and none voting no)