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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 5, 2010

MEMBERS PRESENT: Erik Braun, John Brewer, Eric Christianson, Julie Gregg, Doug Kinniburgh, Dennis Landguth, Linda Marchand, Kay Rippentrop, Steve Rolinger, Andrew Scull and Pat Wyss. Dave Davis, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Monica Heller, Karen Bulman, Patsy Horton, Jim Flaaen, Bob Dominicak, Ted Johnson, Mary Bosworth, Karley Halsted, Tim Behlings, Mike Schad and Carol Campbell.

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

Gregg 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 8, 21 and 22 be removed from the Consent Agenda for separate consideration.

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

Motion by Kinniburgh, Seconded by Rolinger and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 27 in accordance with the Planning Commission recommendation with the exception of Items 8, 18, 21 and 22. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the July 22, 2010 Planning Commission Meeting Minutes and the July 27, 2010 Special Planning Commission Meeting Minutes.
- *2. No. 09PD053 - St. Martins Village
A request by FMG, Inc. for Good Samaritan Society to consider an application for a **Planned Residential Development - Final Development Plan** on an unplatted parcel of land located in the SE1/4 SW1/4 and the SW1/4 SE1/4 and the NE1/4 SE1/4 and the NW1/4 SE1/4 and the SW1/4 NE1/4 and less Lot A of the W1/2 SE1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 (Sturgis Road) and south of Hidden Valley Road.

Planning Commission continued the Planned Residential Development - Final Development Plan to the August 26, 2010 Planning Commission meeting.

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

*3. No. 09PD097 - Big Sky Business Park

A request by Dennis Hettich for Conrads Big C Signs to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 2 of Block 1 of Big Sky Business Park, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 747 Timmons Boulevard.

Planning Commission continued the Major Amendment to a Planned Commercial Development to the September 23, 2010 Planning Commission meeting.

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

4. No. 10CA019 - Mahoney Addition

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 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.

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

5. No. 10CA020 - Section 21, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Amendment to the adopted Comprehensive Plan to change the land use designation from Light Industrial to Mobile Home Residential** on the SW1/4 NW1/4, the NW1/4 SW1/4, and the N1/2 SW1/4 SW1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elk Vale Road and south of Country Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the future land use designation from Light Industrial to Mobile Home Residential be approved.

6. No. 10RZ042 - Section 21, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Mobile Home Residential**

District of the SW1/4 NW1/4, the NW1/4 SW1/4, and the N1/2 SW1/4 SW1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elk Vale Road and south of Country Road.

Planning Commission recommended that the Rezoning from General Agriculture District to Mobile Home Residential be approved in conjunction with the associated Comprehensive Plan Amendment.

7. No. 10OA003 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment amending the criteria for microcell wireless communications facilities allowed on the top of existing buildings and allowing variances through the Zoning Board of Adjustment by amending Section 17.50.400A of the Rapid City Municipal.**

Planning Commission recommended that the Ordinance Amendment amending the criteria for microcell wireless communications facilities allowed on the top of existing buildings and allowing variances through the Zoning Board of Adjustment by amending Section 17.50.400A of the Rapid City Municipal Code be approved.

9. 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** for proposed Lots A thru E of Lot 1 of Judicial Lot 4 of Norman Ranch Subdivision, legally described as Lot 1 of Judicial Lot 4, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located approximately 1.424 miles southwest of the intersection of Old Folsom Road and S.D. South Highway 79.

Planning Commission recommended that the Layout Plat be denied without prejudice at the applicant's request.

10. No. 10PL028 - White Eagle Ranch

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.

Planning Commission recommended that the Preliminary Plat be continued to the August 26, 2010 Planning Commission meeting.

11. 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**

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Chapter 16.16 of the Rapid City Municipal Code 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.

Planning Commission recommended that 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 be continued to the August 26, 2010 Planning Commission meeting.

12. No. 10PL032 - Tower Place

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

Planning Commission recommended that the Preliminary Plat be continued to the August 26, 2010 Planning Commission meeting.

13. 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.

Planning Commission continued 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 to the August 26, 2010 Planning Commission meeting.

14. 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 August 26, 2010 Planning Commission meeting.

15. 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** 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 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 August 26, 2010 Planning Commission meeting.

