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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
December 10, 2009

MEMBERS PRESENT: Erik Braun, John Brewer, Gary Brown, Barb Collins, Doug Kinniburgh, Dennis Landguth, Linda Marchand, Andrew Scull and Pat Wyss. Karen Gunderson-Olsen, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Monica Heller, Vicki Fisher, Karen Bulman, Patsy Horton, Ali DeMersseman, Mary Bosworth, Ted Johnson, Karley Halsted, Rich Broderick, 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 Item 23 be removed from the Consent Agenda for separate consideration.

Scull and Kinniburgh requested that Items 6 and 8 be removed from the Consent Agenda for separate consideration.

Motion by Brown, Seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 36 in accordance with the staff recommendations with the exception of Items 6, 8 and 23. (9 to 0 with Braun, Brewer, Brown, Collins, Kinniburgh, Landguth, Marchand, Scull and Wyss voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the November 19, 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 recommended that the Preliminary Plat be approved with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the**

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- red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. Prior to submittal of a Final Plat application or prior to the start of construction, the applicant shall submit a copy of an approved and recorded document providing maintenance of the proposed drainage lot or the request that the City accept ownership and maintenance of the proposed drainage lot shall be approved by City Council;
 3. Prior to submittal of a Final Plat application or prior to the start of construction, an agreement shall be entered into between the City of Rapid City and Rapid Valley Sanitary District documenting that the City has ownership of the sewer line located in Timmons Boulevard or that Rapid Valley Sanitary District is agreeable to conveying sewer affluent for a portion of this phase of the development;
 4. 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;
 5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 6. 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.
3. No. 09AN001 - Melody Acres
A request by Carl R. Schuler, Jr. to consider an application for a **Petition for Annexation** of Lot 4 of Melody Acres located in the NW1/4 SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Melody Lane and east of South Valley Drive.
- Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the Rapid Valley Fire Protection District being made by the City of Rapid City.**
4. No. 09AN002 - Melody Acres
A request by DuWayne and Michelle Britton Ness to consider an application for a **Petition for Annexation** of Lot 3N of Lot 3 of Melody Acres located in the NW1/4 SW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2818 Melody Lane.
- Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the Rapid Valley Fire Protection District being made by the City of Rapid City.**
5. No. 09CA025 - Section 6, T1N, R8E
A request by James Hoag for Hoag Land Co., - West Central Mfg. 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 Business Park with a Planned Commercial Development of**

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Lots 1 thru 4 of Lot H of Lot 1 of the SW1/4 SE1/4, vacated alley adjacent to said Lots 3 and 4, Lots 3 thru 9 and Lots 5 thru 8 of Lot H of Lot 1 of the SW1/4 SE1/4, Section 6, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 818, 910 and 920 E. St. Andrew Street.

Planning Commission approved the Summary of Adoption and authorized publication in the Rapid City Journal.

7. No. 09CA027 - Section 9, T1N, R8E

A request by City of Rapid City 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 Public to Low Density Residential** of Lot A of Lot 5, Lot 7 and a portion of Lots 5 and 6 of the SW1/4 NW1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2819 and 2826 Garden Lane.

Planning Commission approved the Summary of Adoption and authorized publication in the Rapid City Journal.

*9. 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.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the January 7, 2010 Planning Commission meeting.

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

*10. No. 09PD096 - Black Hills Center

A request by FourFront Design, Inc. for Eagle Ridge Properties, LLC to consider an application for a **Major Amendment to a Planned Residential Development** for Lots 2A and 2B of Block 1 of Black Hills Center, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 121 Stumer Road.

Planning Commission continued the Major Amendment to a Planned Residential Development to the January 7, 2010 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.

*11. No. 09PD097 - Big Sky Business Park

A request by Dennis Hettich for Conrads Big "C" Signs to consider an application for a **Major Amendment to a Planned Commercial Development** for Lot 2 of Block 1 of Big Sky Business Park, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 747 Timmons Boulevard.

Planning Commission continued the Major Amendment to a Planned Commercial Development to revise the sign package to the January 7, 2010 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.

*12. No. 09PD098 - Heartland Retail Center

A request by Dennis Hettich for Conrads Big "C" Signs to consider an application for a **Major Amendment to a Planned Commercial Development** for Lot 2 of Block 1 of Heartland Retail Center, Sections 27 and 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4030 Cheyenne Boulevard.

Planning Commission continued the Major Amendment to a Planned Commercial Development to revise the sign package to the January 7, 2010 Planning Commission meeting.

