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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 6, 2009

MEMBERS PRESENT: Erik Braun, John Brewer, Gary Brown, Julie Gregg, Dennis Landguth, Linda Marchand, Steve Rolinger, Andrew Scull and Karen Waltman. Karen Olson, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Karen Bulman, Patsy Horton, Mary Bosworth, Ted Johnson, Karley Halsted, Tim Behlings, Mike Schad and Risë Ficken.

Scull called the meeting to order at 7:01 a.m.

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

Staff requested that Items 1 and 16 be removed from the Consent Agenda for separate consideration.

Scull requested that Item 13 be removed from the Consent Agenda for separate consideration.

Brown moved, Marchand seconded and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 16 in accordance with the staff recommendations with the exception of Items 1, 13 and 16. (9 to 0 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

2. No. 08PL131 - Rushmore Business Park

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

along a curve to the left, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, more generally described as being located at 333 Concourse Drive.

Planning Commission continued the Preliminary Plat to the September 24, 2009 Planning Commission meeting.

3. No. 08SV047 - Rushmore Business Park

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

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code to the September 24, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat application.

4. No. 09CA010 - Flormann Addition

A request by Rising Properties, LLC to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to 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.

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

5. No. 09PL023 - Murphy Ranch Estates Subdivision

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

Planning Commission continued the Layout and Preliminary Plat to the August 27, 2009 Planning Commission meeting.

6. No. 09PL039 - Section 24, T1N, R7E

A request by Centerline, Inc. for PLM Land Development, LLC to consider an application for a **Layout Plat** for proposed Lots 36 thru 53 of Block 1 of PLM Subdivision, legally described as a portion of the unplatted balance of the N1/2 NW1/4 and the unplatted balance of the SW1/4 NW1/4, all in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: commencing from the Point of Beginning, the northeast corner of Lot 33 in Block 1 of PLM Subdivision consisting of a 5/8" rebar with Hanson #6251 cap, thence first course - N85°57'24"E a distance of 32.35', thence second course - N78°30'13"E a distance of 229.00', thence third course - S84°12'27"E a distance of 224.17', thence fourth course - N86°55'12"E a distance of 205.00', thence fifth course - N80°28'46"E a distance of 241.41', thence sixth course - S83°06'22"E a distance of 205.42', thence seventh course - S70°31'14"E a distance of 300.02', thence eighth course - S20°04'47"W a distance of 407.59' to the southwest corner of Lot 16 of Block 1 of PLM Subdivision, thence ninth course - N89°42'39"W a distance of 564.79' along the north boundary of Eastridge Estates Subdivision, thence tenth course - N88°31'55"W a distance of 119.66', thence eleventh course - N72°48'55"W a distance of 309.01', thence twelfth course - N72°34'37"W a distance of 131.54', thence thirteenth course - N90°00'00"W a distance of 164.21', thence fourteenth course - N0°00'00"E a distance of 294.68' to the Point of Beginning. Said Parcel containing 13.1855 acres more or less, more generally described as being located at the eastern terminus of Conestoga Court.

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

1. **Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow roll curb with curb side sidewalks or the**

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- construction plans shall show the design in compliance with the Street Design Criteria Manual which allows curb side sidewalks with standard curbs along a lane place street or roll curbs with property line sidewalks;
2. Upon submittal of a Preliminary Plat application, drainage arrows shall be shown on the grading plan. In addition, the plat document shall be revised to show drainage easements and/or Major Drainage Easements as needed;
 3. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show access to proposed Lot 45. The applicant has the option of either revising the plat to show Lot 45 as a flagpole lot abutting Conestoga Court a minimum width of 25 feet or showing an access easement extending from the end of Conestoga Court across Lots 44 and/or 46. If the applicant chooses to extend an access easement as identified then construction plans for the access easement shall be submitted for review and approval showing the street located within a minimum 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, streetlight conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 4. Upon submittal of a Preliminary Plat application, road construction plans for Conestoga Court shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sac with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. The plat document shall also be revised to provide utility easements as needed. In addition, the “20 foot wide Major Utility Easement” located on Lots 44, 45 and 46 must be identified as a “20 foot wide Public Sewer Easement”;
 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall show a water main extended to serve Lot 45 or an Exception shall be obtained to allow a water service line to cross another lot. The water plans shall also demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
 7. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;

