

**DRAFT**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
August 26, 2010

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

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Monica Heller, Vicki Fisher, Karen Bulman, Patsy Horton, Jim Flaaen, Ted Johnson, 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.**

**Motion by Brewer, Seconded by Rolinger and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 18 in accordance with the staff recommendations. (10 to 0 with Braun, Brewer, Christianson, Gregg, Marchand, Kinniburgh, Popp, Rippentrop, Rolinger and Wyss voting yes and none voting no)**

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

1. Approval of the August 5, 2010 Planning Commission Meeting Minutes.

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

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

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

3. No. 10CA020 - Section 21, 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 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 approved the summary and authorized publication in the Rapid City Journal.**

4. 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.**

**Planning Commission continued the Ordinance Amendment to the September 9, 2010 Planning Commission meeting.**

\*5. No. 10PD049 - Menard Subdivision

A request by Rosenbaum's Signs to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot A of Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1750 Eglin Street.

**Planning Commission approved the Major Amendment to a Planned Commercial Development with the following stipulations:**

1. **The property shall be used as a bank and/or professional offices. Any change in use will require a Major Amendment to the Planned Commercial Development;**
2. **The proposed sign and location shall be used exclusively for on-premise signage. The addition of off-premise signage to the proposed sign shall require a Major Amendment to the Planned Commercial Development;**
3. **All access and circulation shall meet minimum turning widths for Fire Department apparatus including the ladder truck;**
4. **If more than one acre of land shall be disturbed by construction, an air quality permit shall be obtained prior to issuance of a grading permit or a building permit;**
5. **All applicable provisions of the International Fire Code are to be continually met;**
6. **All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorists;**
7. **All signage shall conform to the design, color and location as shown in the sign package approved as a part of the Planned Commercial Development. No electronic signs are approved as a part of this Development Plan. The addition of electronic signage will require a**

**Major Amendment to the Planned Commercial Development.** Any off-premise signs shall be exclusively for the identification of other businesses located in the Menard's Planned Commercial Development. The off-premise sign shall not have a sign face more than 378 square feet. The off-premise sign shall meet all other requirements of Section 15.28 of the Rapid City Municipal Code and all requirements of the South Dakota Department of Transportation. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;

8. A minimum of 90,305 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced when necessary;
9. A minimum of 98 parking spaces shall be provided with four handicap accessible spaces. One handicap accessible spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met; and,
10. The Major Amendment to a Planned Commercial Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

6. 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 continued the Preliminary Plat to the September 9, 2010 Planning Commission meeting.**

7. 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,**

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**gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots A and B of White Eagle Ranch, 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 September 9, 2010 Planning Commission meeting.**

8. 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 continued the Preliminary Plat to the September 9, 2010 Planning Commission meeting.**

9. 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 September 9, 2010 Planning Commission meeting.**

10. 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.

John Haag, area resident expressed his concern with the proposed development on the subject property. Haag expressed his opinion that the lots be combined.

**Planning Commission continued the Preliminary Plat to the September 9, 2010 Planning Commission meeting.**

11. 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.

**Planning Commission continued 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 to the September 9, 2010 Planning Commission meeting.**

12. 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 September 9, 2010 Planning Commission meeting.**

13. 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 September 9, 2010 Planning Commission meeting.**

14. 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 Lot 5 of Block 1 of Menard Subdivision, legally described as a portion of the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current eastern terminus of East Anamosa Street.

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

1. **Prior to Preliminary Plat approval by the City Council, a drainage plan for Lot 5 shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;**
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. **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;**
4. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
5. **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.**

15. No. 10PL052 - Eisenbraun Subdivision

A request by Britton Engineering and Land Surveying, Inc. for Marty Eisenbraun to consider an application for a **Layout Plat** for proposed Tracts A and B of Eisenbraun Subdivision, legally described as the unplatted portion of the NW1/4 of the NE1/4 and the SW1/4 of the NE1/4 less the East 54.4 feet located in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located 1/2 mile east of Reservoir Road and 1/4 mile south of

Southside Drive.

