

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 7, 2010

MEMBERS PRESENT: Eric Christianson, Doug Kinniburgh, Dennis Landguth, 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, Jim Flaaen, Ted Johnson, Dale Tech, Tim Behlings, Mike Schad and Risë Ficken.

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

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

Staff requested that Item 20 be removed from the Consent Agenda for separate consideration.

Motion by Wyss, Seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 21 in accordance with the staff recommendations with the exception of Item 20. (8 to 0 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the September 14, 2010 and September 23, 2010 Planning Commission Meeting Minutes.
2. No. 10AN003 - Burson Subdivision
A request by Chris Schwartz for Fresh Start Convenience Stores to consider an application for a **Petition for Annexation** for Lot 2 of Lot M of Burson Subdivision, located in the E1/2 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3887 E. Highway 44.

Planning Commission recommended approval of the Petition for Annexation contingent on any payment due to the Rapid Valley Fire Protection District being made by the City of Rapid City.

3. 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 draft ordinance amendments to the

November 4, 2010 Planning Commission meeting.

4. No. 10OA013 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment amending Temporary Use Regulations in Chapter 17.50, Chapter 17.16, Chapter 17.18, Chapter 17.20, Chapter 17.30, Chapter 17.32, and Chapter 17.48 of the Rapid City Municipal Code.**

Planning Commission recommended approval of the Ordinance Amendments amending Temporary Use Regulations in Chapter 17.50, Chapter 17.16, Chapter 17.18, Chapter 17.20, Chapter 17.30, Chapter 17.32, and Chapter 17.48 of the Rapid City Municipal Code.

*5. No. 10PD037 - Marshall Heights Tract

A request by Encompass Architects for Oglala Lakota College to consider an application for a **Major Amendment to a Planned Commercial Development** for Lot L-1BR of Marshall Heights Tract, located in the NE1/4 of the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 127 Knollwood Drive.

Planning Commission acknowledged the applicant's withdrawal of the Major Amendment to a Planned Commercial Development.

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 October 21, 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, 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 the October 21, 2010 Planning Commission meeting.

8. 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 recommended approval of the Layout Plat with the following stipulations:

1. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
2. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;
3. Upon submittal of a Preliminary Plat application, construction plans must be submitted for review and approval for Pioneer Circle showing the street constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained;
4. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan must be submitted for review and approval. The drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. If on-site detention is required, then design calculations and details for the detention must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as needed;
5. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
6. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
7. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
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; and,
9. Prior to the City's acceptance of the public improvements, a

warranty surety shall be submitted for review and approval as required.

10. **The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.**

9. 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 recommended approval of 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 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 improvement; and,**
2. **Prior to City Council approval, a Wild Fire Mitigation Plan shall be submitted for review and approval.**

10. 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 October 21, 2010 Planning Commission meeting.

11. No. 10PL061 - Gateway Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Block 1 of Gateway Business Park Subdivision, legally described as a portion of the NW1/4 of the SE1/4 and a portion of Lot E of the S1/2 of the SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between East Mall Drive and Interstate 90 at the southern terminus of Dakota Craft Drive.

Planning Commission continued that the Preliminary Plat to the October 21, 2010 Planning Commission meeting.

12. No. 10SV020 - Gateway Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Block 1, and dedicated Business Park Drive Right-of-way, Gateway Business Park Subdivision, legally described as a portion of the NW1/4 SE1/4 and a portion of Lot E of the S1/2 SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between East Mall Drive and Interstate 90, west of Elk Vale Road.

