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MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
September 10, 2009

MEMBERS PRESENT: Erik Braun, John Brewer, Gary Brown, Barb Collins, Julie Gregg, Dennis Landguth, Linda Marchand and Andrew Scull. Karen Gunderson-Olson, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Monica Heller, Vicki Fisher, Karen Bulman, Patsy Horton, Mary Bosworth, Ted Johnson, Karley Halsted, Tim Behlings, Mike Schad and Carol Campbell.

Scull called the meeting to order at 7:00 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 6, 7, 8 and 23 be removed from the Consent Agenda for separate consideration.**

**Scull requested that Item 6 be removed from the Consent Agenda for separate consideration.**

**Motion by Brewer, Seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 25 in accordance with the staff recommendations with the exception of Items 6, 7, 8, and 23. (8 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand and Scull voting yes and none voting no)**

1. Approval of the August 27, 2009 Planning Commission Meeting Minutes.
2. No. 08PL099 - Homestead Plaza Subdivision  
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 28 of Block 3; Tracts A, B, C and D of Block 4 of Homestead Plaza Subdivision, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.

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

3. No. 09CA017 - Section 9, T1N, R8E  
A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from**

**General Commercial with a Planned Commercial Development to Public** for the 100 foot wide railroad right-of-way lying north of Lot H-3 and H-4 in the NW1/4 of Section 9 and north of a portion of the N1/2 NW1/4 less Lot H5 of the NE1/4 NW1/4 and the N1/2 SE1/4 NW1/4 less Lot H1 of Section 9, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of South Valley Drive and south of S.D. Highway 44.

**Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to revise the Future Land Use Plan by changing the land use designation from General Commercial to Public be approved.**

4. No. 09RZ033 - Section 9, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Public District** of the 100 foot wide railroad right-of-way lying north of Lot H-3 and H-4 in the NW1/4 of Section 9 and north of a portion of the N1/2 NW1/4 less Lot H5 of the NE1/4 NW1/4 and the N1/2 SE1/4 NW1/4 less Lot H1 of Section 9, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of South Valley Drive and south of S.D. Highway 44.

**Planning Commission recommended that the Rezoning from No Use District to Public District be approved in conjunction with the associated Comprehensive Plan Amendment.**

\*5. No. 09PD032 - Section 24, T1N, R7E (PLM Subdivision)

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.

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**Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the September 24, 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.***

9. No. 09RD003 - Menard Subdivision

A request by City of Rapid City to consider an application for a **Resolution for a Road Name Change from Menard Drive to Century Road** on the Menard Drive Right-of-way lying adjacent to Lots B and C of Menard Subdivision Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located lying between East North Street and Eglin Street.

**Planning Commission recommended that the proposed street located in the previously dedicated right-of-way named Menard Drive be changed to Century Road.**

10. No. 09RZ034 - Melody Acres Subdivision No. 2

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Mobile Home Residential District** of Lot 16 of Melody Acres Subdivision No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2801 Cactus Drive.

**Planning Commission recommended that the Rezoning from No Use District to Mobile Home Residential District be approved.**

\*11. No. 09PD039 - Melody Acres Subdivision No. 2

A request by Mark Wortman to consider an application for a **Planned Residential Development - Initial and Final Development Plan** for Lot 6 of Melody Acres Subdivision No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2804 E. Fairmont Street.

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

1. **A Building Permit shall be obtained prior to construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **An Erosion and Sediment Control Permit shall be obtained prior to obtaining a Building Permit;**
3. **Two off-street parking spaces shall be provided and the off-street parking spaces and driveway shall be paved;**
4. **A 4 foot wide sidewalk shall be constructed and located 1 foot off the property line in the public right-of-way; and,**
5. **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.

***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.***

12. No. 09RZ035 - Melody Acres Subdivision No. 2

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Mobile Home Residential District** of Lot 6 of Melody Acres Subdivision No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2804 E. Fairmont Street.

