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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 8, 2010

MEMBERS PRESENT: John Brewer, Eric Christianson, Julie Gregg, Doug Kinniburgh, Dennis Landguth, Linda Marchand, Dennis Popp, Kay Rippentrop, Steve Rolinger and Andrew Scull. Gary Brown, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Patsy Horton, Jim Flaaen, Mary Bosworth, Ted Johnson, Tim Behlings, Mike Schad and Carol Campbell.

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

Scull reviewed reappointments to the Planning Commission and their terms. Scull introduced and welcomed Eric Christianson, Dennis Popp and Kay Rippentrop to the Planning Commission.

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

Staff requested that Item 9 be removed from the Consent Agenda for separate consideration.

A member of the audience requested that Item 7 be removed from the Consent Agenda for separate consideration.

Motion by Brewer, Seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 22 in accordance with the staff recommendations with the exception of Items 7 and 9. (10 to 0 with Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and none voting no)

1. Approval of the June 24, 2010 Planning Commission Meeting Minutes.

ADDENDUM TO

AGENDA CITY OF RAPID CITY PLANNING COMMISSION July 8, 2010 at 7:00 a.m.

- 1A. Approval of the corrected June 10, 2010 Planning Commission Meeting Minutes.
2. No. 10CA013 - Section 31, T2N, R8E
A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan to change the future land use designation from Medium Density Residential to General Commercial with a Planned**

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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 approved the summary and authorized publication in the Rapid City Journal.

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

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan to change the future land use designation from 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 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 SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ 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 approved the summary and authorized publication in the Rapid City Journal.

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

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption action on an Amendment to the adopted Comprehensive Plan to change the future land use designation from 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.

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

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

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption action on an Amendment to the Adopted Comprehensive Plan to change the future land use designation from 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 77.04 feet, to the southwesterly corner of said Lot 1, and the point of beginning,

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more generally described as being located north of East Omaha Street between Waterloo Street and Racine Street.

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

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

A request by City of Rapid City to consider an application for a **Summary of Adoption action on an Amendment to the adopted Comprehensive Plan to change the land use designation from 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 approved the summary and authorized publication in the Rapid City Journal.

*8. No. 10PD039 - Section 9, T1N, R8E

A request by Fisk Land Surveying & Consulting Engineers for Recreational Adventures, Co. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on a Tract of land located in Tract A of the SE1/4 SW1/4, Section 4, and the NE1/4 NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded in Book 9 of Pages on Page 264, and more fully described as follows: beginning at the southwest corner of said Tract A; thence, first course, northwesterly along the westerly line of said Tract A, a distance of 130.00 feet; thence, second course, 90 degrees and northeasterly, a distance of 80.00 feet; thence, third course, 90 degrees southeasterly and parallel to the first course, a distance of 160.5 feet, more or less, to a point on the southeasterly line of said Tract A; thence, fourth course, southwesterly and along the southeasterly line of Tract A, a distance of 85.6 feet, more or less, to the point of beginning, more generally described as being located at 3010 East Highway 44.

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

1. **Prior to issuance of a Certificate of Occupancy, sidewalk shall be installed along Lancer Drive as required by Section 12.16.080 of the Rapid City Municipal Code or an Exception shall be obtained from City Council;**
2. **Prior to issuance of a building permit, the applicant shall submit**

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details of the proposed skirting around the mobile home to ensure it satisfies applicable provisions of the currently adopted International Fire Code;

3. All applicable provisions of the currently adopted International Fire Code shall be continually met;
4. The property shall be used as a caretaker's residence for the KOA Campground. Any change in use shall require a Major Amendment to the Planned Commercial Development;
5. A minimum of two off-street parking spaces shall be provided. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
6. Any future commercial expansion of the property will require landscaping be provided as per the Landscape Ordinance;
7. The addition of any signage on the property shall require a Major Amendment to the Planned Commercial Development;
8. The buildings shall conform architecturally to the plans approved as part of this Major Amendment to the Planned Commercial Development. Modifications in the building elevations and design that are consistent with the approved elevations and structural development may be approved as a Minimal Amendment to the Planned Commercial Development;
9. The fence on the property shall continually comply with all requirements of the Fence Ordinance; and,
10. The Planned Commercial Development 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.

