



MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
March 25, 2010

MEMBERS PRESENT: Erik Braun, John Brewer, Gary Brown, Julie Gregg, Dennis Landguth 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, Jim Flaaen, Mary Bosworth, Ted Johnson, Karley Halsted, Tim Behlings, Joel Landeen and Carol Campbell.

Landguth called the meeting to order at 7:00 a.m.

**Landguth 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 26 and 27 be removed from the Consent Agenda for separate consideration.**

**Motion by Brown, Seconded by Gregg and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 29 in accordance with the staff recommendations with the exception of Items 26 and 27. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth and Wyss voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Approval of the March 4, 2010 Planning Commission Meeting Minutes.

\*2. No. 09PD053 - St. Martins Village

A request by FMG, Inc. for Good Samaritan Society to consider an application for a **Planned Residential Development - Final Development Plan** for the unplatted parcel of land located in the SE1/4 SW1/4 and the SW1/4 SE1/4 and the NE1/4 SE1/4 and the NW1/4 SE1/4 and the SW1/4 NE1/4 and less Lot A of the W1/2 SE1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 (Sturgis Road) and south of Hidden Valley Road.

**Planning Commission continued the Planned Residential Development - Final Development Plan to allow the construction of townhomes with attached garages and the construction of the utilities and roads to serve the townhomes to the April 8, 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. 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 April 8, 2010 Planning Commission meeting.**

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\*4. 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 April 8, 2010 Planning Commission meeting.**

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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 April 8, 2010 Planning Commission meeting.**

6. 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 April 8, 2010 Planning Commission meeting.**

7. 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 April 8, 2010 Planning Commission meeting.**

8. 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 a public sewer main to the April 8, 2010 Planning Commission meeting.**

9. No. 10CA001 - Rapid Valley 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 Future Land Use designation from Low Density Residential to General Commercial with a Planned Commercial Development** on Lots 7-12 of Block 3 and Lots 7-12 of Block 4, and the 20 foot wide E. St. Francis Street right-of-way located adjacent and south of Block 3 and Block 4, and Sedivy Lane located west and adjacent to Block 4 and the 20 foot wide E. St. Francis Street, and the 20 foot wide Pecan Lane located adjacent to Lots 7-9 of Block 3 and the 20 foot wide E. St. Francis Street, and the 40 foot wide Beechwood Lane, all located in Rapid Valley Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Sedivy Lane and north of E. St. Francis Street.

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

\*10. No. 10PD009 - Copperfield Vistas Subdivision

A request by Jerry Peterson for J & J Enterprises to consider an application for a **Major Amendment to a Planned Residential Development** for Lot 2 of Block 4 of Copperfield Vistas Subdivision, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1023 Copperfield Drive.

**Planning Commission approved the Major Amendment to a Planned Residential Development 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. **Prior to issuance of a building permit for an open deck, a drainage analysis identifying the impact of the proposed deck and providing additional on-site drainage improvements as warranted shall be submitted for review and approval;**
3. **A minimum 18 foot front yard setback shall be provided in front of the garage and a minimum 15 foot front yard setback shall be provided in front of the residence. A minimum side yard setback of eight feet for a one story structure and 12 feet for a two story structure shall be provided. In addition, a minimum 14.146 foot rear yard setback shall be provided to the open deck contingent upon a landscaping buffer or screening fence being provided along the rear lot line. The balance of the structure shall provide a minimum 25 foot rear yard setback;**
4. **An Exception is hereby granted to allow a 32.8% lot coverage in lieu of a maximum 30% lot coverage to allow for the proposed open deck;**
5. **All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Residential Development or a subsequent Major Amendment;**
6. **The proposed structure shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development;**
7. **The currently adopted International Fire Code shall be continually met; and,**



8. **The Planned Residential Development shall allow for the construction of single family residence. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.**

*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. 10PD017 - North Boulevard Addition

A request by Bob Brandt for Rushmore Properties, LLC to consider an application for a **Major Amendment to a Planned Residential Development** for the north 327.2 feet of the N1/2 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the Original Townsite of Rapid City, Pennington County, South Dakota as shown on the plat filed in Plat Book 14, Page 94; and excepting therefrom any streets or highway rights of way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street.

