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MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
June 10, 2010

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

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Karen Bulman, Patsy Horton, Jim Flaaen, Jack Tomac, Tim Weaver, Mike Schad and Carol Campbell.

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

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

**Staff requested that Items 6, 13, 14, 25 and 26 be removed from the Consent Agenda for separate consideration.**

**A member of the audience requested that Item 17 and 18 be removed from the Consent Agenda for separate consideration.**

**Motion by Brewer, Seconded by Wyss and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 26 in accordance with the staff recommendations with the exception of Items 6, 13, 14 17, 18, 25 and 26. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**

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

1. Approval of the May 27, 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 allow the construction of townhomes with attached garages and the construction of the utilities and roads to serve the townhomes to the June 24, 2010 Planning Commission meeting.**

***The Rapid City Planning Commission's action on this item is final unless***

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***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. 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 June 24, 2010 Planning Commission meeting.**

4. No. 10CA013 - Section 31, T2N, R8E

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the future land use designation from Medium Density Residential to General Commercial with a Planned Commercial Development** on a portion of Tract B of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$ , a portion of the S $\frac{1}{2}$  of vacated St. Louis Street right-of-way, and a portion of the east 10 feet of vacated Racine Street right-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 31, T2N, R8E, BHM, and the point of beginning, Thence first course curving to the left, along, on a curve with a radius of 354.60 feet, a delta angle of 62°52'17", a length of 389.11 feet, a chord bearing of N56°16'05"W, and chord distance of 369.88 feet; Thence second course: N90°00'00"W, a distance of 142.94 feet; Thence third course: N00°02'43"E, a distance of 128.60 feet; Thence fourth course: S89°30'42"E, a distance of 449.43 feet; Thence fifth course: S00°10'47"W, along the easterly boundary of said Tract B, a distance of 330.17feet to the point of beginning, more generally described as being located north of East Omaha Street between Racine Street and LaCrosse Street.

**Planning Commission recommended that the Amendment to the adopted Comprehensive Plan to change the future land use designation from Medium Density Residential to Office Commercial with a Planned Commercial Development be approved.**

5. No. 10CA014 - Section 31, T2N, R8E

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the future land use designation from Mobile Home Park to General Commercial with a Planned Commercial Development** on a portion of Tract B of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$ , a portion of the east 10 feet of vacated Racine Street right-of-way, and a portion of Racine Street right-of-way, all located in Section 31, T2N, R8E, and a portion of Racine Street right-of-way, Lots 1 thru 4, 21 and a portion of Lots 5

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thru 20 and the vacated alley located in Block 1 of Brennen and Sweeney Addition, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE¼ of the SW¼ of Section 31, T2N, R8E, BHM, common to the northeasterly corner of Block 1 of Brennen and Sweeney Addition, and the point of beginning, Thence first course: S00°16'07"W, along the easterly boundary of said Block 1, a distance of 106.27 feet; Thence second course: S89°47'39"W, a distance of 510.47 feet, to a point on the westerly edge of Racine Street Right-of-Way; Thence third course: N00°12'21"W, along the westerly edge of said Racine Street Right-of-Way, a distance of 108.08 feet, to a point on the section line common to Section 31, T2N, R8E, BHM, and Section 6, T1N, R8E, BHM; Thence fourth course: N00°09'45"W, along the westerly edge of said Racine Street Right-of-Way, a distance of 60.09 feet, to the southeasterly corner of Lot 1 of Eastbrooke Subdivision; Thence fifth course: S89°51'02"E, distance of 60.52 feet; Thence sixth course: N00°02'43"E, a distance of 145.48 feet; Thence seventh course: S90°00'00"E, a distance of 142.94 feet; Thence eighth course curving to the right, along, on a curve with a radius of 354.60 feet, a delta angle of 62°52'17", a length of 389.11 feet, a chord bearing of S56°16'05"E, and chord distance of 369.88 feet, to the southeasterly corner of said Tract B, common to the northeasterly corner of said Block 1, and the point of beginning, more generally described as being located north of East Omaha Street between Racine Street and LaCrosse Street.

**Planning Commission recommended that the Amendment to the adopted Comprehensive Plan to change the future land use designation from Mobile Home Park to General Commercial with a Planned Commercial Development be approved.**

7. No. 10CA015 - Section 31, T2N, R8E

A request by Dream Design International, Inc. to consider an application for an **Amendment to the adopted Comprehensive Plan to change the future land use designation from Medium Density Residential to Office Commercial with a Planned Commercial Development** on a portion of Lot 1 of Eastbrooke Subdivision, a portion of the S½ of vacated St. Louis Street right-of-way and a portion of Racine Street right-of way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Eastbrooke Subdivision, and the point of beginning, Thence first course: S89°51'08"E, along the northerly boundary of said Lot 1, a distance of 17.37 feet; Thence second course: N00°16'04"E, along the northerly boundary of said Lot 1, a distance of 4.07 feet; Thence third course: S89°49'26"E, along the northerly boundary of said Lot 1, a distance of 467.30 feet, to the northeasterly corner of said Lot 1; Thence fourth course: S89°09'06"E, a distance of 28.63 feet; Thence fifth course: N00°12'18"E, a distance of 4.94 feet; Thence sixth course: S89°30'42"E, a distance of 31.32 feet; Thence seventh course: S00°02'43"W, a distance of 128.60 feet; Thence eighth course: N89°57'17"W, a distance of 545.03 feet, to a point on the westerly boundary of said Lot 1; Thence ninth course: N00°13'38"E, along the westerly boundary of said Lot 1, a distance of 121.33 feet, to the northwesterly corner of said Lot 1 and the point of beginning, more generally described as being located north of East Omaha Street between Waterloo Street and Racine Street.