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

10. No. 10PL016 - Norman Ranch Subdivision

A request by Sperlich Consulting, Inc. for Scott Weyer of Weyer Creations to consider an application for a **Layout Plat** on Lots A thru E of Lot 1 of Judicial Lot 4 of Norman Ranch Subdivision, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, 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 July 22, 2010 Planning Commission meeting.

11. No. 10PL028 - White Eagle Ranch

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots A and B of White Eagle Ranch, located in the NE1/4 of

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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.

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

12. No. 10SV007 - White Eagle Ranch

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** on 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.

Planning Commission continued 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 22, 2010 Planning Commission meeting.

13. No. 10PL037 - Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 14 thru 22 of Block 7 and Lots 14 thru 21 of Block 8 of Red Rock Meadows Subdivision, legally described as a portion of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Seminole Lane.

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

14. No. 10PL040 - Harley-Davidson Subdivision

A request by Renner & Associates, LLC for GCC Dakotah to consider an application for a **Layout Plat** for proposed Lot 1 of Harley-Davidson Subdivision, legally described as Lots 1 thru 3 of R&L Subdivision, Lot H4 of the SW1/4 of Section 22, and a portion of the SW1/4 of Section 22, all located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U.S. Interstate 90 and Deadwood Avenue.

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

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1. Prior to Layout Plat approval by the City Council, a revised Master Plan shall be submitted for review and approval demonstrating that the street network is being provided in accordance with the adopted Major Street Plan or the Major Street Plan shall be revised to comply with the Master Plan;
2. Prior to Layout Plat approval by the City Council, a Utility Master Plan shall be submitted for review and approval to determine the extent and scope of the utilities to be provided for the property. In addition, the utilities shall be designated as public or private;
3. Upon submittal of a Preliminary Plat application, road construction plans for Interstate 90 shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained to waive the requirement to install water and sewer and an Exception shall be obtained to waive the requirement to provide sidewalk, curb, gutter and street light conduit;
4. Upon submittal of a Preliminary Plat application, road construction plans for Harley Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with sidewalk, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed;
6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed;
7. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
8. Upon submittal of a Preliminary Plat application, a grading plan showing any proposed grading and including cut and fill quantities shall be submitted for review and approval if subdivision improvements are required;
9. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In particular, the drainage plan shall include calculations demonstrating that discharge from any improvements will not exceed pre-development flow rates or local detention facilities shall be provided. In addition, the plat document shall also be revised to provide

- drainage easements as necessary;
10. Upon submittal of a Preliminary Plat application, written documentation shall be submitted from all of the affected utility companies indicating concurrence with the proposed 7 foot wide vacation of right-of-way or the plat document shall be revised to retain this area as a utility easement;
 11. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 12. 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;
 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 14. 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.
15. No. 10PL041 - Baxter Subdivision
A request by Dream Design International, Inc. to consider an application for a **Layout Plat** for proposed Lots 1 and 2 of Baxter Subdivision, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7601 Pioneer Circle.

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

16. No. 10SV014 - Baxter Subdivision
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 as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Baxter Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7601 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 as per Chapter 16.16 of the Rapid City Municipal Code to the July 22, 2010 Planning Commission meeting.

17. No. 10PL042 - Vista Ridge Subdivision

A request by Sperlch Consulting, Inc. for Century Resources, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 2 thru 5 and Lots 7 thru 9 of Vista Ridge Subdivision and Lots 5, 8 and 9 of Block 1 of Menard Subdivision, legally described as a portion of Lot 3 and all of the adjacent alley of the NW1/4 of the SW1/4, less Lot H1, a portion of the NW1/4 of the SW1/4 and a portion of the NE1/4 of the SW1/4, located in the N1/2 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of East North Street and East Anamosa Street.

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

18. 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.

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

19. 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.

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

20. 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.

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

21. 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.

Planning Commission recommended that the Rezoning from No Use

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District to Mobile Home Residential District be approved.