**Planning Commission continued the Layout Plat to the September 9, 2010 Planning Commission meeting.**

16. No. 10PL054 - Heavlin Addition No. 2

A request by Duane Brink to consider an application for a **Layout Plat** for proposed Lots 1R and 2 of Heavlin Addition No. 2 legally described as Lot 1 of Heavlin Addition No. 2 located in the SE1/4 SE1/4 SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 23299 South Airport Road.

**Planning Commission continued the Layout Plat to the September 9, 2010 Planning Commission meeting.**

\*17. 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** for 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 approved the Conditional Use Permit to allow a Church in a Low Density Residential Zoning District with the following stipulations:**

1. **The current church, rectory and accessory uses are allowed in accordance with the approved site plan. Any change in use or expansion of use shall require the review and approval of a Major Amendment to the Conditional Use Permit;**
2. **All existing landscaping shall be continually maintained in a live vegetative state and replaced as necessary if the property is enlarged by 20 percent or more or the occupant load is increased by 20 percent or more, then the property shall conform to the landscaping requirements of the Rapid City Municipal Code. ;**
3. **The sign shall conform to the design, color and location as shown in the sign package submitted. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. The lighting for the sign shall be designed to preclude shining on the adjacent properties and/or street. A Sign Permit shall be obtained prior to any installation of the sign;**
4. **The existing off-street parking shall be continually maintained in accordance with the approved plan. Any expansion shall require that the parking plan for the property conform to the requirements of the Rapid City Municipal Code or obtain a variance for the non-conforming uses; and,**
5. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission or if the use as approved has ceased for a**

period of two years.

***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.***

18. 10TP023 – 2011-2015 Rapid City Area Transportation Improvement Program – Final Report

**Planning Commission recommended approval of the 2011-2015 Rapid City Area Transportation Improvement Program – Final Report.**

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

**---BEGINNING OF REGULAR AGENDA ITEMS---**

- \*19. No. 10PD050 - Marlin Industrial Park

A request by CETEC Engineering Services, Inc. for RCS Storage, LLC to consider an application for a **Planned Industrial Development - Initial and Final Development Plan** on Lots 3 and 4 of Marlin Industrial Park, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and east of S.D. Highway 79.

Flaen presented the staff recommendation to approve the Planned Industrial Development request with stipulations.

In response to Popp's question, Flaen stated that there will be one caretaker residence for security personnel.

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

- 1. Prior to Planning Commission approval, a revised sign elevation shall be submitted identifying that the proposed pole sign be a maximum of 45 feet, or a Variance be shall be obtained from the Sign Code Board of Appeals;**
- 2. Prior to Planning Commission approval, a revised sign package shall be submitted removing the electronic message center from the sign package;**
- 3. Prior to Planning Commission approval, a revised fence elevation shall be submitted identifying a maximum 6 foot high fence and gate surrounding the proposed storage units;**
- 4. A minimum of 18 parking spaces, including one "van" accessible handicap space, shall be continually provided on site. In addition, a minimum 30 foot access aisle shall be continually maintained immediately adjacent to the area(s) of the buildings with controlled access or lockers. The parking shall be installed as per the approved**

- parking plan and continually comply with all requirements of the Off-Street Parking Ordinance;
5. The exception request to allow Industrial Landscape Option No.2 along the north property line along Elk Vale Road and Industrial Landscape Option No. 1 along the south property line along Marlin Drive is hereby granted. The landscaping shall be installed as per the approved landscape plan continually maintained in a live, vegetative state, kept free of refuse and debris and replaced when necessary;
  6. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorists;
  7. The on-site apartment use shall be limited to staff only for the purposes of providing 24-hour security for the mini-storage use. No leasing the apartment space to the general public shall be permitted;
  8. The property shall be used for commercial mini-storage with a leasing office and an on-site apartment. Any change in use will require a Major Amendment to the Planned Industrial Development;
  9. 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;
  10. All signage shall conform to the design, color and location as shown in the sign package approved as a part of the Planned Industrial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Industrial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
  11. The proposed pole sign shall be limited to on-premise signage only. The addition of off premise signage shall require a Major Amendment to the Planned Industrial Development;
  12. A Building Permit shall be obtained prior to the start of construction and a Certificate of Occupancy shall be obtained prior to occupancy;
  13. Prior to issuance of a Building Permit, all redline comments on the site plan shall be addressed and the original redlined plans be returned to the Growth Management Department;
  14. All commercial structures shall be provided with approved fire protection as required by the International Fire Code as amended. In addition, all applicable provisions of the currently adopted International Fire Code shall be continually met; and,
  15. The Planned Industrial 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. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger 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.***

Gregg identified that a speaker request form has been received regarding Item No. 10.