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**Planning Commission recommended that the Amendment to the adopted Comprehensive Plan to change the future land use designation from Medium Density Residential to Office Commercial with a Planned Commercial Development be approved.**

8. No. 10CA016 - Section 31, T2N, R8E

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the future land use designation from Mobile Home Park to Office Commercial with a Planned Commercial Development** on a portion of Lot 1 of Eastbrooke Subdivision, and a portion of Racine Street right-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 1 of Eastbrooke Subdivision, and the point of beginning, Thence first course: N00°13'38"E, along the westerly boundary of said Lot 1, a distance of 95.04 feet; Thence second course: S89°57'17"E, a distance of 545.03 feet; Thence third course: S00°02'43"W, a distance of 145.48 feet; Thence fourth course: N89°51'02"W, a distance of 62.11 feet, to the southeasterly corner of said Lot 1; Thence fifth course: N89°51'02"W, along the southerly boundary of said Lot 1, a distance of 325.56 feet; Thence sixth course: N58°41'15"W, along the southerly boundary of said Lot 1, a distance of 96.18 feet; Thence seventh course: S89°54'47"W, along the southerly boundary of said Lot 1, a distance of 77.04feet, to the southwesterly corner of said Lot 1, and the point of beginning, more generally described as being located north of East Omaha Street between Waterloo Street and Racine Street.

**Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the future land use designation from Mobile Home Park to Office Commercial with a Planned Commercial Development be approved.**

9. No. 10RZ035 - Section 31, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lot 1 of Eastbrooke Subdivision, a portion of the S½ of vacated St. Louis Street right-of-way and a portion of Racine Street right-of way Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Eastbrooke Subdivision, common to a corner on the easterly edge of Waterloo Street Right-of-way, and the point of beginning, Thence first course: S89°51'08"E, along the northerly boundary of said Lot 1, common to the easterly edge of said Waterloo Street Right-of-way, a distance of 17.37 feet; Thence second course: N00°16'04"E, along the northerly boundary of said Lot 1, common to the easterly edge of said Waterloo Street Right-of-way, a distance of 4.07 feet; Thence third course: S89°49'26"E, along the northerly boundary of said Lot 1, a distance of 467.30 feet, to the northeasterly corner of said Lot 1; Thence fourth course: S89°09'06"E, a distance of 28.63 feet; Thence fifth course: N00°12'18"E, a distance of 4.94 feet; Thence sixth course: S89°30'42"E, a distance of 31.32 feet; Thence seventh course: S00°02'43"W, a distance of

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274.08 feet; Thence eighth course: N89°51'02"W, a distance of 60.52 feet, to the southeasterly corner of said Lot 1; Thence ninth course: N89°51'02"W, along the southerly boundary of said Lot 1, a distance of 325.56 feet; Thence tenth course: N58°41'15"W, along the southerly boundary of said Lot 1, a distance of 96.18 feet; Thence eleventh course: S89°54'47"W, along the southerly boundary of said Lot 1, a distance of 77.04 feet, to the southwesterly corner of said Lot 1; Thence twelfth course: N00°13'38"E, along the westerly boundary of said Lot 1, common to a point on the easterly edge of said Waterloo Street Right-of-way, a distance of 216.37 feet, to the northwesterly corner of said Lot 1 and the point of beginning, more generally described as being located north of East Omaha Street between Waterloo Street and Racine Street.

**Planning Commission recommended that the Rezoning from Medium Density Residential District to Office Commercial District be approved in conjunction with a Planned Development Designation and the associated Comprehensive Plan Amendment.**

10. No. 10CA017 - Cleghorn Canyon Subdivision No. 2

A request by City of Rapid City to consider an application for an **Amendment to the adopted Comprehensive Plan to change the land use designation from Park Forest to Public** on Lots A and B of Lot 3, Lot B of Lot 4, North 202 feet of Lot 4 and the vacated street lying east and adjacent to Lot 4, all in Block 2 of Cleghorn Canyon Subdivision #2; and all of Block 1 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota; and the Right-of-way Lot CS in Block 1 of Cleghorn Canyon Subdivision #2 known as Cleghorn Canyon Lane, and Cleghorn Canyon Road adjacent to and south of Block 1 of Cleghorn Canyon Subdivision #2 and south of the vacated street lying east and adjacent to Lot 4 of Block 2 of Cleghorn Canyon #2, and the private lane adjacent and north of Lot B of Lot 4 of Block 2 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Cleghorn Canyon Road and west of Jackson Boulevard.

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

11. No. 10RZ036 - Cleghorn Canyon Subdivision No. 2

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Public District** on Lots A and B of Lot 3, Lot B of Lot 4, North 202 feet of Lot 4 and the vacated street lying east and adjacent to Lot 4, all in Block 2 of Cleghorn Canyon Subdivision #2; and all of Block 1 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota; and the Right-of-way Lot CS in Block 1 of Cleghorn Canyon Subdivision #2 known as Cleghorn Canyon Lane, and Cleghorn Canyon Road adjacent to and south of Block 1 of Cleghorn Canyon Subdivision #2 and south of the vacated street lying east and adjacent to Lot 4 of Block 2 of Cleghorn Canyon #2, and the private lane adjacent and north of Lot B of Lot 4 of Block 2 of Cleghorn Canyon Subdivision #2, all located in the SW1/4



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of Section 8, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Cleghorn Canyon Road and west of Jackson Boulevard.

**Planning Commission recommended that the Rezoning from No Use District to Public District be approved subject to approval of the related Amendment to the Adopted Comprehensive Plan.**

12. No. 10PL027 - Eastbrooke Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1R and 3, Eastbrooke Subdivision, legally described as Lots 1 thru 21 and the vacated alley of Block 1 of Brennen & Sweeney Addition of Section 6, T1N, R8E; Lot 1 of Eastbrooke Subdivision, a portion of the S1/2 of the vacated St. Louis Street right-of-way, a portion of the east 10 feet of the vacated Racine Street right-of-way and Tract B of the SE1/4 of the SW1/4, all located in the SE1/4 of the SW1/4 of Section 31, T2N, R8E, and in the NE1/4 of the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East Omaha Street between Waterloo Street and LaCrosse Street.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along LaCrosse Street or an Exception shall be obtained to allow access from the higher traveled street;**
3. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional 10 feet of right-of-way along LaCrosse Street or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval providing a sewer main along Racine Street or a Variance to the Subdivision Regulations shall be obtained;**
5. **Prior to submittal of a Final Plat application, the existing utilities extending through the property shall be removed as proposed or the plat document shall be revised to secure the existing utilities within a utility easement;**
6. **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;**
7. **Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and,**
8. **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**

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**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.**

15. No. 10PL031 - Skyline Pines East Subdivision

A request by Renner & Associates, LLC for Skyline Pines, East, LLLP to consider an application for a **Layout Plat** for proposed Tract 1 of Lot 19 and the dedicated Fairmont Boulevard Right-of-way of the Skyline Pines East Subdivision, legally described as a portion of the N1/2 of the SE1/4, located in the N1/2 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Mt. Rushmore Road and North of Tower Road at the western terminus of Cathedral Drive.