Planning Commission recommended approval of the Variance to the Subdivision Regulations to waive the requirement to install water along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code with the following stipulation:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement.**

*13. No. 10PD052 - Gateway Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for a portion of the NW¼ of the SE¼, and a portion of Lot E of the S½ of the SE¼ of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at; the southeasterly corner of Lot 3 of Forefather Flats Subdivision, common to a point on the northerly edge of Interstate 90 right-of-way, Thence S89°50'05"E, along the northerly edge of Interstate 90 right-of-way, a distance of 159.27 feet to the point of beginning; Thence, first course: N00°00'00"E, a distance of 127.29 feet; Thence, second course: N90°00'00"W, a distance of 15.00 feet; Thence, third course: N00°00'00"E, a distance of 25.00 feet; Thence, fourth course: N90°00'00"E, a distance of 29.55 feet; Thence, fifth course: N00°00'00"E, a distance of 97.99 feet; Thence, sixth course: N90°00'00"E, a distance of 8.23 feet; Thence, seventh course: N00°00'00"E, a distance of 96.51 feet; Thence, eighth course: S82°50'06"E, a distance of 25.80 feet; Thence, ninth course: N47°17'30"E, a distance of 28.66 feet; Thence, tenth course: northwesterly, curving to the right, on a curve with a radius of 16.00 feet, a delta angle of 44°50'02", a length of 12.52 feet, a chord bearing of N22°25'00"W, and chord distance of 12.20 feet; Thence, eleventh course: N00°00'00"E, a distance of 29.00 feet; Thence, twelfth course: N90°00'00"E, a distance of 259.94 feet; Thence, thirteenth course: N00°00'00"E, a distance of 53.93feet; Thence, fourteenth course: easterly, curving to the left, on a curve with a radius of 120.00 feet, a delta angle of 09°50'11", a length of 20.60 feet, a chord bearing of S85°04'55"E, and chord distance of 20.58 feet; Thence, fifteenth course: N90°00'00"E, a distance of 46.50 feet; Thence, sixteenth course: S00°00'00"E, a distance of 452.71 feet, to a point on the northerly edge of said Interstate 90 right-of-way; Thence, seventeenth course: S79°07'35"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 20.25 feet; Thence, eighteenth course: N89°50'05"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 371.83 feet, to the point of beginning, more generally described as being located south

of the intersection of East Mall Drive and Dakota Craft Drive and north of Interstate 90.

Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the October 21, 2010 Planning Commission meeting.

14. No. 10PL064 - Vista Ridge Subdivision and Menard Subdivision

A request by Sperlich Consulting, Inc. for Century Resources to consider an application for a **Preliminary Plat** for proposed Lots 2 through 7 of Vista Ridge Subdivision and proposed Lot 6 of Block 1 of Menard Subdivision, legally described as a portion of the NW1/4 of the SW1/4 and a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of East Anamosa Street and East North Street.

Planning Commission continued the Preliminary Plat to the October 21, 2010 Planning Commission meeting.

15. No. 10SV017 - Vista Ridge Subdivision and Menard Subdivision

A request by Sperlich Consulting, Inc. for Century Development, Co., Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the Requirement to install sewer and sidewalk along East North Street, to provide 20 additional feet of right-of-way and install sewer along North Creek Drive, and to provide sidewalk along the west side of North Creek Drive and provide sewer along Century Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 2 thru 5 and Lots 7 thru 9 of Vista Ridge Subdivision and proposed Lots 5, 8, 9 of Block 1 of Menard Subdivision, legally described as a portion of Lot 3 and the adjacent alley of the NW1/4 of the SW1/4, less Lot H1, of Section 32, T2N, R8E, BHM, a portion of the NW1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, and a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, all 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 Anamosa Street and East North Street.

Planning Commission continued the Variance to the Subdivision Regulations to the October 21, 2010 Planning Commission meeting.

16. No. 10PL069 - Prairie Meadows Subdivision

A request by Sperlich Consulting, Inc. for Clint Ackerman to consider an application for a **Preliminary Plat** for proposed Tract A of Prairie Meadows Subdivision, legally described as a portion of "Government" Lot 4 of Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Country Road and West Nike Road.

Planning Commission continued the Preliminary Plat to the October 21, 2010 Planning Commission meeting.