**Rolinger moved, Brewer seconded and unanimously carried to reconsider Item No. 10 on the Consent Agenda. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes and none voting no)**

10. 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.

John Haag, area resident expressed his concern with the proposed development on the subject property.

**Kinniburgh moved Rolinger seconded and unanimously carried to continue the Preliminary Plat to the September 9, 2010 Planning Commission meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes and none voting no)**

\*20. No. 10PD051 - Section 22, T2N, R7E

A request by Dream Design International, Inc. to consider an application for a **Planned Industrial Development - Initial and Final Development Plan** on Lot B of the W1/2 of the SW1/4, the balance of Lot Y of Lot H2 of the SW1/4, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3200 Deadwood Avenue.

Flaen presented the staff recommendation to approve the Planned Industrial Development with stipulations.

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

1. **Prior to Planning Commission approval, a parking plan shall be submitted for review and approval identifying the existing parking on**

- the property;
2. Prior to Planning Commission approval, a landscape plan shall be submitted for review and approval identifying the existing landscaping on the property;
  3. Prior to Planning Commission approval, the site plan shall be revised to reflect the red line comments and the redline drawings shall be returned to the Growth Management Department;
  4. Prior to Planning Commission approval, an Air Quality Parking/Storage Permit shall be obtained;
  5. All signage shall conform to the design, color and location as shown in the sign package approved as a part of the Planned Industrial Development. No electronic signs are approved as a part of this Development Plan. The addition of electronic signage will require a Major Amendment to the Planned Industrial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Industrial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
  6. All applicable provisions of the currently adopted International Fire Code shall be continually met;
  7. The property shall be used for agriculture and construction equipment sales only. Any change in use will require a Major Amendment to the Planned Industrial Development;
  8. The Planned Industrial 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. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger 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.***

21. 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.

Fisher presented the staff recommendation to continue the Preliminary Plat to the

September 9, 2010 Planning Commission meeting.

Monica Leitheiser, area resident expressed her concern with drainage issues from the subject development.

Ron Davis, applicant commented that the required improvements are being addressed at this time. Davis further noted that he agrees with the staff recommendation to continue the Preliminary Plat request to the September 9, 2010 Planning Commission meeting.

**Rolinger moved, Kinniburgh seconded and unanimously carried to recommend that the Preliminary Plat be continued to the September 9, 2010 Planning Commission meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes and none voting no)**

Fisher requested that items 22 and 23 be taken concurrently.

22. No. 10PL055 - Fish Hatchery Subdivision

A request by City of Rapid City to consider an application for a **Preliminary Plat** for proposed Lots 1, 2 and 3 of Fish Hatchery Subdivision formerly portions of Lot F-2 and Lot R Revised of Fish Hatchery Subdivision, legally described as Lot F-2 and Lot R revised of Fish Hatchery Subdivision, located in the S1/2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Cleghorn Springs State Fish Hatchery southwest of the intersection of Jackson Boulevard and Chapel Lane.

23. No. 10SV016 - Fish Hatchery Subdivision

A request by City of Rapid City to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along the north side of Jackson Boulevard, to waive the requirement to install water along a portion of Jackson Boulevard, to waive the requirement to install sewer and to dedicate additional right-of-way along Jackson Boulevard, to reduce the width of the access easements from 59 feet to 24 feet and 25 feet respectively, to waive the requirement to construct a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along the 24 foot wide access easement, to reduce the pavement width of the 25 foot wide access easement from 26 feet to 25 feet and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water and sewer along the 25 foot wide access easement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1, 2 and 3 of Fish Hatchery Subdivision formerly portions of Lot F-2 and Lot R Revised of Fish Hatchery Subdivision, legally described as Lot F-2 and Lot R revised of Fish Hatchery Subdivision, located in the S1/2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Cleghorn Springs State Fish Hatchery southwest of the intersection of Jackson Boulevard and Chapel Lane.

