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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 9, 2009

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

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 thanked Karen Waltman and presented her a plaque for her service to the Planning Commission as Chairperson.

Hennies recognized Linda Marchand for her National award Second Century of Helping Community Service Award for donating the most hours in volunteer service.

Hennies acknowledged Dan Landguth's memorial exhibit. Hennies stated that Landguth is being recognized for his community service.

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.

Waltman and Hennies requested that Items 4, 15 and 18 be removed from the Consent Agenda for separate consideration.

Motion by Brown, Seconded by Waltman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 19 in accordance with the staff recommendations with the exception of Items 4, 15 and 18. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 25, 2009 Planning Commission Meeting Minutes.
- *2. No. 09PD020 - Stoney Creek South Subdivision
A request by ARC International, Inc. for Chad Carpenter to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 1, 2 and 3 of Block 3 of Stoney Creek South Subdivision, located in the NW1/4 of the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5610 Bendt Drive.

Planning Commission approved the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:

DRAFT

1. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
2. The air handling units shall be located in compliance with the proposed plan and screened along all four sides;
3. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s);
4. Prior to issuance of a building permit the property shall be replatted in accordance with the Rapid City Municipal Code or a developmental lot agreement must be approved and recorded at the Pennington County of Register of Deeds office;
5. Prior to issuance of a building permit, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;
6. Prior to issuance of a building permit, an Erosion and Sediment Control Permit shall be obtained;
7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
8. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, 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. A minimum of 17 parking spaces shall be provided with one of the parking spaces being handicap "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
10. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
11. A minimum of 81,660 landscaping points shall be provided. 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;
12. Any unused water and sewer services shall be abandoned at the main;
13. 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; and,
14. The Major Amendment to a Planned Commercial Development shall

DRAFT

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.

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.

*3. No. 09PD025 - MacArthur Subdivision

A request by FourFront Design, Inc. for Pennington County Housing & Redevelopment to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1 thru 5 and Lots 13 thru 18 of Block 1 of MacArthur Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Wood Avenue between Doolittle Street and MacArthur Street.

Planning Commission approved the Planned Residential Development - Initial and Final Development Plan with the following stipulations:

1. **Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structures;**
2. **A minimum 3 foot side yard setback be provided and a minimum of 13 feet of separation between structures be provided;**
3. **All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Residential Development or a subsequent Major Amendment;**
4. **The proposed structures shall conform architecturally to the plans and elevations submitted;**
5. **All International Fire Codes shall be continually met;**
6. **Prior to issuance of a building permit the applicant must obtain a Flood Plain Development Permit;**
7. **Prior to issuance of a building permit an Erosion and Sediment Control Permit shall be obtained;**
8. **Prior to issuance of a building permit, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department;**
9. **Prior to issuance of a building permit the applicant must record an access easement at the Pennington County Register of Deeds office or obtain a Developmental Lot agreement for the existing encroachments; and,**
10. **The Planned Residential 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.**

DRAFT

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.

5. 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 July 23, 2009 Planning Commission meeting.

6. No. 09PL024 - Pleasant View Subdivision

A request by D.C. Scott Co. Land Surveyors for William M. Jobgen to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, legally described as Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located between Carlin Street and Crane Drive.

Planning Commission continued the Preliminary Plat to the July 23, 2009 Planning Commission meeting.

7. No. 09SV012 - Pleasant View Subdivision

A request by D.C. Scott Co. Land Surveyors for William M. Jobgen to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, legally described as Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located between Carlin Street and Crane Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code to the July 23, 2009 Planning Commission meeting.

8. No. 09PL034 - Aspen Estates Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Walter J. Bradsky to consider an application for a **Layout Plat** for proposed Lots 5A and 5B of

DRAFT

Aspen Estates Subdivision, legally described as Lot 5 of Aspen Estates Subdivision, located in the SW1/4 of Section 12, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Elkhart Road.

Planning Commission continued the Layout Plat to the July 23, 2009 Planning Commission meeting.