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8. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan designed in compliance with the adopted Stormwater Quality requirements shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 9. Upon submittal of a Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval;
 10. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow Conestoga Court as a 925 foot long cul-de-sac with no intermediate turnarounds in lieu of an intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly;
 11. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;
 12. Prior to submittal of a Preliminary Plat application, the plat document shall be revised identifying the line running parallel to portions of the north lot line of the property;
 13. All currently adopted International Fire Codes shall be continually met;
 14. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
 15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
 16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 17. The approved Layout 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.
7. No. 09PL041 - Heartland Retail Center
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Tract A of Block 2 of Heartland Retail Center, legally described as the unplatted balance of the NW1/4 of the NW1/4, less the east 200 feet lying south of Cheyenne Boulevard right-of-way, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Cheyenne Boulevard and North Elk Vale Road.

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

1. Prior to Preliminary Plat approval by the City Council approval, construction plans for Elk Vale Road shall be submitted for review and approval showing the installation of curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations

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- shall be obtained to waive the requirement to install water and sewer and an Exception shall be obtained to waive the requirement to install curb, gutter, sidewalk and street light conduit;
2. Prior to Preliminary Plat approval by the City Council, a revised Master Plan shall be submitted for review and approval showing the extension of sewer and water to the balance of the property as well as adequate access to the large commercial lots;
 3. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan designed in compliance with the adopted Stormwater Quality requirements shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 4. Prior to Preliminary Plat approval by the City Council, a grading plan shall be submitted for review and approval if any subdivision improvements are required;
 5. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
 6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 7. 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.
8. No. 09RZ032 - Section 9, T1N, R8E
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** of Lots H-3 and H-4 in the NW1/4 of Section 9, and the south 75 feet of East St. Patrick Street right-of-way located adjacent and north of Lots H-3 and H-4, and the south 75 feet of S.D. Highway 44 right-of-way located north of Lots H-3 and H-4 and north of South Elk Vale Road on-off ramp, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of East St. Patrick Street and S.D. Highway 44.
- Planning Commission recommended that the Rezoning from No Use District to General Agriculture District be approved.**
9. No. 09SR025 - Big Horn Sheep Preserve
A request by Cody Schad to consider an application for a **SDCL 11-6-19 Review to allow a trail to cross a section line** on Lot 2 of Bighorn Sheep Preserve of Section 7, T1S, R7E, BHM and Government Lot 6 of Section 6, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northern terminus of Strato Bowl Road.
- Planning Commission denied the SDCL 11-6-19 Review to allow an access road to cross a section line highway.**

10. 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 August 27, 2009 Planning Commission meeting.

11. No. 09SR061 - Rapid City Greenway Tract
A request by Patrick J. O'Leary for Minneluzahan Senior Citizen's Center to consider an application for a **SDCL 11-6-19 Review to construct a sign on public property** on Lot RU-18, RU Lots and Tract 21, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 315 North Fourth Street.

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

12. No. 09SR063 - Westberry Trails Subdivision
A request by Hermanson Egge Engineering, Inc. for Larry and Lisa Hermanson to consider an application for a **SDCL 11-6-19 review to construct street improvements on the Section Line Highway and extend a public utility** on E1/2SE1/4NW1/4, W1/2W1/2SW1/4NE1/4, Government Lots 1 and 2 and Tract A of Westberry Trails of Section 6, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the southern terminus of Westberry Drive.

Planning Commission continued the SDCL 11-6-19 Review to construct street improvements within a section line highway and to extend a public utility to the August 27, 2009 Planning Commission meeting.

14. No. 09SR068 - Wise's Addition
A request by FourFront Design, Inc. for Youth and Family Services, Inc. to consider an application for a **SDCL 11-6-19 Review to allow renovations and expansion of an existing structure on public property** on Lot A and the vacated North 14 feet of Monroe Street contiguous to said Lot A of Block 12 of Wise's Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of East Monroe Street and Racine Street.

Planning Commission continued the SDCL 11-6-19 Review to allow expansion of an existing structure on public property to the August 27, 2009 Planning Commission meeting.