16. No. 10PL042 - Vista Ridge Subdivision

A request by Sperlich 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 August 26, 2010 Planning Commission meeting.

17. No. 10PL049 - Rushmore Center

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Tract B of Rushmore Center, legally described as Tract B of Rushmore Center, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1521 Luna Avenue.

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, estimated commercial water and fire flow data and sanitary sewer flow information and system analysis shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, final construction plans for the at grade area inlet and storm sewer pipe located along the north lot line shall be submitted for approval;**
- 4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Luna Avenue accept for the approved approach locations;**
- 5. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the portion of the storm sewer channel along the south lot line located on the adjacent property is secured within a drainage 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, a 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 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.**

19. No. 10PL051 - Village on the Green No. 2

A request by Fisk Land Surveying & Consulting Engineers for Randy Long to consider an application for a **Preliminary Plat** for proposed Lots 12R1 and 14R1 of Village on the Green No. 2 Subdivision, legally described as Lots 12R,13R and 14R of Village on the Green No. 2 Subdivision, located in Section 12, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 14130 and 14125 Double Eagle Court.

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

- 1. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the cul-de-sac bulb for Double Eagle Court located within a minimum 110 foot diameter right-of-way and constructed with a minimum 90 foot diameter paved surface and a sidewalk or a Variance to the Subdivision Regulations shall be approved;**
- 2. 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;

3. Prior to Preliminary Plat approval by the City Council, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required;
 4. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval for the abandonment of the water and /or wastewater service line(s) to Lot 13R if required by the community system manager(s);
 5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 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, a warranty surety shall be submitted for review and approval; 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 owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.
20. No. 10SV015 - Village on the Green No. 2

A request by Fisk Land Surveying & Consulting Engineers for Randy Long to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to provide sidewalk, to reduce the pavement width from 90 feet to 69.5 feet and to reduce the right-of-way width from 110 feet to 100 feet along Double Eagle Court as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 12R1 and 14R1 of Village on the Green No. 2 Subdivision, legally described as Lots 12R, 13R and 14R of Village on the Green No. 2 Subdivision, located in Section 12, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 14130 and 14125 Double Eagle Court.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to provide sidewalk, to reduce the pavement width from 90 feet to 69.5 feet and to reduce the right-of-way width from 110 feet to 100 feet along Double Eagle Court as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;
2. Prior to City Council approval, the plat document shall be revised to include a note prohibiting on-street parking;
3. Prior to City Council approval, the plat document shall be revised to show a minimum 5 foot wide access easement along Double Eagle Court; and,

4. That an 8 foot wide asphalt walking trail continually be provided along the north side of the northern tier of lots located along the golf course.

*23. No. 10UR020 - Section 8, T1N, R8E

A request by HDR Engineering for City of Rapid City to consider an application for a **Conditional Use Permit to allow a structure in the Flood Hazard Zoning District** on Floodway Tract of Lombardy Industrial Park, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East St. Patrick Street and east of Creek Drive.

Planning Commission approved the Conditional Use Permit to allow a structure in the Flood Hazard Zoning District with the following stipulations:

1. A Building Permit shall be obtained prior to the start of construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a Building Permit, all redline comments on the site plan shall be addressed and the original redlined plans shall be returned to the Growth Management Department;
3. Prior to issuance of a Building Permit, a grading and drainage plan shall be submitted for review and approval;
4. The structure shall be used to house odor control equipment for the sanitary sewer system on the property. Any change in use will require a Major Amendment to the Conditional Use Permit;
5. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorists; and,
6. The Conditional Use Permit shall expire if the use as approved 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.

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.

*24. No. 10UR022 - Section 12, T1N, R7E

A request by Father Michel Mulloy to consider an application for a **Conditional Use Permit to allow a Church in a Low Density Residential Zoning District** on the balance of Lot 2 of the NW1/4 SW1/4, Section 12, T1N, R7E, platted, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 520 Cathedral Drive.

Planning Commission continued the Conditional Use Permit to allow a Church in a Low Density Residential Zoning District to the August 26, 2010 Planning Commission meeting.

