



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 21, 2009

MEMBERS PRESENT: Peter Anderson, Gary Brown, Barb Collins, Julie Gregg, Thomas Hennies, Linda Marchand.

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

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

Hennies 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 20 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 24 in accordance with the staff recommendations with the exception of Item 20. (6 to 0 with Anderson, Brown, Collins, Gregg, Hennies, and Marchand, voting yes and none voting no)

1. Approval of the May 7, 2009 Planning Commission Meeting Minutes.
2. No. 07PL134 - Hyland Crossing Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, legally described as a portion of the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

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

3. No. 07SV057 - Hyland 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 curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the Dedicated Right-of-way, legally described as the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of



Dreamscape Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code to the June 25, 2009 Planning Commission meeting.

4. 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 June 4, 2009 Planning Commission meeting.

5. No. 08SV047 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of



124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning: Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, more generally described as being located at 333 Concourse Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code to the June 4, 2009 Planning Commission meeting.

6. 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 Code.**

Planning Commission continued the Ordinance Amendment to amend Section 16.50.335 "Sight Triangles" of the Rapid City Municipal Code to the July 23, 2009 Planning Commission meeting.

7. 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, located in E1/2 NE1/4, legally described as Lot 1R of Block 3 of Rainbow Ridge Subdivision, located in the SE1/4 NE1/4, and a portion of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest terminus of Bunker Drive.

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

8. No. 08SR033 - Section 35, T1N, R7E
A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the construction of a lift station** on an portion of the unplatted balance of the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as



being located southeast of the intersection of Sammis Trail and Vilrickson Place.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a lift station to the June 25, 2009 Planning Commission meeting.

*9. 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** for Lot 1, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 4616 Jackson Boulevard.

Planning Commission continued the Major Amendment to a Planned Residential Development to allow additional cellular facilities in the Office Commercial zoning district to the June 4, 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.

*10. No. 09PD018 - Rushmore Crossing

A request by Midland Rushmore, LLC to consider an application for a **Major Amendment to a Planned Commercial Development to revise the sign package** for Tract E of Block 2 of Rushmore Crossing, located in Section 29 and Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1617 Eglin Street.

Planning Commission approved the Major Amendment to a Planned Commercial Development to revise the sign package with the following stipulations:

1. **The sign package shall be amended to allow a 2 foot 4 inch wide by 14 foot long sign along the west end of the building as proposed. The balance of the signage shall conform to the design, color and location as shown in the sign package submitted with Initial and Final Planned Commercial Development #07PD100 and the approved Minimal Amendments for "David's Bridal," "Shoe Carnival" and "Eyemart". Changes to the sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, 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;**



2. The roof top mechanical equipment shall be continually screened from view along the front and side(s) of the buildings. The roof top mechanical equipment shall also be camouflaged in color to match the color of the roof;
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 694 parking spaces shall be continually provided within 300 feet of the main entry into the building(s). In addition, 14 of the parking spaces shall be handicap accessible spaces. Landscaping and lighting shall also be maintained within the parking lot as per the previously approved parking plans;
5. The previously approved screening fence with landscaping shall be continually maintained along Interstate 90;
6. The proposed structure(s) shall continually conform architecturally to the plans, elevations and color palette submitted as part of original Initial and Final Planned Commercial Development Plan;
7. The dumpsters shall be located as shown on the site plan and continually screened on all four sides as proposed;
8. 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). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structure(s) shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;
9. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment; and,
10. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

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.

11. 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 recommended that the Preliminary Plat be approved with the following stipulations:

1. **Prior to Preliminary Plat approval by City Council, construction plans for Corbin Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the street shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by City Council, a cost estimate for any required subdivision improvements shall be submitted for review and approval;**
3. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees shall be paid as required;**
4. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
5. **The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.**

12. 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, more generally described as being located at 5581 Corbin Drive.

Planning Commission recommended that 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 be approved with the following stipulation:

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

13. No. 09PL014 - Discovery Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1, 2 and 3 of Tract 3 of Discovery Subdivision, legally described as Tract 3 of Discovery Subdivision located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4 of Section 28, T2N, R8E,



BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1851 Discovery Circle.