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

*13. No. 09PD101 - North Rapid Addition

A request by Renner & Associates for Black Hills Workshop to consider an application for a **Planned Residential Development - Initial Development Plan** for Lot 22R of Block 18 of North Rapid Addition, located in the S1/2 of the NW1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Mt. Rushmore Road and North Street.

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

- 1. Prior to issuance of a Building Permit, a Final Planned Residential Development shall be reviewed and approved for the proposed use;**
- 2. A Building Permit shall be obtained prior to the start of construction and a Certificate of Occupancy shall be obtained prior to Occupancy;**
- 3. The structures shall conform architecturally to the plans and elevations and color palette submitted as part of this Initial Planned Residential Development;**
- 4. A minimum of 17,283 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 5. A minimum of five parking spaces shall be provided. In addition, one of the parking spaces shall be "van" handicap accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 6. Upon submittal of a Final Planned Residential Development application, a revised utility plan shall be submitted for review and approval demonstrating that the entire sanitary sewer main located in the southwest corner of the property is located within a utility easement or an easement shall be recorded for the northern portion of the existing sanitary sewer main;**
- 7. Upon submittal of a Final Planned Residential Development application, a grading plan and a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided;**
- 8. Upon submittal of a Final Planned Residential Development application, the site plan shall be revised to show any existing wetlands. In addition, a 404 Permit shall be obtained if needed;**
- 9. Upon submittal of a Final Planned Residential Development application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review**

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- and approval as needed. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
10. Upon submittal of a Final Planned Residential Development application, water plans showing the extension of water service lines shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. Utility easements shall also be secured for access and maintenance as needed;
 11. Upon submittal of a Final Planned Residential Development application, sewer plans showing the extension of sanitary sewer service lines shall be submitted for review and approval. Utility easements shall be secured for access and maintenance as needed;
 12. Upon submittal of a Final Planned Residential Development application, an elevation of the proposed privacy fence shall be submitted for review and approval. In particular, the elevation shall identify the dimensions, building material and proposed color palette of the proposed fence;
 13. Upon submittal of a Final Planned Residential Development application, the location and size of the dumpsters shall be submitted for review and approval. In addition, elevations of the screening fence for the dumpsters shall be submitted for review and approval and shall include dimensions, building material(s) and the proposed color palette;
 14. The currently adopted International Fire Code shall be continually met. In particular, the proposed residential structures shall have fire sprinkler systems to insure that the occupants are protected. The applicant shall also demonstrate that a fire hydrant is located within 400 feet of all portions of the structures as measured via an approved route;
 15. A group home shall be allowed on the property as defined by Chapter 17.04.350 of the Zoning Ordinance. This shall not include missions, detoxification centers or detention centers. In particular, the two proposed residences shall be used as a group home with a maximum of five clients and one staff member per home. 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 two years. In addition, any change and/or expansion in use will require that a Major Amendment to the Planned Residential Development be obtained.

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.

- *14. No. 09PD102 - Discovery Subdivision
A request by City of Rapid City to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for Tract 3 of Discovery Subdivision, located in the E1/2 of Section 28, T2N, R8E, BHM, Rapid

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City, Pennington County, South Dakota, more generally described as being located west of North Elk Vale Road and South of East Mall Drive.

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

- 1. The following uses shall be allowed: Visitor's Information Center, professional offices, and accessory uses including the existing signs and the requested relocation of the existing sign. Any change in use, new construction, reconfiguration of off-street parking or other expansion shall require a Major Amendment to the Planned Commercial Development;**
- 2. A sign permit shall be obtained prior to the relocation of the sign. Prior to issuance of the building permit, the location of the easement and the existing sewer line shall be verified in the field by a registered land surveyor;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy of any new construction;**
- 4. The proposed sign shall comply with the plans as submitted and approved as part of this request. Any additional signage or changes in signage shall be submitted as a Major Amendment to the Planned Commercial Development. However, the Growth Management Director may approve temporary signs in accordance with the provisions of Chapter 15.28 of the Rapid City Municipal Code. Any lighting of signs shall be designed to preclude shining on the adjacent properties and/or streets;**
- 5. All currently adopted International Fire Codes shall be continually met;**
- 6. Upon submission of a Major Amendment to the Planned Commercial Development, a Traffic Impact Study shall be submitted for review and approval; and,**
- 7. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

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. 09PD103 - Rockinon Ranch Estates

A request by Britton Engineering & Land Surveying, Inc. for Land and Marine Development, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** for Lots 15 thru 21 of Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4 of Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Bunker Drive between Lennon Land and Springsteen Lane.