Fisher presented the staff recommendation to approve the Preliminary Plat and the Variance to the Subdivision regulations with stipulations.

In response to Brewer's question, Tech identified the location of existing sidewalk adjacent to the subject property and water and sewer locations. Discussion followed.

In response to Braun's question, Fisher reviewed the variance request process regarding the sidewalk. Discussion followed.

**Rolinger moved, Christianson seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:**

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans for Jackson Boulevard shall be submitted for review and approval. In particular, the construction plans shall show Jackson Boulevard located in a minimum 100 foot wide right-of-way and constructed with water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall show a sidewalk along the north side of the street or an Exception shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans for the 24 foot wide access easement shall be submitted for review and approval. In particular, the construction plans shall show the access easement with a minimum width of 59 feet and constructed with a minimum pavement width of 26 feet, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, road construction plans for the 25 foot wide access easement shall be submitted for review and approval. In particular, the construction plans shall show the access easement with a minimum width of 59 feet and constructed with a minimum pavement width of 26 feet, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to Preliminary Plat approval by the City Council, the proposed 24 foot wide access easement shall be relocated to align with Cleghorn Canyon Road and extend through the property to provide access to both Tract G and Tract H or an Exception shall be obtained to reduce the separation between the access easement and Cleghorn Canyon Road as they intersect with Jackson Boulevard and an Approach Permit must be obtained from the South Dakota Department of Transportation for the proposed approach location and alternate access shall be provided to Tract H;**
- 5. Prior to Preliminary Plat approval by the City Council, the applicant shall submit written verification from Rapid Canyon Sanitary Sewer District that no additional sewer improvements are needed along Jackson Boulevard to meet their service needs;**
- 6. Prior to Preliminary Plat approval by the City Council, a drainage report and an erosion and sediment control plan, including post-construction water quality Best Management Practices, shall be submitted for review and approval;**

7. Prior to Preliminary Plat approval by the City Council, a parking plan shall be submitted for review and approval to insure that adequate parking is being maintained for the Fish Hatchery site as a result of the proposed plat;
8. 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;
9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
10. 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.

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Jackson Boulevard be approved;  
That the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along the north side of Jackson Boulevard be denied;  
That the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along a portion of Jackson Boulevard be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall submit written verification from Rapid Canyon Sanitary Sewer District that no additional sewer improvements are needed along Jackson Boulevard to meet their service needs;

That the Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 25 feet, to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the easement from 59 feet to 25 feet for the 25 foot wide access easement be approved; and,

That the Variance to the Subdivision Regulations to waive the requirement to install a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the easement from 59 feet to 24 feet for the 24 foot wide access easement be approved with the following stipulation:

1. The easement shall be constructed with a minimum 24 foot wide paved surface. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes and none voting no)

\*24. 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** for 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 September 9, 2010 Planning Commission meeting.

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

In response to Kinniburgh's question, Elkins stated that construction is proposed to begin now and classes proposed for Fall of 2011. Discussion followed.

**Brewer moved, Marchand seconded and unanimously carried to continue the Conditional Use Permit to allow a school and church in Medium Density Residential zoning district to the September 9, 2010 Planning Commission meeting. (8 to 0 to 2 with Brewer, Christianson, Gregg, Kinniburgh, Marchand, Popp, Rippentrop and Rolinger voting yes and none voting no and Braun and Wyss abstaining)**

25. 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.

Fisher presented other communities regulations regarding recreational vehicles ordinance. Fisher presented options for consideration by the Planning Commission. Fisher further reviewed the reasons that the current Ordinance exists. Fisher presented the staff recommendation that the Ordinance be maintained as it exists.