9. No. 09SV014 - Aspen Estates Subdivision

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

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer along S.D. Highway 44 and to waive the requirement to install curb, gutter, street light conduit, water, sewer, to reduce the pavement width from 24 feet to 22 feet and to waive the requirement to dedicate right-of-way along Elkhart Road, Kenosha Road, and Canterbury Road as per Chapter 16.16 of the Rapid City Municipal Code to the July 23, 2009 Planning Commission meeting.

10. No. 09SR051 - Rapid City Greenway Tract

A request by Mona Drole for Ups of Downs Family Support Group to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** on Tract 20 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Memorial Park Bandshell.

Planning Commission continued the SDCL 11-6-19 Review to allow temporary structures on public property to the July 23, 2009 Planning Commission meeting.

11. 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

DRAFT

access road to cross a section line highway to the August 6, 2009 Planning Commission meeting.

12. No. 09SR047 - Section 34, T2N, R7E

A request by Jerome Horst to consider an application for a **SDCL 11-6-19 Review to install sanitary sewer main in a public right-of-way** on Rand Road right-of-way located adjacent to Lot A of the NW1/4 NE1/4 less Lots H1 and H2 and Lot B of Tract F of the Deadwood Avenue Tract, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1130 Rand Road.

Planning Commission approved the SDCL 11-6-19 Review to extend a sanitary sewer main in the public right-of-way.

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

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

Planning Commission continued the SDCL 11-6-19 Review to construct a water main, storm sewer and drainage improvements on public property to the July 23, 2009 Planning Commission meeting.

14. No. 09SR052 - Original Town of Rapid City

A request by Gregg Cook to consider an application for a **SDCL 11-6-19 Review to allow temporary structures in the right-of-way** on Apolda Street right-of-way located adjacent to the south 50 feet of Lots 28 thru 32 of Block 36 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as Apolda Street from 7th Street to the Sports Rock property.

Planning Commission continued the SDCL 11-6-19 Review to allow temporary structures in the right-of-way to the July 23, 2009 Planning Commission meeting.

16. No. 09SR058 - South Robbinsdale Addition, South Park and Robbinsdale Terrace Subdivisions

A request by FMG, Inc. for City of Rapid City to consider an application for a **SDCL 11-6-19 review to construct street improvements in public right-of-way** on Lots 1, 13, 14 of Block 2 of South Robbinsdale Addition, Lots 1 and 18 thru 25 of Block 4 of South Robbinsdale Addition, Lot 17 and the west half of the Lot 15 except for the south 79.1 feet of Block 4 of South Robbinsdale Addition, the south 79.1 feet of the west half of Lot 15 and all of the Lot 16 of Block 4 of South Robbinsdale Addition, all located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 thru 5 and 18 thru 22 and the adjacent vacated alley of Block 24 of South Park Addition, Lots 1 thru 9 of

DRAFT

Block 1 of Robbinsdale Terrace Addition, Lots 10 and a portion of the east half of Lot 12 of Block 1 of Robbinsdale Terrace Addition, Lots 11 and the east 35 feet of the south 80 feet of Lot 12 of Block 1 of Robbinsdale Terrace Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as the Elm Avenue right-of-way between East Meade Street and East Oakland Street.

Planning Commission approved the SDCL 11-6-19 review to authorize the construction of street improvements in the public right-of-way.

17. No. 09SR059 - Section 3, T1N, R8E

A request by CETEC Engineering Services, Inc for Rapid Valley Sanitary Sewer District to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on Government Lot 1 less right-of-way, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Twilight Drive on Reservoir Road.

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

*19. No. 09UR017 - Madison's Subdivision

A request by Monica Sorensen Haeder to consider an application for a **Major Amendment to a Conditional Use Permit** on Lot 5 of Madison's Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 602 Auburn Drive.

Planning Commission continued the Major Amendment to a Conditional Use Permit to the July 23, 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.