**Planning Commission recommended that the Rezoning from No Use District to Mobile Home Residential District be approved.**

13. 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 recommended that the Layout and Preliminary Plat with a revised legal description of Lots 4, 5, 6, and 7 of Block 7 and Lots 3, 4, 5, and 6 of Block 8, Murphy Ranch Estates Subdivision be approved for the following stipulations:**

1. **Prior to Preliminary Plat approval by the City Council, the approved Erosion and Sediment Control Plan shall be sealed and signed by a Professional Engineer. In addition, the plans shall be dated;**
2. **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;**
3. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required;**
4. **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; and,**
5. **Approval of the Preliminary Plat hereby grants approval of the revised construction plans to allow for the construction of a concrete drainage channel in lieu of a grass drainage channel along the common lot line of Lots 8 and 9, Block 6 of Murphy Ranch Estates. In addition, the drainage channel shall be constructed in compliance with the approved plans.**

14. 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 recommended that the Preliminary Plat be continued to the September 24, 2009 Planning Commission meeting.**

15. 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 September 24, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.**

16. 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 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 September 24, 2009 Planning Commission meeting.**

17. 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, 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** for proposed Lots 5A and 5B of Aspen

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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 September 24, 2009 Planning Commission meeting.**

18. No. 09PL046 - Section 3, T1N, R8E

A request by Todd Fenster to consider an application for a **Layout Plat** for proposed Lot 1 of Block 1 of Expressway Subdivision, legally described as the unplatted parcel located in the N1/2 N1/2 SW1/4, less Big Sky Subdivision, less F&N Subdivision, less Lot H1 and less right-of-way, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 1200 Elk Vale Road.

**Planning Commission continued the Layout Plat to the September 24, 2009 Planning Commission meeting to allow the applicant to submit additional information.**

19. No. 09PL047 - PLM Subdivision

A request by Centerline, Inc. for PLM Land Development, LLC to consider an application for a **Preliminary Plat** for proposed Lots 36 thru 53 of Block 1 of PLM Subdivision, legally described as the unplatted balance located in the N1/2 NW1/4 and the unplatted SW1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located eastern extension of Conestoga Court.

**Planning Commission continued the Preliminary Plat to the September 24, 2009 Planning Commission meeting to allow the applicant to submit additional information.**

20. No. 09SR026 - South Boulevard Addition

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

**Planning Commission continued the SDCL 11-6-19 Review to expand a public utility (for the above ground improvements only) to the October 22, 2009 Planning Commission meeting.**



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21. 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 recommended that the SDCL 11-6-19 Review to construct a water main, storm sewer and drainage improvements on public property be continued to the October 8, 2009 Planning Commission meeting.**

22. 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 approved the SDCL 11-6-19 Review to extend a public utility and construct street improvements on the Section Line Highway authorizing the extension of the public utility and for the removal of the fill from the Section Line Highway with restoration of the disturbed areas only.**

24. No. 09SR078 - Rapid City Regional Hospital

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to relocate a pedestrian crosswalk** on Lot 1 of Tract C less Lot H1, Lot 2 of Tract C of Rapid City Regional Hospital and the Fifth Street right-of-way adjacent to said Lots 1 and 2 of Tract C, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2805 and 2905 Fifth Street.

**Planning Commission approved the SDCL 11-6-19 Review to relocate a pedestrian crosswalk and to modify driveways.**

25. No. 09SR080 - Rapid City Greenway Tract

A request by Robin Albers for the American Heart Association to consider an application for a **SDCL 11-6-19 Review request to allow temporary structures on public property** on Tract 1 thru 3 and Lots A-B of Tract 3 (also in Section 8, T1N, R7E) of the Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

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

---END OF CONSENT CALENDAR---

Horton requested that items 6, 7 and 8 be taken concurrently.

\*6. No. 09PD036 - Menard Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for Lots B1 and B2 of Menard Subdivision, located in the SE1/4 NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Menard Subdivision located in the SE1/4 NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1830 Eglin Street.

***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.***

7. No. 09SV018 - Menard Subdivision

A request by FMG, Inc. for Menard, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on Menard Drive, to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on shared access easement to Lots B1 and B2, and to waive the requirement to construct sidewalk and sewer on E North Street as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots B1 and B2 of Menard Subdivision, legally described as Lot B of Menard Subdivision located in the SE1/4 NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1830 Eglin Street.

8. No. 09PL049 - Menard Subdivision

A request by FMG, Inc. for Menard, Inc. to consider an application for a **Layout Plat** for proposed Lots B1 and B2 of Menard Subdivision, legally described as Lot B of Menard Subdivision located in the SE1/4 NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1830 Eglin Street.