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

- 1. Upon submittal of a Preliminary Plat application, a Master Utility Plan showing private and public utilities shall be submitted for review and approval. In addition, the plat document shall be revised to show utility easements as needed;**
- 2. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed;**
- 3. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of a utility easement to allow the future construction of a 12 inch water main extending from Fairmont Boulevard through the site as per the City's Utility Master Plan and the CETEC Planning Report. In addition, the applicant shall coordinate the cost of the water main with the City;**
- 4. Upon submittal of a Preliminary Plat application, a Stormwater Management Plan which includes an Erosion and Sediment Control Plan and a Post-construction Stormwater Quality Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. The drainage plan shall also address the remaining improvements needed for the existing detention pond located in the southeast corner of the property. The plat document shall also be revised to provide drainage easements as necessary;**
- 6. Upon submittal of a Preliminary Plat application, a geotechnical**

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- report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;
7. Upon submittal of a Preliminary Plat application, road construction plans for Fairmont Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  8. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
  9. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
  10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
  11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
  12. The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.
16. No. 10SV008 - Skyline Pines East Subdivision  
A request by Renner & Associates, LLC for Skyline Pines, East, LLLP to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along a portion of Fairmont Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Tract 1 of Lot 19 and the dedicated Fairmont Boulevard Right-of-way of the Skyline Pines East Subdivision, located in the N1/2 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Mt. Rushmore Road and North of Tower Road at the western terminus of Cathedral Drive.

**Planning Commission recommended that the Variance to the Subdivision**



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**Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the southern 400 feet of Fairmont Boulevard as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:**

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the pavement, curb, gutter, street light conduit and sidewalk improvements.**

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

20. No. 10RZ037 - 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 7 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2806 East Fairmont Street.

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

21. No. 10RZ038 - 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, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2808 Cactus Drive.

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

22. No. 10RZ039 - 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 14 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2707 Cactus Drive.

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

23. No. 10RZ040 - 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 33 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2802 Cactus Drive.

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

24. No. 10SR024 - Section 8, T1N, R8E

A request by Ernest C. Barton to consider an application for a **SDCL 11-6-19 Review to construct a street in the public right-of-way** on the Fairmont Boulevard right-of-way located adjacent to Lot E less the west 17 feet and less Lot H2, Platted, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3276 Cambell Street.

**Planning Commission continued the SDCL 11-6-19 Review to construct a street in the public right-of-way to the June 24, 2010 Planning Commission meeting.**

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

6. No. 10RZ034 - Brennan Hill Subdivision and Sweeney Addition, Section 6, T1N, R8E and Section 31, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** on Tract B of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$ , a portion of the S $\frac{1}{2}$  of vacated St. Louis Street right-of-way, a portion of the east 10 feet of vacated Racine Street right-of-way, all located in Section 31, T2N, R8E, and the vacated alley located in Block 1 of Brennen And Sweeney Addition, in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 31, T2N, R8E, BHM, and the point of beginning, Thence first course: N89°58'29"W, along the southerly boundary of said Tract B, a distance of 165.60 feet, to the northeasterly corner of Vacated Alley of Block 1, Brennen and Sweeney Addition; Thence second course: S00°05'14"W, along the easterly edge of said Vacated Alley, a distance of 62.12 feet; Thence third course: N89°56'48"W, along the southerly edge of said Vacated Alley, a distance of 20.00 feet; Thence fourth course: N00°05'14"E, along the westerly edge of said Vacated Alley, a distance of 62.11 feet; Thence fifth course: N89°58'29"W, along the southerly boundary of said Tract B, a distance of 265.11 feet; Thence sixth course: N00°02'43"E, a distance of 333.80 feet; to a point on the southerly boundary of Lot A of Blakes Addition; Thence seventh course: S89°30'42"E, along the southerly edge of said Lot A, a distance of 449.43 feet; Thence eighth course: S00°10'47"E, along the easterly boundary of said Tract B, a distance of 330.17 feet, to the southeasterly corner of said Tract B, and the point of beginning, more generally described as being located north of East Omaha Street between LaCrosse Street and Racine Street.

Elkins noted that there is a typographical error in the recommendation posted on the agenda. Elkins added that the correct zoning change is from Medium Density Residential District to General Commercial District not Office Commercial District as identified in the initial staff recommendation. Elkins added that the application was advertised properly. Elkins stated that staff recommends that the Rezoning request be approved with stipulations.

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**Brown moved, Gregg seconded and unanimously carried to recommend that the Rezoning from Medium Density Residential District to General Commercial District be approved in conjunction with a Planned Development Designation and the associated Comprehensive Plan Amendment. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**

Fisher requested that items 13 and 14 be taken concurrently.

13. No. 10PL028 - Section 19, T1N, R9E

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots A and B of White Eagle Ranch, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 14870 East Highway 44.

14. No. 10SV007 - Section 19, T1N, R9E

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 14870 East Highway 44.

Fisher presented the staff recommendation to continue the Preliminary Plat and the Variance to the Subdivision Regulations request to the July 8, 2010 Planning Commission meeting at the applicant's request.

**Planning Commission continued the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code to the July 8, 2010 Planning Commission meeting. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**

Hani Shafai, Dream Design International stated that there are ongoing negotiations with the Airport for access issues.

