

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 8, 2010

MEMBERS PRESENT: Erik Braun, John Brewer, Gary Brown, Doug Kinniburgh, Dennis Landguth, Linda Marchand, Steve Rolinger, 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, Rod Johnson and Risë Ficken.

Scull called the meeting to order at 7:02 a.m.

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

Staff requested that Items 5, 15, 18, 19, 20, 21 & 22 be removed from the Consent Agenda for separate consideration.

Motion by Brown, seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 29 in accordance with the staff recommendations with the exception of Items 5, 15, 18, 19, 20, 21 & 22. (9 to 0 with Braun, Brewer, Brown, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

1. Approval of the March 25, 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** on an 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 the April 22, 2010 Planning Commission meeting.

3. 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 22, 2010 Planning Commission meeting.

4. 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 22, 2010 Planning Commission meeting.

6. 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 22, 2010 Planning Commission meeting.

7. No. 10CA009 - Sections 3, 4, 5, 6, 8 and 9 and 10, T1N, R7E,

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the Red Dale Drainage Basin Design Plan**

on the Red Dale Drainage Basin located in all or portions of Sections 3, 4, 5, 6, 8 and 9 and 10, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Jackson Boulevard and west of 32nd Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan to adopt the Red Dale Drainage Basin Design Plan be approved.

*8. 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** on 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 22, 2010 Planning Commission meeting.

9. No. 10PL011 - Noyes Subdivision

A request by Doug Noyes to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Noyes Subdivision, legally described as Lots A, B, D & E of replat of Lot 13 of Block 31 of Boulevard Addition and a portion of Fairview Street Right-of-way, more generally described as being located south of Clark Street, west of 12th Street and the eastern terminus of Forest Hills Drive connecting with Clark Street.

Planning Commission continued the Preliminary Plat to the April 22, 2010 Planning Commission meeting.

10. 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, 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 22, 2010 Planning Commission meeting.

11. No. 10PL014 - Feay Reder Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Darryl Johnson to consider an application for a **Preliminary Plat** for proposed Lots 14A and 14B of Lot 14 of Feay Reder Subdivision, legally described as Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 9850 Sheridan Lake Road.

Planning Commission continued the Preliminary Plat to the April 22, 2010 Planning Commission meeting.

12. No. 10SV005 - Feay Reder Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Darryl Johnson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way, construct pavement, curb, gutter, sidewalk, street light conduit, water, sewer along the Section Line Highway, and to reduce the required pavement width from 48 feet to 22 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 14A and 14B of Lot 14 of Feay Reder Subdivision, legally described as Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 9850 Sheridan Lake Road.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way, construct pavement, curb, gutter, sidewalk, street light conduit, water, sewer along the Section Line Highway, and to reduce the required pavement width from 48 feet to 22 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer along to the April 22, 2010 Planning Commission meeting.

13. No. 10PL015 - Settlers Creek Townhomes

A request by Bob Brandt for Rushmore Properties, LLC to consider an application for a **Preliminary Plat** for proposed Lot 10A and Lot 10B of Block 2 of Settlers Creek Townhomes, legally described as the unplatted parcel located in the N1/2 SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 Philadelphia Street.

Planning Commission continued the Preliminary Plat to the April 22, 2010 Planning Commission meeting.

14. No. 10PL016 - Norman Ranch Subdivision

A request by Sperllich Consulting, Inc. for Scott Weyer of Weyer Creations to consider an application for a **Layout Plat** for proposed Lots A thru E of Lot 1 of Judicial Lot 4 of Norman Ranch Subdivision, legally described as Lot 1 of Judicial Lot 4, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located approximately 1.424 miles southwest of the intersection of Old Folsom Road and S.D. South Highway 79.

Planning Commission continued the Layout Plat to the April 22, 2010 Planning Commission meeting.

16. No. 10RZ022 - 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** on Lot 32 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2800 Cactus Drive.

Planning Commission continued the Rezoning from No Use District to Mobile Home Residential District to the April 22, 2010 Planning Commission meeting.

17. No. 10RZ023 - Wood Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** 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 north of S.D. Highway 79 and School Drive and west of Elk Vale Road.

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

23. No. 10SC001 - Original Town of Rapid City

A request by Cortez LLC d/b/a Hotel Alex Johnson to consider an application for a **Sidewalk Café Permit** on the Sixth Street right-of-way adjacent to Lots 30 and 32 of Block 84 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 523 Sixth Street.

Planning Commission approved the Sidewalk Café Permit request with the following stipulations:

1. **A minimum 5 foot wide clear pedestrian path shall be maintained at all times;**
2. **All elements associated with the sidewalk café shall be located within the boundary of the sidewalk café at all times;**
3. **Commercial insurance coverage of at least \$2,000,000 for bodily injury, death, disability, and property damage liability shall continually be provided. The City of Rapid City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a sidewalk café. In addition, the insurance shall be renewed yearly and a copy of the insurance document submitted to the City for review and approval. In the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked;**
4. **The proposed sidewalk café shall conform to the plans and design criteria submitted as part of this Sidewalk Café Permit and shall be operated in compliance with Chapter 12.20.020(E) of the Rapid City Municipal Code; and,**
5. **The Sidewalk Café Permit may be revoked for cause, consisting of failure to maintain the standards required for this permit as per Chapter 12.20.020(E).12.**

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 22, 2010 Planning Commission meeting.