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

14. No. 09RZ024 - Marshall Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on all of the SE1/4 NE1/4 including the west half of Valley Drive right-of-way adjacent to the SE1/4NE1/4, less Lot 5 of Marshall Subdivision, less the south 25 feet of Homestead Street right-of-way adjacent to Lot 5 of Marshall Subdivision, and less the south 293 feet of Lot 6 of Marshall Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of the NE1/4 SE1/4 lying north of S.D. Highway 44 including the west half of Valley Drive right-of-way, less Lots 4, 5, 14, 15 Revised and 17 of Hillsvieview Subdivision and less the western most 33 feet of Valley Drive right-of-way lying south of Lot 13 of Hillsvieview Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Valley Drive and north of S.D. Highway 44.

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

15. No. 09SC001 - Original Town of Rapid City

A request by Bully Blends Coffee & Tea to consider an application for a **Sidewalk Café Permit** on Fifth Street Right-of-way located adjacent to Lots 11 thru 16 of Block 76 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 410 Fifth Street.

Planning Commission approved the Sidewalk Café Permit request with the following stipulations:

1. **A minimum 5 foot wide clear pedestrian path shall be maintained at all times as per the applicant's site plan;**
2. **Physical barricades shall be provided around the sidewalk café since alcoholic beverages will be served. In particular, the barricades shall consist of stanchions and chains in compliance with the submitted design details. The barricades shall not be attached permanently to the sidewalk and shall not exceed four feet in height;**
3. **The sandwich board sign shall be 24 inches by 36 inches as proposed. In addition, the sign shall be located within the boundary of the barricaded sidewalk. The sign shall contain no off-premises advertising and shall display no logo or advertising copy other than for the primary business of the occupant of the abutting property;**
4. **Commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability shall continually be provided. The City of Rapid City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the**



event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked;

5. The proposed sidewalk café shall conform to the plans and design criteria submitted as part of this Sidewalk Café Permit and shall be operated in compliance with Chapter 12.20.020(E) of the Rapid City Municipal Code; and,
 6. The Sidewalk Café Permit may be revoked for cause, consisting of failure to maintain the standards required for this permit as per Chapter 12.20.020(E).12.
16. No. 09SC002 - Original Town of Rapid City
A request by Pamela Light for Wine Cellar Restaurant, LLC to consider an application for a **Sidewalk Café Permit** on south 80 feet of Lot 1, all of Lot 2 of Block 84 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 513 Sixth Street.

Planning Commission approved the Sidewalk Café Permit request with the following stipulations:

1. A minimum 5 foot wide clear pedestrian path shall be maintained at all times as per the applicant's site plan;
 2. Physical barricades shall be provided around the sidewalk café since alcoholic beverages will be served. In particular, the barricades shall consist of stanchions and chains in compliance with the submitted design details. The barricades shall not be attached permanently to the sidewalk and shall not exceed four feet in height;
 3. Commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability shall continually be provided. The City of Rapid City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked;
 4. The proposed sidewalk café shall conform to the plans and design criteria submitted as part of this Sidewalk Café Permit and shall be operated in compliance with Chapter 12.20.020(E) of the Rapid City Municipal Code; and,
 5. The Sidewalk Café Permit may be revoked for cause, consisting of failure to maintain the standards required for this permit as per Chapter 12.20.020(E).12.
17. 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 June 4, 2009 Planning Commission meeting.

18. No. 09SR025 - Big Horn Sheep Preserve

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

Planning Commission continued the SDCL 11-6-19 Review to allow an access road to cross a section line highway to the June 4, 2009 Planning Commission meeting.

19. No. 09SR026 - South Boulevard Addition

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

Planning Commission continued the SDCL 11-6-19 Review to expand a utility substation to the June 4, 2009 Planning Commission meeting.

21. No. 09SR035 - Rapid City Greenway Tract

A request by Hills Alive Festival to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** 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.

Planning Commission approved the SDCL 11-6-19 Review to allow temporary structures in a public park.