15. No. 09SR069 - East Mall Business Center Subdivision
A request by Ferber Engineering Co., Inc. for City of Rapid City to consider an

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application for a **SDCL 11-6-19 Review to allow construction of a structure on public property** on the unplatted portion of the NW1/4 including the vacated East Mall Drive located within said NW1/4 less Lot AR, B, C less the E1/2 NE1/4 NW1/4 less the E1/2 NW1/4 NE1/4 NW1/4, less East Mall Business Center Subdivision, less Lots H2, H4, H5, H6, H7, H8 and less county road right-of-way, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the proposed Tish Boulevard between East Mall Drive and Seger Drive.

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

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

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

Elkins requested that action on Item 43 as stated in the July 23, 2009 Planning Commission meeting minutes be corrected as follows:

~~“Brewer moved, Scull seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow temporary structures on public property for three years, if the City Council approves the Special Exception to the Flood Area Construction Regulations of the Rapid City Municipal Code.”~~

Waltman moved, Marchand seconded and unanimously carried to approve the July 23, 2009 Planning Commission minutes as corrected. (9 to 0 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

13. No. 09SR066 - Marshall Subdivision

A request by Upper Deck Architecture for J. Scull Construction 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 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.

Scull stated that he would abstain from voting on this item.

Brown moved, Rolinger seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct an addition on to an existing structure on public property. (8 to 0 to 1 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger and Waltman voting yes, none voting no and with Scull abstaining)

- *16. No. 09UR021 - Schnell Subdivision and Morning View Heights

A request by Bryan Schnell to consider an application for a **Conditional Use Permit to allow an oversize garage in the Low Density Residential District** on Tract D of Schnell Subdivision and Lot 14 of Lot F of Morning View Heights all of

Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3705 Western Avenue.

Horton requested that Stipulation #1 be amended to state that “Prior to issuance of a Building Permit, the applicant shall obtain an exception to allow three driveways on one lot or the site plan shall be revised to identify one driveway in accordance with the adopted City Standards;”

Marchand moved, Rolinger 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 issuance of a Building Permit, the applicant shall obtain an exception to allow three driveways on one lot or the site plan shall be revised to identify one driveway in accordance with the adopted City Standards;**
- 2. Prior to Planning Commission approval, the applicant shall submit a revised site plan demonstrating the proposed access is designed in compliance with Section 17.50.270 (I);**
- 3. Prior to issuance of a Building Permit, a developmental lot agreement must be obtained to tie Tract D of Schnell Subdivision and Lot 14 of Lot F of Morning View Heights together, or the properties must be platted into one lot;**
- 4. Prior to 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;**
- 5. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the street right-of-way;**
- 6. Prior to initiation of construction, a Building Permit shall be obtained**
- 7. Prior to the issuance of a Certificate of Occupancy, the first 50 feet of the driveway access to the oversized garage shall be paved;**
- 8. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct an approved emergency vehicle turnaround as required by the international Fire and Building Code;**
- 9. All applicable provisions of the currently adopted International Fire Code shall be continually met;**
- 10. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;**
- 11. The garage shall be constructed and maintained with the elevations and information as submitted and hereby approved; and**
- 12. 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. (9 to 0 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)**

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

Commission.

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

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Minnesota Street** on right-of-way located in the NW1/4 of the SW1/4 and in the S1/2 of the S1/2, Section 16, T1N, R8E, also in the NE1/4 of the NW1/4 and in the N1/2 of the NE1/4 of Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and south of the Existing Plum Creek Development.

Elkins requested that the application be continued to the August 27, 2009 Planning Commission meeting to allow the Department of Transportation to approve the plans.

Rolinger 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 August 27, 2009 Planning Commission meeting. (9 to 0 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

18. No. 09CA016 - Comprehensive Preservation Plan

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the Comprehensive Preservation Plan.**

Bulman provided a brief summary of the goals contained in the updated Comprehensive Preservation Plan recently adopted by the Historic Preservation Commission. Bulman noted that adoption of the plan as part of the Comprehensive Plan will serve as a guide for the City to consider historic preservation when reviewing development plans.

In response to a question from Brewer, Bulman indicated that the adoption of the Comprehensive Preservation Plan will not change how historic projects are currently reviewed and approved.