---END OF CONSENT CALENDAR---

*4. No. 09PD027 - Rushmore Crossing Subdivision

A request by Mark Bigelbach for Kendra Lettau to consider an application for a **Major Amendment to a Planned Commercial Development** on Tract G of Rushmore Crossing Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 851 Eglin Street.

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

Brown moved, Landguth seconded and carried to approve the Major Amendment to a Planned Commercial Development with the following

DRAFT

stipulations:

- 1. Prior to Planning Commission approval, the applicant shall submit revised site plans in compliance with the Rapid City Street Design Criteria Manual or the applicant must obtain exceptions to the Rapid City Street Design Criteria Manual for the number of driveways, width of driveways, and spacing of driveways;**
- 2. Prior to issuance of a building permit, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 3. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, 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;**
- 4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 5. The permitted uses shall be a department store and a financial institution or a Major Amendment to the Commercial Development Plan shall be obtained;**
- 6. 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;**
- 7. An Air Quality Permit must be obtained prior to any surface disturbance of one acre or more;**
- 8. The currently adopted International Fire Code shall be continually met;**
- 9. A minimum of 613 parking spaces shall be provided. In addition, 14 of the parking spaces shall be handicap accessible spaces. Two of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 10. 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;**
- 11. 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;**
- 12. All applicable stipulations of the previously approved Planned Commercial Development still apply to this Major Amendment to a Planned Commercial Development; and,**
- 13. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by**

DRAFT

the Planning Commission, or if the use as approved has ceased for a period of two years. (5 to 0 to 1 with Brown, Hennies, Landguth, Marchand and Scull voting yes and none voting no 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.

15. No. 09SR053 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct an addition on to an existing structure on public property** on Tract 31 of the Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 601 Steele Avenue.

In response to Hennies' question, Elkins stated that the application is an expansion of an existing building. Elkins commented on the location of the structures in relation to the creek.

Tegethoff presented the location of the existing structures in relation to Rapid Creek. Discussion followed.

Brown moved, Marchand seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct an addition on to an existing structure on public property. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

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

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

In response to Hennies question, Tegethoff identified the location of the carport, access, pavement and gravel driveway.

Landguth moved, Marchand seconded and unanimously carried to approve the Conditional Use Permit to allow an oversized garage in the Low Density Residential zoning district with the following stipulations:

- 1. Prior to the issuance of a Building Permit the applicant shall file a Covenant Agreement with Register of Deeds indicating that the garage will only be used for residential purposes;**
- 2. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. All applicable provisions of the currently adopted International Fire**

DRAFT

Code shall be continually met;

4. **Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;**
5. **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. **All construction shall comply with the approved plan and elevations; and,**
7. **The garage shall be constructed and maintained of the same general materials and the same colors as the existing residence. (6 to 0 with Brown, 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

20. 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 July 23, 2009 Planning Commission meeting.

Waltman 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 to the July 23, 2009 Planning Commission meeting. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

Bulman requested that items 21 and 22 be taken concurrently.

21. No. 09CA009 - South Boulevard Addition

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development** on Lots 31 and 32 of Block 18 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South

DRAFT

Dakota, more generally described as being located at 336 Meade Street.

22. No. 09RZ026 - South Boulevard Addition

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lots 31 and 32 of Block 18 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 336 Meade Street.

Bulman presented the Future Land Use Committee recommendation to deny the Comprehensive Plan Amendment and Rezoning request. Bulman identified the surrounding zoning adjacent to the subject property. Bulman stated that the applicant's intent is to pave the lot for staff parking.

Dr. Edward Lynch expressed his opinion that the adjacent use is already in existence and Dr. Lynch added that the intent is to expand parking for staff members. Dr. Lynch stated that most of the adjacent property owners are in concurrence with the proposed expanded use. Lynch addressed the drainage concerns with regard to water flow and the paving of the alley to mitigate dust from traffic. Lynch stated that handicapped parking would be installed. Dr. Lynch requested that the Planning Commission approve the Comprehensive Plan Amendment, Rezoning and Planned Commercial Development requests.