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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 any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. A minimum 25 foot front yard setback shall be provided along all front yards including the side yards abutting a street with the exception of Lot 21 which shall have a minimum 18 foot front yard setback as it abuts Bunker Drive. A minimum side yard setback along interior side lot lines of 8 feet for a one story structure and 12 feet for a two story structure shall be provided. In addition, a minimum 18 foot rear yard setback shall be provided;**
- 3. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;**
- 4. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development;**
- 5. Street signs and lot addresses shall be posted prior to or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met;**
- 6. The Planned Residential Development shall allow for the construction of single family residence(s). 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; and,**
- 7. A one year time extension for the Planned Residential Development may be granted upon written request to the Growth Management Director if submitted prior to the Final Development Plan approval expiration date.**

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

16. No. 09PL040 - _____ Subdivision, 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.

Planning Commission continued the Layout Plat to the January 7, 2010 Planning Commission meeting.

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17. No. 09SV015 - _____ Subdivision, 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 the _____ 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.

Planning Commission continued 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 January 7, 2010 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 recommended that the Layout Plat be denied without prejudice at the applicant's request.

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 at the eastern extension of Conestoga Court.

Planning Commission continued the Preliminary Plat to the January 7, 2010 Planning Commission meeting.

20. No. 09PL072 - HillsvieW Subdivision
A request by Renner & Associates for Royal Nielsen to consider an application for a **Preliminary Plat** for proposed Lots A and B of Lot 15 Revised of HillsvieW Subdivision, legally described as Lot 15 revised of HillsvieW Subdivision and the sought 293 feet of Lot 6 of Marshall Subdivision, located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north side of East S.D. Highway 44 between Rockhill Road and Hillside Drive.

Planning Commission continued the Preliminary Plat to the January 7, 2010 Planning Commission meeting.

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21. No. 09PL073 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Triple Z Estate Development to consider an application for a **Preliminary Plat** for proposed Lot 19 of Block 11 of Elks Country Estates, legally described as a portion of Tract 1 and a portion of Tract 2 located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south and east of the intersection of Padre Drive and Jolly Lane.

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

1. **Prior to Preliminary Plat approval by the City Council, construction plans for Jolly Lane shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 32 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained. In addition, property line sidewalks shall be provided as per the Street Design Criteria Manual or an Exception shall be obtained to allow curb side sidewalks;**
2. **Prior to the Final Plat application, the applicant shall revise the Plat title to reflect the correct legal description and correct document misspellings;**
3. **Prior to the Final Plat application, the applicant shall revise the plat document to identify a minimum of a 20 foot wide major drainage easement for the storm sewer pipe and fixtures as shown on the site plan;**
4. **Prior to the Final Plat application, the applicant shall obtain the required right-to-work and tapping permits for the water and sanitary sewer service installation and that the service installation and pavement repair shall be complete and comply with City standards and details or provide surety for the required pavement repair;**
5. **Upon submittal of a Final Plat application, surety shall be posted for any required subdivision improvements that have not been completed 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.**

22. No. 09SV023 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Triple Z Estate Development to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement, to reduce the access easement width from 45 feet to 16 feet, and to reduce the pavement width from 20 feet to 9 feet as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 19 of Block 11 of Elks Country Estates, legally described as A

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portion of Tract 1 and a portion of Tract 2, located in the E1/2 of Section 16, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest corner of Lot 18 of Block 11, Elks Country Estates Located in the E1/2 of the SE1/4 of Section 16, T1N, R8E, BHM, and common to the Jolly Lane right-of-way of record; Thence, first course: N53°23'47"E, along the south boundary of said Lot 18 of Block 11 of Elks Country Estates, a distance of 85.00 feet; Thence, second course: S21°21'11"E, a distance of 200.51 feet; Thence, third course: S65°23'01"W, a distance of 20.36 feet; Thence, fourth course: S65°23'12"W, a distance of 64.64 feet; Thence, fifth course: a curve common to the Jolly Lane right-of-way with a length of 183.19 feet, a radius of 1200.00 feet, a delta of 08°44'47", a cord bearing of N20°27'32"W, and a cord distance of 183.01 feet and the southwest corner of Lot 18 of Block 11, Elks Country Estates and the Point of Beginning, more generally described as being located south and east of the intersection of Padre Drive and Jolly Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement, to reduce the access easement width from 45 feet to 16 feet, and to reduce the pavement width from 20 feet to 9 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved.