**Planning Commission approved the Major Amendment to a Planned Residential Development 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. **Prior to issuance of a Certificate of Occupancy, the right-of-way and/or an H Lot for Philadelphia Street shall be recorded at the Register of Deed's Office to insure legal access to the site. In addition, a Final Plat shall be approved and recorded at the Register of Deed's Office;**
3. **An Exception is hereby granted to reduce the visitor parking requirement from 51 spaces to 37 spaces;**
4. **The rear yard setback is hereby reduced from 25 feet to 14.5 feet for the open deck(s) to be constructed along the south side of the townhomes on proposed Lots 10A and 10B. Unless otherwise stipulated, all other setback requirements as per the Office Commercial District shall be met;**
5. **The proposed structures shall conform architecturally to the**



- proposed elevations, design plans and color palette submitted as part of the Initial and Final Planned Residential Development and this Major Amendment to the Planned Residential Development;
6. All streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual and the currently adopted International Fire Code. In addition, fire hydrants shall be in place and operational prior to any building construction. Street signs and lot addresses shall also be posted prior to or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met;
  7. “No Parking” signs shall be posted along LaVilla Vista Place. In addition, the applicant shall record a covenant agreement to prohibit guest parking within LaVilla Vista Place since the street is not designed with an adequate width to provide any on-street parking;
  8. The applicant shall record a covenant agreement to provide the mechanism for maintenance of the private street(s) and the gates. In addition, prior to issuance of a Building Permit, the covenant agreement shall be recorded at the Register of Deed’s Office and a copy of the recorded document shall be submitted to the Growth Management Department;
  9. The gates shall be designed to open with a radio activated access code and the Public Works Department, the Fire Department and the Police Department shall be provided with a code to allow entry;
  10. The approach along Founders Park Drive shall be posted as an “exit” only approach in order to prevent stacking and backing of vehicles into the Founders Park Drive right-of-way;
  11. The fence shall conform architecturally to the proposed elevations, color palette and design plans submitted as part of the Initial and Final Planned Residential Development;
  12. Prior to issuance of a building permit, design calculations and details for retaining walls in excess of four feet high shall be submitted for review and approval. In addition, the plans shall be sealed and signed by a Professional Engineer;
  13. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  14. The signage shall conform architecturally to the plans and elevations and color palette submitted as part of the Initial and Final Planned Residential Development. In addition, the lighting for the sign shall be designed to preclude reflection on the adjacent properties and/or streets. A sign permit shall also be obtained;
  15. The street lights shall conform architecturally to the plans and elevations and color palette submitted as part of the Initial and Final Planned Residential Development. In addition, the applicant shall provide continual maintenance of the street lights;
  16. All other provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a part of this Major Amendment to the Planned Residential Development or a subsequent Major Amendment to the Planned Residential Development;
  17. The Planned Residential Development shall allow for the



construction of a 51 townhome development. In addition, decks shall be allowed along the south side of the townhomes located south of LaVilla Vista Place; and,

18. A time extension request to allow the applicant until October 1, 2014 to complete the project is hereby granted contingent upon the associated subdivision improvements being completed and accepted by the City prior to January 1, 2011.

*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. 10PD019 - Boulevard Addition

A request by Henriksen, Inc. for Jenny Day to consider an application for a **Planned Residential Development - Initial and Final Development to allow a child care center** for Lots 19 thru 24 of Block 9 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1123 Kansas City Street.

**Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to allow a child care center to the April 8, 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.*

13. No. 10PL012 - Pleasant Valley Subdivision

A request by Renner & Associates for Randy Ruthford to consider an application for a **Layout Plat** for proposed Lot A of Lot 24 of Acre Tract and Lot 3R of Block 6 of Pleasant Valley Subdivision, located in the SW1/4 of the SW1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 of Lot 24 of Acre Tract and Lot 3 of Block 6 of Pleasant Valley Subdivision, located in the SW1/4 of the SW1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 204 South Canyon Road and 213 Philip Drive.