In response to Hennies' question, Lynch stated that the parking lot would be primarily for staff use. Hennies recommended that Dr. Lynch install additional lighting for the parking lot. Discussion followed.

Hani Shafai, Dream Design International, stated that the parking lot would only be tied to the current use and is being addressed by a Planned Commercial Development request.

Elkins reviewed the history of the zoning and use of subject property.

Brown reviewed the recommendation of from the Future Land Use Committee to deny the request based on the commercial encroachment into the residential neighborhood and the need to restrict commercial development from crossing to the area of the alley.

Hennies expressed his opinion that the commercial encroachment is minimal into the adjacent neighborhood.

Brown moved, Landguth seconded and carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development and the Rezoning from Medium Density Residential District to Office Commercial District be denied. (5 to 1 with Brown, Hennies, Landguth, Marchand and Waltman voting yes and Scull voting no)

DRAFT

*23. No. 09PD021 - South Boulevard Addition

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 31 and 32 of Block 18 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 336 Meade Street.

Fisher presented the staff recommendation to deny the Planned Commercial Development request.

Landguth moved, Brown seconded and carried to deny the Planned Commercial Development - Initial and Final Development Plan. (5 to 1 with Brown, Hennies, Landguth, Marchand and Waltman voting yes and Scull 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.

Bulman requested that items 24 and 25 be taken concurrently.

24. No. 09CA010 - Flormann Addition

A request by Rising Properties, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development** on Lots 15 and 16 of Block 10 of Flormann Addition, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 727 Fairview Street.

25. No. 09RZ027 - Flormann Addition

A request by Rising Properties, LLC to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** on Lots 15 and 16 of Block 10 of Flormann Addition, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 727 Fairview Street.

Bulman presented the staff recommendation to approve the Comprehensive Plan Amendment and Rezoning requests. Bulman added that the Future Land Use Committee recommended approval of the Comprehensive Plan Amendment and Rezoning requests. Bulman added that the applicant has submitted a Planned Development Designation request. Bulman reviewed the precedent established by the rezoning of the property across the street approximately a year ago.

Elkins reviewed the Future Land Use Committee's concerns with allowing commercial development on the property and the precedent previously established.

DRAFT

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

Karen Gunderson-Olsen, Council person, stated that the Future Land Use Committee did have difficulty in recommending approval of the Comprehensive Plan Amendment and Rezoning requests; however, the Committee found that the rezoning of the property across the street had established a precedent.

In response to Scull's question, Elkins stated that the property falls within the Mount Rushmore Corridor Study area. Scull expressed his support for this type of development within residential neighborhoods.

Waltman moved, Scull seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development and the Rezoning from Medium Density Residential District to General Commercial District be approved. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

*26. No. 09PD026 - Section 4, T1N, R7E

A request by CETEC Engineering Services, Inc. for Canyon Lake Methodist Church to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Block 1 less Lot 1 and Lot 1 of Block 1 of the NW1/4 SE1/4 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3500 Canyon Lake Drive.

Tegethoff presented the staff recommendation to continue the Planned Residential Development request to the July 23, 2009 Planning Commission meeting.

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

Landguth moved, Marchand seconded and carried to continue the Planned Residential Development - Initial and Final Development Plan to the July 23, 2009 Planning Commission meeting. (5 to 0 to 1 with Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no and Brown abstaining)

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

27. No. 09SE005 - Rapid City Greenway Tract

A request by Mona Droic for Ups of Downs Family Support Group to consider an

DRAFT

application for a **Special Exception to the Flood Area Construction Regulations to allow temporary structures in the flood plain** on Tract 20 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Memorial Park Bandshell.

Dale Tech presented the staff recommendation to deny the Special Exception request. Tech commented on the applicant's intent to construct tents and temporary booths. Tech added that similar previous requests have been approved with stipulations by the Planning Commission.

Landguth moved, Scull seconded and unanimously carried to recommend that the Special Exception to the Flood Area Construction Regulations to allow temporary structures in the flood plain 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. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)**
28. 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 on the east side of Fifth Street between Cleveland and Oakland Street.