24. No. 09PL075 - Aspen Estates Subdivision

A request by Fisk Land Surveying and Consulting Engineers for Walter J. Bradsky to consider an application for a **Preliminary Plat** for proposed Lots 5A and 5B of Aspen Estates Subdivision, legally described as Lot 5 of Aspen Estates Subdivision, located in Section 12, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Elkhart Road.

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

1. **Prior to Preliminary Plat approval by the City Council, the covenant agreement previously submitted to demonstrate road maintenance for Canterbury Road, Kenosha Road and Elkhart Road shall be reviewed and approved by the City of Rapid City; and,**
2. **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.**

25. No. 09PL076 - Vista Ridge Subdivision

A request by Britton Engineering & Land Surveying for Vantage Properties, LLC to consider an application for a **Preliminary Plat** for proposed Lot 1 of Vista Ridge Subdivision, legally described as Lot 4 and a portion of Lot 3 and a portion of the NW1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East North Street between Cambell Street and Anamosa Street.

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Planning Commission continued the Preliminary Plat to the January 7, 2010 Planning Commission meeting.

26. No. 09RZ050 - Melody Acres 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 Lots 1A, 1B, 1C, 1D, 1E all of Lot 1, Lot 2, Lots 11 thru 12, Lots 24 thru 25, Lots 27 thru 29, Lots 39 thru 40, Lots 43 thru 55, Lots 59 thru 69, Scott Street right-of-way, Cactus Drive right-of-way, and the E. Fairmont Street right-of-way north of Section line all of Melody Acres No. 2, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3025 South Valley Drive.

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

27. No. 09RZ051 - Melody Acres 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 18 of Melody Acres No. 2 located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2805 Cactus Drive.

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

28. No. 09RZ052 - Melody Acres 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 9 of Melody Acres No. 2 located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2810 E. Fairmont Street.

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

29. No. 09RZ053 - Melody Acres 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 3 of Melody Acres No. 2 located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2708 E. Fairmont.

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

30. 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,

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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 February 18, 2010 Planning Commission meeting.

31. No. 09SR074 - Section 16, 17 and 20, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to install public utilities** on located in the SW1/4 of the SW1/4 of Section 16, in the SE1/4 of the SE1/4 of Section 17, in the NW1/4 of the NE1/4 and the NE1/4 and the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of Elk Vale Road and southwest of the existing Plum Creek Development.

Planning Commission approved the SDCL 11-6-19 Review to install public utilities.

32. No. 09SR090 - Jackson Park Subdivision

A request by Randy Lyons for City of Rapid City Parks and Recreation to consider an application for a **SDCL 11-6-19 Review to construct a public pedestrian access** on Lots 5 and 6 of Block 1, Lots 3 thru 19 of Block 2, Lots 1A, 1B, 2A, 2B, 3A, 3B, P, P-1, 4-11, 12A, 12B, 13A, 13B, 13C, 14A, 14B, and 15-17 of Block 3, Block 4 and right of way located within Blocks 2, 3 and 4, all located in Jackson Park Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Jackson Boulevard and Chapel Lane.

Planning Commission approved the SDCL 11-6-19 Review to construct a public pedestrian access.

33. No. 09SR097 - Section 36, T2N, R7E

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a structure on public property** on Lots 20 thru 32 of Block 64 of Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 Sixth Street.

Planning Commission approved the SDCL 11-6-19 Review to authorize a reduction in the setback requirements by reducing the property line setback requirement to 9 feet from the property line and to allow a structure on public property.

34. No. 09SR110 - Section 29, T2N, R7E

A request by FMG, Inc. for Good Samaritan Society to consider an application for a **SDCL 11-6-19 Review to construct a public utility and to authorize the acquisition of a utility easement** in the SE1/4 SW1/4 and SW1/4 SW1/4 and the NE1/4 SW1/4 and the NW1/4 SE1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being

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located west of Sturgis Road, south of Hidden Valley Road and west of St. Martins Drive.

Planning Commission continued the SDCL 11-6-19 Review to construct a public utility and to authorize the acquisition of a utility easement to the January 7, 2010 Planning Commission meeting.