**Planning Commission continued the Layout Plat to the April 8, 2010 Planning Commission meeting.**

14. No. 10RD001 - Section 32, T2N, R8E

A request by City of Rapid City to consider an application for a **Resolution for Road Name Change renaming a portion of Eglin Street to North Creek Drive** on that portion of Eglin Street lying adjacent to Lot A, B and C in Menard Sub, the Balance of Tract B in the NW1/4, NE1/4, Less Lot H2, Section 32, T2N, R8E, Platted, the Railroad Right-of-Way, Lot 3 in Carefree Sub, Lot 1 and 2, Less Lot H1 in Carefree Sub all in the N1/2, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located



east of Century Road and the Interstate 90 Interchange, west of Dyess Avenue and north of East Anamosa Street.

**Planning Commission recommended that a portion of Eglin Street from East Anamosa Street north to the new intersection between 2220 Eglin Street and 2300 Eglin Street be changed to North Creek Drive.**

15. No. 10RD002 - Sections 29 and 32, T2N, R8E

A request by City of Rapid City to consider an application for a **Resolution for Road Name Change naming the unnamed right-of-way to Eglin Street** on the previously unnamed portion of Lot PE1 of Lot "X" in the SE ¼, Section 29, T2N, R8E, and the right-of-way Lot H1 lying adjacent to Lots 1 and 2, in Carefree Sub, in the NE¼ of Section 32, T2N, R8E, and the Vacated Section Line Highway Adjacent to Lot "X", and Lots 1 and 2, Carefree Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of East North Street and Interstate 90 Interchange.

**Planning Commission recommended that the previously unnamed right-of-way located between Lot "X" of SE ¼ & N 33' Vacated Section Line Located Between Lot "X" and Lots 1-2 Less Lot H1 in Carefree Subdivision and Lots 1-2 Less Lot H1 in Carefree Subdivision be named Eglin Street.**

16. No. 10RZ011 - 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 15 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 2709 Cactus Drive.

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

17. No. 10RZ012 - Section 9, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** of a portion of Tract D located in the NE1/4 NW1/4, the 150 foot wide Lancer Drive right-of-way and the 75 foot wide S.D. Highway 44 right-of-way located adjacent to Lancer Drive, all located in the NE1/4 NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2000 Lancer Drive.

**Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved.**

18. No. 10RZ013 - Section 9, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** of Lot 1E of the NE1/4 NW1/4, the south portion of the Lot E of the NE1/4 NW1/4 lying south of access highway less right-of-way, and the 75 foot wide S.D. Highway 44 right-of-way located adjacent to the south portion of the Lot E of the NE1/4 NW1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more





generally described as being located at 3150 E. Highway 44.

**Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved.**

19. No. 10RZ015 - 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 17 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2803 Cactus Drive.

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

20. No. 10RZ020 - 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 30 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2706 Cactus Drive.

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

21. No. 10SR004 - Rapid City Greenway Tract

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

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

22. No. 10SR006 - Section 2, T1N, R7E

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct structures on public property** on the S1/2 W1/2 SE1/4 NW1/4 and the N1/2 W1/2 SE1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 940 Skyline Drive.

**Planning Commission recommended that the SDCL 11-6-19 Review to construct structures on public property be approved.**

23. No. 10SR011 - Scotts Subdivision

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to expand a public use** on Lots 10 thru 12, a portion of Lot 9 and Lot 13 of Block 13 of Scotts Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on West Boulevard North.



**Planning Commission continued the SDCL 11-6-19 Review to expand a public use to the April 8, 2010 Planning Commission meeting.**

24. No. 10SR013 - North Rapid Addition  
A request by Josh Christiansen for NeighborWorks Dakota Home Resources to consider an application for a **SDCL 11-6-19 Review to authorize the acquisition of property for a community garden** on Lots 19 and 20 of Block 25 of North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 706 Lemmon Avenue.

**Planning Commission continued the SDCL 11-6-19 Review to authorize the acquisition of property for a community garden to the April 8, 2010 Planning Commission meeting.**

25. No. 10SR015 - Rapid City Greenway Tract  
A request by Renner & Associates for Rapid City Area School District No. 1 to consider an application for a **SDCL 11-6-19 Review to renovate and expand a public school and relocate public utilities** on Lots RU-302A and RU-302B of the Original Town of Rapid City, Tract 19 less Lot H1 of the Rapid City Greenway Tract, Lot ER of the Original Townsite of Rapid City and the adjacent N. Mount Rushmore Road right-of-way located in Sections 35 and 36, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located North of Omaha Street between West Boulevard North and North Mount Rushmore Road.

