



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 4, 2010

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

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Karen Bulman, Patsy Horton, Ali DeMersseman, Jim Flaaen, 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.

A member of the audience requested that Item 17 be removed from the Consent Agenda for separate consideration.

Motion by Wyss, Seconded by Gregg and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 26 in accordance with the staff recommendations with the exception of Item 17. (8 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Landguth, Scull and Wyss voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the January 19, 2010 Planning Commission Training Session Meeting Minutes and the January 21, 2010 Planning Commission Meeting Minutes.

*2. 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 February 18, 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.

*3. 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 at the applicant's request to the March 4, 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.

*4. 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 denied the Major Amendment to a Planned Commercial Development to revise the sign package without prejudice at the applicant's request.

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

5. No. 09PL072 - Hillsvieview 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 Hillsvieview Subdivision, legally described as Lot 15 revised of Hillsvieview 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 February 18, 2010 Planning Commission meeting.



6. No. 09PL083 - Mahoney Addition No. 2

A request by Fisk Land Surveying & Consulting Engineers for Stephen M. Gowan to consider an application for a **Preliminary Plat** for proposed Lots A and B of Mahoney Addition No. 2 and dedicated right-of-way, legally described as the east 90 feet of Block 122 and the west half of Block 123 of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 134 Anamosa Street.

Planning Commission continued the Preliminary Plat to the March 4, 2010 Planning Commission meeting.

7. No. 09PL086 - Spring Canyon Estates

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** for proposed Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, legally described as Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5703 and 5707 Pioneer Circle.

Planning Commission continued the Layout Plat to the February 18, 2010 Planning Commission meeting.

8. No. 09SV028 - Spring Canyon Estates

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle, to reduce the width of the private access and utility easement from 49 feet to a verifying width of 46.9 feet to five feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the private access and utility easement, to reduce the width of the access easement from 49 feet to a verifying width of 40 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, legally described as Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5703 and 5707 Pioneer Circle.

Planning Commission continued the Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle, to reduce the width of the private access and utility easement from 49 feet to a varying width of 46.9 feet to 5 feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the private access and utility easement, to reduce the width of the access easement from 49 feet to a



varying width of 40 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code to the February 18, 2010 Planning Commission meeting.

9. No. 09RZ057 - West Boulevard Addition

A request by Marcy Morkert to consider an application for a **Rezoning from General Commercial District to Medium Density Residential District** of the east 35 feet of the west 71 feet of Lot 21 of Block 38 of West Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 814 Saint James Street.

Planning Commission recommended that the Rezoning from General Commercial District to Medium Density Residential District be approved.

10. No. 09RZ058 - 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 20 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2809 Cactus Drive.

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

11. No. 10RZ001 - 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 34 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2804 Cactus Drive.

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

12. No. 10RZ002 - 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 5 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2802 E. Fairmont Street.

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

13. No. 10RZ003 - 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 35 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2806 Cactus Drive.

Planning Commission recommended that the Rezoning from No Use



District to Mobile Home Residential District be approved.

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

Planning Commission approved the SDCL 11-6-19 Review to construct a public utility and authorize the acquisition of a Utility Easement.

15. No. 09SR115 - Original Town of Rapid City

A request by George Larson for American Cancer Society to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** for the Seventh Street Right-of-way located adjacent to Lots 16 and 17 of Block 84 and alley right-of-way adjacent to Lots 1 and 32 of Block 83 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Seventh Street between Main and St. Joseph Street.

Planning Commission continued the SDCL 11-6-19 Review to allow temporary structures on public property to the February 18, 2010 Planning Commission meeting.

16. No. 09SR123 - Section 35, T1N, R7E

A request by Kent Hagg for Hagg Development Inc. to consider an application for a **SDCL 11-6-19 Review to extend public utilities** on the SW1/4 NW1/4, Section 35, T1N, R7E, BHM, and the U.S. Highway 16 Right-of-way and Moon Meadows Right-of-way located adjacent to the SW1/4 NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of U.S. Highway 16 and Sammis Trail.

Planning Commission continued the SDCL 11-6-19 Review to extend public utilities to the February 18, 2010 Planning Commission meeting.