17. No. 10SV019 - Prairie Meadows Subdivision

A request by Sperlich Consulting, Inc. for Clint Ackerman to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit, sewer and water along West Nike Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Tract A of Prairie Meadows Subdivision, legally described as a portion of "Government" Lot 4 of Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Country Road and West Nike Road.

Planning Commission continued the Variance to the Subdivision Regulations to the October 21, 2010 Planning Commission meeting.

*18. 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** for 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.

Planning Commission approved the Conditional Use Permit to allow a cellular communication tower in a High Density Residential Zoning District with the following stipulations:

1. **The antennas shall be located and installed as per the specifications on the approved construction plans;**
2. **A Building Permit shall be obtained prior to the start of construction or installation of any antennas;**
3. **All applicable provisions of the currently adopted International Fire Code shall be continually met. In addition, the microcell wireless facilities and related structures shall be situated in a way as to not interfere with fire-fighting apparatus, emergency access or exits;**
4. **The antennas shall be painted a color to match the façade of the existing building;**
5. **The proposed accessory equipment shall be installed within the existing penthouse as per the approved plan;**
6. **The parking shall be continually maintained as per the approved parking plan and shall continually comply will all requirements of the Off-Street Parking Ordinance;**
7. **The landscaping shall be continually maintained as per the approved landscape plan and kept in a live vegetative state and replaced as necessary; and,**
8. **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.

*19. 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** for 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.

Planning Commission denied the Conditional Use Permit to allow a cellular communication tower in Central Business Zoning District.

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. 10VR007 - Scott's Addition

A request by Fisk Land Surveying & Consulting Engineers for Marilou Yarber to consider an application for a **Vacation of Right-of-Way** for a portion of the Van Buren Street Right-of-way lying adjacent to the S1/2 of Lot 8 and the S1/2 S1/2 of Lots 9-11 of Block 20, Scott's Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 902 Silver Street.

Planning Commission continued the Vacation of Right-of-Way to the January 6, 2011 Planning Commission meeting.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*20. No. 10UR029 - Huffman Subdivision

A request by Stephen Parker for General Dynamics to consider an application for a **Conditional Use Permit to allow a cellular communication tower in the General Commercial Zoning District** for Lot 1 of Huffman Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Cambell Street at the current eastern terminus of East Philadelphia Street.

Elkins advised that the certified mail receipts from the hearing notification have not been returned noting that the hearing on this item must be continued. Elkins indicated that the applicant emailed scanned copies of the receipts and has requested approval if the overnight express package is received prior to the end of the meeting. Elkins recommended that the Conditional Use Permit be continued to the October 21, 2010 Planning Commission meeting noting that the application can be reconsidered if the certified mail receipts are received prior to the end of the meeting.

Rolinger moved, Marchand seconded and unanimously carried to continue the Conditional Use Permit to allow a cellular communication tower in the General Commercial Zoning District to the October 21, 2010 Planning Commission meeting. (8 to 0 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes and none voting no)

Elkins requested that Staff Items be addressed next on the agenda.

37. Staff Items

Elkins welcomed Ralph Borkowski, Planner from Huron, South Dakota, noting that he is attending Metropolitan Planning Organization meetings in Rapid City and is observing the Planning Commission meeting and is discussing the procedures used in Rapid City with staff.

Elkins stated that Robert Dominicak is retiring tomorrow. Elkins expressed her appreciation to Dominicak for his work and many contributions to the Growth Management Department and the Rapid City Community. Elkins invited everyone to attend an open house for Dominicak tomorrow, October 8, 2010 from 2 p.m. to 4 p.m. in the Community Room.

Fisher requested that items 22 and 23 be considered concurrently.

*22. No. 10PD057 - Arrowhead View Addition

A request by Fisk Land Surveying & Consulting Engineers for Property Rentals, Inc. to consider an application for a **Major Amendment to the Fairway Hills Planned Residential Development to reduce the boundaries of the Planned Development** for Tract G (less part of Lots 1, 2, 3A and 3B and less Lot H1); Tract H (less part of Lots 1 and 29 of Fairway Hills and less Lot H1); and Lot 1 of Tract I all of Arrowhead View Addition, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3800 Fairway Hills Drive.