**Planning Commission continued the SDCL 11-6-19 Review to renovate and expand a public school and to relocate public utilities to the April 8, 2010 Planning Commission meeting.**

28. 10TP009 – 2010-2014 Transportation Improvement Program Amendment No.10-003R.

**Planning Commission recommended approval of the 2010- 2014 Transportation Improvement Program Amendment #10-003R.**

29. 10TP014 - Approval of a Resolution for Transportation Improvement Program Projects funded by the Urban Systems Program in 2011 – 2015.

**Planning Commission recommended approval of the Resolution for Transportation Improvement Program Projects funded by the Urban Systems Program in 2011 - 2015.**

**---END OF CONSENT CALENDAR---**

- \*26. No. 10UR004 - Marshall Heights Tract  
A request by Lamar Advertising to consider an application for a **Conditional Use Permit to allow an electronic billboard** for Lot 9 of Lot K-3, less Lot H-1 of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 532 East



Anamosa Street.

Joe Martin, 1201 Racine Street, expressed his opposition to the proposed electronic billboard on the subject property.

Terry Olson, Lamar Advertising, stated the size of the proposed sign is significantly reduced from the existing sign. Olson reviewed the sign application and approval process. Olson expressed his opinion regarding the positive impact of the proposed sign. Olson stated the billboard will contain a static message. Olson added that Lamar also opposes signs that blink, flash and scroll. Olson requested that the Planning Commission approve the Conditional Use Permit to allow electronic billboards.

Brown notified Commission that he had a conversation with Terry Olson regarding electronic billboards.

Deb Henrikson, Thrifty Motor Inn, expressed concerns with the brightness of the sign shining into hotel rooms. Olson stated that there are dimmers that reduce the light intensity during the night time hours.

In response to Braun's question, Gundersen-Olson reviewed the Council's concerns with the amount of signs within the City of Rapid City and the adverse effects on residential neighborhoods and the overall aesthetic impact on the Community.

In response to Landguth's question, Landeen recommended that the Planning Commission not focus on the moratorium but rather make a decision based on the merits of the application.

Olson stated that Lamar Advertising is willing to give up sign credits to ensure approval of this application.

**Wyss moved, Gregg seconded and carried to deny the Conditional Use Permit to allow an electronic billboard. (5 to 1 with Braun, Brown, Gregg, Landguth and Wyss voting yes and Brewer 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.***

\*27. No. 10UR005 - Boulevard Addition

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to allow an electronic billboard** for Lots 1 thru 3 of Block 11 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1602 Mt. Rushmore Road.

Terry Olson, Lamar Advertising stated that the company is willing to work with the city to conform to the sign ordinance. Olson expressed his frustration with



changes in the Sign Ordinance. Olson requested that the Planning Commission approve the Conditional Use Permit to allow an electronic billboard.

In response to Landguth's question, Dominicak stated that the moratorium is on all billboard and on-premise electronic signs.

**Wyss moved, Gregg seconded and carried to deny the Conditional Use Permit to allow an electronic billboard. (5 to 1 with Braun, Brown, Gregg, Landguth and Wyss voting yes and Brewer 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---**

\*30. 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.

Fisher presented the staff recommendation to continue the Planned Commercial Development – Initial and Final Development Plan to the April 8, 2010 Planning Commission meeting.

**Braun moved, Gregg seconded and unanimously carried to continue the Planned Commercial Development – Initial and Final Development Plan to the April 8, 2010 Planning Commission meeting. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth 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.*

31. 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 public water main, storm sewer and drainage improvements** on the unplatted S1/2 NE1/4 less Rainbow Ridge Subdivision and less right-of-way, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Sagewood Street and Alma Street.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review to construct a public water main, storm sewer and drainage improvements to the April 8, 2010 Planning Commission meeting.