22. No. 09SR036 - Robbinsdale No. 8 Addition

A request by Rob Larson to consider an application for a **SDCL 11-6-19 Review to install a structure on public property** on Lots 38 and 39 of Robbinsdale No. 8 Addition, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3829 Odde Drive.

Planning Commission approved the SDCL 11-6-19 Review to install a



structure on public property.

23. No. 09SR037 - Original Town of Rapid City

A request by George Larson for the American Cancer Society to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** on the Seventh Street right-of-way located adjacent to Lots 16 and 17 of Block 84 and alley right-of-way 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 7th Street between Main and St. Joseph Streets.

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

24. No. 09SR038 - Boulevard Addition

A request by Jeff Nelsen for Rapid City Exchange Club to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** on Blocks 1 and 2 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Halley Park.

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

---END OF CONSENT CALENDAR---

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

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

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review request to the June 4, 2009 Planning Commission meeting.

Collins moved, Brown seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct a public sewer main to the June 4, 2009 Planning Commission meeting. (6 to 0 with Anderson, Brown, Collins, Gregg, Hennies, and Marchand, voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

25. No. 08SR076 - Sections 16 and 21, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the acquisition of right-of-way and**



construction of Minnesota Street on right-of-way located in the NW1/4 of the SW1/4 and in the S1/2 of the S1/2, Section 16, T1N, R8E, also in the NE1/4 of the NW1/4 and in the N1/2 of the NE1/4 of Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and south of the Existing Plum Creek Development.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review request to the June 4, 2009 Planning Commission meeting.

Collins moved, Brown seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of Phase Two and Three of Minnesota Street to the June 4, 2009 Planning Commission meeting. (6 to 0 with Anderson, Brown, Collins, Gregg, Hennies, and Marchand, voting yes and none voting no)

*26. No. 09PD009 - Rushmore Mall Addition

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

Tegethoff presented the staff recommendation to continue the Planned Commercial Development request to the June 25, 2009 Planning Commission meeting.

Collins moved, Marchand seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the June 25, 2009 Planning Commission meeting. (6 to 0 with Anderson, Brown, Collins, Gregg, Hennies, and Marchand, 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.

*27. No. 09PD017 - St. Elmo Addition No. 1

A request by Schlimgen Design Consultants, Inc. for Timothy Norberg to consider an application for a **Planned Commercial Development - Initial and Final Development Plan to allow an on-sale liquor establishment** for Lots 12 thru 23 of Block 8 of St. Elmo Addition No. 1, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2101 Mount Rushmore Road.

Fisher presented the staff recommendation to approve the Planned Commercial



Development request with stipulations.

Brown moved, Marchand seconded and unanimously carried to approve the Planned Commercial Development - Initial and Final Development Plan to allow an on-sale liquor establishment with the following stipulations:

- 1. Prior to Planning Commission approval, the applicant shall demonstrate screening around the roof top mechanical units;**
- 2. Prior to Planning Commission approval, access to the dumpster shall be demonstrated;**
- 3. Prior to Planning Commission approval, drainage information addressing the water quality capture volumes shall be submitted for review and approval;**
- 4. Prior to Planning Commission approval, the site plan shall be revised to clearly demonstrate curb and access control along the west lot line;**
- 5. An Exception is hereby granted to reduce the rear yard setback along the west lot line from 15 feet to 6 feet for the proposed structure. No further encroachments into the 15 foot setback are allowed. All other setbacks shall be provided in compliance with the General Commercial District;**
- 6. An Exception is hereby granted to waive the requirement to provide a 6 foot high screening fence along the entire west lot line in order to allow the two approaches along the alley. A 6 foot high wood screening fence shall be constructed along the balance of the west lot line. In addition, the fence shall be constructed to conform architecturally to the elevation and color palette submitted as part of this Initial and Final Planned Commercial Development Plan;**
- 7. All provisions of the General Commercial District shall be met unless an Exception is specifically authorized as a stipulation of this Commercial Development Plan or a subsequent Major Amendment;**
- 8. A Building Permit shall be obtained. In addition, a Certificate of Occupancy shall be obtained prior to occupancy;**
- 9. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Initial and Final Commercial Development Plan;**
- 10. The signage shall conform to the design, color and location as shown in the sign package approved with this Initial and Final Planned Commercial Development. Changes to the sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, 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;**
- 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. A minimum of 32,500 landscaping points shall be provided. In addition, the landscaping shall be designed to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
13. A minimum of 58 parking spaces shall be provided. In addition, three 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;
14. The dumpster shall be located as shown on the site plan and continually screened on all four sides;
15. The currently adopted International Fire Code shall be continually met;
16. A full service restaurant with on-sale liquor, an arcade and a gift store shall be allowed on the property unless otherwise specifically authorized as a Major Amendment to the Commercial Development Plan; and,
17. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (6 to 0 with Anderson, Brown, Collins, Gregg, Hennies, and Marchand, voting yes and none voting no)