25. No. 10SR018 - Section 34, T2N, R7E
A request by Sweet Creek, LLC to consider an application for a **SDCL 11-6-19 Review to install a storm sewer system on public property** on Deadwood Avenue right-of-way located adjacent to the south 33 feet of the east 200 feet of the NW1/4 SE1/4 less Lot H1 unplatted, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and the south 33 feet of the east 200 feet of the NW1/4 SE1/4 less Lot H1 unplatted, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Krebs Drive and Deadwood Avenue.

Planning Commission continued the SDCL 11-6-19 Review to install a storm sewer system to the April 22, 2010 Planning Commission meeting.

26. No. 10SR019 - Section 7, T1N, R8E
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 the public right-of-way** on East Meade Street Right-of-way adjacent to Lot 4 less Lot A, Lot A of Lot 4 of Nicholl's Subdivision, Cherry Avenue right-of-way adjacent to Lot A of Lot 4, the west 100 feet of Lot 3 of Nicholl's Subdivision, the East St. Francis Street Right-of-way adjacent to Tracts A, B and C of the NW1/4 NE1/4 and Tract D of the NW1/4 NE1/4 less Lot 1 of Tract D and less Midland Subdivision (platted), and Lots 1 and 2 of Midland Subdivision, all located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located East Meade Street, Cherry Avenue and East St. Francis Street Rights-of-way between Aspen Avenue and East St. Joseph Street.

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

27. No. 10SR020 - Section 7, T1N, R8E
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 the public right-of-way** on the MacArthur Street Right-of-way adjacent to Lot C, located in the SE1/4 SE1/4 (less a portion of Tract A and MacArthur Street) of Marshall Heights Tract, the North Maple Avenue Right-of-way adjacent to Lot C, located in the SE1/4 SE1/4 (less a portion of Tract A and MacArthur Street), Lot S-1 (less a portion of Tract A and MacArthur Street), Lots K1-A and K1-B of Lot K1 and Lot

K1-E of K-1 of Marshall Heights Tract, all in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Interstate 90 Right-of-way adjacent to Lot 1 of Lot K2-C of Marshall Heights Tract, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located a portion of MacArthur Street Right-of-way and the North Maple Avenue Right-of-way between Anamosa Street and U.S. Interstate 90.

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

28. No. 10SR021 - Fish Hatchery 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 Lot 42 thru 52, Tract E, Tract C less the south 125 feet all of Braeburn Addition, Lot F3 of Fish Hatchery Subdivision, Lot 1 thru 1a and Lot 2 of NW1/4 SE1/4, Lot R Revised of Fish Hatchery Subdivision, Tract H of NE1/4 SW1/4, Tract G of NW1/4SW1/4, Lot F-2 and Lot F-4 of Fish Hatchery Subdivision, North Lot (Lots 1-6) less Right-of-Way of Block 3 of Cleghorn Canyon No. 2, and the Jackson Boulevard Right-of-Way adjacent to Lot F-2 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, and Block 1, the north 202 feet of Lot 4 and the vacated street lying East and Adjacent to said Lot, Block 2, Lot B of Lot 4 of Block 2, Lot 7 thru 13 of Block 3, Lots A and B of Lot 3 of Block 2 all of Cleghorn Canyon No. 2, and the Cleghorn Canyon Road Right-of Way adjacent to Block 1 of Cleghorn Canyon No. 2, Section 8, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to Jackson Boulevard between Red Rock Canyon Road and Cleghorn Canyon Road.

Planning Commission acknowledged the applicant's withdrawal of the SDCL 11-6-19 Review to construct a public utility.

29. No. 10SR023 - Section 35, T2N, R7E

A request by Bob Brandt for Rushmore Properties, LLC to consider an application for a **SDCL 11-6-19 Review to authorize the acceptance of H Lots** on the unplatted parcel located in the SW1/2 SE1/4 and Block 14 of Mallow's Addition to Rapid City, located in Lot 3 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 Philadelphia Street.

Planning Commission acknowledged the applicant's withdrawal of the SDCL 11-6-19 Review to authorize the acceptance of H Lots.

---END OF CONSENT CALENDAR---

5. 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.

Fisher advised that a revised copy of the staff report was provided on the dais noting the correction to the property owner referenced in the report. Fisher stated staff's recommendation to continue the application to the April 22, 2010 Planning Commission meeting.

Brown moved, Rolinger seconded and unanimously carried to continue the SDCL 11-6-19 Review to extend a public sewer main to the April 22, 2010 Planning Commission meeting. (9 to 0 with Braun, Brewer, Brown, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

15. No. 10RZ021 - 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** on Lot 8 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 2808 E. Fairmont Street.

Flaen advised that the City Council has directed staff to submit an application for a Comprehensive Plan Amendment to remove the Planned Development overlay from the subject property. Flaen noted staff's recommendation to continue the Rezoning request to the July 8, 2010 Planning Commission meeting.

Olsen entered the meeting at this time.

Rolinger moved, Brewer seconded and unanimously carried to recommend that the Rezoning from No Use District to Mobile Home Residential District be continued to the July 8, 2010 Planning Commission meeting. (9 to 0 with Braun, Brewer, Brown, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

18. No. 10RZ024 - 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** on Lots 37 and 38 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2810 Cactus Drive.