**Braun moved, Gregg seconded and unanimously carried to continued the SDCL 11-6-19 Review to the April 8, 2010 Planning Commission meeting. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth and Wyss voting yes and none voting no)**

32. No. 10CA002 - Section 5, T1N, R8E

A request by Jim Letner to consider an application for a **Amendment to the adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial** on a portion of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning: Thence, first course: S00°06'11"W, along the easterly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to the westerly edge of the right-of-way of said Creek Drive, a distance of 265.72 feet, to a point on the easterly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to a point on the westerly edge of the right-of-way of said Creek Drive; Thence, second course: N89°52'00"W, a distance of 581.46 feet, to a point on the westerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to the easterly boundary of Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5; Thence, third course: N00°01'08"W, along the westerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to the easterly boundary of said Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, a distance of 265.72 feet, to the northwesterly corner of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to the northeasterly corner of said Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, and common to a point on the southerly edge of the right-of-way of said East St. Charles Street; Thence, fourth course: S89°52'01"E, along the northerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to the southerly edge of the right-of-way of said East St. Charles Street, a distance of 582.03 feet, to the northeasterly corner of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning, more generally described as being located south of E. St. Charles Street and west of Creek Drive.

Horton presented the staff recommendation to deny the Comprehensive Plan Amendment request without prejudice. Horton stated that the Future Land Use Committee has expressed concerns with the changes in the land use to light industrial

Jim Letner, 1204 West Boulevard, indicated that he is proposing to construct storage units on the subject property. Letner expressed his desire to change the land use on the subject property to light industrial. Discussion followed.



Landguth stated that he was at the Future Land Use Committee meeting and he expressed his concerns with the possible negative impact to adjacent property owners without the benefit of a Planned Development.

Gundersen-Olson commented on the possibility of the sale of the land to another owner and what might happen at that time. She expressed support for requiring a planned development to mitigate any negative impacts of future uses of the property.

**Brown moved, Wyss seconded and unanimously carried to deny the Amendment to the Comprehensive Plan to change the future land use designation from General Commercial to Light Industrial without prejudice. (5 to 1 with Brewer, Brown, Gregg, Landguth and Wyss voting yes and Braun voting no)**

33. No. 10RZ014 - Section 5, T1N, R8E

A request by Jim Letner to consider an application for a **Rezoning from General Commercial District to Light Industrial District** of a portion of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning: Thence, first course: S00°06'11"W, along the easterly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to the westerly edge of the right-of-way of said Creek Drive, a distance of 265.72 feet, to a point on the easterly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to a point on the westerly edge of the right-of-way of said Creek Drive; Thence, second course: N89°52'00"W, a distance of 581.46 feet, to a point on the westerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to the easterly boundary of Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5; Thence, third course: N00°01'08"W, along the westerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to the easterly boundary of said Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, a distance of 265.72 feet, to the northwesterly corner of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to the northeasterly corner of said Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, and common to a point on the southerly edge of the right-of-way of said East St. Charles Street; Thence, fourth course: S89°52'01"E, along the northerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to the southerly edge of the right-of-way of said East St. Charles Street, a distance of 582.03 feet, to the northeasterly corner of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning, more generally described as being located south of East St. Charles Street and west of Creek Drive.



Horton presented the staff recommendation to continue the Rezoning request from General Commercial District to Light Industrial District to the April 22, 2010 Planning Commission meeting.

**Gregg moved, Brewer seconded and unanimously carried to continue the Rezoning from General Commercial District to Light Industrial District to the April 22, 2010 Planning Commission meeting. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth and Wyss voting yes and none voting no)**

34. No. 10CA003 - Melody Acres

A request by City of Rapid City to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from Mobile Home Residential with a Planned Residential Development to Low Density Residential** on Lot 5 of Melody Acres, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and Lot 3M of Melody Acres, Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3010 and 2990 South Valley Drive.

Horton presented the staff recommendation to approve the Comprehensive Plan Amendment request.

**Braun moved, Brown seconded and unanimously carried to recommend that the Amendment to the adopted Comprehensive Plan to change the future land use designation from Mobile Home Residential with a Planned Residential Development to Low Density Residential be approved. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth and Wyss voting yes and none voting no)**

35. No. 10CA004 - Wood Subdivision

A request by City of Rapid City to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Low Density Residential** on Lots 1 thru 5 of Wood Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the north side of School Drive west of Elk Vale Road.

Horton presented the staff recommendation to approve the Comprehensive Plan Amendment request.