*18. No. 10PD004 - Medicine Ridge Subdivision

A request by City of Rapid City to consider an application for a **Major Amendment to a Planned Residential Development** for Lots 1 thru 6 of Block 1, Lots 1 thru 5 of Block 2 and Lot 1 of Block 3 of Medicine Ridge Subdivision, located in the SE1/4 NE1/4 NE1/4, and the NE1/4 SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Enchanted Pines Drive west of Stumer Road.

Planning Commission approved the Major Amendment to a Planned



Residential Development with the following stipulations:

1. The residences shall conform architecturally to the plans, elevations and color palette approved with the Initial and Final Planned Residential Development;
2. The front yard setback for Lot 1 of Block 3 is reduced from 25 feet to 15 feet from Medicine Ridge Road as approved in the Initial and Final Planned Development. All other provisions of the Low Density Residential District shall be met;
3. A minimum of 1,000 gallons per minute fire flow at 20 psi residual pressure shall be provided for residential structures of up to 3,600 square feet in area. Fire flows of 1,750 gallons per minute at 20 psi residual pressure shall be provided for residential structures 3,601 to 4,800 square feet in area. Residential structures larger than 4,800 square feet shall meet fire flow requirements as stated in Table B105.1 of the International Fire Code. If the fire flow requirements cannot be provided, then residences shall be protected throughout with an approved residential fire sprinkler system;
4. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more; and,
5. The Planned Residential Development shall expire if the use has not commenced by January 7, 2015 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.

19. No. 10PL001 - Dail Subdivision

A request by D.C. Scott Surveyors, Inc. for Brian Dail to consider an application for a **Layout Plat** for proposed Tract 1 of Dail Subdivision, legally described as the unplatted portion of the N1/2 NW1/4, Section 23, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Reservoir Road and Green Valley Drive and west of Greenwood Lane.

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

1. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City;
2. Upon submittal of a Preliminary Plat application, any portion of the land in or adjacent to the subdivision subject to periodic inundation must be clearly shown and identified on the plat. In addition, prior to approval of construction plans a Flood Plain Development Permit and a US Army Corps of Engineers 404 Permit shall be obtained as needed;
3. Upon submittal of a Preliminary Plat application, road construction plans for the arterial street, Reservoir Road, shall be submitted for



- review and approval. In particular, the road construction plans shall show the street located in a minimum 100 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way along Reservoir Road or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to submittal of the Preliminary Plat application, an Approach Permit shall be obtained from the Pennington County Highway Department. In addition, any proposed approach locations shall be identified on the plans, and the plat document shall identify non-access easements along the balance of Reservoir Road as per the Street Design Criteria Manual;
 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. The Rapid City Master Utility Plan identifies the property within "Tier One." As such, dry sewer shall be provided even if on-site wastewater systems are proposed to be utilized in the interim. If individual on-site wastewater systems are utilized, then an on-site waste water plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;
 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plan shall demonstrate the adequate fire and domestic flows are being provided;
 7. Upon submittal of a Preliminary Plat application, 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. The plat document shall also provide drainage easements as needed;
 8. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval for any required subdivision improvements;
 9. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 10. 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;



11. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and**
 12. **The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.**
20. No. 10PL002 - Original Town of Rapid City
A request by City of Rapid City to consider an application for a **Preliminary Plat** for proposed Tract A of Block 95 of the Original Town of Rapid City, legally described as Lots 1 thru 16 of Block 95 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of St. Joseph Street between Fifth Street and Sixth Street.

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 shall be submitted for review and approval showing a sewer main along St. Joseph Street and Fifth Street or a Variance to the Subdivision Regulations shall be obtained;**
 2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of one additional foot of right-of-way along the western 100 foot of St. Joseph Street or a Variance to the Subdivision Regulations shall be obtained;**
 3. **Prior to submittal of a Final Plat application, the plat document shall be revised removing the delineation of a proposed 20 foot wide storm sewer easement;**
 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.**
21. No. 10SV001 - Original Town of Rapid City
A request by City of Rapid City to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sanitary sewer in St. Joseph Street and Fifth Street and to reduce the right-of-way width for St. Joseph Street from 100 feet to 98 feet as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Tract A of Block 95 of the Original Town of Rapid City, legally described as Lots 1 thru 16 of Block 95 of the Original



Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of St. Joseph Street between Fifth Street and Sixth Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sanitary sewer along St. Joseph Street and Fifth Street and to reduce the right-of-way width for St. Joseph Street from 100 feet to 98 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved.