35. No. 09SR111 - Sections 27 and 34, T2N, R7E

A request by SDN Communication to consider an application for a **SDCL 11-6-19 Review to install a public utility in a public right-of-way** on the public right-of-way adjacent to Lot 12 of Block 1 of Century Park Subdivision, Tract N and Lots 1 and 2 of Tract E of Rand Addition, Tract D of Rand Addition, located in the SE1/4 SW1/4 and Tract C located in the SE1/4 SW1/4, less the east 320 feet and less Lot H1, Section 27, T2N, R7E, Lot A less Lot H1, Lots A and B of Tract F of Deadwood Avenue Tract, Lot C of Fowler Subdivision, Lot A of the NW1/4 NE1/4 less lots H1 and H2 and Lot E of the SW1/4 NE1/4 less right of way, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to a portion of Samco Road and Deadwood Avenue.

Planning Commission approved the SDCL 11-6-19 Review to install a public utility in a public right-of-way.

36. No. 09SR112 - Big Sky Subdivision

A request by SDN Communications to consider an application for a **SDCL 11-6-19 Review to install a public utility in public right-of-way** in the public right-of-way along Elk Vale Road adjacent to Lot 1 of Block 1 of Big Sky Business Park, Section 3, T1N, R8E, and the Homestead Street Right-of-way located adjacent to Lot 3 of Block 1 of Rushmore Business Park, Lot 1 of Block 2 of Hilltop Business Park Subdivision, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between 950 Elk Vale Road and 3635 Homestead Street.

Planning Commission approved the SDCL 11-6-19 Review to install a public utility in public right-of-way.

---END OF CONSENT CALENDAR---

6. No. 09CA026 - Jepsen Subdivision

A request by City of Rapid City 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 Light Industrial with a Planned Industrial Development to Low Density Residential** of Tract B of Jepsen Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3033 South Valley Drive.

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

Brown moved, Braun seconded and carried to approve the Summary of

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Adoption and authorized publication in the Rapid City Journal. (8 to 0 to 1 with Braun, Brewer, Brown, Collins, Landguth, Marchand, Scull and Wyss voting yes and none voting no and Kinniburgh abstaining)

8. No. 09CA029 - Hilltop Park Subdivision

A request by James L. Scull, Jr. 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 General Commercial to Light Industrial** of Lot 1 of Block 2 of Hilltop Business Park Subdivision, located in the SE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 925 Elk Vale Road.

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

Collins moved, Braun seconded and carried to approve the Summary of Adoption and authorized publication in the Rapid City Journal. (8 to 0 to 1 with Braun, Brewer, Brown, Collins, Kinniburgh, Landguth, Marchand, and Wyss voting yes and none voting no and Scull abstaining)

23. No. 09PL074 - Mahoney Addition No. 2

A request by Fisk Land Surveying & Consulting Engineers for Ehli Family Trust to consider an application for a **Preliminary Plat** for proposed Lots C, D and E of Mahoney Addition No. 2, legally described as the east 90 feet less north 8.5 feet of Block 103, the west 50 feet less the north 8.5 of Block 102, the east 115 feet less the north 8.5 feet of Block 102 all in Mahoney Addition, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 125, 131 and 133 MacArthur.

Horton presented the staff recommendation to continue the Preliminary Plat to the January 7, 2010 Planning Commission meeting.

Collins moved, Marchand seconded and unanimously carried to continue the Preliminary Plat to the January 7, 2010 Planning Commission meeting. (9 to 0 with Braun, Brewer, Brown, Collins, Kinniburgh, Landguth, Marchand, Scull and Wyss voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

37. No. 09CA031 - Rapid City Greenway Tract

A request by Renner & Associates for Rapid City Area School District No. 51-4 to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Public with Flood Hazard to Civic Center** of a portion of Tract 19 of Rapid City Greenway Tract, located in Section, 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the southeasterly corner of Lot RU-302A of the Original Townsite of Rapid City, common to a corner on the north boundary of Tract 19 of the Rapid City Greenway Tract, and the point of beginning, Thence, first course: S12°41'52"W, a distance of 204.24 feet; Thence, second course: N76°56'41"W, a distance of 367.77 feet; Thence, third course:



N13°03'19"E, a distance of 301.94 feet, to a point on the northerly boundary of said Tract 19, common to a point on the southerly boundary of said Lot RU-302A; Thence, fourth course: S77°18'14"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 65.68 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, fifth course: S12°41'52"W, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 100.00 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, sixth course: S77°18'13"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 300.20 feet, to a corner on the northerly boundary of said Tract 19, common to southeasterly corner of said Lot RU-302A, and the point of beginning, said Parcel contains 81,160 square feet or 1.863 acres more or less, more generally described as being located south of Central High School between North Mount Rushmore Road and West Boulevard North and north of Omaha Street.