Items 17 and 18 were taken concurrently.

17. No. 10PL032 - Tower Place

A request by Renner & Associates, LLC for Andrea K. Sabow to consider an

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application for a **Preliminary Plat** for proposed Tracts A, B and C of Tower Place, legally described as a portion of the E1/2 of the NW1/4 of the SW1/4 and a portion of the NE1/4 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Tower Road and north of Skyline Ranch Road.

18. No. 10SV009 - Tower Place

A request by Renner & Associates, LLC for Andrea K. Sabow to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and additional pavement along Tower Road, Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk streetlight conduit, water, sewer and pavement along Hanks Drive as they abut the property as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Tracts A, B and C of Tower Place, legally described as the E1/2 E1/4 NW1/4 SW1/4, Section 14, T1N, R7E, BHM, Pennington County, South Dakota, excepting there from Lot B of the S1/4 NW1/4, N1/4 SW1/4, Section 14, shown on the plat filed in Plat Book 3, Page 155, and also excepting there from Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and that part of the NE1/4 SW1/4, Section 14, bounded on the north by Lot B of the S1/4 NW1/4 and the N1/4 of the SW1/4, Section 14, shown on the plat filed in Plat Book 3, page 155, and bounded on the east by the right-of-way for "Old U.S. Highway 16" shown on the plat filed in Highway Plat Book 2, Page 48, and bounded on the south by Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and bounded on the west by the west boundary line of said NE1/4 SW1/4, more generally described as being located west of Tower Road and north of Skyline Ranch Road.

Elkins identified that Items 17 and 18 were erroneously pulled from the Consent Agenda by the audience member. Mr. Shafai's comments were in regards to Items 13 and 14.

Elkins presented the staff recommendation to continue the Preliminary Plat and the Variance to the Subdivision requests to the June 24, 2010 Planning Commission meeting.

**Brewer moved, Wyss seconded and unanimously carried to continue the Preliminary Plat the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and additional pavement along Tower Road and Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and pavement along Hanks Drive as they abut the property as per Chapter 16.16 of the Rapid City Municipal Code to the June 24, 2010 Planning Commission meeting. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**

\*25. No. 10UR012 - Original Town of Rapid City

A request by Aida Compton for Bully Blends Coffee & Tea, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lots 29R and 30R of Block 71 of the Original Town of Rapid, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota,

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more generally described as being located at 908 Main Street.

Bulman presented staff recommendation to approve the Conditional Use Permit request with stipulations. Bulman added that Conditional Use Permit requests to allow an on-sale liquor establishment are placed on the Regular Agenda at the direction of the Planning Commission. Bulman reviewed adjacent commercial uses. Bulman further reviewed the landscaping and paving and parking requirements. Bulman requested that the stipulations be modified to eliminate the word "with sod" from stipulation number three.

**Wyss moved, Brown seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment with the following stipulations:**

- 1. The on-sale alcohol use shall be operated only in conjunction with a restaurant;**
- 2. All applicable provisions of the currently adopted International Fire Code shall be continually met;**
- 3. Three parking spaces are indicated on the site plan, with one of the spaces being "van" handicap accessible. As such, all provisions of the Off-Street Parking Ordinance shall be continually met. Until the parking area has been paved, the parking area shall be secured to not allow parking. In addition, the area shall be reclaimed if a parking lot is not going to be built within the 2010 construction season;**
- 4. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. A sign permit shall also be obtained for any new signs; and,**
- 5. The Conditional Use Permit 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. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**

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

\*26. No. 10UR014 - Robbinsdale Addition No. 7

A request by FourFront Design, Inc. for Presbyterian Retirement Village of Rapid City to consider an application for a **Major Amendment to a Conditional Use Permit** on all of Block 24A of Robbinsdale Addition No. 7, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 255 Texas Street.



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Flaen presented staff's recommendation to approve the Major Amendment to the Conditional Use Permit with stipulations. Flaen stated that the applicant has submitted a revised building elevation and requested that the Planning Commission approve the proposed change.

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

Elkins requested that the Planning Commission concur with the staff recommendation for approval of the application including the revised building elevation with 12 stipulations. Elkins further noted that the change in elevation is not significant.

**Brown moved, Wyss seconded and carried to approve the Major Amendment to a Conditional Use Permit with the following stipulations:**

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy be obtained prior to occupancy;**
- 2. A minimum of 174 off-street parking spaces be provided, with a minimum of six being handicap accessible with one being "van" accessible;**
- 3. A minimum of 541,858 landscape points be provided. The landscaping shall be installed as per the approved landscape plan and the Rapid City Municipal Code and shall be maintained so as to present a healthy, neat appearance at all times and shall be kept free from refuse and debris;**
- 4. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 5. The buildings shall conform architecturally to the plans and designs of the approved plans;**
- 6. All provisions of the currently adopted International Fire Code shall be continually met;**
- 7. The new addition to the skilled nursing center shall be fully fire sprinklered and fully fire alarmed;**
- 8. The proposed expansion shall be used for campus amenities. The addition of new apartment units shall require an amendment to the Conditional Use Permit;**
- 9. The new addition shall not block any existing fire hydrants or access to any existing structures;**
- 10. All signage shall conform to the design, color and location as shown in the sign package approved as a part of the Conditional Use Permit. No electronic signs are approved as a part of this Development Plan. The addition of electronic signage will require a Major Amendment to the Conditional Use Permit. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. 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**

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- permit shall also be obtained for each individual sign;
11. The lighting shall be designed to be reflected within the property boundaries so as not to 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; and,
  12. The Conditional Use Permit shall expire if the use is not undertaken 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. (5 to 0 to 2 with Brewer, Brown, Gregg, Kinniburgh and Wyss voting yes and none voting no with Braun and Scull abstaining)

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

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that items 27 and 28 be taken concurrently.