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

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

25. No. 10VR003 - Original Town of Rapid City

A request by FourFront Design, Inc. for Downtown Rapid City Economic Development to consider an application for a **Vacation of Right-of-way** on that portion of Main Street adjacent to Lots 17-22 of Block 75, and a portion of Main Street at the intersection of Sixth Street and Main Street, of Original Town of Rapid City located in the NW1/4 of the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Sixth Street and Main Street.

Planning Commission recommended that the Vacation of Right-of-way be approved with the following stipulation:

1. **Prior to City Council approval, construction plans shall be submitted for review and approval showing the relocation of the power lines serving the street lights to right-of-way or a utility easement shall be secured for the current location of the power lines.**

26. No. 10VR004 - Original Town of Rapid City

A request by FourFront Design, Inc. for Downtown Rapid City Economic Development Corporation to consider an application for a **Vacation of Right-of-way** on that portion of Sixth Street adjacent to Lot 17 of Block 75 of Original Town of Rapid City located in the NW1/4 of the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Sixth Street and Main Street.

Planning Commission recommended that the Vacation of Right-of-way be approved with the following stipulation:

1. **Prior to City Council approval, construction plans shall be submitted for review and approval showing the relocation of the power lines serving the street lights to right-of-way or a utility easement shall be secured for the current location of the power lines.**

27. No. 794 - Rand Addition

A request by City of Rapid City to consider an application for a **Dissolution of Tax Increment District No. 19** on Tract W of Rand Addition, Tract 13, Tract 14 and Lot A of Tract 14 and Tract D of S.G. Interstate Plaza, all located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and north and east of Rand Road.

Planning Commission recommended that Tax Increment District No. 19 be dissolved.

8. No. 10OA004 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment revising the supplementary regulations applicable to Mobile Home Parks by amending Section 17.50.110 of the Rapid City Municipal Code.**

Elkins presented the staff recommendation to continue to the August 26, 2010 Planning Commission meeting.

Rolinger moved, Marchand seconded and unanimously carried to continue the Ordinance Amendment to the August 26, 2010 Planning Commission meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

18. No. 10PL050 - Murphy Ranch Estates Subdivision

A request by Davis Engineering, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1R, 9, 10 and 11 of Block 8 and Lots 3, 4, 5 and 6 of Block 10 of Murphy Ranch Estates Subdivision legally described as the unplatted portion of Tract F of the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Reservoir Road and on the south side of Long View Road.

Monica Leitheiser, 6187 Flintlock Court, expressed her concerns with the developer's inability to complete the drainage channel on her property. Leitheiser requested that any further development requests be denied.

In response to Scull's question, Elkins stated that the Planning Commission has acted on other requests by Davis Engineering. Elkins further noted that the stipulations of approval require that the developer complete improvements and that a cash bond has been posted. Discussion followed.

In response to Braun's question, Elkins stated that the required improvements are included in the stipulations of approval.

In response to Braun's questions, Elkins stated that the stipulations require that the applicant complete improvements prior to final platting and prior to continuing to another phase. Discussion followed.

Braun moved, Wyss seconded and unanimously carried to continue the Preliminary Plat to the August 26, 2010 Planning Commission meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

Elkins requested that Items 21 and 22 be taken concurrently.

*21. No. 10UR018 - Section 12, T1N, R7E

A request by Verizon Wireless to consider an application for a **Conditional Use Permit to allow a Cellular Communication Tower in a High Density**

Residential Zoning District on Tract A of Lot 2 of the NW1/4 SW1/4, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 636 Cathedral Drive.

*22. No. 10UR019 - Section 2, T1N, R7E

A request by Verizon Wireless to consider an application for a **Conditional Use Permit to allow a Cellular Communication Tower in Central Business Zoning District** on Lots 1 thru 16 of Block 91 of the Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 909 St. Joseph Street.

Elkins presented the staff recommendation to continue the Conditional Use Permit to allow a Cellular Communication Tower in a High Density Residential Zoning District and the Conditional Use Permit to allow a Cellular Communication Tower in Central Business Zoning District to the October 7, 2010 Planning Commission meeting.