38. No. 09RZ054 - Rapid City Greenway Tract

A request by Renner & Associates for Rapid City Area School District No. 51-4 to consider an application for a **Rezoning from Flood Hazard District to Civic Center District** of a portion of Tract 19 of Rapid City Greenway Tract, located in Section, 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the southeasterly corner of Lot RU-302A of the Original Townsite of Rapid City, common to a corner on the north boundary of Tract 19 of the Rapid City Greenway Tract, and the point of beginning, Thence, first course: S12°41'52"W, a distance of 204.24 feet; Thence, second course: N76°56'41"W, a distance of 367.77 feet; Thence, third course: N13°03'19"E, a distance of 301.94 feet, to a point on the northerly boundary of said Tract 19, common to a point on the southerly boundary of said Lot RU-302A; Thence, fourth course: S77°18'14"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 65.68 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, fifth course: S12°41'52"W, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 100.00 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, sixth course: S77°18'13"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 300.20 feet, to a corner on the northerly boundary of said Tract 19, common to southeasterly corner of said Lot RU-302A, and the point of beginning, said Parcel contains 81,160 square feet or 1.863 acres more or less, more generally described as being located south of Central High School between North Mount Rushmore Road and West Boulevard North and north of Omaha Street.

Elkins clarified the status of the Park Land dedication noting that Park Land Dedication is not part of the zoning.

Kinniburgh stated that he would be abstaining from discussion and voting due to

a conflict of interest.

Elkins briefly reviewed the conceptual plan for the development of the Central High School expansion noting it has not been formally submitted for review and is not part of the applications being considered by the Planning Commission at this time. Elkins stated that the School District requested that the information be provided to the Planning Commission and City Council for informational purposes because of public discussions.

Elkins identified the location of the proposed Comprehensive Plan Amendment and Rezoning. Elkins presented the staff recommendation to approve the Amendment to the Comprehensive Plan and the Rezoning requests. Elkins added that a similar change was approved for the Rushmore Plaza Ice Arena. Elkins identified the location of the Rapid Creek, the Hydraulic Floodway and the 100 year Flood Plain and the 500 year Flood Plain noting the regulations associated with each designation. Elkin reviewed the Flood Plain Development Policy as it applies to the applications. Elkins further noted that the Public Works Department has approved a Flood Plain Development Permit for the proposed development. Elkins added that the proposed new designations are in compliance with the adopted Flood Plain Development Policy.

In response to Scull's question, Elkins stated that the hydraulic floodway is designated by the red area on the handout presented to the Planning Commission. Elkins further reviewed the differences between floodway and flood plain.

Mike Talley, Principal of Central High School, expressed his support for the proposed Rezoning and Comprehensive Plan Amendment requests. Talley commented on the increased student population of Central High School. Talley expressed his opinion that capacity has been exceeded and the proposed expansion is necessary to provide the educational needs of the school system. Talley stated that there is also an increased use by the public of the school's gymnasium facilities.

Suzanne Martley, Executive Director for Friends of the Rapid City Parks, expressed support for the proposed Rezoning and Comprehensive Plan Amendment requests. She complimented the School District staff. Martley expressed her support for the plan as presented to move the proposed development out of the Floodway and minimize the impact on the park. Martley expressed her concern for encroachment into the greenway in the future.

In response to Wyss' question, Elkins stated that additional steps need to be taken prior to development of the subject property. Elkins added that there would need to be Committee and Council review and authorize the use of the City property. Elkins stated that an SDCL 11-6-19 Review application will need to come forward for review by staff and Planning Commission. Elkins stated that there are vacations of easements that would need to be brought forward. Elkins stated that the parking lot in question currently exists. Discussion followed.

Wyss moved, Brown seconded and carried to recommend that the

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Amendment to the Adopted Comprehensive Plan to change the land use designation from Public with Flood Hazard to Civic Center and the Rezoning from Flood Hazard Zoning District to Civic Center Zoning District be approved. (8 to 0 to 1 with Braun, Brewer, Brown, Collins, Landguth, Marchand, Scull and Wyss voting yes and none voting no and Kinniburgh abstaining)

*39. No. 09PD045 - Sunnyvale Subdivision

A request by Peggy A. Livermont of Piesano's Pacchia, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for Lot 8 less Lot 8a and Lot 11 less Lot 11a of Tract D, Lot 12 less Lot A but including Lot B of Lot 12 of Tract D of Sunnyvale Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3618 Canyon Lake Drive.