\*27. No. 10PD038 - Dakota Ridge Subdivision

A request by Wyss Associates, Inc. for Rapid City Defense Housing Corporation to consider an application for a **Major Amendment to a Planned Residential Development** on Lots 1 thru 32 of Block 3 of Dakota Ridge Subdivision, all in the SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Cambell Street, south of East Minnesota Street and east of Elm Avenue.

28. No. 10PL030 - Dakota Ridge Subdivision

A request by Wyss Associates, Inc. for Rapid City Defense Housing Corporation to consider an application for a **Preliminary Plat** for proposed Lots 1R thru 32R of Block 3 of Dakota Ridge Subdivision, legally described as Lots 1 thru 32 of Block 3 of Dakota Ridge Subdivision, all in the SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more generally described as being located west of Cambell Street, south of East Minnesota Street and east of Elm Avenue.

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

Fisher presented the staff recommendation to approve the Major Amendment to the Planned Residential Development with stipulations. Fisher reviewed the property location, Fisher noted that the development was created as a housing project for United States Military personnel and that the lease is expiring. Fisher added that the applications are an effort to clean up any lot line discrepancies. Fisher stated that the applicant is proceeding in phases. Fisher noted that sidewalks are currently provided on one side of the interior streets. Fisher stated that the applicant has submitted Variances regarding sidewalks and right-of-way

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width to bring the existing development in compliance. Fisher stated that the Covenant Agreement regarding pedestrian access easements have been filed.

**Braun moved, Gregg seconded and carried to approve the Major Amendment to a Planned Residential Development with the following stipulations:**

- 1. Prior to Planning Commission approval, a copy of the recorded Covenant Agreement identifying ownership and maintenance of the pedestrian access easement shall be submitted for review and approval;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. The structures shall conform architecturally to the elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development.**
- 4. Each residence shall continually provide a minimum two stall garage in order to meet the off-street parking requirement;**
- 5. An Exception is hereby granted reducing the front yard setback(s) for the existing structures as follows: 14.9 feet on Lot 2R, 14.8 feet on Lot 5R, 14.9 feet on Lot 6R, 14.6 feet on Lot 7R, 14.9 feet on Lot 8R, 14.9 feet on Lot 10R, 14.5 feet on Lot 12R, 14.6 feet on Lot 13R, 14.8 feet on Lot 14R, 14.2 feet on Lot 16R, 14.7 feet on Lot 19R, 14.4 on Lot 20R, 14.7 feet on Lot 22R, 14.7 feet on Lot 23R, 14.5 feet on Lot 24R, 14.5 feet on Lot 25R, 14.7 feet on Lot 26R, 14.5 feet on Lot 27R, 14.6 feet on Lot 28R, 14.7 feet on Lot 29R, 14.6 feet on Lot 30R, 14.7 feet on Lot 31R and 14.8 feet on Lot 32R. Any removal of the portion of the building that encroaches into the setback shall require that a minimum 25 foot front yard setback be provided;**
- 6. An Exception is hereby granted reducing the side yard setback(s) for the existing structures as follows: 4.1 feet along the west lot line of Lot 2R, 7.4 feet along the east lot line of Lot 10R, 7.4 feet along the west lot line of Lot 11R, 4.9 feet along the south lot line of Lot 12R, 6.4 feet along the northeast lot line of Lot 13R, 7.7 feet along the west lot line of Lot 13R, 5.5 feet along the west lot line of 17R, 3.5 feet along the north lot line of Lot 19R, 3.2 feet along the west lot line of 22R, 11.7 feet along the southwest lot line of Lot 24R, 7.6 feet along the northeast lot line of Lot 24R, 6 feet along the north lot line of Lot 28R, 5.8 feet along the south lot line of Lot 30R, 7.5 feet along the north lot line of Lot 30R, 6.5 feet along the south lot line of Lot 31R, 3.4 feet along the north lot line of Lot 31R and 2.9 feet along the north lot line of Lot 32R. Any removal of the portion of the building that encroaches into the setback shall require that a minimum 12 foot side yard setback be provided for a two story structure and that a minimum 8 foot side yard setback be provided for a one story structure;**
- 7. 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; and,**
- 8. The Planned Residential Development shall allow for a single family**

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residence with an attached garage, decks and accessory structures on each residential lot and common areas with a community center and accessory structures to provide recreational areas and storage for the development. However, the Planned Residential Development shall expire if the use as approved has ceased for two years; and,

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

That the Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for Clover Ridge Court shall be submitted for review and approval showing the cul-de-sac street shall constructed with a minimum 24 foot wide paved surface and a sidewalk along the south side of the street or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the cul-de-sac bulb located within a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, road construction plans for Clover Ridge Drive shall be submitted for review and approval showing the street located within a minimum 52 foot wide right-of-way and constructed with a sidewalk along the south side of the street or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, road construction plans for Wild Flower Drive shall be submitted for review and approval showing the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, road construction plans for Prairie View Drive shall be submitted for review and approval showing the street located within a minimum 52 foot wide right-of-way and constructed with a sidewalk along the east side of the street or a Variance to the Subdivision Regulations shall be obtained;
6. Prior to Preliminary Plat approval by the City Council, road construction plans for E. Minnesota Street shall be submitted for review and approval showing a sidewalk along the north side of the street or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show

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- the dedication of 10 additional feet of right-of-way or a Variance to the Subdivision Regulations shall be obtained;
7. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the existing side lot lines;
  8. Prior to Preliminary Plat approval by the City Council, Exceptions shall be obtained to allow water and sewer service lines to cross another lot or the plat document shall be revised accordingly;
  9. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a minimum 8 foot wide minor drainage and utility easement along all side lot lines or an Exception shall be obtained from the City Engineer to reduce the easement width to allow the existing structural encroachments;
  10. Prior to Preliminary Plat approval by the City Council, written documentation from all of the affected utility companies shall be submitted for review and approval indicating concurrence with relocating the lot lines as proposed and with reducing the width of the minor drainage and utility easement along all side lot lines as proposed or the plat document shall be revised as needed;
  11. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
  12. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to reduce the separation between the street intersection and the driveway location for Lot 1R from 50 feet to 22 feet or the plat document shall be revised to provide a minimum 50 foot separation as per the Street Design Criteria Manual;
  13. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to reduce the separation between the street intersection and the driveway location for Lot 5R from 50 feet to 17 feet or the plat document shall be revised to provide a minimum 50 foot separation as per the Street Design Criteria Manual;
  14. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  15. Prior to submittal of a Final Plat application, the plat document shall be revised to show the sewer easement located between Lot 9R and 10R with a minimum width of 20 feet except where structural encroachments exist;
  16. Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the note stating "Approval and acceptance of this document shall also secure unspecified easements (as may be necessary) for any individual water and/or sewer service lines that are not located within the boundaries of the properties they serve. However, at such time as any individual water and/or sewer service lines benefitting from the aforementioned easements require replacement or repair, said services shall be brought into compliance with the City Ordinance in effect at the time of repair or