In response to a question from Brewer, Bulman stated that a Study Committee is reviewing the feasibility of designating a local historic district noting that the Comprehensive Preservation Plan does not provide that authority.

In response to a question from Brewer, Bulman advised that Chapter 2.68 of the Rapid City Municipal Code addresses the current local authority for the review of nationally designated historic properties noting that legal advertisement and public hearings will occur when the designation of a local historic district is proposed.

In response to a question from Brewer, Bulman identified the current makeup of the Study Committee membership as appointed by the Mayor.

Brown moved, Marchand seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to adopt the Comprehensive Preservation Plan be approved. (9 to 0 with Braun, Brewer,

Brown, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

*19. No. 09PD016 - Vista Lake Subdivision

A request by Site Dynamics, Inc. for SWS, LLC to consider an application for a **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 at 4616 Jackson Boulevard.

Elkins advised that this item was continued to allow the applicant to address erosion and landscaping issues on the site. Elkins stated that staff inspected the site noting that the underlying property owner's concerns related to those issues have been addressed. Elkins noted staff's recommendation for approval of the application with stipulations.

Rick Holpp, Site Dynamics, stated that he was available to answer questions.

Waltman moved, Marchand seconded and unanimously carried to approve the Major Amendment to a Planned Residential Development to allow additional cellular facilities in the Office Commercial zoning district with the following stipulations:

1. **Prior to Planning Commission approval, a medium sized deciduous tree shall be planted northeast of the communication facility site as per the previously approved Landscaping Plan for Verizon Wireless;**
2. **Prior to Planning Commission approval, the existing erosion control issues located north of the access road shall be corrected;**
3. **A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
4. **Prior to issuance of a Certificate of Occupancy for a residence or photography studio on Lot 1, water and sewer shall be extended to proposed Lot 1. In addition, sidewalk shall be constructed along Lot 1 as it abuts Jackson Boulevard or surety shall be posted;**
5. **Upon submittal of a building permit for the photography studio, a grading and drainage plan shall be submitted for review and approval;**
6. **A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the right-of-way;**
7. **An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
8. **An Industrial Pre-treatment Permit shall be obtained prior to issuance of a building permit for the photography studio;**
9. **An Erosion and Sediment Control Plan shall be submitted for review and approval if earth moving activities are more than 300 cubic yards;**
10. **A Manual of Uniform Traffic Control Devices (MUTCD)/Compliant Traffic Control Plan shall be submitted to the South Dakota Department of Transportation for review and approval one month in advance of construction for all stages of work that may impact the Jackson Boulevard right-of-way;**
11. **The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned**

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- Residential Development Plan;**
12. The fence shall be constructed to conform architecturally to the elevation and color palette submitted as part of this Major Amendment to the Planned Development and as per the approved Fence Height Exception (#09FV007);
 13. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Development. A sign permit shall also be obtained;
 14. 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;
 15. A minimum of seven parking spaces shall be provided for the photography studio and residence. One of the spaces shall be “van accessible”. In addition, a minimum of two parking spaces shall be provided for the communication facility. One of the spaces shall be “van accessible”. All provisions of the Off-Street Parking Ordinance shall be continually met;
 16. All outdoor lighting shall be reflected within the property boundaries so as to not 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;
 17. The currently adopted International Fire Code shall be continually met;
 18. A 150 foot tall flagpole communication tower with two equipment shelters and pad mounted equipment cabinets shall be allowed on the property as Phase One of the development. The American flag shall be flown on the flagpole tower and lighted as needed. A minimum of two co-locators shall continually be allowed on the property. In addition, a residence and photography studio shall be allowed on the property as Phase Two of the development. Any other use shall require a Major Amendment to the Planned Residential Development; and,
 19. The Planned Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (9 to 0 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

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

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

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

Dakota, more generally described as being located at 5312 Sheridan Lake Road.

Elkins advised that the applicant has requested that the application be continued to the August 27, 2009 Planning Commission meeting.

Scull stated that he would abstain from voting on this item.

Brewer moved, Brown seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment to the August 27, 2009 Planning Commission meeting at the applicant's request. (8 to 0 to 1 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger and Waltman voting yes, none voting no and with Scull abstaining)

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

*21. No. 09PD030 - Kepp Heights Subdivision No. 3

A request by Fisk Land Surveying & Consulting Engineers for Shelby E. and Jessica A. Nester to consider an application for a **Major Amendment to a Planned Residential Development to revise the previously approved building envelope location** for Lot 10 of Kepp Heights Subdivision No. 3, located in the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southern terminus of Grand Vista Court.