Rolinger moved, Scull seconded and unanimously carried to continue the Conditional Use Permit to allow a cellular communication tower in a High Density Residential Zoning District and the Conditional Use Permit to allow a cellular communication tower in Central Business Zoning District to the October 7, 2010 Planning Commission meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

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

---BEGINNING OF REGULAR AGENDA ITEMS---

Elkins requested that items 28 and 29 be taken concurrently.

28. 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.

29. 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 and to waive the requirement to increase the existing pavement width of Lemmon Avenue from 24.1 feet to 27 feet as they abut the property pursuant to 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, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 724 Lemmon Avenue.

Elkins presented the staff recommendation to continue the Preliminary Plat and the Variance to the Subdivision Regulations requests to the August 26, 2010 Planning Commission meeting.

Brewer moved, Rolinger seconded and unanimously carried to continue the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to pave the alley right-of-way and to waive the requirement to increase the existing pavement width of Lemmon Avenue from 24.1 feet to 27 feet as they abut the property pursuant to Chapter 16.16 of the Rapid City Municipal Code to the August 26, 2010 Planning Commission meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

30. No. 10TI002 - Sections 3, 4 and 9, T1N, R8E

A request by Doyle Estes to consider an application for a **Revised Project Plan for Tax Increment District No. 35** on the west 340 feet of the unplatted portion of the S1/2 NW1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot A of NE1/4 NW1/4 & NW1/4 NE1/4, Lots A and B of Lot 1 of Lot D of NW1/4 NE1/4, Lot B of NW1/4 NE1/4, Lot 2 of Lot D of NW1/4 NE1/4, Lot C of NW1/4 NE1/4, Lot 1 less Lot H1 in Block 1, Lots 2-4 less Lot H1 in Lot 4 in Block 1, Lot 9 less Lot H1 in Block 1, Lots 6-8 less Lot H1 of Lot 6 in Block 1, Lot 1 less Lot H1 in Block 2, Lot 2 in Block 2, Lot 3 less Lot H1 in Block 2, all located in Johnson School Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; School Lot & Lot "RS" in NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the balance of SE1/4 less Lot H1, less Lot H3 of W1/2 SE1/4 & less Lots H3 & H4 of E1/2 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot H6 in the Hawthorne Ditch located in the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot H1 in the east 88 feet of Lot D of the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lots H1 in Lots 6, 7, & 8 in Block 2, Lot H1 in Lot 6 in Block 1, Lots H1 in Lots 4 & 5 in Block 1, and Lots H1 in Lots 3, 4, & 5 in Block 2, all located in the Johnson School Subdivision of the NW1/4 NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lots H1 in Lots A & B of the Johnson School Subdivision in the NE1/4 NW1/4 and Lot A of the Johnson School Subdivision in the NW1/4 NE1/4, all in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; School Drive right-of-way south of Lot H1 in the east 88 feet of Lot D of the NE1/4 NW1/4 and south of Lot H1 in Lot 8 in Block 2 of the Johnson School Subdivision of the NW1/4 NE1/4 and south of Inca Drive right-of-way, and the vacated School Drive right-of-way south of Lot C of NW1/4 NE1/4 and south of School Lot & Lot "RS" in NW1/4 NE1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Shadow Drive and Inca Drive rights-of-way in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and

Jolly Lane Road right-of-way in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as located west of Elk Vale Road and north of SD Highway 44 East.

Bulman presented the Tax Increment District No. 35 reallocation costs request. Bulman presented the Tax Increment Finance Committee's recommendation that the reallocation costs be approved.

Landguth moved, Marchand seconded and unanimously carried to recommend that the Revised Project Plan for Tax Increment District No. 35 be approved. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