**Brown moved, Braun seconded and unanimously carried to recommend that the Amendment to the adopted Comprehensive Plan to change the future land use designation from General Commercial to Low Density Residential be approved. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth and Wyss voting yes and none voting no)**

36. No. 10RZ008 - Wood Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** of the east 88 feet of Lot D of the NE1/4 NW1/4 less Lot H1 and Lot 6 of Wood Subdivision, located in Section



9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Elk Vale Road and north of School Drive.

Flaen presented the staff recommendation to deny the Rezoning request without prejudice

**Gregg moved, Braun seconded and unanimously carried to recommend that the Rezoning from No Use District to General Commercial District be denied without prejudice. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth and Wyss voting yes and none voting no)**

\*37. No. 10PD014 - Melody Acres No. 2

A request by David Rohrer to consider an application for a **Planned Residential Development - Initial and Final Development Plan** for Lot 8 of Melody Acres No. 2, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2805 Cactus Drive.

Flaen presented the staff recommendation to approve the Planned Residential Development – Initial and Final Development Plan with stipulations.

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

1. **Prior to Planning Commission approval, a grading and drainage plan shall be submitted for review and approval;**
2. **Prior to Planning Commission approval, a revised site plan shall be submitted showing dimensions for the off-street parking areas and that a paved driveway shall be installed on the property;**
3. **A Building Permit shall be obtained prior to construction of the modular home and a Certificate of Occupancy shall be obtained prior to occupancy;**
4. **Two off-street parking spaces shall be provided and the off-street parking spaces and the driveway shall be paved per the City's adopted parking regulations;**
5. **The modular home shall be installed and the property shall be developed as per the approved site plan; and,**
6. **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. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth 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.***

Fisher requested that items 38, 39 and 40 be taken concurrently.





- \*38. No. 10PD022 - Section 9, T1N, R7E  
A request by Triple R. Corporation and the City of Rapid City to consider an application for a **Planned Residential Development - Initial and Final Development Plan** for Lot 9 and the north 25 feet of Lot 10 of Block 3 of Lot 3, located in the NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2019 and 2021 Monte Vista Drive.

*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.*

39. No. 10PL005 - Monte Vista Subdivision  
A request by Renner & Associates for Randy Ruthford to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Monte Vista Subdivision located in the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 9 and the north 25 feet of Lot 10 of Block 3 of Lot 3 of the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2019 and 2021 Monte Vista Drive.

40. No. 10SV003 - Monte Vista Subdivision  
A request by Renner & Associates for Randy Ruthford to consider an application for a **Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 24 feet and to reduce the pavement width from 27 feet to 18 feet as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Monte Vista Subdivision legally described as Lot 9 and the north 25 feet of Lot 10 of Block 3 of Lot 3 of the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2019 and 2021 Monte Vista Drive.

Fisher presented the staff recommendation to continue the Planned Residential Development - Initial and Final Development Plan, the Preliminary Plat and the Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 24 feet and to reduce the pavement width from 27 feet to 18 feet as per Chapter 16.16 of the Rapid City Municipal Code to the April 8, 2010 Planning Commission meeting.

**Braun moved, Brown seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan, the Preliminary Plat and the Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 24 feet and to reduce the pavement width from 27 feet to 18 feet as per Chapter 16.16 of the Rapid City Municipal Code to the April 8, 2010 Planning Commission meeting. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth and Wyss voting yes and none voting no)**

41. No. 10SE003 - Rapid City Greenway Tract  
A request by Hills Alive Festival to consider an application for a **Special**



**Exception to the Flood Area Construction Regulations** on Tract 20 less Lot H1 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between North Mount Rushmore Road and Fifth Street in Memorial Park.

Dale Tech presented the staff recommendation to deny the Special Exception request. Tech added that in the past the Planning Commission has approved Special Exception requests for the Hills Alive Festival with stipulations. Discussion followed.

**Brewer moved, Gregg seconded and unanimously carried to recommend that the Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodplain be approved with the following stipulations:**

1. **That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director; and,**
2. **That the applicant have someone available on call 24 hours a day to take the tent down should the need arise. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth and Wyss voting yes and none voting no)**

42. No. 10SR007 - Rapid City Greenway Tract

A request by Mark Olson and Leonard Novak for Black Hills Farmers Market to consider an application for a **SDCL 11-6-19 Review to allow a Farmers Market in a Public Place** on Tract 17 less Lot H1 of the Rapid City Greenway Tract, also in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

Fisher presented the staff recommendation to approve the SDCL 11-6-19 Review to allow a Farmers Market in a public place.