Flaen noted staff's recommendation to continue the Rezoning request to the July 8, 2010 Planning Commission meeting in order to allow consideration of the Comprehensive Plan Amendment to remove the Planned Development overlay.

Brown moved, Rolinger seconded and unanimously carried to recommend that the Rezoning from No Use District to Mobile Home Residential District be continued to the July 8, 2010 Planning Commission meeting. (9 to 0 with Braun, Brewer, Brown, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

19. No. 10RZ025 - 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** on Lot 4 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2800 East Fairmont Drive.

Flaaen noted staff's recommendation to continue the Rezoning request to the July 8, 2010 Planning Commission meeting in order to allow consideration of the Comprehensive Plan Amendment to remove the Planned Development overlay.

Kinniburgh moved, Marchand seconded and unanimously carried to recommend that the Rezoning from No Use District to Mobile Home Residential District be continued to the July 8, 2010 Planning Commission meeting. (9 to 0 with Braun, Brewer, Brown, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

20. No. 10RZ026 - 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** on Lot 36 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 2808 Cactus Drive.

Flaaen noted staff's recommendation to continue the Rezoning request to the July 8, 2010 Planning Commission meeting in order to allow consideration of the Comprehensive Plan Amendment to remove the Planned Development overlay.

Brown moved, Braun seconded and unanimously carried to recommend that the Rezoning from No Use District to Mobile Home Residential District be continued to the July 8, 2010 Planning Commission meeting. (9 to 0 with Braun, Brewer, Brown, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

Rolinger left the meeting at this time.

21. No. 10RZ027 - Melody Acres No. 2

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on Lot 7 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 2806 Fairmont Street.

Flaaen noted staff's recommendation to acknowledge the applicant's withdrawal of the Rezoning application.

Brown moved, Braun seconded and unanimously carried to acknowledge the applicant's withdrawal of the Rezoning from No Use District to General Agriculture District. (8 to 0 with Braun, Brewer, Brown, Kinniburgh, Landguth, Marchand, Scull and Wyss voting yes and none voting no)

22. No. 10RZ028 - Melody Acres No. 2

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on Lot 14 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 2707 Cactus Drive.

Flaaen noted staff's recommendation to acknowledge the applicant's withdrawal of the Rezoning application.

Marchand moved, Braun seconded and unanimously carried to acknowledge the applicant's withdrawal of the Rezoning from No Use District to General Agriculture. (8 to 0 with Braun, Brewer, Brown, Kinniburgh, Landguth, Marchand, Scull and Wyss voting yes and none voting no)

---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** on Lot 1A of Block 1 of Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5550 Sheridan Lake Road.

Scull stated that he would abstain from discussion and voting on this item due to a conflict of interest. Scull relinquished the gavel to Landguth.

DeMersseman noted staff's recommendation to continue the application to the April 22, 2010 Planning Commission meeting to allow the applicant to submit a revised signed package.

Brewer moved, Brown seconded and unanimously carried to continue the Planned Commercial Development – Initial and Final Development Plan to the April 22, 2010 Planning Commission meeting. (7 to 0 to 1 with Braun, Brewer, Brown, Kinniburgh, Landguth, Marchand, and Wyss voting yes, none voting no, and with Scull abstaining)

Landguth returned the gavel to Scull.

Rolinger returned to the meeting at this time.

*31. 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** on 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.

Fisher presented the request and identified ongoing efforts to address erosion control issues on the subject property. Fisher discussed concerns expressed by

neighborhood residents related to the timing of the installation of the improvements and the requested revisions to the landscape plan and fencing plan. Fisher advised that on April 5, 2010 the City Council approved the applicant's related Fence Height Exception to allow a six foot fence in the front yard setback. She indicated that the applicant has also submitted a revised landscape plan. Fisher reviewed staff's recommendation for approval of the application with the stipulations outlined in the staff report.

Deidra Budahl, 320 Enchantment Road, requested that the Major Amendment application be denied. Budahl noted that the improvements related to erosion control that have recently been addressed should have been implemented during construction of the first phase of the project. She expressed concern that if the application is approved, the applicant may not complete the improvements required for phase two of the project. Budahl discussed concerns related to increased crime in the neighborhood and issues associated with the removal of garbage from the complex. She expressed concern that additional low income housing and the proposed big box store may increase crime and create additional problems.

Wyss advised that he would abstain from discussion and voting on this item due to a conflict of interest.

Jay Alderman, 303 Enchantment Road, expressed support for the approval of the Fence Height Exception noting that a portion of the proposed six foot fence abuts his property. Alderman expressed support for the change from deciduous trees to evergreen trees as identified in the revised landscape plan. Alderman expressed concern related to the timing for the proposed landscaping improvements. He described the need for erosion control along his property line noting that mud from the site was washing onto his property. He added that the property owners have assured him that the erosion issue would be addressed.

In response to a question from Landguth, Elkins advised that additional complaints concerning erosion control on the project have been received. Elkins discussed the improvements related to erosion control that have been made over the last three months.

In response to a question from Elkins, Alderman identified on the aerial map where the mud has washed onto his lawn. He noted that a drainage ditch has developed from the water running in the area noting that additional erosion control measures may be required along the entire property boundary.

Bosworth reviewed the erosion control measures that have been implemented to stabilize the site noting that City staff is closely watching the area. Bosworth added that the applicant has agreed that their erosion engineer will be on the site as soon as a problem is identified.