22. No. 10SR025 - Original Town of Rapid City

A request by Geiger Architecture for City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow structures on public property** on Lots 20 thru 32 of Block 64 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 333 Sixth Street.

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

---END OF CONSENT CALENDAR---

7. No. 10CA019 - Mahoney Addition

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 Low Density Residential to Medium Density Residential with a Planned Residential Development** on all of Block 11 of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 229 Lindbergh Avenue.

Kara Hatch, 222 Patton Street expressed her opposition to the change in the land use designation from medium density to low density.

In response to Scull's question, Hatch identified the location of her residence in relationship to the subject property.

In response to Scull's question, Horton stated that the applicant has requested a four unit apartment building and would require an increase in the density designation. Horton noted that Council referred the request back to the Future Land Use Committee. Discussion followed.

Rolinger moved, Landguth seconded and carried to recommend that the Amendment to the adopted Comprehensive Plan to change the future land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development be approved. (9 to 1 with Brewer, Christianson, Gregg, Kinniburgh, Landguth, Popp, Rippentrop, Rolinger and Scull voting yes and Marchand voting no)

*9. No. 10PD044 - CHMH Subdivision

A request by Ronald L. and M. Kathy Sones to consider an application for a **Major Amendment to a Planned Residential Development to allow an oversized garage** on Lot 7 of Block 8 of CHMH Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Bunker Drive and Sagedwood Street.

Elkins identified that there are area residents that have expressed concerns with the proposed development on the subject property.

Flaen presented the Major Amendment to the Planned Residential Development request. Flaen identified the elevations of the proposed structure and fencing materials.

In response to Scull's question, Fisher reviewed the provision that determines what is considered an "oversized" garage. Discussion followed.

In response to Brewer's question, Flaen stated that there is an attached garage to the dwelling unit. Discussion followed.

Michael Huitema, 1020 Sagewood Street, expressed his objections to the proposed structure on the subject property. Huitema reviewed existing covenants and further expressed his opinion that the proposed structure would detract from the neighborhood.

In response to Landguth's question, Elkins stated the Rainbow Ridge Subdivision covenants do not apply to the CHMH Subdivision. Discussion followed.

In response to Landguth's question, Elkins stated that the lot was part of some previous planned development platting and the oversized garage can be allowed as a permitted use. Elkins explained the criteria that Planning Commission could use to base a determination.

In response to Scull's question, Elkins identified the Planned Development boundaries. Discussion followed.

Ron Sones, the applicant expressed his opinion that the proposed structure would not be a negative impact to the neighborhood.

Kathy Sones expressed her opinion in support of the structure.

In response to Brewer's question, Elkins identified the location of the setbacks in relationship to the proposed structures. Lengthy discussion followed.

Christy English, area resident expressed concern that the proposed fence is on the front side of the property.

Craig Hall, area resident requested the height of the ridgeline on the proposed structure. Scull identified that the ridgeline is approximately 17 feet high. Discussion followed.

Bill Timberman, area resident and contractor, expressed his support for the proposed structure on the subject property.

Dave Fishbaugh, 3320 Bunker Drive, expressed his concern with removal of existing trees and landscaping.

Sones stated that trees will not be removed and further noted that additional landscaping would be added to create a buffer.

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

- 1. Prior to issuance of a Building Permit, a revised site plan be submitted identifying a 20 foot wide driveway or an Exception to the Street Design Criteria Manual to allow a 30 foot wide driveway shall be obtained;**
- 2. Prior to the issuance of a building permit, the applicant shall file a Covenant Agreement with Register of Deeds indicating that the garage will only be used for residential purposes and a copy submitted to the Growth Management office;**
- 3. A Building Permit shall be obtained prior to the start of any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. An Air Quality Permit shall be obtained if the developed area of the lot will exceed one acre;**
- 5. Prior to issuance of a Building Permit, an Erosion and Sediment Control Permit shall be obtained;**
- 6. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;**
- 7. A minimum 15 foot rear yard setback shall be provided. In addition, the single family residences and/or townhomes shall be one story structures only or a 25 foot rear yard setback shall be provided;**
- 8. The proposed structures shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Major Amendment to a Planned Residential Development;**
- 9. All disturbed soil shall be reclaimed and stabilized with 14 days of halting construction activities;**
- 10. All applicable provisions of the currently adopted International Fire Code shall continually be met;**
- 11. All provisions of the Low Density Residential II District and the Mobile Home Residential District, respectively, shall be met unless otherwise specifically authorized as a stipulation of this Planned Residential Development or a subsequent Major Amendment;**
- 12. The Major Amendment to a 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. (10 to 0 with Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and none voting no)**

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

---BEGINNING OF REGULAR AGENDA ITEMS---

*23. 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.