**Wyss moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review request to allow a Farmers Market on public property. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth and Wyss voting yes and none voting no)**

43. No. 10SR010 - Sections 24 and 25, T2N, R7E

A request by Chris Haiar for SDN Communications to consider an application for a **SDCL 11-6-19 Review to construct public utilities in the right-of-way** along the Haines Avenue right-of-way adjacent to Lots A, C and D of Lot 1 of Tract B and Lot 2 of Tract B of Control Data Subdivision, Lots 1 and 2 of Best Subdivision, Lot 1 of Lowe's Subdivision, all located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and Lot A less right-of-way, Lot B, the south 156.52 feet of Lot C, Lot C less the north 156.52 feet and less the south 156.52 feet, the north 156.52 feet of Lot C all located in the SW1/4 SE1/4, Lots 1 and 2 of Block 10 and Lots 1 and 2 of Block 9 of McMahon Industrial Park No. 2, and Lot 2 of Block 9 of McMahon Industrial Park No. 2, all located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and the Interstate 90 right-of-way adjacent to Lot D of Lot 1 of Tract B of



Control Data Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located portions of Haines Avenue right-of-way and Interstate 90 right-of-way.

Fisher presented the staff recommendation to approve the SDCL 11-6-19 Review to construct public utilities in the right-of-way.

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

44. No. 10SR012 - Schlottman Addition

A request by CHR Solutions for SDN Communications to consider an application for a **SDCL 11-6-19 Review to install a public utility in public right-of-way** adjacent to the Sedivy Lane right-of-way adjacent to Lot U revised of Tract A, Lot 0 revised of Tract A and Lot I of Tract A of Schlottman Addition, the west 100 feet of Lot A of Tract A of SE1/4 of the SE1/4, Tract B of E1/2 of the SE1/4, Lot 4 of the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, Platted and the East Highway 44 right-of-way adjacent to Lot 17, Hillsvie Subdivision, Lot 6 of NW1/4 of the SE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, Platted, and Tract A, Marshall Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Sedivy Lane and S.D. Highway 44.

Fisher presented the staff recommendation to approve the SDCL 11-6-19 Review to install a public utility in public right-of-way.

**Wyss moved, Braun seconded and unanimously carried to approve the SDCL 11-6-19 Review to install a public utility in public right-of-way. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth and Wyss voting yes and none voting no)**

45. No. 10SR014 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct drainage improvements on public property** on Tract 25 less Lots H1 and H2 of Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between East Boulevard and Third Street.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review request to the April 22, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues.

**Brown moved, Braun seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct drainage improvements on public property to the April 22, 2010 Planning Commission meeting. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth and Wyss voting yes and none voting no)**