Alderman clarified that the majority of the erosion control work was done by the fire hydrant near the street.

Bob Drew stated that they are working on the erosion control issues noting that

the City is monitoring the project. Drew described efforts to address the neighbors' complaints including the erosion control issues on the site noting that they are ready to move forward with the project.

In response to a question from Landguth, Elkins indicated that City ordinance requires that disturbed areas are to be reseeded within 14 days from disturbance noting that this is an ongoing issue on the site.

Landguth expressed his hope that the developer will get the problem corrected.

In response to a question from Brewer, Drew stated that he would ask the property manager to look into the complaint related to garbage buildup on the site and the reported dumping of garbage in the right-of-way. Discussion followed concerning the hours the property manager is on the site, the location of the garbage enclosure area and garbage pick-up schedule.

Braun expressed concern relative to the ability to enforce complaints if the building permits are granted prior to completion of the fencing and other site-work.

Elkins clarified that the stipulations outlined in staff's recommendation move the requirement to complete the improvements to the front end of the building permit process noting that surety cannot be posted for the improvements and a temporary certificate of occupancy cannot be issued for the project.

Drew described the proposed plan to contain the western slope of the property as part of the next phase of the project.

In response to a question from Scull, Fisher indicated that the complaints related to erosion control, landscaping and fencing identified in the public comment letters have been addressed in the stipulations of approval.

In response to a question from Scull, Fisher confirmed that the revised erosion control plan is part of the construction plan. Fisher provided a brief review of the efforts to date to address erosion control on the site noting that stipulation seven states that erosion control must be continually maintained in order to address ongoing or any future concerns with erosion on the site.

Kinniburgh moved, Rolinger seconded and carried to approve the Major Amendment to a Planned Residential Development with the following stipulations:

- 1. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the construction plans shall be sealed and signed by a Professional Engineer. The red lined drawings shall also be returned to the Growth Management Office;**
- 2. Prior to Planning Commission approval, a Fence Height Exception shall be obtained to allow a 6 foot high fence in lieu of a 4 foot high fence in the front yard as it abuts Stumer Road or the fence shall not exceed four feet within the front yard as it abuts Stumer. In addition,**

- the fence shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Residential Development Plan;
3. The landscaping shall be planted in compliance with the approved landscaping plan and shall comply with all approved requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary. The applicant also has the option of placing the evergreen trees along the west lot line on the adjacent property with the adjacent property owner's concurrence. The landscaping placed on the adjacent property shall count towards the landscaping requirements for this project; however, the applicant is not required to provide maintenance of the landscaping placed on the adjacent property. Any change in the approved landscaping plan shall require a Major Amendment to the Planned Residential Development;
 4. Construction of the fence shall begin within one week and shall be completed within 30 days of issuance of a building permit. In addition, all landscaping located along the west lot line shall be planted within 90 days of issuance of a building permit;
 5. The retaining wall(s) shall be constructed in compliance with the approved design plans. In addition, the wall(s) shall be constructed at the start of construction for Phase Two;
 6. 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;
 7. Sediment and erosion control measures shall be continually maintained to preclude sediment from depositing onto the adjacent properties and/or rights-of-way. In addition, sediment and erosion control measures shall be maintained along the berm located along Catron Boulevard;
 8. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 9. The proposed apartment buildings shall not exceed 38 feet, 9 3/8 inches in height as per the previously approved Exception request;
 10. All provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment;
 11. The dumpster(s) shall be screened on all four sides with an opaque screening fence;
 12. A minimum of 231 parking spaces shall be provided with seven of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. A minimum of six planter islands shall be provided within the parking lot. Each planter island shall contain a minimum of 100 square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. All provisions of the Off-Street Parking Ordinance shall be continually met;
 13. The 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 addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. All of the residential dwelling units or structures shall be sprinklered;

14. A storm water discharge permit shall be obtained as needed;
15. A Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation as needed;
16. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development; and,
17. The Planned Residential Development shall allow for the construction of a 154 unit apartment complex with a leasing/administration office, tot lots and accessory garages on the property. The time to complete the Planned Residential Development shall be extended two years from the date of approval by the Planning Commission. However, the Planned Residential Development shall expire if the use is not undertaken and completed within the two years or if the use as approved has ceased for two years. (8 to 0 to 1 with Braun, Brewer, Brown, Kinniburgh, Landguth, Marchand, Rolinger and Scull and voting yes, none voting no, and with Wyss 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.

Brown left the meeting at this time.

*32. 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** on 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.

Flaen provided a brief review of the application to amend the sign package for the development noting staff's recommendation to continue the application to the June 24, 2010 Planning Commission at the applicant's request in order to accommodate the 90 day sign moratorium on electronic signage.

Rolinger moved, Marchand seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to revise the sign package to the June 24, 2010 Planning Commission meeting at the applicant's request. (8 to 0 with Braun, Brewer, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and with none voting no)

33. 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.

DeMersseman presented the request noting that the reduction in the front yard setback was approved by the Zoning Board of Adjustment on April 6, 2010. DeMersseman noted staff's recommendation for approval of the Preliminary Plat with stipulations.