22. No. 10PL003 - Founders Park Subdivision

A request by Centerline for Founders Park II, LLC to consider an application for a **Preliminary Plat** for proposed Lot 6 of Founders Park Subdivision, legally described as the unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Founders Park Drive.

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 the 26 foot wide public access easement shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 59 foot wide easement and constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of 6 additional inches of right-of-way for Founders Park Drive or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the existing approach is located within the proposed 26 foot wide public access easement or the public access easement shall be widened to accommodate the existing approach;**
4. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page of the previously recorded utility and access easement located on existing Lot 7. In addition, the plat document shall clearly delineate the existing utility and access easement located on Lot 7 from the proposed utility and access easement to be located on Lot 6;**
5. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;**
6. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
7. **The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the**



City Council.

23. No. 10SV002 - Founders Park Subdivision

A request by Centerline for Founders Park II, LLC to consider an application for a **Variance to the Subdivision Regulations to reduce the width of the access easements from 59 feet to 26 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the width of Founders Park Drive right-of-way from 60 feet to 59 feet as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 6 of Founders Park Subdivision, legally described as the unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Founders Park Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to reduce the width of the public access easement from 59 feet to 26 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the public access easement and to reduce the width of Founders Park Drive right-of-way from 60 feet to 59 feet be approved.

24. No. 10SR001 - Section 19, T2N, R7E

A request by FMG, Inc. for Good Samaritan Society to consider an application for a **SDCL 11-6-19 Review to authorize the relocation of a street** on Lot H1 located in the SE1/4, Lot H1 in the SW1/4 and Lot H1 in the NE1/4 of the NE1/4 of the SW1/4, all in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 (Sturgis Road) and Hidden Valley Road.

Planning Commission approved the SDCL 11-6-19 Review to authorize the relocation of a street.

25. No. 10VR001 - Section 19, T2N, R7E

A request by FMG, Inc. for Good Samaritan Society to consider an application for a **Vacation of Right-of-Way** for the St. Martin's Road right-of-way located in the S1/2, Section 29 excepting the southern 60.3 feet of said right-of-way, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 (Sturgis Road) and Hidden Valley Road.

Planning Commission recommended that the Vacation of Right-of-Way request be approved with the following stipulations:

1. **Prior to City Council approval, the applicant shall provide temporary access easements to insure that the existing St. Martins Drive shall remain in place until such time as the alternate street is constructed and accepted by the City and the associated H Lots are recorded; and,**
2. **Prior to City Council approval, all of the affected utility companies shall submit written document indicating concurrence with the**



request.

26. No 10TP001 – 2010-2014 Transportation Improvement Program Amendment No. 10-002R.

Planning Commission recommended approval of the 2010-2014 Transportation Improvement Program Amendment #10-002R.

---END OF CONSENT CALENDAR---

- *17. No. 10PD002 - Rockinon Ranch Estates

A request by Britton Engineering and Land Surveying for Land and Marine Development, Inc. to consider an application for a **Major Amendment to a Planned Residential Development** for Lot 16 of Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Bunker Drive and Springsteen Lane.

Andrew Pressley, area resident expressed his concern with possible negative impact to property values from the proposed structure on the subject property.

In response to Scull's question, Fisher stated that the request is a Major Amendment to a Planned Residential Development and that the applicant has requested a change in the setback designation. Fisher identified the location of the requested setback designation change on the subject property. Fisher noted that the proposed structure is considered a stick built home by building code standards.

In response to Scull's question, Pressley identified the location of his residence in relation to the subject property.

In response to Brewer's question, Fisher reviewed the required setbacks for the Planned Development. Fisher further noted that several styles of homes/elevations were approved as part of the Planned Development. Discussion followed.