**voting no)**

46. No. 10SR016 - Sections 23, 24 and 26, T1N, R7E and Section 19, T1N, R8E  
A request by TSP, Three, Inc. for City of Rapid City to consider an application for a **SDCL 11-6-19 Review to install public utilities within a public right-of-way** on the Catron Boulevard right-of-way more particularly described as located between U.S. Highway 16 and S.D. Highway 79 and Lot H1 of Units 6 and 6A of East Catron Boulevard Commercial Condominiums, located in the SW1/4, Section 19, T1N, R8E, Lot H1 of Tract B of Needles Subdivision, located in the NW1/4, Section 26, T1N, R7E, Lots H1, H2 and H3 of Tract AR2 of the Needles Subdivision, located in the NW1/4, Section 26, T1N, R7E, Lot PE1 of Tract AR2 of the Needles Subdivision, located in the NW1/4, Section 26, T1N, R7E, Lot H1, amending the Original Plat of Lot H1 as recorded in Book of Plats 11- Page 117, dated May 30, 2007 of Lot A of Cleary Subdivision, located in the NW1/4, Section 26, T1N, R7E, Lot H1 of Lot A of Cleary Subdivision, located in the NW1/4, Section 26, T1N, R7E, Lots H1 and H2 of Tract of Meadow View Subdivision, located in the NW1/4, Section 26, T1N, R7E, Lot H2 of the NW1/4 NE1/4, except the S1/2 S1/2 NW1/4 NE1/4, except the South Hill Subdivision, except Wellington Heights Subdivision and except Meadow View Subdivision of Section 26, T1N, R7E, Lot H2 of the unplatted portion of the E1/2 SW1/4 SE1/4 of Section 23, T1N, R7E, Lot H1 of Lots 1, 2 and 4 of Tract 1 of Par Subdivision, located in the SE1/4 Section 23, T1N, R7E, Lot H3 of Lot 4 of Tract 1 of Par Subdivision, located in the SE1/4 Section 23, T1N, R7E, Lot PE1 of Tract 2 of Par Subdivision, located in the SE1/4 Section 23, T1N, R7E, Lot H2 located in the SW1/4 of the SW1/4, the NW1/4 of the SE1/4 and the NE1/4 of the SE1/4 of Section 24, T1N, R7E, Lot H2 of Government Lot 2, except the North 80 Subdivision, located in the NW1/4, Section 19, T1N, R8E, Lot H2 less the MJK Subdivision, located in the E1/2 of the NW1/4, Section 19, T1N, R8E, Lot H1 of Parcel B of MJK Subdivision, located in the NE1/4, Section 19, T1N, R8E, Lot A, located in the NE1/4 SW1/4, lying north of the Highway right-of-way, Section 24, T1N, R7E, Lot A of Lot H2 of the unplatted portion of the E1/2 SW1/4 SE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in Catron Boulevard between U.S. Highway 16 and S.D. Highway 79.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review to install public utilities within a public right-of-way to the April 22, 2010 Planning Commission meeting.

**Gregg moved, Braun seconded and unanimously carried to continue the SDCL 11-6-19 Review to install public utilities within a public right-of-way to the April 22, 2010 Planning Commission meeting. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth and Wyss voting yes and none voting no)**

- \*47. No. 10UR006 - Section 1, T1N, R7E  
A request by Frank Morrison for Frankies, LLC, d/b/a Thirsty's to consider an application for a **Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment** for Lots 10, 11 and 12 of Block 82 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 819 Main Street.



Flaen presented the staff recommendation to approve the Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment with stipulations.

In response to Braun's question, Morrison explained that curbing would be installed where an approach to a parking lot had previously been located.

**Braun moved, Gregg seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit to expand an on-sale liquor establishment with the following stipulations:**

1. **Prior to Planning Commission approval, a site plan identifying all underground utilities shall be submitted for review and approval;**
2. **A Building Permit shall be obtained prior to construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
3. **The hours of operation for the outdoor patio shall be limited to 11:00 a.m. to 12:00 a.m. and the hours for outdoor live entertainment shall be limited to Friday evenings from 8:00 p.m. to 11:30 p.m.;**
4. **The proposed structure shall conform architecturally to the plans and elevations submitted. Any expansion to the use shall require a Major Amendment to the Conditional Use Permit;**
5. **All applicable provisions of the International Fire Codes shall be continually met;**
6. **The on-sale liquor establishment shall be operated in conjunction with a full service restaurant;**
7. **A Sign Permit shall be obtained prior to any signs being placed on the property and shall comply with the Sign Code Regulations. The signs shall meet the site plan as shown and as approved by the Historic Sign Review Committee;**
8. **No parking shall be allowed on Lot 12 of Block 82 of the Original Town of Rapid City;**
9. **No tables shall be placed in the Main Street right-of-way adjacent to Lot 12 of Block 82 of the Original Town of Rapid City until vertical curbing is installed along the street right-of-way; and,**
10. **The Major Amendment to a Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth 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.*

48. Discussion Items
49. Staff Items
50. Planning Commission Items



Landguth reminded Planning Commission of the April 6, 2010 site visit at Stumer Road and Black Hills Boulevard at 5:00 p.m. and the April 8, 2010 Special Planning Commission meeting at 7:00 p.m.

51. Committee Reports

- A. City Council Report (March 1, 2010)  
The City Council concurred with the recommendations of the Planning Commission.

**There being no further business, Brown moved, Gregg seconded and unanimously carried to adjourn the meeting at 8:05 a.m. (6 to 0 with Braun, Brewer, Brown, Gregg, Landguth and Wyss voting yes and none voting no)**