Horton presented the staff recommendation to deny the Planned Commercial Development, the Variance to the Subdivision Regulations and the Layout Plat applications without prejudice at the applicant's request.

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

**Brown moved, Landguth seconded and carried to deny the Planned Commercial Development - Initial and Final Development Plan, Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on**



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**Menard Drive, to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer, and street light conduit on shared access easement to Lots B1 and B2, and to waive the requirement to construct sidewalk and sewer on E North Street as per Chapter 16.16 of the Rapid City Municipal Code and the Layout Plat without prejudice at the applicant's request. (6 to 0 to 2 with Braun, Brewer, Brown, Gregg, Landguth and Marchand voting yes and none voting no and Scull and Collins abstaining)**

23. No. 09SR077 - Section 29, T1N, R7E

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to acquire a well, appurtenances and property** on the north 165 feet of the east 185 feet of the E1/2 NE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the northern terminus of Dunsmore Road.

Elkins requested that the Planning Commission continue the SDCL 11-6-19 Review to a Continued Planning Commission meeting on September 17, 2009 at 7:00 a.m. to allow an adjacent property owner to review the request and comment on the application. Discussion followed.

**Collins moved, Brown seconded and unanimously carried to continue the SDCL 11-6-19 Review to authorize the acquisition of a well, appurtenances and property to a Continued Planning Commission meeting on September 17, 2009 at 7:00 a.m. (8 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand and Scull voting yes and none voting no)**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

26. 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 September 24, 2009 Planning Commission meeting.

**Brown moved, Collins 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 September 24, 2009 Planning Commission meeting. (8 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand and Scull voting yes and none voting no)**

\*27. No. 09PD037 - Red Rock Meadows Subdivision

A request by Ken Fuerst for K1 Construction, Inc. to consider an application for a

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**Major Amendment to a Planned Residential Development** for Lot 11 of Block 7 of Red Rock Meadows Subdivision, located in the SW1/4 NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6509 Seminole Lane.

Fisher presented the staff recommendation to approve the Major Amendment request with stipulations.

Keith Westerbeck, 6503 Seminole Lane expressed his concern with the possible affect on the negative impact to his property from the drainage from runoff on the property. Westerbeck commented on his additional concern with the negative property values resulting from the reduced setback.

In response to Brewer's question, Westerbeck identified the location of the pooling water resulting from runoff off of the property. Discussion followed.

**Brewer moved, Marchand seconded to approve the Major Amendment to a Planned Residential Development.**

Fisher identified the location of the portion of the structure that encroaches into the easement and set back and staff's concerns regarding the negative impact from drainage to adjacent properties. Discussion followed.

Ken Fuerst, K1 Construction and property owner expressed his opinion regarding possible alternatives to eliminate the negative impact from water runoff to the adjacent property owner.

In response to Braun's question, Fuerst stated that an offset property line was missed at the time of staking resulting in the structure being located in the easement and the minimum required setback.

Elkins commented that staff is concerned with the implementation of an underground drain because of the lack of storm sewer at that location. Discussion followed.

Landguth expressed his concern with the negative impact with water runoff and drainage from the property.

In response to Landguth's question, Bosworth stated that she had reviewed the reports submitted by the drainage engineer. Bosworth identified the drainage flow on the two properties. Bosworth stated that the engineer submitted ditch elevations to mitigate the negative impact regarding runoff from the properties.

In response to Braun's question, Bosworth stated that per the applicant's drainage report the gutters on the house were relocated. Bosworth further commented that staff does not rely on gutter location for calculating drainage flows. Discussion followed.

**Brewer moved, Landguth seconded and unanimously carried to approve the Major Amendment to a Planned Residential Development with the**