*23. No. 10PD058 - Arrowhead View Addition

A request by Fisk Land Surveying & Consulting Engineers for Property Rentals, Inc. to consider an application for a **Planned Commercial Development - Initial Development Plan** for Tract G (less part of Lots 1, 2, 3A and 3B and less Lot H1); Tract H (less part of Lots 1 and 29 of Fairway Hills and less Lot H1); and Lot 1 of Tract I all of Arrowhead View Addition, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3800 Fairway Hills Drive.

Fisher advised that the City Council denied the associated Rezoning and Comprehensive Plan Amendment applications on October 4, 2010. Fisher stated that the applicant has requested that these items be continued to the October 21, 2010 Planning Commission meeting to allow them to review their options.

Rolinger moved, Marchand seconded and carried unanimously to continue the Major Amendment to the Fairway Hills Planned Residential

Development to reduce the boundaries of the Planned Development (10PD057) and to continue the Planned Commercial Development - Initial Development Plan (10PD058) to the October 21, 2010 Planning Commission meeting. (8 to 0 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes and none voting no)

Bulman requested that Items 24 and 25 be considered concurrently.

24. No. 10CA040 - M Hill Study Area Plan

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the M Hill Study Area Plan** for all of the SE1/4NW1/4 lying south of Interstate 90 Highway right-of-way less Tract 5 of Harmony Heights, all of the S1/2NE1/4 lying south of Interstate 90 Highway right-of-way, all of the E1/2SW1/4, and all of the SE1/4 lying west of Interstate 190 Highway right-of-way, all located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; All of the E1/2NW1/4; all of the NE1/4 lying west of Interstate 190 Highway right-of-way, all of the NE1/4SW1/4, all of the N1/2SE1/4 lying west of Interstate 190 Highway right-of-way, Tract 18 of Rapid City Greenway Tract, Tract 18A of Rapid City Greenway Tract, Tract 18B of Rapid City Greenway Tract, and all of Riverside Addition lying north of Omaha Street right-of-way, all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, generally described as being located south of Interstate 90, west of Interstate 190, north of Omaha Street and east of the ridgeline between Interstate 190 and Deadwood Avenue.

25. No. 10OA014 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance to establish the M Hill Overlay Zoning District by adding Chapter 17.64 to Title 17 of the Rapid City Municipal Code.**

Bulman presented the applications. Bulman advised that the proposed Ordinance was developed with input obtained from the neighborhood residents. She reviewed the various components of the proposed Ordinance noting that multi-family development with three or more units will be subject to additional restrictions. Bulman indicated that these types of uses will need to comply with the Street Design Criteria Manual and will have modified requirements for setbacks, densities, landscaping, screening, parking and snow and garbage collection areas. Bulman indicated that staff recommends approval of the Comprehensive Plan Amendment and the Ordinance Establishing the M Hill Overlay District.

Rolinger moved and Christianson seconded to recommend approval of the Amendment to the Comprehensive Plan to adopt the M Hill Study Area Plan (10CA040) and the Ordinance to establish the M Hill Overlay Zoning District by adding Chapter 17.64 to Title 17 of the Rapid City Municipal Code (10OA014).

Eirik Heikes advised that he lived in the neighborhood for two years and feels that the proposed changes will be positive for the neighborhood.