Elkins presented the staff recommendation to continue the Conditional Use Permit to allow a school and church in Medium Density Residential zoning district to the August 5, 2010 Planning Commission meeting.

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

Rolinger moved, Landguth seconded and carried to continue the Conditional Use Permit to allow a school and church in Medium Density Residential zoning district to the August 5, 2010 Planning Commission meeting. (9 to 0 to 1 with Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and none voting no and Brewer 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.

Flaen requested items 24 and 25 be taken concurrently.

*24. No. 10UR016 - Original Town of Rapid City

A request by Brian Winckel and Charles Desmond to consider an application for a **Major Amendment to a Conditional Use Permit** on Lot 11 of Block 93 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 725 St. Joseph Street.

Flaen presented the staff recommendation to approve the Major Amendment and the Sidewalk Café Permit requests with stipulations.

In response to Scull's question, Flaen reviewed the proposed hours of operation.

In response to Brewer's question, Flaen stated that there have been no comments from adjacent property owners.

Brian Winckel co-owner of the Hookah Lounge stated he is available for questions.

Alderman Brown stated that after a discussion with the President of US Bank, they were not aware of any request for modification of the use on the subject property. Discussion followed.

Brewer expressed concern with possible negative impact to the adjacent neighborhood regarding the conditional use permit request.

In response to Brewer's question, Flaaen stated that no responses have been received by adjacent land owners.

Elkins reviewed the stipulations of approval from the initial Conditional Use Permit request.

Brewer moved, Kinniburgh seconded and unanimously carried to consider Items 24 and 25 separately. (10 to 0 with Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and none voting no)

In response to Marchand's question, Winckel stated that the request is a business decision to extend the hours to allow food service after the downtown bar closing. Discussion followed.

Brewer moved, Christianson seconded and carried to continue the Major Amendment to a Conditional Use Permit to the July 22, 2010 Planning Commission meeting and requested staff to contact adjacent businesses. Roll Call Vote: (7 to 3 with Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop and Scull voting yes and Kinniburgh, Popp and Rolinger 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.

25. No. 10SC003 - Original Town of Rapid City

A request by Brian Winckel and Charles Desmond to consider an application for a **Sidewalk Café Permit** on Lot 11 of Block 93 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 725 St. Joseph Street.

Brewer moved, Kinniburgh seconded and unanimously carried to approve the Sidewalk Café Permit request with the following stipulations:

- 1. Prior to Planning Commission approval, the applicant must obtain the approval of the State Office of History in accordance with the provisions of SDCL 1-19A-11.1;**
- 2. A minimum 5 foot wide clear pedestrian path shall be maintained at all times as per the applicant's site plan;**
- 3. A physical barricade shall be provided around the sidewalk café as**

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proposed. In particular, the barricade shall consist of a 3 foot high black wrought iron rail fence. In addition, a Permit to Work in the Right-of-way shall be obtained prior to anchoring the fence to the sidewalk;