**following stipulations:**

- 1. Prior to Planning Commission approval, revised drainage information shall be submitted for review and approval which includes anticipated flows from the roof and roof drains and a design solution to resolve the potential for flooding. In addition, the associated Vacation of Minor Drainage and Utility Easement request shall be approved by the City Council;**
- 2. On-going maintenance of the drainage channel shall be continually provided;**
- 3. Prior to issuance of a Certificate of Occupancy, the drainage improvements shall be constructed or surety posted for the improvement(s);**
- 4. The side yard setback is hereby reduced from 8 feet to 4.1 feet along the north lot line of the property for the existing residence only. A minimum side yard setback of eight feet for a one story structure and 12 feet for a two story structure shall be provided along the balance of the property. In addition, a minimum 18 foot front yard setback shall be provided in front of the garage and a minimum 15 foot front yard setback shall be provided in front of the residence. A minimum 25 foot rear yard setback shall also be provided;**
- 5. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Initial and Final Planned Residential Development or a subsequent Major Amendment;**
- 6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 7. The proposed structure shall continue to conform architecturally to the approved elevations and design plans for the Initial and Final Planned Residential Development. In addition, the color scheme shall consist of brown, white and/or blue earth tone shades;**
- 8. All streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual and the currently adopted International Fire Code. In addition, fire hydrants shall be in place and operational prior to any building construction. Street signs and lot addresses shall also be posted prior to or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met;**
- 9. The Planned Residential Development shall allow for the construction of single family residence(s). However, 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. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted; and,**
- 10. The eave trough shall be reconfigured to direct roof drainage to the front of the structure. (8 to 0 with Braun, Brewer, Brown, Collins,**

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**Gregg, Landguth, Marchand and Scull 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.***

**\*28. No. 09PD038 - Melody Acres Subdivision No. 2**

A request by Kathy L. Webb to consider an application for a **Planned Residential Development - Initial and Final Development Plan** for Lot 16 of Melody Acres Subdivision No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2801 Cactus Drive.

Bulman presented the staff recommendation to approve the Planned Residential Development with revised stipulations as presented on the dais.

**Brewer moved, Gregg seconded and unanimously carried to approve the Planned Residential Development - Initial and Final Development Plan with the following stipulations:**

- 1. A Building Permit shall be obtained prior to construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. An Erosion and Sediment Control Permit shall be obtained prior to obtaining a Building Permit;**
- 3. The proposed one stall garage shall be of the same materials and same roof pitch as the residence;**
- 4. An exception is hereby granted to allow one off-street parking space to be provided in lieu of the two required spaces;**
- 5. The off-street parking space and driveway shall be paved;**
- 6. Prior to obtaining a Building Permit, the Final Development Plan shall be revised to show a four foot wide sidewalk located one foot off the property line in the public right-of-way or the applicant shall obtain an exception to construct a sidewalk from the City Council; and,**
- 7. 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. (8 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand and Scull 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.***

Fisher requested that items 29 and 30 be taken concurrently.

**29. 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 of \_\_\_\_\_ Subdivision, 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.

30. 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 of \_\_\_\_\_ Subdivision, 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.

Fisher presented the staff recommendation to continue the Layout Plat and the Variance to the Subdivision Regulations applications to the September 24, 2009 Planning Commission meeting.

**Collins moved, Gregg 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 September 24, 2009 Planning Commission meeting. (8 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand and Scull voting yes and none voting no)**

31. Discussion Items

- A. Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs.

Heller noted Commissioner Landguth had requested that the Study on Impacts of the Emerging Digital Display technology for Outdoor Advertising. A brief discussion followed.

In response to Gunderson-Olson's question, Heller stated that the author of the study is the Veridian Group and the study was done for the NCHRP (National Cooperative Highway Research Program).

Brewer expressed his concerns with signage that distract motorists. Brewer added that the Sign Code should have further updates.

Landguth expressed his concerns for highway safety regarding signs and other distractions to motorists.

32. Staff Items

33. Planning Commission Items

**DRAFT**

A. Election of Chairperson.

**Brewer moved, Marchand seconded and unanimously carried to elect Scull as Chairperson to the Planning Commission. (8 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand and Scull voting yes and none voting no)**

**Brown moved, Gregg seconded and unanimously carried to elect Landguth as Vice-chairperson to the Planning Commission. (8 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand and Scull voting yes and none voting no)**

**Brown moved, Scull seconded and unanimously carried to elect Julie Gregg as Secretary to the Planning Commission. (8 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand and Scull voting yes and none voting no)**

**There being no further business, Braun moved, Gregg seconded and unanimously carried to continue the meeting to Thursday, September 17, 2009 at 7:00 a.m. in the City Council Chambers. (8 to 0 with Braun, Brewer, Brown, Collins, Gregg, Landguth, Marchand and Scull voting yes and none voting no)**