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- replacement”;
17. **Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the note stating “No vehicular access onto or off of Minnesota Street from Lots 1R – 11R”. Instead, a note shall be placed on the plat stating “Access Restriction-access is prohibited onto or off of the adjoining right(s) of way as designated”. In addition, the plat document shall delineate the access restriction using hatching, shading or a specific detail at a readable drawing scale;**
  18. **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, and,**
  19. **Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (6 to 0 to 1 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and voting yes and none voting no and Wyss abstaining)**
29. 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.
- Fisher presented the staff recommendation to continue the Preliminary Plat to the June 24, 2010 Planning Commission meeting.
- Brown moved, Gregg seconded and unanimously carried to continue the Preliminary Plat to the June 24, 2010 Planning Commission meeting. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**
- Fisher requested that items 30 and 31 be taken concurrently.
30. No. 10PL033 - North Rapid Addition  
A request by Sperlich Consulting, Inc. for Daene Boomsma to consider an application for a **Preliminary Plat** for proposed Lots 27R and 29R of Block 25 of North Rapid Addition, legally described as Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 724 Lemmon Avenue.
31. No. 10SV010 - North Rapid Addition  
A request by Sperlich Consulting, Inc. for Daene Boomsma to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to pave the alley right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 27R and 29R of Block 25 of North Rapid Addition, legally described as Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E,

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BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 724 Lemmon Avenue.

Fisher presented the staff recommendation to continue the Preliminary Plat and the Variance to the Subdivision Regulations to the June 24, 2010 Planning Commission meeting. Fisher added that there are land area regulations that require a Variance application before the Zoning Board of Adjustment to reduce the frontage lot lines.

John Haag, 725 Lemmon Avenue expressed his concern with the applicant request to reduce the lot frontage. Haag expressed his opinion regarding the increase in crime in the neighborhood relating to rental properties. Haag expressed his opposition to the applicant's variance request to waive the alley paving requirement.

In response to Brewer's question, Haag identified the location of the drainage areas.

Lengthy discussion followed regarding the condition of the property.

In response to Brewer's question, Elkins stated that item be continued and that the Planning Commission direct the applicant to resend the notification letters.

**Brewer moved, Wyss to continue the Preliminary Plat and the Variance to the Subdivision Regulations requests to the June 24, 2010 Planning Commission meeting.**

Gundersen-Olson commented on her support for the community garden efforts. In response to Gundersen-Olson's question regarding pavement of alleys, Elkins reviewed the allocation of funds available for paving of public streets and alleys.

In response to Kinniburgh's question, Fisher reviewed the pavement width requirements for the subject property. Fisher noted that staff will clarify the request for the new notification letters that will be sent by the applicant. Discussion followed.

**Brewer moved, Wyss seconded and unanimously carried to recommend that the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to pave the alley right-of-way and to reduce the pavement width along Lemmon Avenue from 27 feet to 24.10 feet as per Chapter 16.16 of the Rapid City Municipal Code be continued to the June 24, 2010 Planning Commission. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**

32. 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 June 24, 2010 Planning Commission meeting.

**Brewer moved, Braun seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct drainage improvements on public property to the June 24, 2010 Planning Commission meeting. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**

\*33. No. 10UR009 - Section 29, T2N, R7E

A request by ARC International for Diocese of Rapid City and Rapid City Catholic Schools to consider an application for a **Conditional Use Permit to allow a school and church in Medium Density Residential zoning district** on the SE1/4 NW1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2101 City Springs Road.

Bulman presented the staff recommendation to continue the Conditional Use Permit to allow a school and church in the Medium Density Residential Zoning District to the June 24, 2010 Planning Commission meeting.

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

**Brewer moved, Brown seconded and unanimously carried to continue the Conditional Use Permit to allow a school and church in Medium Density Residential zoning district to the June 24, 2010 Planning Commission meeting. (4 to 0 to 3 with Brewer, Brown, Gregg and Kinniburgh, voting yes and none voting no and Braun, Scull and 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.***

\*34. No. 10UR011 - Original Town of Rapid City

A request by Gregg Cook for UGLY, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on the south 50 feet of Lots 25 to 27, both inclusive, in Block 63 of the Original Town of Rapid City and a strip of land immediately north thereof being 17 feet wide across Lots 25 thru 32, both inclusive, in Block 63 of the Original Town of Rapid City, and having 8 and 5/10 feet of such width on each side of the center line of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's tract as the same was laid and operated across said lots, meaning and intending hereby a portion of the southerly 17 foot wide strips of land formerly conveyed by Rapid City, Black Hills and Western Railroad Company to Chicago, Milwaukee, St. Paul and Pacific Railroad Company which deed was recorded in the Office of the Register

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of Deeds, Pennington County, South Dakota on July 15, 1948, in Book 81 of Deeds at page 430, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 321 7th Street.

Flaen presented staff's recommendation to continue the Conditional Use Permit to the June 24, 2010 Planning Commission meeting.

Ole Olson, Olson Security reviewed the proposed security plan that his company will provide for the applicant. Olson requested that the Planning Commission approve utilizing cattle panels to provide improved security.