In response to Kinniburgh's question about requiring a conditional use permit, Elkins further added that an exception or a requirement for a conditional use permit could be written into the Code if that was something the Planning Commission wanted to pursue. Elkins reviewed the possible criteria for review on a case by case basis.

Rolinger reviewed the criteria used to review a request for a variance from the Zoning Board of Adjustment.

Marchand expressed her opinion that there is a place on the Nebraska side for parking of the recreational vehicle.

Brewer expressed his observations with parking of recreational vehicles in neighborhoods.

In response to Brewer's question, Elkins stated that the issue of recreational vehicles parking is on-going. Discussion followed.

Alderman Brown expressed his constituents concerns with recreational vehicle parking. Brown expressed his concern with the complaint mechanism creating a situation where neighbor is turning in neighbor.

In response to Brewer's question, Brown stated that his constituent has expressed her opinion that her property is hers to utilize as she sees fit. Discussion followed.

**Brewer moved, Marchand seconded to recommend that no changes to the Zoning Ordinance be made precluding the parking of recreational vehicles in front yards.**

Rolinger expressed his opinion supporting the Zoning Board of Adjustment mechanism that is in place to address the issue. Discussion followed.

Braun expressed his support for the existing Ordinance.

Elkins suggested that the Planning Commission make as part of the motion a request that staff monitor the applications for variances for parking in the front yard and bring back a report in six months.

**Amended motion by Brewer, Marchand seconded and unanimously carried to recommend that no changes to the Zoning Ordinance be made precluding the parking of recreational vehicles in front yards and request that staff bring report back by the first meeting in July, 2011. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes and none voting no)**

B. M Hill Overlay District.

Heller presented the staff recommendation to authorize staff to prepare an amendment to the Comprehensive Plan to adopt an overlay district to preserve the existing character of the residential neighborhoods. Heller reviewed results of neighborhood meetings. Heller identified specific concerns by the area neighbors. Heller stated that any improvements or new construction in the Medium Density Residential zoning district would be require a Planned Development. Heller reviewed the details of the proposed M Hill Overlay District.

In response to Popp's question, Heller stated that the proposed overlay district's intent to preserve character of neighborhood and Medium Density Residential neighborhood.

**Braun moved, Brewer seconded and carried to authorize staff to prepare a comprehensive plan amendment to adopt the M Hill Study Area Plan and advertise for public hearing to consider an amendment to establish the M Hill Overlay Zoning District by adding Chapter 17.64, consistent with the attached ordinance. (9 to 1 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Rippentrop, Rolinger, Scull and Wyss voting yes and Popp voting no)**

C. Distance Requirement for Casinos.

Bulman presented the proposed options for the Planning Commission's consideration regarding buffers between video lottery and/or on-sale liquor establishments and residential properties.

In response to Braun's question, Bulman outlined the process for review of on-sale and video lottery uses through a Conditional Use Permit application.

Braun expressed his support for the current process.

Elkins reviewed the rationale for the options presented to the Planning Commission for review.

Rolinger expressed his concerns with close proximity of video lottery and on-sale liquor establishments to one another in a specific area. In response, Elkins reviewed the current policy as set by Council. Discussion followed.

In response to Brewer's question, Bulman stated that Council tabled the previous Ordinance and the suggestion for a Task Force.

**Brewer moved, Kinniburgh seconded that the Planning Commission recommend that Council appoint a task force to review the existing policies regarding video lottery and on-sale liquor establishments.**

Wyss expressed his concern that a one size fits all policy is not conducive to determine appropriate buffering between video lottery and on-sale liquor establishments and residential properties.

In response to Christianson's question, Bulman identified that there are 61 video lottery establishments with malt beverage licenses. Discussion followed.

Marchand expressed her support for the current review process regarding video lottery and on-sale liquor establishments.

Rolinger expressed his support for the current review process.

**Brewer withdrew his motion, Kinniburgh concurred with the withdrawal.**

**Brewer moved, Braun seconded and carried to recommend that no buffers between video lottery establishments and/or on-sale liquor establishments and residential properties be adopted and that current regulations be maintained. (9 to 1 with Braun, Brewer, Christianson, Gregg, Marchand, Kinniburgh, Popp, Rippentrop and Rolinger voting yes and Wyss voting no)**

- D. Ordinance 2.60.160 (E) and (F) and Related City Policies to Require Sign Posting and Notices for Comprehensive Plan Amendments to the Planning Commission.