In response to Brewer's question, Pressley stated that he was not shown the various types of home approved as part of the Planned Development by the developer.

In response to Landguth's question, Elkins stated that the Planning Commission determines if the elevations of the proposed structure is consistent with the previously approved Planned Development and appropriate for the site.

Discussion followed regarding covenant agreements, the previously approved building elevations, the proposed building elevations and the construction standards for Governor's Houses.

In response to Brewer's question, Elkins reviewed the discussions regarding the



Governor's homes allowed within Rapid City limits and that they met the Uniform Building Code requirement.

Brewer expressed his concern for the reduction in setbacks and the possible negative impact from the proposed structure to adjacent property owners.

Brewer moved, Landguth seconded and unanimously carried to deny the Major Amendment to a Planned Residential Development. (8 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Landguth, 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

*27. 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 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 to the February 18, 2010 Planning Commission meeting at the applicant's request.

Brewer moved, Kinneburgh seconded and carried to continue the Planned Commercial Development - Initial and Final Development Plan to the February 18, 2010, Planning Commission meeting. (7 to 0 to 1 with Braun, Brewer, Brown, Gregg, Kinniburgh, Landguth and Wyss voting yes and none voting no and Scull abstaining)

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

28. No. 09SR124 - Section 20, T1N, R9E

A request by Rapid City Regional Airport to consider an application for a **SDCL 11-6-19 Review to construct a sign on public property** on Lot A located in the



SW1/4 of Section 20, T1N, R9E, BHM, Rapid City and the S.D. Highway 44 right-of-way lying adjacent to Lot A located in the SW1/4 of Section 20, T1N, R9E, BHM, all located in Pennington County, South Dakota, more generally described as being located at 4550 Terminal Road.

DeMersseman presented the staff recommendation to continue the SDCL 11-6-19 Review to the February 18, 2010 Planning Commission meeting to allow the applicant time to submit additional information.

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

Wyss moved, Braun seconded and carried to continue the SDCL 11-6-19 Review to construct a sign on public property to the February 18, 2010 Planning Commission meeting. (7 to 0 to 1 with Braun, Brewer, Brown, Gregg, Landguth, Scull and Wyss voting yes and none voting no and Kinniburgh abstaining)

29. No. 09SR125 - Meadowwood

A request by Ferber Engineering Co. for South Dakota Game Fish and Parks to consider an application for a **SDCL 11-6-19 Review to construct public improvements on public land** on Lot 2 of NWE Subdivision, Block 2 of Tract G, Lots 3 - 4 of Block 1 of Tract G and the north 30 feet of the west 100 feet of Lot 7 and the east 124 feet of Lots 7 - 8 of Meadowwood, Lot 3 of GFP Subdivision, and Lots 1 - 2 of Block 1 of Tract G of Meadowwood, Section 3, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4130 Dean Lane west of Sturgis Road and north of North 40th Street.

Fisher presented the staff recommendation to approve the SDCL 11-6-19 Review to construct public improvements on public land. Fisher reviewed the proposed development on the subject property. Fisher identified the location of the access points, proposed landscaping, intended uses and elevations of the proposed structures. Fisher noted that sidewalks are required along Sturgis Road and Knutson Lane to accommodate pedestrian traffic. Fisher stated that the applicant will submit a separate SDCL 11-6-19 to reconstruct Knutson Lane and that sidewalk will be reviewed as part of that application. Fisher stated that staff supports the exception request to waive sidewalks along Knutson Lane at this time. Fisher stated that sidewalks must be provided along Sturgis Road as a part of this application to secure pedestrian access along the street. In addition, Fisher identified existing pavement on adjacent properties that currently serve as pedestrian walkways along Sturgis Road.

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

In response to Braun's question, Fisher stated that Department of Transportation supports sidewalks along Sturgis Road.



In response to Landguth's question, Elkins stated that the completion of Sturgis Road is not currently in the Five Year Plan.