Brown expressed his concern with the patrons of the applicant roaming with drinks in hand. Olson reviewed the plan that the applicant is providing to mitigate the trash and limitation of alcohol.

Elkins stated that staff is recommending that a written security plan be submitted and reviewed by the Police Department. Elkins stated that the six foot panels are preferred by staff. Elkins added that banners are not allowed; however, the applicant will need to adhere to the setbacks and fence height requirements. Elkins stated that the specific security plan would need to be in writing to make it enforceable.

Lengthy discussion followed regarding fence options to provide security.

In response to Scull's question regarding a written security plan and parking agreements, Elkins reviewed the requirements that have not been met by the applicant.

Riley Cassidy, applicant/owner of the Sports Rock and UGLY, Inc. requested clarification regarding specific information that is required in a security plan.

Elkins stated that all of the discussions that the applicant has had with the Police Department regarding operation, control activities, patrol, staff stationed needs to be presented in written form and signed off by the Police Department.

Cassidy expressed his concern regarding the parking requirements. Cassidy identified parking available from adjacent businesses and that have entered into a shared parking agreement. Cassidy stated that the parking is only on Saturdays with the exception of "Take a Hike". Cassidy requested clarification for the parking requirements.

Scull requested that the applicant spend time with the Growth Management staff, the Attorney's Office and the Police Department to resolve the issues.

Elkins confirmed that staff is willing to meet with the applicant to work on the requirements needed.

**Brown moved, Gregg seconded and unanimously carried to continue the Conditional Use Permit to the June 24, 2010 Planning Commission meeting.**

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Cassidy requested that the Planning Commission amend the stipulations to state "prior to initiation of the use".

In response to Brewer's question, Elkins stated that a Fence Height Exception would require notice. Elkins stated that the Police Department would agree to a four foot fence. Elkins further noted that staff will agree to a modification of the stipulation language to state "prior to initiation of the use" that would allow the applicant to move forward. Discussion followed.

**Substitute motion by Brewer, Seconded by Kinniburgh to recommend that the Conditional Use Permit to allow an on-sale liquor establishment be approved with the following stipulations:**

1. **Prior to the use being initiated, a revised site plan shall be submitted identifying the access points to the beer garden/patio on the west side of the property;**
2. **Prior to the use being initiated, a parking plan be submitted for review and approval along with signed shared parking agreements with surrounding property owners if necessary;**
3. **Prior to the use being initiated, a phasing plan be submitted for review and approval identifying when the fence and stage will be constructed and removed;**
4. **Prior to the use being initiated, a revised site plan and fence elevation shall be submitted identifying a four foot high cattle fence around the proposed event or a Fence Height Exception be obtained to allow a six foot high fence in the front yard or the fence shall be located outside of the required front yard setback;**
5. **Prior to the use being initiated, a revised security plan as approved by the Police Department shall be submitted. The use shall be operated in continual compliance with the approved security plan; however, revisions to the approved security plan may be approved by the Police Chief or his designee;**
6. **The hours of operation for the proposed beer garden/patio shall be limited to Saturday evenings from 4:00 p.m. to 1:00 a.m. with live entertainment no later than 10:00 p.m.;**
7. **The live entertainment stage shall be constructed within the fenced boundary of the event;**
8. **A Sign Permit shall be obtained prior to any signs being placed on the property and shall comply with the Sign Code Regulations. No banner signs are allowed as a part of this Conditional Use Permit;**
9. **The applicant shall coordinate with the Fire Department to address any site specific fire protection needs;**
10. **A minimum of four portable restrooms and one handicap accessible restrooms be provided for each event and removed following the event;**
11. **The Conditional Use Permit shall be valid through October 31, 2010; and,**
12. **The Conditional Use Permit shall expire if the use is not undertaken and completed prior to October 31, 2010.**

Brown requested that the applicant assign someone to meet with staff to



accomplish the requirements.

Brewer requested that the applicant take responsibility for cleanliness of the events and part of the neighborhood.

Cassidy assured Planning Commission that staff has been mandated to provide security and trash pickup.

Braun encouraged the applicant to pursue the taller cattle panel option. Discussion followed.

In response to Wyss's question regarding allow staff to review the use, Elkins stated that staff has structured the stipulations to approve the use for one season and that the applicant would be required to submit a new application for additional years. Discussion followed.

Gundersen-Olson expressed concerns with the impact of an adjacent neighbor. Discussion followed.

**Substitute motion by Brewer, seconded by Kinniburgh and unanimously carried to recommend that the Conditional Use Permit to allow an on-sale liquor establishment be approved with the following stipulations:**

- 1. Prior to the use being initiated, a revised site plan shall be submitted identifying the access points to the beer garden/patio on the west side of the property;**
- 2. Prior to the use being initiated, a parking plan be submitted for review and approval along with signed shared parking agreements with surrounding property owners if necessary;**
- 3. Prior to the use being initiated, a phasing plan be submitted for review and approval identifying when the fence and stage will be constructed and removed;**
- 4. Prior to the use being initiated, a revised site plan and fence elevation shall be submitted identifying a four foot high cattle fence around the proposed event or a Fence Height Exception be obtained to allow a six foot high fence in the front yard or the fence shall be located outside of the required front yard setback;**
- 5. Prior to the use being initiated, a revised security plan as approved by the Police Department shall be submitted. The use shall be operated in continual compliance with the approved security plan; however, revisions to the approved security plan may be approved by the Police Chief or his designee;**
- 6. The hours of operation for the proposed beer garden/patio shall be limited to Saturday evenings from 4:00 p.m. to 1:00 a.m. with live entertainment no later than 10:00 p.m.;**
- 7. The live entertainment stage shall be constructed within the fenced boundary of the event;**
- 8. A Sign Permit shall be obtained prior to any signs being placed on the property and shall comply with the Sign Code Regulations. No banner signs are allowed as a part of this Conditional Use Permit;**
- 9. The applicant shall coordinate with the Fire Department to address**

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- any site specific fire protection needs;
10. A minimum of four portable restrooms and one handicap accessible restrooms be provided for each event and removed following the event;
  11. The Conditional Use Permit shall be valid through October 31, 2010; and,
  12. The Conditional Use Permit shall expire if the use is not undertaken and completed prior to October 31, 2010. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)

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

\*35. No. 10UR013 - South Boulevard Addition

A request by Kennedy Design Group, Inc. for Cimarron Casino, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lots 1, 2, 3 and 4 of Block 26 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 703 and 705 Indiana Street.