4. The dry-erase A-frame sandwich board sign shall be 22 inches wide by 31 inches high as proposed. In addition, the sign shall be located within the boundary of the barricaded sidewalk café. The sign shall contain no off-premise advertising and shall display no logo or advertising copy other than for the primary business of the occupant of the abutting property;
 5. The tables and chairs shall be constructed with wrought iron and be black in color as proposed;
 6. The umbrellas shall be constructed with canvas and be beige in color with brass poles as proposed. No logos or other forms of advertisement shall be allowed on the proposed umbrellas. In addition, the umbrellas shall be located a minimum of 7 feet above the sidewalk when open;
 7. 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 the event that the insurance is cancelled, the permit holder has 24 hours to reinstate the insurance or the permit shall be revoked;
 8. 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;
 9. The City reserves the right to require revisions to the approved sidewalk café in the right-of-way as needed to accommodate public infrastructure improvements, including and not limited to sewer, water, storm drainage, private and public utilities, and pedestrian and vehicle access; and,
 10. 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. (10 to 0 with Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and none voting no)
26. Discussion Items
- A. Request to amend Section 17.50.280 of the Zoning Ordinance to remove requirement that recreational vehicles, boats and trailers be parked behind the front setback line – Bill and Marie Tucker.

Elkins presented the Section 17.50.280 of the Zoning Ordinance at the request of Bill and Marie Tucker. Elkins further reviewed the Ordinance.

Brewer left the meeting at this time.

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Marie Tucker requested that the Ordinance be changed to allow a modification to allow recreational vehicles behind the front setback line. Tucker expressed her concern for the lack of continuity in enforcement of the existing Code.

In response to Scull's question, Elkins stated that the issue of enforcement lies with Code Enforcement. Elkins further reviewed the possible modifications of the Code.

Kinniburgh expressed his support for the existing Ordinance. Kinniburgh further commented that there would need to be consistency to enforce the Ordinance.

In response to Kinniburgh's question, Schad stated that the Planned Development would not allow a change according to the Ordinance. Discussion followed.

Elkins noted that an appropriate motion would be that Planning Commission request staff to bring forward options and continue to August 8, 2010 Planning Commission meeting.

Aldersperson Brown expressed his support for the modification of the code. Brown further added that there are multiple violations of the Code in the neighborhood.

Kinniburgh moved, Rolinger seconded and unanimously carried to continue the Request to amend Section 17.50.280 of the Zoning Ordinance to remove requirement that recreational vehicles, boats and trailers be parked behind the front setback line to the August 5, 2010 Planning Commission meeting. (9 to 0 with Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and none voting no)

- B. Request to amend the Adopted Comprehensive Plan to change the land use designation on all of the railroad right-of-way located in the Southeast Connector Neighborhood Area Future Land Use Plan to Public.

Horton presented the Future Land Use Committee request to change the land use designation on railroad right-of-way. Horton requested that, based on the Committee's request, the Planning Commission direct staff to bring forward a Comprehensive Plan Amendment application to change the land use designation, in order to preserve for public purposes the South Dakota Division of Railroads rail-banked railroad right-of-way.

In response to Scull's question, Horton identified that the State Railroad owns the property.

Horton identified additional railroad rights-of-way.

Lengthy discussion followed regarding railroad right-of-way ownership.

Landguth moved, Marchand seconded and unanimously carried to direct staff to bring forward Amendment to the Adopted Comprehensive Plan to change the land use designation on all of the railroad right-of-way located in the Southeast Connector Neighborhood Area Future Land Use Plan to Public. (9 to 0 with Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and none voting no)

27. Staff Items

- A. Elkins requested a training session for new Planning Commissioners be scheduled.

Lengthy discussion followed.

Elkins suggested that staff would review and determine an appropriate date to schedule a training session.

Elkins requested that the Planning Commission advise staff if any additional information is needed.

Rolinger expressed his support for staff supplying information to the Commission.

28. Planning Commission Items

- A. Election of Officers

Landguth requested that he not be nominated for Chairperson.

Landguth, moved, Rolinger seconded and carried to nominate Julie Gregg as Chairperson. (8 to 1 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and Gregg voting no)

Scull, moved, Gregg seconded and unanimously carried to nominate Douglas Kinniburgh as Vice-Chairperson. (9 to 0 with Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and none voting no)

Gregg, moved, Scull seconded and unanimously carried to nominate Steve Rolinger as Secretary. (9 to 0 with Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and none voting no)

29. Committee Reports

- A. City Council Report (June 21, 2010)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment

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- 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, Kinniburgh moved, Landguth seconded and unanimously carried to adjourn the meeting at 8:25 a.m. (9 to 0 with Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and none voting no)