Mike Kentigh, Regional Manager for Game Fish and Parks, commented on the positive effect of the project to the community. Kentigh identified the location of the access to the proposed development and noted that Game Fish and Parks does not expect pedestrian traffic from Sturgis Road. Kentigh stated that Game Fish and Parks supports sidewalks and pedestrian traffic. Kentigh added that the nearest connection to a sidewalk is approximately 750 feet from the subject property. Kentigh requested that the Planning Commission waive the requirement to install sidewalk along Sturgis Road.

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

Gunderson-Olsen expressed her support for the construction of sidewalks. Gunderson-Olsen added that the privacy fence is essential to the proposed development.

Mike Kentigh stated that the privacy fence is being constructed as part of the proposed development. Discussion followed.

Brewer expressed his support of the Game Fish and Parks project, Brewer added that the presence of the existing pedestrian path is evidence that it is necessary to provide a sidewalk.

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

Braun moved, Brewer seconded and carried to approve the SDCL 11-6-19 Review to construct public improvements on public property as submitted with the requirement that sidewalks along Sturgis Road be constructed. (5 to 0 to 3 with Braun, Brewer, Brown, Gregg and Landguth voting yes and none voting no and Kinniburgh, Scull and Wyss abstaining)

30. No. 09VR010 - NWE Subdivision

A request by Ferber Engineering Company for South Dakota Game Fish and Parks to consider an application for a **Vacation of Right-of-way** of the north 40th Street Right-of-Way located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as: Commencing at a found plastic cap marked Renner #2652 at the Northwest corner of Lot 4 of Block 1 of Tract G of Meadowwood along the southern right-of-way line of Dean Lane, the true point of beginning; THENCE, S01°57'54"W, a distance of 149.60' feet along the east right-of-way line to a found cap marked Polenz #4208; THENCE, S01°57'54"W, a distance of 130.02 feet along the east right-of-way line; THENCE, N88°03'10"E, a distance of 60.06 feet; THENCE, N01°58'10"E, a distance of 279.68 feet along the west right-of-way line to a found cap marked FMG #4225; THENCE, N00°22'58"E, a distance of 89.86 feet along the west right-of-way line to a found cap marked Renner #2652; THENCE, S88°00'09"E, a



distance of 60.09 feet along the north right-of-way line; THENCE, S02°03'12"W, a distance of 60.58 feet to the true point of beginning, more generally described as being located at the northern terminus of North 40th Street and west of Sturgis Road.

Fisher presented the staff recommendation to approve the Vacation of Right-of-way request with stipulations.

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

Brewer moved, Braun seconded and unanimously carried to recommend that the Vacation of Right-of-way be approved with the following stipulations:

- 1. Prior to City Council approval, a signed utility easement retaining N. 40th Street as a "Public Utility Easement" shall be submitted to the Growth Management Department; and,**
- 2. Prior to City Council approval, a copy of a recorded access easement securing that portion of the turnaround to be located on the adjacent property owned by the Synagogue of the Hills shall be submitted to the Growth Management Office. (6 to 0 to 2 with Braun, Brewer, Brown, Gregg, Kinniburgh and Landguth voting yes and none voting no and Scull and Wyss abstaining)**

*31. No. 10PD001 - Founders Park Subdivision

A request by Steve Williams for Founders Park, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** for the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Philadelphia Street and Founders Park Drive.

Fisher presented the staff recommendation to approve the Planned Commercial Development with stipulations.

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

- 1. Prior to Planning Commission approval, drainage, utility and access easements shall be recorded at the Register of Deed's Office to secure the access aisle extending through the joint parking lot located on proposed Lots 6 and 9 within a public access easement, to secure the existing utilities extending through proposed Lots 6 and 9 within utility easement(s) and to secure the storm sewer pipe located on proposed Lot 6 within a Major Drainage Easement. In addition, a copy of the recorded easements shall be submitted to the Growth Management Department;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. Prior to issuance of a building permit, a Floodplain Development**