Tegethoff presented the staff recommendation to continue the SDCL 11-6-19 Review to the July 23, 2009 Planning Commission meeting.

Marchand moved, Waltman seconded and unanimously carried to continue the SDCL 11-6-19 Review to expand a utility substation to the July 23, 2009 Planning Commission meeting. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

29. No. 09SR049 - Marshall Subdivision
A request by Western Dakota Tech. to consider an application for a **SDCL 11-6-19 Review to allow an electronic display sign** on Tract A of Marshall Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 800 Mickelson Drive.

Tegethoff presented the staff recommendation to continue the SDCL 11-6-19 Review request to the July 23, 2009 Planning Commission meeting.

Waltman moved, Brown seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct an electronic display sign on public

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property to the July 23, 2009 Planning Commission meeting. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

30. No. 09SR050 - Rapid City Greenway Tract

A request by Wyss Associates, Inc. for Rushmore Little League to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on Tract 29 of Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 401 East Main Street.

Fisher presented the staff recommendation to approve the SDCL 11-6-19 Review request. Fisher stated that a Floodplain Development Permit has been submitted and approved.

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

31. No. 09SR054 - Devine Subdivision

A request by Renner & Associates for J & J Truck & Auto Body to consider an application for a **SDCL 11-6-19 Review to extend a public sewer** on Lot 1 of Devine Subdivision and Tract B of the SW1/4 SW1/4 less right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of North Cambell Street and East Philadelphia Street.

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

Scull moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to extend a public sewer. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

32. No. 09SR055 - Devine Subdivision

A request by Renner & Associates for City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct a 16 inch public water main** on the East Philadelphia Street right-of-way adjacent to Tracts A and B of the SW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Cambell Street and East Philadelphia Street.

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

Waltman moved, Landguth seconded and unanimously carried to approve the SDCL 11-6-19 Review to extend a public water main. (6 to 0 with Brown,

DRAFT

Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

33. No. 09SR056 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to install a structure on public property** on Tract 17 less Lot H1 (Also in Section 34, T2N, R7E) of Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

Tegethoff presented the staff recommendation to approve the SDCL 11-6-19 Review request with the exception of the sign. Tegethoff added that the applicant will submit a new SDCL 11-6-19 request for the sign when the issues related to the sign location have been resolved.

Landguth moved, Scull seconded and unanimously carried to approve the SDCL 11-6-19 Review to install a structure on public property. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

34. No. 09SR057 - Original Town of Rapid City

A request by FourFront Design, Inc. to consider an application for a **SDCL 11-6-19 Review to place structures in the right-of-way** on the 7th Street right-of-way adjacent to the north 40 feet of Lot 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 at 517 7th Street.

Tegethoff presented the staff recommendation to continue to the SDCL 11-6-19 Review to the July 23, 2009 Planning Commission meeting. Discussion followed.

Waltman moved, Marchand seconded and unanimously carried to continue the SDCL 11-6-19 Review to place structures in the right-of-way to the July 23, 2009 Planning Commission meeting. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

*35. No. 09UR018 - Baken Park Subdivision

A request by CMA Patrick G. Bles for BDUBS, LLC to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lot D, E, F & G of Lot 1 of the NE1/4 NE1/4, less Lot H of the Lot 1 of Baken Park Subdivision (NKA Tract 11 of the Rapid City Greenway Tract) less Lot H1 of said Lot D, less Lot H1, Lot H2, Lot H3 of said Lot E, less Lot H1 and Lot H2 of said Lot 6, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2001 West Main Street.

Tegethoff presented the staff recommendation to continue the Conditional Use Permit request to the July 23, 2009 Planning Commission meeting.

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

DRAFT

Landguth moved, Brown seconded and carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the July 23, 2009 Planning Commission meeting. (5 to 0 to 1 with Brown, Hennies, Landguth, Marchand and Scull voting yes and none voting no 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.