Rolinger moved, Brewer seconded and unanimously carried to recommend approval of the Preliminary Plat be with the following stipulations:

1. **Prior to Planning Commission approval, the applicant shall obtain a Variance from the Zoning Board of Adjustment to reduce the required front yard setback for Lot A from 25 feet to 18 feet;**
2. **Upon submittal of a Final Plat application, the existing shed at the northwest corner of proposed Lot A shall be removed from the 8 foot wide utility and minor drainage easement or surety shall be posted for the removal of the shed;**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of any required subdivision improvements must be submitted for review and approval;**
4. **Upon submittal of a Final Plat application, surety shall be posted for any required subdivision improvements that have not been completed and the subdivision inspection fees shall be paid;**
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. (8 to 0 with Braun, Brewer, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and with none voting no)**

34. 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 advised that the drainage report was received late yesterday afternoon noting that staff has identified that exceptions to the design criteria may be

required and that the red lined comments need to be addressed. Fisher stated staff's recommendation to continue the 11-6-19 Review to the April 22, 2010 Planning Commission meeting.

Marchand moved, Rolinger seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct a public water main, storm sewer and drainage improvements to the April 22, 2010 Planning Commission meeting. (8 to 0 with Braun, Brewer, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and with none voting no)

DeMersseman requested that Items 35, 36 and 37 be considered concurrently.

- *35. 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** on 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, 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.
36. 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 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.
37. 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.

DeMersseman provided a brief description of the requests and advised that the exception to allow the non-conforming water service was granted. DeMersseman noted staff's recommend for approval of Items 35, 36 and 37 with the stipulations outlined in the staff reports.

Rolinger moved, Marchand 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, the applicant shall submit construction plans showing the relocation of the non-conforming**

- water service line to proposed Lot 2 or an Exception to allow a non-conforming water service line shall be obtained;
2. The front yard setback is hereby reduced from 25 feet to 19 feet for the existing townhouses. The existing townhouses shall not be expanded to encroach any further into the required setbacks, and in the event that the existing townhouses are removed, new construction on the property shall comply with all required setbacks, or a Major Amendment to the Planned Residential Development shall be obtained;
 3. All provisions of the Medium Density Residential District and the Canyon Lake Overlay Zoning District must be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
 4. The proposed structure shall conform architecturally to the proposed elevations and design plans submitted as part of this Initial and Final Planned Residential Development; and
 5. The Planned Residential 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.

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.

and, to recommend that the Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall submit construction plans showing the relocation of the non-conforming water service line to proposed Lot 2 or an Exception to allow a non-conforming water service line shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, construction plans showing Monte Vista Drive constructed with a 27 foot wide paved surface shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, the associated Planned Residential Development request to reduce the required front yard setback from 25 feet to 19 feet shall be approved by the Planning Commission or the property must be brought into compliance with the zoning code;
4. Prior to Preliminary Plat approval by the City Council, a cost estimate of any required subdivision improvements shall be submitted for review and approval;
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.

and, to recommend acknowledgment of the withdrawal of the Variance to the Subdivision Regulations request to reduce the right-of-way width from 52 feet to 24 feet; and,

to recommend that the Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 18 feet be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the pavement improvement. (8 to 0 with Braun, Brewer, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and with none voting no)

*38. No. 10PD025 - Melody Acres No. 2

A request by Jerry Pabst for Heather LaCuran to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 40 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2904 Cactus Drive.

Flaen presented the request noting that the stipulations of approval have been met. Flaen stated staff's recommendation for approval of the application with stipulations.

Rolinger 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 revised site plan, drawn to scale, shall be submitted identifying the location of utility lines for review and approval;
2. Prior to Planning Commission approval, a revised site plan, drawn to scale, shall be submitted identifying dimensions for the paved off-street parking areas and that a paved driveway shall be installed on the property;
3. Prior to Planning Commission approval, a drainage plan shall be submitted for review and approval;
4. A Mobile Home Hookup Permit shall be obtained prior to locating a mobile home on the property;
5. All provisions of the Mobile Home Residential Zoning District shall be continually met;
6. The mobile home shall be installed and the property shall be developed as per the approved site plan; and,
7. The Planned Residential Development shall expire if the use is not

undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 0 with Braun, Brewer, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and with 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.

*39. No. 10PD026 - North Rapid Addition

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

Fisher presented the request noting that the Initial Development Plan was approved in 2009. Fisher provided a brief review of the staff report and indicated that the stipulations of approval have been met. Fisher stated staff's recommendation for approval of the Final Development Plan with the stated stipulations.

Brewer moved, Wyss seconded and unanimously carried to recommend approval of the Planned Residential Development - Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval, a Major Drainage Easement shall be recorded at the Register of Deed's Office securing the regional drainage located in the eastern portion of the property within an easement. In addition, a copy of the recorded easement shall be submitted to the Growth Management Office;**
- 2. Prior to Planning Commission approval, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval as needed. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;**
- 3. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 4. A Building Permit shall be obtained prior to the start of construction and a Certificate of Occupancy shall be obtained prior to Occupancy;**
- 5. The structures shall conform architecturally to the plans and elevations and color palette submitted as part of this Final Planned Residential Development;**
- 6. The privacy fence shall conform architecturally to the plans and elevations and color palette submitted as part of this Final Planned**

Residential Development;