- Permit shall be obtained for any work to be done within the 100 year Federally designated Floodplain;
4. Prior to issuance of a building permit, an Erosion and Sediment Control Permit shall be obtained;
 5. Prior to issuance of a building permit, a site specific grading and drainage plan shall be submitted for review and approval;
 6. Prior to issuance of a building permit, the location, size and noise rating of any exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties;
 7. Prior to issuance of a building permit, elevations of the proposed screening fence to be constructed around the dumpsters shall be submitted for review and approval;
 8. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Commercial Development. Changes to the elevations, which the Growth Management Director determines to be consistent with the original approved elevations, shall be allowed as a Minimal Amendment to the Planned Commercial Development;
 9. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a 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;
 10. A minimum of 59,940 landscaping points shall continue to be provided on Lot 2. In addition, a minimum of 148,296 landscaping points shall continue to be provided on Lots 6 through 9. In addition, one large planter boulevard measuring 480 feet in length by 25 feet in width shall continue to be provided on Lots 6 through 9 in lieu of four planter islands as previously approved. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 11. A minimum of 35 parking spaces with two of the spaces being handicap accessible shall be provided on Lot 2. In addition, one of the handicap spaces shall be "van" handicap accessible. A minimum of 228 parking spaces shall be provided on Lots 6 through 9 with the provision that a maximum of 52,000 square foot of gross floor area of office use, not to include mechanical and storage areas, shall be allowed on Lots 6 through 9. In addition, seven of the spaces shall be handicap accessible. One of the handicap spaces shall be "van"



- accessible;
12. 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;
 13. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrants shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structure shall be fully fire sprinklered and fire alarmed as per the currently adopted International Fire Code;
 14. The minimum required rear yard setback for the four commercial buildings on Lots 6, 7, 8 and 9 is hereby reduced from 25 feet to 10 feet. Unless otherwise stipulated, all other setback requirements as per the Office Commercial District shall be met;
 15. An office commercial structure shall be allowed on Lot 2 and Lots 6 through 9 each. The accumulative square footage of the structures on Lots 6 through 9 shall not exceed a maximum of 52,000 square foot of gross floor area of office use, not to include mechanical and storage areas. Any expansion and/or change in use shall require that a Major Amendment to the Planned Commercial Development be obtained;
 16. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Unit Development application or a subsequent Major Amendment; and,
 17. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Landguth, 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.

*32. No. 10PD006 - Bradsky Subdivision

A request by Rosenbaum's Signs to consider an application for a **Major Amendment to a Planned Commercial Development** for Lot 2B of Lot B, Block 15, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1501 Cambell Street.

Flaen presented the staff recommendation to approve the Major Amendment to



the Planned Commercial Development and sign package with stipulations. Flaaen stated that the previous LED reader board sign was approved erroneously. Flaaen added that if the Planning Commission approves the Major Amendment request to allow the LED sign as previously constructed staff would recommend the Planning Commission deny the request for the additional wall sign.

Elkins added that staff does not typically support LED signs and apologized to the Commission for the difficult position staff has placed the Commission in relative to this request. Discussion followed.

In response to Kinniburgh's question, Todd Ossenfort reviewed the operation and visual effects of the proposed LED sign for the subject property. Ossenfort stated that the LED sign does not show video style images. Discussion followed.

Kinniburgh commented that he would support approving the LED sign only if the sign show static messages.

Elkins suggested that a stipulation would be necessary to only allow a static reader board as Kinniburgh suggested.

In response to Scull's question, Elkins stated that the size of the permitted signage correlates to the frontage. Elkins further noted staff's recommendation that if the Planning Commission approves the LED sign, then the additional proposed signage on the structure should be denied. Discussion followed.

In response to Wyss's question, Elkins stated that the Planning Commission has expressed concerns with safety issues associated with LED message boards due to the distractions to passing motorists. Elkins further noted that there is concern with the aesthetic impact on the surrounding neighborhoods.

Landguth expressed his opposition to the LED sign.

Brewer expressed his support for the proposed LED reader board.

Scull requested clarification as to the definition of "static". Discussion followed regarding possible changes to the Sign Code and limiting the time frames for changing messages on the electronic message board.