Bulman presented the staff recommendation to continue the Planned Commercial Development request to the January 7, 2010 Planning Commission meeting to allow the applicant to provide additional information.

Collins moved, Marchand seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the January 7, 2009 Planning Commission meeting. (9 to 0 with Braun, Brewer, Brown, Collins, Kinniburgh, Landguth, Marchand, Scull and Wyss 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.

*40. No. 09PD048 - Stoney Creek South Subdivision

A request by Sperlich Consulting, Inc. for J. Scull Construction to consider an application for a **Planned Commercial Development - Initial and Final Development to include an on-sale liquor establishment** for Lot 1A of Block 1 of Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5550 Sheridan Lake Road.

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

Horton presented the staff recommendation to continue the Planned Commercial Development request to the January 21, 2010 Planning Commission meeting.

Marchand moved, Brown seconded and carried to continue the Planned Commercial Development - Initial and Final Development Plan to the January 21, 2010, Planning Commission meeting. (8 to 0 to 1 with Braun, Brewer, Brown, Collins, Kinniburgh, Landguth, Marchand, and Wyss voting yes and none voting no and Scull abstaining)

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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 41 and 42 be taken concurrently.

*41. No. 09PD050 - Melody Acres No. 2

A request by Jerry Pabst for Lee Adams to consider an application for a **Planned Residential Development - Initial and Final Development Plan** for Lot 70 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2850 Terra Street.

42. No. 09RZ044 - Melody Acres 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 70 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2850 Terra Street - East of Valley Drive.

Bulman presented the staff recommendation to approve the Planned Residential Development and Rezoning requests.

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

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

1. **Prior to obtaining a Mobile Home Hookup Permit, a Mobile Home Park License for 2009 and 2010 shall be obtained. A yearly Mobile Home Park License shall be obtained thereafter;**
2. **A maximum of 38 mobile homes shall be allowed within the mobile home park;**
3. **The mobile home park shall be allowed to continue with its current design standards with the approval of this Planned Residential Development. However, Chapter 15.48 of the Rapid City Municipal Code shall be continually met. Chapter 17.50.110 shall be met for any expansion of the number of units or the park area;**
4. **Prior to Planning Commission approval, the connection between Cyclone Street and East Fairmont Street shall be paved or re-graded to provide safe travel;**
5. **Mobile homes shall be used for residential uses only. No commercial or industrial uses are allowed within a mobile home in a Mobile Home Park;**
6. **Prior to Planning Commission approval, the advertising sign located on Space 29 shall be removed;**
7. **Any expansion of the Mobile Home Park shall require a Major**

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- Amendment to the Planned Residential Development;**
8. **All mobile homes allowed in the park shall comply with Chapter 17.38.080, the manufactured home construction and safety standards of the U.S. Department of Housing and Urban Development;**
 9. **A Mobile Home Hookup Permit shall be obtained prior to locating a mobile home on a space within the Mobile Home Park;**
 10. **A Flood Plain Development Permit shall be obtained prior to locating a mobile home or accessory structures within the 100 Year Federally Designated Floodplain;**
 11. **Prior to construction of any additional accessory buildings on spaces within the Mobile Home Park, a Building Permit must be obtained;**
 12. **Prior to Planning Commission approval, the applicant shall submit a sign package showing lot directory signs at the entrance to the Mobile Home Park;**
 13. **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; and,**

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.

That the Rezoning from No Use District to Mobile Home Residential District be approved in conjunction with the associated Planned Residential Development – Initial and Final Development Plan. (8 to 0 to 1 with Braun, Brewer, Brown, Collins, Landguth, Marchand, Scull and Wyss voting yes and none voting no and Kinniburgh abstaining)

*43. No. 09PD099 - Tuscany Square Subdivision

A request by Bob Brandt for Good Guys, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** for Tract 1 and Tract 2 of Tuscany Square Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 Omaha Street.

Fisher presented the staff recommendation to continue the Major Amendment request to the January 7, 2010 Planning Commission meeting.

Collins moved, Brewer seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the January 7, 2010 Planning Commission meeting. (9 to 0 with Braun, Brewer, Brown, Collins, Kinniburgh, Landguth, Marchand, Scull and Wyss 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

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business on the seventh full calendar day following action by the Planning Commission.

*44. No. 09PD100 - Derby Subdivision

A request by Peter Anderson to consider an application for a **Major Amendment to a Planned Commercial Development** for Lot 2 of Lot A of Derby Subdivision, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1136 Jackson Boulevard.