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

Tegethoff requested that items 28 and 29 be taken concurrently.

28. 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, formerly a portion of the SE1/4 of the NE1/4, located in the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, 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.
29. No. 09SV002 - Hilltop Business Park Subdivision
A request by Dream Design International, Inc. to consider an application for a



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

Tegethoff presented the staff recommendation to continue the Preliminary Plat and the Variance to the Subdivision Regulations requests to the June 4, 2009 Planning Commission meeting.

Collins moved, Brown seconded and unanimously carried to continue the Preliminary Plat and the Variance to the Subdivision Regulations requests to the June 4, 2009 Planning Commission meeting. (6 to 0 with Anderson, Brown, Collins, Gregg, Hennies, and Marchand, voting yes and none voting no)

30. 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 approve the SDCL 11-6-19 Review request.

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

31. No. 09SR040 - Rapid City Greenway Tract

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

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review request to the June 4, 2009 Planning Commission meeting.

Collins moved, Gregg seconded and unanimously carried to continue the SDCL 11-6-19 to authorize the relocation of a right-of-way, to relocate a street, to create a stormwater facility and to extend a public utility with the to the June 4, 2009 Planning Commission meeting. (6 to 0 with Anderson, Brown, Collins, Gregg, Hennies, and Marchand, voting yes and none voting



no)

32. No. 09SR041 - Sunrise Heights

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to widen public streets, to extend public utilities and to construct drainage improvements** on Rights-of-way for 44th Street, west Main Street and 43rd Court adjacent to the following: Lot 41 Pinedale Addition, Block 4, Section 5, T1N, R7E, Lot 43 Brookside Subdivision No. 2, Block 12, Section 4, T1N, R7E, Lot 1 Brookside Subdivision No. 2, Block 12, Section 4, T1N, R7E, Lot 48 Revised Pinedale Addition, Block 1, Section 5, T1N, R7E, Lot 1 Revised Pinedale Addition, Block 1, Section 5, T1N, R7E, Lot 1 Brookside Subdivision No. 2, Block 14, Section 4, T1N, R7E, Drainage Easement Brookside Subdivision No. 2, Block 14, Section 4, T1N, R7E, Lot 3 Sunrise Heights, Block 7, Section 32, T2N, R7E, Lot 2 Sunrise Heights, Block 7, Section 32, T2N, R7E, Lot 1 Sunrise Heights, Block 7, Section 32, T2N, R7E, Lot 8 Brookside Subdivision No. 2, Block 13, Section 4, T1N, R7E, Lot 47 of Acre Tract Subdivision, Section 33, T2N, R7E, all in BHM, Rapid City, Pennington County, South Dakota; In addition within existing easements: Lot 3 Sunrise Heights, Block 7, Section 32, T2N, R7E, Lot 2 Sunrise Heights, Block 7, Section 32, T2N, R7E, Drainage Easement Brookside #2, Block 14, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on 44th Street, West Main Street and 43rd Court.