Flaaen presented the staff recommendation to deny the Conditional Use Permit to allow an on-sale liquor establishment. Flaaen stated that staff has received numerous objections to the proposed development on the subject property. Flaaen reviewed the location of similar casinos with on-sale liquor establishments in the area.

In response to Brewer's question, Elkins stated that staff does not have the information regarding complaints relating to existing casinos.

In response to Brewer's question, Elkins stated that the City Council has reviewed the population and casino ratios. Elkins further noted that it is their understanding that there are available licenses under the existing cap.

Brewer expressed his opinion regarding possible requested uses.

Gundersen-Olson commented regarding the zoning history of the subject property. Gundersen-Olson expressed her objection for the type of use proposed for the location.

Braun expressed his concern with an undue concentration of casinos in the area.

Brown expressed his opposition to the proposed use on the subject property and further noted that he has received numerous calls with strong opposition to the proposed use.

Scull noted that a petition in opposition to the proposed use that has been

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submitted to the Planning Commission.

Steve Wynia, applicant/owner expressed his opinion that alcohol sales are an allowed use under the existing zoning of the property. Wynia stated that there have been no disruptions to the neighborhood regarding Toby's Casino. Wynia reviewed the amount of alcohol served during the hours of operation for a casino. Wynia added that the State requires that alcohol be served in conjunction with a casino business. Wynia requested that the Planning Commission approve the Conditional Use Permit and stated that the use is a legal allowed use in the existing zoning district.

In response to Brown's question, Wynia stated that he has not initiated any further conversations with the area property owners. Discussion followed.

Twylah Ludtke, area neighbor expressed her opposition to the proposed development of the subject property. Ludtke stated that the neighborhood is opposed to the existing Toby's Casino and the possibility of another casino. Ludtke added that the neighborhood would support a commercial development on the subject property.

**Braun moved, Gregg seconded and unanimously carried to deny the Conditional Use Permit to allow an on-sale liquor establishment. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**

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

\*36. No. 10UR015 - Rapid City Greenway Tract

A request by Dixie Holy Eagle for Great Plains Okolakiciye to consider an application for a **Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District** on Tract 20 less H1 of Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Memorial Park north of Omaha Street between North Mt. Rushmore Road and Fifth Street.

Flaaen presented the staff recommendation to approve the Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District. Discussion followed.

**Wyss moved, Braun seconded and unanimously carried to approve the Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District with the following stipulation:**

- 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;**
- 2. That the structures for the event be removed that evening after the**

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- event has ceased;
3. That contact information and telephone numbers for the event staff during the event shall be provided to the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works Director; and,
  4. That no overnight camping shall be permitted. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)

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

Brewer commented on the community efforts to commemorate the flood anniversary and subsequent work to improve the community.

Brewer reviewed action by the City Council regarding Signs and a Sign Task Force and that a representative from the Planning Commission be a part of the Task Force.

Brewer addressed other community's efforts to mesh entertainment and downtown businesses and residential uses.

Brown echoed concern expressed by former Commissioner Tom Hennies regarding the floodway hazards.

**Brewer moved, Brown seconded to request that the Mayor to include a Planning Commission member to the Sign Task Force. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**

#### **ADDENDUM TO**

#### **AGENDA**

#### **CITY OF RAPID CITY PLANNING COMMISSION**

**June 10, 2010 at 7:00 a.m.**

36A. No. 09PL047 - PLM Subdivision

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

Fisher presented the staff recommendation to approve the Preliminary Plat with stipulations. Fisher noted that the applicant has revised the plat document to eliminate the requirement for an exception to allow a service line to cross another lot with the existing lot configuration.

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**Braun moved, Gregg seconded and unanimously carried that the Preliminary Plat be approved with the following stipulations:**

- 1. 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;**
- 2. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
- 3. 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. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**

37. Discussion Items

- A. In response to Scull's question, Elkins stated that the election of Chairperson, Vice-Chairperson and Secretary would be held either at the last meeting in June or the First meeting in July. Elkins further noted that the Mayor is in the process of making appointments to the Planning Commission.

In response to Scull's question regarding a possible conflict of interest with the upcoming Walmart review, Schad stated that it would be best for Scull to recuse himself from discussion and running the meeting. Discussion followed.

- B. In response to Brewer's question regarding the Interim Report by the Historic District Study Commission, Elkins reviewed the intent of the Report and the results of the meeting and the Historic Preservation review procedures. Discussion followed.

Elkins requested that Item 39A be taken prior to addressing Item 38.

39. Planning Commission Items

- A. Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development on all of Block 11 of Mahoney Addition.

Elkins requested that the Planning Commission agree to sponsor the Comprehensive Plan as recommended by the Future Land Use Committee.

**Brown moved, Kinniburgh seconded that Planning Commission sponsor the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development on all of Block 11 of Mahoney Addition. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**



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**Braun moved, Gregg seconded and unanimously carried to continue the Planning Commission meeting past the 9:00 a.m. deadline. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**

38. Staff Items

- A. Growth Management Department Work Program Update.

Elkins reviewed the items that the Growth Management staff is currently working on and the status of these projects. Discussion followed.

40. Committee Reports

- A. City Council Report (May 17, 2010)  
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Capital Improvements Subcommittee
- E. Drinking Water Protection Committee
- F. Tax Increment Financing Committee
- G. Infrastructure Development Partnership Fund Committee

**There being no further business, Brewer moved, Braun seconded and unanimously carried to adjourn the meeting at 9:09 a.m. (7 to 0 with Braun, Brewer, Brown, Gregg, Kinniburgh, Scull and Wyss voting yes and none voting no)**