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

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

Collins moved, Brewer seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

1. **Prior to Planning Commission approval, the signs currently located on the adjacent City property and the two banner signs located along the west elevation of the building shall be removed;**
2. **All signage shall conform to the design, color and location as shown in the sign package submitted as a part of this Major Amendment to the Planned Commercial Development. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a subsequent Major Amendment to 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. 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;**
3. **The structure located on Lot 2 of Lot A of Derby Subdivision shall be used for professional and business offices and medical facilities, not to include drop in patients and/or emergency care facilities. Any other use shall require a Major Amendment to the Planned Commercial Development;**
4. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
5. **The proposed structure(s) shall continue to conform architecturally to the approved plans and elevations and color palette submitted as part of the original Commercial Development Plan(s);**
6. **A minimum of 49 on-site parking spaces shall be continually provided. Three of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be met;**
7. **A minimum of 56,550 landscaping points shall be provided. The**

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- 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;
8. The dumpsters shall be located as shown on the site plan and continually screened with a 4 foot high screening fence;
 9. 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;
 10. All currently adopted International Fire Codes shall be met;
 11. An Exception is hereby granted to waive the requirement to provide an opaque ornamental screening fence not less than 5 feet nor more than 6 feet in height along the east and south lot lines abutting a residential zoning district; and,
 12. The Planned Commercial Development shall expire if the use as approved has ceased for a period of two years. (8 to 0 to 1 with Brewer, Brown, Collins, Kinniburgh, Landguth, Marchand, Scull and Wyss voting yes and none voting no and Braun 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.

**ADDENDUM TO
AGENDA
CITY OF RAPID CITY PLANNING COMMISSION
December 10, 2009 at 7:00 a.m.**

44A. **09TP032 – 2010-2014 Transportation Improvement Program Amendment No. 10-001R.**

Elkins presented the staff recommendation to approve the 2010-2014 Transportation Improvement Program Amendment #10-001R.

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

Brown moved, Marchand seconded and unanimously carried to approve the 2010-2014 Transportation Improvement Program Amendment #10-001R. (8 to 0 to 1 with Braun, Brewer, Brown, Collins, Landguth, Marchand, Scull and Wyss voting yes and none voting no and Kinniburgh abstaining)

45. Discussion Items

- A. Sidewalk Café issues (June 25, 2009 Planning Commission meeting discussion (Vino 100)).

Fisher presented the staff review of the Sidewalk Café permits that have

been approved. Fisher identified concerns presented by the public and City staff. Fisher noted that concerns for the sample site plan identifying the requirements have been raised and that staff has made revisions to the site plan exhibit. Fisher reviewed the barrier requirements. Fisher added that complaints have been received from the Police Department that the barricades are moved outside the approved areas by patrons. Fisher stated that discussions of the original ordinance regarding anchoring of the barricades. Fisher requested discussion and direction for staff as to what the Planning Commission wished to allow.

Brewer reviewed the original discussions and the determining factors that molded the Ordinance. Brewer reviewed the types of anchors that may be considered. Brewer expressed his opinion that anchors should not be a requirement.

Kinniburgh cautioned regarding ADA Guidelines with the requirement to anchoring. Discussion followed.

Elkins reviewed additional ADA Standards. Discussion followed.

Karen Gundersen-Olson, Alderwoman expressed her concern for the public with limited mobility to allow adequate access to the sidewalks. Karen Gundersen-Olson stated that maybe different locations be reviewed on a case by case basis.

Braun expressed his opinion that this may simply be a code enforcement issue.

Wyss expressed concern with anchoring and temporary nature of the businesses. Wyss expressed his support for design standards. Discussion followed.

Elkins stated that staff would continue to monitor the Sidewalk Cafés for another season.

- B. Planning Commissioner's Journal Article – Religious Land Use and Institutionalized Persons Act (RLUIPA).

Elkins reviewed the intent of an article on the Religious Land Use and Institutionalized Persons Act noting that the intent was to protect churches and other religious facilities from inappropriate government. Discussion followed.

46. Staff Items

- A. January 19, 2010 Training Session attendance.

Elkins requested that the Planning Commission members notify staff of their availability for the January 19, 2010 training session.

- B. Elkins thanked the Planning Commission for their service the past year

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and thanked the staff for their contribution during the year.

There being no further business, Collins moved, Brown seconded and unanimously carried to adjourn the meeting at 8:05 a.m. (9 to 0 with Braun, Brewer, Brown, Collins, Kinniburgh, Landguth, Marchand, Scull and Wyss voting yes and none voting no)