7. A minimum of 21,750 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
8. A minimum of five parking spaces shall be provided. In addition, one of the parking spaces shall be "van" handicap accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;
9. The currently adopted International Fire Code shall be continually met. In particular, the proposed residential structures shall have fire sprinkler systems to insure that the occupants are protected. The applicant shall also demonstrate that a fire hydrant is located within 400 feet of all portions of the structures as measured via an approved route; and,
10. A group home shall be allowed on the property as defined by Chapter 17.04.350 of the Zoning Ordinance. This shall not include missions, detoxification centers or detention centers. In particular, the two proposed residences shall be used as a group home with a maximum of five clients and one staff member per home. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years. In addition, any change and/or expansion in use will require that a Major Amendment to the Planned Residential Development be obtained. (8 to 0 with Braun, Brewer, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and with none voting no)

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

*40. No. 10PD027 - Rapid Valley Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Valley Green Lawn & Garden Center to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 7 thru 12 of Block 3 and Lots 7 thru 12 of Block 4 of Rapid Valley Subdivision, located in the NE1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1996 Sedivy Lane.

DeMersseman presented the request and reviewed the slides noting that the primary structure on the property was damaged by fire. DeMersseman identified the proposed location of the temporary structure. DeMersseman stated that if the Planning Commission determines it is appropriate to allow a 240 square foot temporary structure on the property for a period not to exceed 12 months, staff will recommend approval of the Planned Commercial Development with revised stipulations.

In response to a question from Olsen, staff confirmed that the sample elevations provided correctly identify the type of building to be used as the proposed temporary structure.

Discussion followed concerning the appearance of the proposed temporary structure.

Janelle Finck confirmed that the proposed temporary structure will function as a construction-type office. Finck described the impact of the fire damage to the applicant's seasonal business. She stated that the process for submitting a planned development will take months noting that this proposal will allow the applicant to continue to operate the business this lawn and garden season. Finck added that the applicant will continue to work through the planned development process for the property. Finck thanked staff for working with the applicant to allow the business to continue to operate.

In response to a question from Olsen, Finck indicated that the neighboring homeowners were mailed the required public notice letter. Finck stated that the applicant is continuing to clean up the site. Finck added that no objection was received from the adjacent land owners.

Olsen suggested that the applicant contact the neighbors directly to discuss the proposed temporary structure. Discussion followed.

Elkins indicated that a provision of the Municipal Code allows a temporary use for up to two years noting that the applicant has indicated they will only use the temporary structure for one year. Elkins noted that the site plan identifies the location of the temporary structure further away from the existing homes located to the south. Elkins added that the Code allows the applicant to request that the temporary use be extended for 12 additional months.

Rolinger thanked staff for working with the applicant to address this issue.

Rolinger moved, Marchand seconded and unanimously carried to approve the Initial and Final Planned Commercial Development with the following stipulations:

- 1. The temporary structure shall have one sign no larger than 8 square feet in size. In addition, the sign shall be metal or hard-surface mounted with a white background and green and/or black text;**
- 2. The temporary structure shall be used as an office to service the existing lawn and garden business on the property. The temporary structure shall be allowed to be used as an office on the property for a period not to exceed 12 months from the date of Planning Commission approval. Upon, the expiration of the 12 month period, the use shall cease and the applicant shall have obtained approval of a Planned Commercial Development – Initial and Final Development Plan for a permanent structure on the property and brought the property into compliance with all applicable provisions of that approved plan;**
- 3. An Exception is hereby granted to allow a 240 foot temporary**

structure in lieu of a 200 foot temporary structure on the property. The structure shall conform architecturally to the plans and elevations submitted as part of this Initial and Final Planned Commercial Development;

4. An Exception is hereby granted to allow graveled parking in lieu of paved parking on the property for a period not to exceed 12 months. At such time, the applicant shall obtain approval of a Planned Commercial Development that demonstrates compliance with the parking provisions of Section 17.50.270 of the Rapid City Municipal Code;
5. An Exception is hereby granted to waive the requirement to provide landscaping on the property for a period not to exceed 12 months. At such time, the applicant shall obtain approval of a Planned Commercial Development that demonstrates compliance with the landscaping provisions of Section 17.50.300 of the Rapid City Municipal Code;
6. Prior to occupancy, a Temporary Certificate of Occupancy shall be obtained;
7. Prior to the issuance of a Temporary Certificate of Occupancy, the applicant shall demonstrate that the proposed temporary structure and toilet facilities are handicapped accessible; and,
8. The Planned Commercial Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission. (8 to 0 with Braun, Brewer, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and with 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.

*41. No. 10PD028 - K-W Subdivision

A request by FourFront Design, Inc. for Phil Lampert to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots A and B of Lot 1 of Lot D less Lot H1, K-W Subdivision, Section 28, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Edwards Street and North Elk Vale Road.

Scull stated that he would abstain from discussion and voting on this item due to a conflict of interest. Scull relinquished the gavel to Landguth.

Fisher presented the request to amend the Planned Commercial Development to construct the Dakota Steakhouse restaurant. Fisher advised that all of the stipulations outlined in the staff report have been met with the exception of Stipulations 3 and 4. Fisher indicated that the applicant submitted exception requests on April 7, 2010 to waive the requirement for the installation of sidewalks noting that pedestrian access would be provided through the site. Fisher noted staff's recommendation to continue the Planned Commercial

Development application to the April 22, 2010 Planning Commission meeting to allow the exception requests to be considered.