36. No. 09SE006 - Rapid City Greenway Tract

A request by Rapid City Convention & Visitors Bureau to consider an application for a **Special Exception to the Flood Area Construction Regulations to allow temporary structures in the flood plain** on Tract 20 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Memorial Park Bandshell.

Tech presented the staff recommendation to deny the Special Exception request. Tech stated that the applicant intends to install a temporary tent from August 12, 2009 to August 24, 2009.

Matt Reed, Rapid City Convention and Visitor's Bureau, commented on the event and the requirement for having the tent on the site for the duration of the event. Reed requested that the Planning Commission approve the SDCL 11-6-19 Review request. Reed expressed his opinion that the event would be a boost to the economy of Rapid City.

In response to Brown's question regarding the stipulations requiring that the structures be taken down by emergency officials, Reed added that staff is available for emergency management procedures.

Waltman expressed her concerns that staff be available 24 hours to take the tent down should the need arise. Discussion followed.

Marchand expressed her concerns with availability of staff to dismantle the structure. Marchand suggested a list of personnel be made available for emergency staff to contact.

Elkins suggested that the Dispatch Center be given a listing of staff contact information for use in an emergency. Discussion followed.

Waltman moved, Brown seconded and unanimously carried to recommend that the Special Exception to the Flood Area Construction Regulations to allow temporary structures in the flood plain be approved with the following stipulations:

DRAFT

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. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)**

In response to Scull's question, Tech identified the components of the Floodway and the Floodplain and the type of structures allowed in each of the areas. Tech reviewed the elevation requirements of any permanent structures. Discussion followed.

37. Discussion Items

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

Elkins presented the Historic Preservation Commission's request to authorize staff to advertise for public hearing. Elkins added that the 1993 Preservation Plan, has been submitted as requested by a Planning Commission member.

Brown expressed his concern that the public have availability to information on limitations for development in various areas in Rapid City. Discussion followed.

In response to Scull's question, Elkins reviewed regulations in place for the historic review process and Historic Preservation Ordinances.

In response to Hennies' question, Elkins stated that the Historic Preservation Commission is created by the City of Rapid City and that the Commission would like to see the Comprehensive Preservation Plan adopted as part of the City's Comprehensive Plan. Discussion followed.

Elkins encouraged the Planning Commission members to attend the Historic Preservation Commission meetings to learn more about their activities. Discussion followed.

Landguth moved, Marchand seconded and unanimously carried to authorize staff to advertise for public hearing to consider adoption of the Comprehensive Preservation Plan as an element of the City of Rapid City's Comprehensive Plan. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

- B. Requirements for Property Owner Signatures on Development Applications.

Elkins reviewed staff recommendation to continue with the existing

DRAFT

process to notify the underlying property owner of a development application by certified return receipt mail. Discussion followed.

John Skulborstad, Rapid City resident, expressed his support for the policy to require the notify property owners signature on all development applications.

Discussion followed regarding Skulborstad's lease with Verizon and his discussions with the Growth Management and City Attorney's staffs.

In response to Waltman's question, Elkins identified the signature lines on the application for the agent, applicant and property owner. Discussion followed.

Skull expressed his support for the requiring the landowner's signature on all applications. Discussion followed regarding the proposed policy.

Landguth moved, Waltman seconded and unanimously carried to recommend approval of the Policy for Requirements for Property Owner Signatures on Development Applications as presented. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

- C. Update on the Status of the Flood Plain Policy Subcommittee Recommendations.

Elkins presented the staff recommendation to acknowledge the Report on the Update on the Status of the Flood Plain Policy Subcommittee Recommendations.

Brown moved, Waltman seconded and unanimously carried to acknowledge the Report on the Update on the Status of the Flood Plain Policy Subcommittee Recommendations. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)

38. Staff Items

39. Planning Commission Items

40. Committee Reports

- A. City Council Report (June 15, 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

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- 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, Brown moved, Waltman seconded and unanimously carried to adjourn the meeting at 8:48 a.m. (6 to 0 with Brown, Hennies, Landguth, Marchand, Scull and Waltman voting yes and none voting no)