31. No. 10TI003 - Sections 24 and 25, T2N, R7E

A request by DTH, LLC to consider an application for a **Third Revised Project Plan for Tax Increment District No 36** on Lot 1 of Block 1, & Dedicated right-of-way, of Tires Plus Addition, located in the NE1/4 of the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 1R and 2R of Five Star Subdivision and dedicated public right-of-way shown as Disk Drive, located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tracts 4-C of Parcel #4, and Tracts 4-A, C and D, all located in the SE1/4 NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots A, B & C of Lot 1 of Block 1 of Geld Subdivision and Lots 2 & 3 of Geld Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Parcel #3 in SW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Parcel #7 in SW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, described by metes and bounds as follows: Beginning on the West Section Line at the Northwest corner of the SW1/4 NW1/4 of said Section 25; thence East along the one-sixteenth line a distance of 350 feet to the TRUE POINT OF BEGINNING, thence due South a distance of 145 feet; thence North 76 degrees 15 feet East a distance of 610 feet to the East-West one-sixteenth line; thence West along the one-sixteenth line a distance of 592.6 feet to the true point of beginning; Lot 18 (except that portion of Lot 18 platted as Lot C of Pine View Subdivision, as shown on the plat filed in Plat Book 17, page 144), and all of Lots 19-22 together with the vacated Street abutting said lots as recorded in Miscellaneous Book 115, page 678, all located in Block 4, Pine View Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 8R of Block 3 as recorded on Plat of Tract CR and Lot 8R of Block 3 formerly Tract C and Lot 8 of Block 3 located in the NW1/4 NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2 of Lowe's Subdivision, formerly Tract 1 of Martley Subdivision and Tract CR of the NW1/4 of the NE1/4 located in the NW1/4 of NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Balance of Parcel No. 8 in the NW1/4 NW1/4 of Section 25, T2N, R7E, BHM, Pennington County, South Dakota; Unplatted portion of NW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted Balance of NE1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot H-1 in the S1/2 NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington

County, South Dakota; Plat of dedicated public right-of-way shown as Disk Drive, formerly a portion of Parcel 5 of NE1/4NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; All of dedicated Public right-of-way of Disk Drive located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; A portion of Lot A of Howard Street/I-90 right-of-way located adjacent to Tracts 4-C of Parcel #4 and Tracts 4-A, C & D of the SE1/4NW1/4 and adjacent to Parcel #3 and Parcel #7 in the SW1/4NW1/4 and Lot 1R of Five Star Subdivision in the NW1/4 and Disk Drive right-of-way, all located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; The 100 foot Haines Avenue right-of-way beginning at the southern boundary of the Haines Avenue/Disk Drive intersection located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, then traveling northward and ending at the intersection of the North/South and East/West quarter section lines of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2, The New Park Subdivision, located in the NW1/4SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; SW1/4SW1/4, NE1/4SW1/4, N1/2SE1/4SW1/4, all located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Dakota Subdivision #1, located in the S1/2SE1/4SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lakota Subdivision #1, Lakota Subdivision #2, and Lakota Subdivision #3, all located in the N1/2NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as extending north from Interstate 90 and east of Haines Avenue.

Bulman presented the Third Revised Project Plan for Tax Increment District No. 36 reallocation request. Bulman presented the Tax Increment Finance Committee's recommendation to approve the Third Revised Project Plan.

In response to Rolinger's question, Bulman stated that imputed fees are for additional administrative costs for review of a Revised Tax Increment District.

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

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

Scull moved, Christianson seconded and carried to recommended that the Third Revised Project Plan for Tax Increment District No. 36 be approved. (9 to 0 to 2 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, Rolinger and Scull voting yes and none voting no and Kinniburgh and Wyss abstaining)

*32. 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 request to the August 26, 2010 Planning Commission meeting.

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

Kinniburgh moved, Scull seconded and carried to continue the Conditional Use Permit to allow a school and church in Medium Density Residential zoning district to the August 26, 2010 Planning Commission meeting. (9 to 0 to 2 with Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rippentrop, Rolinger and Scull voting yes and none voting no and Braun 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.

*33. No. 10UR021 - Hoganville Subdivision

A request by Michael M. Hickey for Walgreen Co. to consider an application for a **Conditional Use Permit to allow on-sale liquor establishment in a General Commercial Zoning District** on Lot 1 less Lot H1 of Hoganville Subdivision, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 540 Mountain View Road.

Flaen presented the staff recommendation to approve with the Conditional Use Permit request with stipulations.

Jay Fox, General Manager for Fisher Furniture requested that the Conditional Use Permit request be denied.

Mike Hickey, Walgreens requested that the Conditional Use Permit request be approved. Hickey reviewed the types of alcoholic beverages that will be sold.