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

Collins moved, Marchand seconded and unanimously carried to approve the SDCL 11-6-19 Review to widen public streets, to extend public utilities and to construct drainage improvements. (6 to 0 with Anderson, Brown, Collins, Gregg, Hennies, and Marchand, voting yes and none voting no)

*33. No. 09UR012 - Section 5, T1N, R8E

A request by Brian Dadah to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lot B of Lot 3 of Tract D, located in the SW1/4 SW1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 1624 East St. Patrick Street.

Tegethoff presented the staff recommendation to approve the Conditional Use Permit request with stipulations and a revised legal description.

In response to Anderson's question, Tegethoff stated that if the use is changed that it would require a Major Amendment to the Conditional Use Permit. Discussion followed.

Collins moved, Marchand seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment with the revised legal description as follows: a portion of Lot B of Lot 3 of Tract D of the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows:



Commencing at the southwesterly corner of Lot B of Lot 3 of Tract D of the SW1/4 of the SW1/4 of Section 5: Thence, N11°47'32"E±, a distance of 117.25± feet, to the southwesterly corner of the existing building, common to the southwesterly corner of the License Area, and the Point of Beginning; Thence, first course: N00°08'01"E±, along the westerly wall of said building, a distance of 30.00± feet, to a point on the westerly line of the existing building and corner of the License Area; Thence, second course: S89°51'57"E±, along the centerline of a common wall, a distance of 8.67± feet, to a corner of said License Area; Thence, third course: N00°08'01"E±, along the centerline of a common wall, a distance of 22.95± feet, a corner of said License Area; Thence, fourth course: S89°51'59"E±, along the centerline of a common wall, a distance of 31.49± feet, to a corner of said License Area; Thence, fifth course: S00°08'02"W±, along the centerline of common wall, a distance of 17.77± feet, to a corner of said License Area; Thence, sixth course: S89°51'59"E±, along the centerline of a common wall, a distance of 27.18± feet, to a point on the easterly line of the existing building and corner of said License Area; Thence, seventh course: S00°08'01"W±, along the easterly wall of said building, a distance of 33.18± feet, to the southeasterly corner of the existing building, and a corner of said License Area; Thence, eighth course: N89°51'59"W±, along the southerly wall of said building, a distance of 37.33± feet, to a corner of said License Area; Thence, ninth course: S00°08'05"W±, along the southerly wall of said building, a distance of 2.00± feet, to a corner of said License Area; Thence, tenth course: N89°51'59"W±, along the southerly wall of said building, a distance of 30.00± feet, to the southwesterly corner of the existing building, common to the southwesterly corner of the License Area, and the Point of Beginning; Said Parcel contains 2,809 square feet or 0.064 acres more or less; and, with the following stipulations:

1. The hours of operation shall be limited from 10:00 a.m. to 11:00 p.m.;
2. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, may 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 must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign;
3. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
4. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
5. All applicable provisions of the International Fire Codes shall be continually met;
6. Prior to Planning Commission approval, a revised legal description for only the portion of the subject property that includes the on-sale liquor establishment shall be submitted for review and approval; and,
7. 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. (6 to 0 with Anderson, Brown, Collins, Gregg, Hennies, and Marchand, 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

- A. Elkins requested that the Planning Commission set an alternative date to view the property on 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. Discussion followed.

The Planning Commission members agreed to meet at 6620 West Highway 44 for an informal site visit on Thursday, May 28, 2009 at 5:30 p.m.

35. Staff Items

36. Planning Commission Items

37. Committee Reports

- A. City Council Report (May 4, 2009)
The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

No. 08SR083 - McMahon Industrial Park No. 2

A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation d/b/a Verizon Wireless to consider an application for a **SDCL 11-6-19 Review to allow a telecommunications tower** on Lot 1 of Block 10 of McMahon Industrial Park No. 2, located in the SW1/4 SE1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2870 Haines Avenue.

On December 4, 2008, the Planning Commission denied the SDCL 11-6-19 Review to allow a telecommunications tower. On May 4, 2009, the City Council elected to review this item and approved the SDCL 11-6-19 Review to allow a telecommunications tower.

- 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, Collins moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:15 a.m. (6 to 0 with Anderson, Brown, Collins, Gregg, Hennies, and Marchand, voting yes and none voting no)