Brewer moved, Kinniburgh seconded and carried to determine that an electronic LED reader board is appropriate at this location, approved the Major Amendment to the Planned Commercial Development with the following stipulations:

- 1. The electronic LED reader board shall not exceed 3 foot 9 inches tall by 7 foot 9.5 inches wide. In addition, the electronic LED reader board shall be used exclusively for on-premise signage; with a static message for each message displayed for a minimum of 6 seconds.**
- 2. The request to construct a 9 foot tall by 10 foot wide wall sign to be located on the east side of the building is hereby denied;**



3. All signage shall conform to the design, color and location as shown in the sign package approved as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
4. Prior to issuance of a sign permit for the pole sign located along Cambell Street, a Floodplain Development Permit shall be obtained;
5. The landscaping shall continually comply with the previously approved landscape plan and the Rapid City Municipal Code and shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris;
6. A minimum of 13 parking spaces with two of the spaces being handicap accessible shall be provided on the property. In addition, one of the handicap spaces shall be “van” accessible;
7. A screening fence shall not be required along the south lot line as per the previously approved Planned Commercial Development (File #06PD039) granting the exception request removing the screening requirement;
8. The structure(s) shall continue to comply with the plans and elevations previously reviewed and approved as part of the previously approved Planned Commercial Development(s);
9. All provisions of the General Commercial District shall be met unless otherwise authorized as an Amendment to the Planned Commercial Development; and,
10. The Major Amendment to a Planned Commercial Development shall expire if the use has not commenced 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. Roll Call Vote: (5 to 3 with Braun, Brewer, Brown, Kinniburgh and Scull voting yes and Gregg, Landguth and Wyss 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.

33. No. 10SR002 - Section 21, T1N, R7E
A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to extend public utilities in the right-of-way** on the Easy Street right-of-way located in the NE1/4 NE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as Easy Street between Sheridan Lake Road and Skyview Drive and south of



Corral Drive.

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

In response to Braun's question, DeMersseman stated that there have been no neighborhood comments.

Gregg moved, Brewer seconded and unanimously carried to approve the SDCL 11-6-19 Review to extend public utilities in the right-of-way. (8 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Landguth, Scull and Wyss voting yes and none voting no)

34. No. 10SR003 - Red Rock Meadows Subdivision

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to Construct a Public Utility** 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 west of Dunsmore Road between Poppy Trail and Portrush Road.

DeMersseman presented the staff recommendation to approve the SDCL 11-6-19 Review, if the Planning Commission determines it is appropriate to waive the pavement of the proposed parking and access drive at this time. DeMersseman stated that the applicant has requested that the pavement requirement be waived.

In response to Scull's question, Elkins stated that the Planning Commission has previously approved acquisition of the property. Discussion followed.

Kinniburgh moved, Braun seconded and unanimously carried to waive the requirement for paving of the proposed parking and access drive at this time and approved the SDCL 11-6-19 Review to Construct a Public Utility. (8 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Landguth, Scull and Wyss voting yes and none voting no)

35. Discussion Items

Elkins suggested that based on the Planning Commission's discussion that the Planning Commission may want to form a committee to address sign issues.

In response to Scull's question, Elkins stated that Monica Heller will bringing information regarding sidewalks for the Planning Commission to review.

In response to Braun's question, Elkins reviewed the past discussions of the Planning Commission regarding the Sign Code.

Elkins suggested that the Planning Commission may want to form a subcommittee to review the Sign Ordinance or that they may want to



request that Council form a committee that would also include Planning Commission members.

Scull expressed his support for the committee combining Council and Planning Commission members.

Karen Gunderson-Olsen expressed her support for the involvement of the Planning Commission discussion on sign ordinances.

Landguth suggested that the Council needs to provide direction regarding how best to proceed.

Kinniburgh suggested that as part of that effort the existing sign ordinances need to be reviewed to determine how they compare to the Federal Regulations.

Brown suggested that other members of the Planning Commission become involved with the Sign Code Board. Discussion followed.

Scull requested discussion on various items that the Planning Commission have discussed in the past and review the status of those projects. Discussion followed.

Wyss moved, Brown seconded and unanimously carried to request that Council form a committee to address sign issues.

There being no further business, Brewer moved, Brown seconded and unanimously carried to adjourn the meeting at 8:31 a.m. (8 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Landguth, Scull and Wyss voting yes and none voting no)