Horton presented the current requirements in place for public notification

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of Comprehensive Plan Amendment requests. Horton identified types of requirements in place by other communities in the region. Horton presented possible options for consideration by the Planning Commission in order to forward a recommendation to City Council.

**Kinniburgh moved, Marchand seconded to recommend that Council adopt Option 3.**

In response to Braun's question, Elkins stated that the discussion has been brought forward from Council with regard to the Melody Acres changes.

Braun expressed his support for the notification requirement of mailing and signage.

In response to Wyss's question, Elkins reviewed the process regarding discussion items. Elkins further noted that discussions items generally go forward as public hearing items with public notification and input.

Brewer supported the value of the neighborhood meetings aspect. Brewer additionally expressed his support for the use of signage on the properties.

In response to Rolinger's question, Elkins reviewed the Southeast Area Neighborhood Plan that was adopted and that ultimately brought concerns to Council. Discussion followed

**Kinniburgh moved, Marchand seconded and carried to recommend that Council adopt Option 3. (9 to 1 with Brewer, Christianson, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes and Braun voting no)**

E. Warranty Surety Requirements for Subdivision Improvements.

Fisher presented the current Warranty Surety requirements for Subdivision Improvements. Fisher reviewed other area community's policies regarding Warranty Surety requirements. Fisher presented the staff recommendation that the Planning Commission recommend to Council adoption of Option Number 6.

In response to Brewer's question, Elkins reviewed instances where subdivision surety was not enough to complete improvements. Discussion followed.

**Kinniburgh moved, Brewer seconded and carried to continue the meeting past the 9:00 a.m. deadline. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes and none voting no)**

Rolinger left the meeting at this time.

In response to Braun's question, Elkin reviewed the time frame for the development to complete improvements. Discussion followed.

In response to Brauns' concerns, Elkins suggested that the Planning Commission continue the discussion. Discussion followed.

In response to Wyss' question, Ellis reviewed the process by which items are reviewed through the Warranty Surety process. Ellis further commented on the difference between normal wear and tear as opposed to workmanship or design error.

**Braun moved, Wyss seconded and unanimously carried a motion to request staff to hold a public meeting to gather input from the Development community and the Financial community and report back to the City Council that that Planning Commission is obtaining additional input on the issue. (9 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand, Popp, Rippentrop and Wyss voting yes and none voting no)**

F. Temporary Uses.

Bulman reviewed the proposed Temporary Use permit changes for Planning Commission consideration.

Kinniburgh and Wyss left the meeting at this time.

Brewer expressed his concern with an increase in fees for Seasonal and continuous Temporary Use Permit requests. Discussion followed.

**Popp moved, Marchand seconded and unanimously carried to authorize staff to prepare an ordinance amendment and advertise for a public hearing to consider an amendment to Chapter 17.50 Supplementary Regulations Applicable to Some or All Districts – Article III Temporary Uses in the Rapid City Municipal Code and the subsequent changes to Chapter 17.16, Chapter 17.18, Chapter 17.20, Chapter 17.30, Chapter 17.32, and Chapter 17.48 Zoning Districts in conjunction with the temporary use changes in the Rapid City Municipal Code. (7 to 0 with Braun, Brewer, Christianson, Gregg, Marchand, Popp and Rippentrop, voting yes and none voting no)**

26. Staff Items

Elkins thanked staff for the extensive work regarding research and review to bring forward information to the Planning Commission on discussion items.

Elkins thanked Carol Campbell for her excellent service to the Growth Management Department and the Rapid City Planning Commission.

**There being no further business, Braun moved, Marchand seconded and**

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**unanimously carried to adjourn the meeting at 9:20 a.m. (7 to 0 with Braun, Brewer, Christianson, Gregg, Marchand, Popp and Rippentrop voting yes and none voting no)**