Rolinger moved and Marchand seconded to continue the Major Amendment to a Planned Commercial Development to the April 22, 2010 Planning Commission meeting.

Eirik Heikes requested that the application be approved today. Heikes stated that if the exceptions waiving the requirement to construct the sidewalks cannot be obtained the applicant will construct the sidewalks. Heikes added that there is no pedestrian crossing at the intersection of Elk Vale Road and Edwards Street and expressed his opinion that a sidewalk in this location may create a potential hazard by implying a pedestrian crossing to the hotel located across Elk Vale Road. Heikes requested approval in order to move the project forward at this time noting that the applicant is willing to construct the sidewalks if the exceptions cannot be obtained.

Kinniburgh clarified that improvements have been constructed at the intersections of Eglin Street, Cheyenne Boulevard and Elk Vale Road for pedestrian crossing at Elk Vale Road. Kinniburgh added that the Department of Transportation designed these major intersections with the intent for sidewalk to be constructed connecting those locations as development occurs.

In response to a question from Brewer, Fisher identified where the sidewalks would be constructed along Edward's Street and Elk Vale Road if the applicant is unable to obtain exceptions to the requirement for construction.

In response to a question from Brewer, Kinniburgh stated that existing signalized pedestrian crossing signals are located at the intersection of Cheyenne Boulevard and Elk Vale Road.

In response to a question from Braun, Elkins indicated that the stipulations can be revised to require that the sidewalks be constructed or exceptions to the requirement be obtained prior to issuance of a building permit.

In response to a question from Rolinger, Elkins explained that exceptions can be granted with the requirement that the applicant enter into a Waiver of Right to Protest Future Assessments that is recorded with the property. Elkins noted that the City Council may order sidewalks in at any time.

Marchand expressed her strong support for the construction of sidewalks for any project at the time of development.

Wyss expressed support for approving the application today if the applicant agrees to remove the requested exceptions and construct the sidewalks with the project.

Kinniburgh discussed the current pedestrian traffic traveling across Elk Vale Road, to the truck stop and to the area hotels and restaurants. Kinniburgh stated that the sidewalk is needed along Elk Vale Road noting the provision for

sidewalks with the extra-wide shoulder along the street.

Brewer spoke in support of moving the project forward at this time noting his support for the new business and the installation of the sidewalks if required.

Brewer offered a substitute motion, seconded by Rolinger to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

- 1. Prior to Planning Commission approval, an access and parking easement shall be secured for the 24 foot wide shared access aisle located along the common lot line of Lots A and B and to allow 11 parking spaces located on Lot B to be utilized as parking for Lot A. In addition, a copy of the executed easement shall be submitted to the Growth Management Department for review and approval;**
- 2. Prior to Planning Commission approval, utility easements shall be recorded as needed for the extension of utilities to serve the proposed restaurant. In addition, a copy of the recorded easement(s) shall be submitted to the Growth Management Department;**
- 3. Prior to issuance of a building permit, the construction plans shall be revised to show a sidewalk along Edwards Street or an Exception shall be obtained from the City Council to waive the requirement;**
- 4. Prior to issuance of a building permit, the construction plans shall be revised to show a sidewalk along Elk Vale Road or an Exception shall be obtained from the Growth Management Director to waive the requirement. If the Exception is denied, the applicant may appeal the Exception request to the City Council;**
- 5. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 7. Prior to the start of construction in Elk Vale Road, a Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation;**
- 8. Prior to the start of construction in Edwards Street, a Permit to Work in the Right-of-way shall be obtained from the City;**
- 9. The proposed structure(s) shall continue to conform architecturally to the approved plans, color palette and elevations;**
- 10. All signage shall conform to the approved sign package. No electronic signs are being approved as a part of the proposed sign package for Lot A. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, 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;
11. A minimum of 314,597 landscaping points shall be provided. 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;
 12. A minimum of 235 parking spaces shall be provided with seven handicap accessible spaces. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;
 13. All currently adopted International Fire Codes shall be met;
 14. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Commercial Development or a subsequent Major Amendment;
 15. The Planned Commercial Development shall allow an on-sale liquor establishment operated in conjunction with a full service restaurant to be located on Lot A and an on-sale liquor establishment operated in conjunction with a hotel banquet facility to be located on Lot B; and,
 16. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.

In response to a question from Rolinger, Elkins advised that one of the exceptions will be acted on by the City Council and one exception will be acted on by the Growth Management Director with an appeal process to the City Council. Elkins confirmed that the revised stipulations of approval will allow the applicant to address the outstanding issues prior to building permit approval.

Heikes stated that the applicant is agreeable to the revised stipulations of approval.