Elkins presented the request and identified the approved building envelope and proposed new building envelope. Elkins indicated that the staff report had been revised to include the previous stipulations of approval for the Planned Development. Elkins stated that numerous comments from adjacent property owners have been received concerning this request. Elkins noted staff's recommendation for approval with stipulations.

Robb Schlimgen provided a brief summary of issues addressed in the 1991 Staff Report for the Planned Development. Schlimgen stated that a number of property owners developed their property based on the location of the approved building envelope on the subject property. Schlimgen described his personal observations of water flow through a drainage easement on the subject property during rain events. Schlimgen expressed concern that the relocation of the building envelope and construction of the driveway would negatively affect the drainage from the subject property onto his property. Schlimgen displayed a photograph and described concerns with ongoing soil erosion in the area. Schlimgen expressed his opinion that the existing building envelope is adequate noting that he feels that changing the building envelope would harm adjacent properties.

Lee Hammerbeck expressed opposition to the proposed amendment. Hammerbeck stated that decisions concerning the construction of their home

were based on the building envelope currently approved on the subject property. Hammerbeck expressed concern that the proposed driveway and change to the building envelope would harm their property investment.

Wayne Krause stated that all other homes in the development have been built within the previously approved building envelopes. Krause stated that he has no objection to the construction of a home in the existing building envelope on the subject property. Krause stated his opinion that the proposed new building envelope would be harmful to neighboring properties.

Janelle Finck identified various design and engineering issues that were explored by the applicant prior to submitting an application to change the building envelope on the property, including driveway design and intermediate turnarounds, existing easements, drainage concerns, culverts to address drainage, fire code issues, and plans for sprinklering the home. Finck discussed the distance between structures, the distance from Skyline Drive, and the visibility of the proposed new structure from various neighboring properties for both the existing building envelope and the proposed building envelope. Finck spoke in support of the proposed amendment.

In response to a question from Rolinger, Finck described the steep topography comprising the majority of the original building envelope noting that it is possible to build on the site.

In response to a question from Brewer, Finck indicated that the first 50 feet of the driveway would be paved and the balance of the driveway would have a gravel surface.

In response to a question from Brewer, Elkins indicated that the stipulations from the original approval should apply to any subsequent amendments. Discussion followed concerning the size of the lots located within the Planned Development and the original stipulations of approval.

In response to a question from Brewer, Finck stated she does not believe the lot could be subdivided noting that the applicant has not expressed any intent to subdivide the property.

In response to a question from Olson, Elkins stated that the stipulations of approval for the original Planned Development allowed accessory structures less than 400 square feet in floor area to be constructed outside the approved building envelopes. Discussion followed.

In response to a question from Waltman, Finck identified the culverts that would be constructed. Discussion followed concerning the anticipated visual impact of the culverts.

In response to a question from Waltman, Finck stated that the buildable area on the approved envelope is small, steep and would be difficult to build on noting that the proposed building site has better contours.

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In response to a question from Braun, Elkins reviewed the regulations related to accessory structures. Discussion followed.

In response to a question from Braun, Elkins indicated that the property owner is responsible for costs related to extending sewer and water from the mains to the house.

In response to a question from Braun, Bosworth identified the current location of the sewer manhole. Discussion followed.

In response to a question from Scull, Elkins stated that the property would be served by City sewer.

In response to a question from Braun, Tim Behlings stated that a residential fire sprinkler system is required for the home. Discussion followed concerning the requirements for hydrants.

In response to a question from Brewer, Finck discussed the use of riprap in conjunction with culverts to slow water flow and control erosion as water exits the pipe. Discussion followed.

Shelby Nester stated that the original building site is buildable. Nester indicated that if a structure is built in the existing building envelope, it would likely be a taller home with an accessory building in back. Nester stated that he feels the proposed building envelope would be the best use of the property. Nester indicated that he is proposing to construct a low impact house that he feels will be a nice addition to the area.

Schlingen objected to comments made by Finck concerning the project.