Rolinger moved, Landguth seconded and unanimously carried to approve the Conditional Use Permit to allow on-sale liquor establishment in a General Commercial Zoning District with the following stipulations:

- 1. The sale of wine and malt beverages shall be limited to off-premise consumption only. Any on-premise consumption of wine and malt beverages shall require a Major Amendment to the Conditional Use Permit;**
- 2. The sale of alcohol shall be limited to wine and malt beverages in conjunction with the business operating as a retail store. The addition of alcohol sales beyond on-sale beer and wine shall require a Major Amendment to the Conditional Use Permit;**
- 3. A minimum of 65 parking spaces shall continually be provided. The parking plan shall continually comply with all requirements of the**

- Off-Street Parking Ordinance;**
4. **A minimum of 37,716 landscape point shall continually be provided. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscaping plan. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
 5. **All applicable provisions of the currently adopted International Fire Code shall be continually met;**
 6. **All provisions of the General Commercial Zoning District shall be continually met; and,**
 7. **The Conditional Use Permit shall expire if the use as approved 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 Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger, 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.

34. 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.**

Elkins presented the staff recommendation 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 26, 2010 Planning Commission meeting to allow the Planning Commission to review the information distributed on the dais.

Rolinger moved, Marchand 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 26, 2010 Planning Commission meeting (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

- B. M Hill Overlay District.

Elkins presented the staff recommendation to continue the M Hill Overlay District to the August 26, 2010 Planning Commission meeting.

In response to Scull's question, Elkins reviewed the definition of an overlay district.

Brewer moved, Kinniburgh seconded and unanimously carried to continue the M Hill Overlay District to the August 26, 2010 Planning Commission meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

- C. A request from Roger Knutsen to amend the Ordinance to allow a group home as a Conditional Use in the General Commercial District.

Elkins presented the request from Roger Knutsen to amend the zoning Ordinance to allow a group home as a Conditional Use in the General Commercial Zoning District. Elkins presented the staff recommendation that the Planning Commission authorize staff to proceed with submitting formal applications.

Janice Knutsen requested that the Planning Commission authorize staff to proceed with the formal applications to amend the Ordinance.

Wyss moved, Marchand seconded to authorize staff to proceed with formal amendments.

In response to Knutsen's question, Elkins reviewed the process for notification for area residents.

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

Wyss moved, Marchand seconded to authorize staff to proceed with formal amendments. (10 to 0 to 1 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rippentrop, Rolinger, and Wyss voting yes and none voting and Scull abstaining)

35. Staff Items

Elkins reviewed the changes that have occurred to Growth Management Department as a result of the Second Floor Report.

Elkins stated that possible changes to the Ordinances for Conditional Use Permits are being reviewed by staff.

Elkins stated that potential changes to the Subdivision Review process to be approved administratively are being reviewed by staff.

In response to Scull's question, Elkins reviewed the possible process for revisions to the Ordinances. Discussion followed.

In response to Wyss's question, Tech stated that Public Works staff would be present during Planning Commission meetings. Discussion followed.

In response to Landguth's question, Elkins reviewed committees

associated with the Planning Commission and City Council. Elkins noted that the Future Land Use Committee is the only Planning Commission Subcommittee. Discussion followed.

36. Planning Commission Items

A. Future Land Use Committee Appointments.

Elkins reviewed changes to the Future Land Use Committee membership. Elkins requested the Planning Commission's concurrence in the appointment of Gary Brown, Sam Kookier and Jordan Mason as an alternate to the Future Land Use Committee as Council representatives. Elkins further identified the Planning Commission members as Dennis Landguth, Eric Braun and Linda Marchand, Janet Kaiser from the Rapid City area School District and Karen Gunderson-Olsen for the community at large. Elkins requested an additional volunteer from the Planning Commission to serve on the Future Land Use Committee.

Scull moved, Rolinger seconded and the motion carried unanimously to confirm the appointment of Brown, Kookier and Mason as representatives to the Future Land Use Committee from the City Council and Karen Gunderson-Olsen for the community at large representative. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

Wyss volunteered to serve on the Future Land Use Committee.

Kinniburgh moved, Rolinger seconded and the motion carried unanimously to appoint Pat Wyss to the Future Land Use Committee. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)

There being no further business, Brewer moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:49 a.m. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger, Scull and Wyss voting yes and none voting no)