The motion carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

1. Prior to Planning Commission approval, an access and parking easement shall be secured for the 24 foot wide shared access aisle located along the common lot line of Lots A and B and to allow 11 parking spaces located on Lot B to be utilized as parking for Lot A. In addition, a copy of the executed easement shall be submitted to the Growth Management Department for review and approval;
2. Prior to Planning Commission approval, utility easements shall be recorded as needed for the extension of utilities to serve the proposed restaurant. In addition, a copy of the recorded easement(s) shall be submitted to the Growth Management Department;
3. Prior to issuance of a building permit, the construction plans shall be revised to show a sidewalk along Edwards Street or an Exception shall be obtained from the City Council to waive the requirement;
4. Prior to issuance of a building permit, the construction plans shall be

- revised to show a sidewalk along Elk Vale Road or an Exception shall be obtained from the Growth Management Director to waive the requirement. If the Exception is denied, the applicant may appeal the Exception request to the City Council;
5. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
 6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 7. Prior to the start of construction in Elk Vale Road, a Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation;
 8. Prior to the start of construction in Edwards Street, a Permit to Work in the Right-of-way shall be obtained from the City;
 9. The proposed structure(s) shall continue to conform architecturally to the approved plans, color palette and elevations;
 10. All signage shall conform to the approved sign package. No electronic signs are being approved as a part of the proposed sign package for Lot A. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, 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;
 11. A minimum of 314,597 landscaping points shall be provided. 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;
 12. A minimum of 235 parking spaces shall be provided with seven handicap accessible spaces. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;
 13. All currently adopted International Fire Codes shall be met;
 14. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Commercial Development or a subsequent Major Amendment;
 15. The Planned Commercial Development shall allow an on-sale liquor establishment operated in conjunction with a full service restaurant to be located on Lot A and an on-sale liquor establishment operated in conjunction with a hotel banquet facility to be located on Lot B; and,
 16. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years. (7 to 0 to 1 with Braun, Brewer, Kinniburgh, Landguth,

Marchand, Rolinger, and Wyss voting yes, with none voting no and with Scull abstaining)

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

Landguth returned the gavel to Scull.

42. 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.

DeMersseman advised that the related exception request had been approved and presented staff's recommendation for approval of the SDCL 11-6-19 Review application.

In response to a question from Olsen, Rod Johnson stated that plans for the construction of a bike path in this vicinity are under consideration noting that this application does not interfere with those plans.

Brewer moved, Kinniburgh seconded and unanimously carried to approve the SDCL 11-6-19 Review to expand a public use. (8 to 0 with Braun, Brewer, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and with none voting no)

43. 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.

Scull stated that he would abstain from discussion and voting on this item due to a conflict of interest. Scull relinquished the gavel to Landguth.

Kinniburgh stated that he would abstain from discussion and voting on this item due to a conflict of interest.

Fisher presented the request and reviewed the staff report. Fisher displayed the project elevations noting staff's recommendation that the requested exceptions

be granted and that the SDCL 11-6-19 Review application be approved.

Rolinger moved, Braun seconded and carried to approve the SDCL 11-6-19 Review to renovate and expand a public school and to relocate public utilities. (6 to 0 to 2 with Braun, Brewer, Landguth, Marchand, Rolinger and Wyss voting yes, with none voting no and with Scull and Kinniburgh abstaining)

Landguth returned the gavel to Scull.

44. No. 10SR017 - Rapid City Greenway Tract

A request by Hills Alive Festival to consider an application for a **SDCL 11-6-19 Review to allow temporary structures on public property** on Tract 20, less Lot H1 of 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.

DeMersseman presented the request noting the City Council's approval of the related Special Exception to the Flood Area Construction Regulations on April 5, 2010. DeMersseman presented the staff's recommendation for approval of the SDCL 11-6-19 Review application.

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

In response to a question from Brewer, Elkins clarified that the Planning Commission reviewed the Special Exception to the Flood Area Construction Regulations at the March 25, 2010 Planning Commission meeting. Discussion followed.

The motion unanimously carried to approve the SDCL 11-6-19 Review to allow temporary structures on public property. (8 to 0 with Braun, Brewer, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and with none voting no)

45. No. 10SR022 - Original Town of Rapid City

A request by Wyss Associates, Inc. for Alliance of Tribal Tourism Advocates (ATTA) to consider an application for a **SDCL 11-6-19 Review to construct structures on public property** on Lots 1 thru 16 and west ½ of the vacated Second Street abutting Lot 1 and the east half of that portion of the vacated Third Street abutting Lot 16 and the north half of the vacated alley, the north half of Lot 17 thru 20 and the half of alley abutting said Lots, the south half of lots 17 thru 20 and the north half of the vacated Denver Street adjacent to said Lots, Lots 21 thru 22, the south half of the vacated alley and the north half of the vacated Denver Street adjacent to said Lots, Lots 23 thru 24, the south half of the vacated alley and the north half of the vacated Denver Street adjacent to said Lots, Lots 25 thru 32, the west half of vacated Second Street adjacent to said Lot 32, the south of vacated Alley and the north vacated Denver Street adjacent to said Lots 25 thru 32 of Block 8 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described

as being located at 230 Denver Street.

Fisher presented staff's recommendation to continue the SDCL 11-6-19 Review to the April 22, 2010 Planning Commission meeting to allow staff to work with the applicant to address issues related to drainage and sidewalks.

Wyss stated that he would abstain from discussion and voting on this item due to a conflict of interest.

Rolinger moved, Braun seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct structures on public property to the April 22, 2010 Planning Commission meeting. (7 to 0 to 1 with Braun, Brewer, Kinniburgh, Landguth, Marchand, Rolinger and Scull voting yes, with none voting no and with Wyss abstaining)

46. Discussion Items
None.

47. Staff Items
A. Work Program Update.
Elkins requested that the discussion on the Work Program Update be continued.

48. Planning Commission Items
Olsen expressed her gratitude to the members of the Planning Commission for volunteering their time for public service.

There being no further business, Rolinger moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:22 a.m. (8 to 0 with Braun, Brewer, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)