Landguth spoke against the proposed amendment noting that placement of building envelopes affect decisions related to the purchase of property and construction of homes.

Finck clarified her earlier comments on the project and requested approval per the staff recommendation.

Waltman moved, Landguth seconded and carried to deny the Major Amendment to a Planned Residential Development to revise the previously approved building envelope location. (8 to 1 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger, and Waltman voting yes and with 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.

*22. No. 09PD032 - Section 24, T1N, R7E

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

Elkins advised that the applicant has requested that the application be continued to the August 27, 2009 Planning Commission meeting.

Brewer moved, Brown seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the August 27, 2009 Planning Commission meeting. (9 to 0 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

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

Bulman requested that Items 23 and 24 be considered concurrently.

23. 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.

24. 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.

Bulman advised that the applicant has requested that these applications be continued to the September 10, 2009 Planning Commission meeting.

Brewer moved, Brown seconded and unanimously carried to continue the Preliminary Plat and 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 September 10, 2009 Planning Commission meeting at the applicant's request. (9 to 0 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

Elkins requested that Items 25 and 26 be considered concurrently.

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

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

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

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

Elkins advised that the applicant has requested that Items 25 and 26 be continued to the August 27, 2009 Planning Commission meeting.

Gregg moved, Marchand seconded and unanimously carried to continue the Layout Plat and the Variance to the Subdivision Regulations to reduce the pavement width from 12 feet to 11 feet per lane as per Chapter 16.16 of the Rapid City Municipal Code to the August 27, 2009 Planning Commission

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meeting at the applicant's request. (9 to 0 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

27. No. 09SR026 - South Boulevard Addition

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

Elkins advised that the City Council has not yet acted on the related Fence Height Exception and requested that the application be continued to the August 27, 2009 Planning Commission meeting.

In response to a question from Brewer, Elkins stated that the item was continued by the City Council as the applicant is preparing additional information for presentation to the City Council.

Brown moved, Rolinger seconded and unanimously carried to continue the SDCL 11-6-19 Review to expand a utility substation to the August 27, 2009 Planning Commission meeting. (9 to 0 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

28. No. 09SR067 - Original Town of Rapid City

A request by Mike Willey for Rosenbaum Signs to consider an application for a **SDCL 11-6-19 Review to allow signs on public property** on the Hotel Lot of Lot ER of the Original Town of Rapid City, Section 36, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 505 North Fifth Street.

Bulman stated that the Intercontinental Hotel Groups are in the process of replacing Holiday Inn signage nationally. Bulman identified the signage to be replaced at the Civic Center Holiday Inn noting staff's recommendation for approval.

Rolinger moved and Marchand seconded to approve the SDCL 11-6-19 Review to allow signs on public property.

In response to a question from Braun, Elkins confirmed that the proposal is for the replacement of existing signs. Discussion followed.

The motion unanimously carried to approve the SDCL 11-6-19 Review to allow signs on public property. (9 to 0 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)

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29. No. 09SR070 - Bruners Gardens Subdivision and Rushmore Subdivision

A request by CETEC Engineering Services, Inc. for Canyon Lake United Methodist Church to consider an application for a **SDCL 11-6-19 Review to extend a public utility in a public street** on Canyon Lake Drive right-of-way and Evergreen Drive right-of-way adjacent to Lot 3 less Lot H-1 of Bruners Gardens Subdivision and Lots 1 and 2 of Block 3 and Lots 16 and 17 of Block 2 of Rushmore Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Evergreen Drive and Canyon Lake Drive.

Elkins stated that the red lined comments have been addressed. Elkins noted staff's recommendation for approval.

Rolinger moved and Waltman seconded to approve the SDCL 11-6-19 Review to extend a public utility in a public street.

Brown stated that he would abstain from voting on this item.

The motion unanimously carried to approve the SDCL 11-6-19 Review to extend a public utility in a public street. (8 to 0 to 1 with Braun, Brewer, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes, none voting no and with Brown abstaining)

There being no further business, Waltman moved, Landguth seconded and unanimously carried to adjourn the meeting at 8:23 a.m. (9 to 0 with Braun, Brewer, Brown, Gregg, Landguth, Marchand, Rolinger, Scull and Waltman voting yes and none voting no)