The motion carried unanimously to recommend approval of the Amendment to the Comprehensive Plan to adopt the M Hill Study Area Plan (10CA040) and the Ordinance to establish the M Hill Overlay Zoning District by adding Chapter 17.64 to Title 17 of the Rapid City Municipal Code (10OA014). (8 to 0 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes and none voting no)

26. No. 10CA041 - RapidTRIP2035

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the RapidTRIP2035 - Long Range Transportation Plan for the Rapid City Area.**

Heller presented the proposed Long Range Transportation Plan (LRTP) noting that Federal law requires the LRTP to be updated every five years. Heller stated that the LRTP primarily identifies where to spend transportation dollars. Heller identified the major changes between the Draft Plan and Final Plan and the financially constrained approach used in the development of the LRTP including flat line income and increased construction costs and expenditures. Heller stated that all projects costs are reflected in the year of expenditure. Heller added that many projects are new roadways or widening of collector and arterials roadways using State or Federal funding sources. Heller identified the section of the LRTP outlining the proposed projects noting that projects identified within the first five years basically reflect the current program and are already funded and budgeted. Heller identified the Metropolitan Planning Area and briefly discussed the Bicycle and Pedestrian and Roadway components of the LRTP.

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

Kinniburgh relinquished the gavel to Rolinger.

Popp moved and Marchand seconded to recommend approval of the Amendment to the Comprehensive Plan adopting RapidTRIP2035 the Long Range Transportation Plan.

In response to a question from Landguth, Heller stated that the projected increase in construction costs contained within the LRTP is 2% per year.

The motion carried to recommend approval of the Amendment to the Comprehensive Plan adopting RapidTRIP2035 the Long Range Transportation Plan. (7 to 0 to 1 with Christianson, Landguth, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes, with none voting no and with Kinniburgh abstaining)

Rolinger returned the gavel to Kinniburgh.

*27. 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** for 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.

Fisher stated that the stipulations of approval have been completed with the exception of stipulation No. 1 requiring that the Letter of Map Revision be approved by FEMA prior to approval by the Planning Commission. Fisher noted that the applicant will address the Planning Commission concerning this item.

Fisher reviewed the site plans and concept layouts noting that the application was continued during discussions with the neighborhood residents related to traffic issues and the removal of speed tables from the design. Fisher presented the elevations and staff's recommendation for approval with 17 stipulations.

Jerry Foster, FMG Engineering, discussed the status of the FEMA floodplain study for the property and the benefits that can be realized by the neighborhood as a result of the regional detention ponds and water reservoir proposed to be constructed on the property. Foster stated that the floodplain study was submitted to FEMA in February noting that with the submittal and review of an additional checklist, he anticipated receiving the Conditional Letter of Map Amendment in approximately two weeks. Foster requested that stipulation No. 1 be revised to require the Letter of Map Revision to be submitted prior to issuance of a building permit.

Foster stated that the applicant is willing to place a speed table at each of the gateway entries on City Springs Road. Foster requested approval of the application.

Landguth advised that rollover incidents have been reported to occur on traffic islands constructed with standard curb on low speed roads. Discussion followed concerning the potential to install rollover curbs on the traffic islands using State specifications, the cost for installing rollover curb versus standard curb, the speed posted on the road, and the narrower width of the pavement in the both the gateway traffic islands and the smaller traffic islands.

In response to a question from Landguth, Tech indicated that while it is not the City standard, staff is not opposed to the use of rollover curbs on the traffic islands.

In response to a question from Rolinger, Elkins indicated that staff has no objection to amending stipulation No. 1 to require the Letter of Map Revision to be submitted prior to issuance of a building permit.

In response to a question from Rolinger, Fisher advised that the speed tables were removed from the plan at the time the revisions to include narrowed roads and traffic islands were proposed to serve as the traffic calming device. Fisher added that some concerns have been expressed related to snow removal from speed tables noting that staff does not object to the use of speed tables.

In response to a question from Rolinger, Tech indicated that Public Works staff does not believe that the proposed speed tables will cause a significant issue with snow removal.

Rolinger moved and Marchand seconded to approve 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 with the following stipulations:

- 1. Prior to issuance of a building permit, a Letter of Map Revision shall be reviewed and approved by the Federal Emergency Management Agency. In addition, prior to the start of construction within the 100 year federally designated floodplain area, a Floodplain Development Permit shall be obtained as needed;**
- 2. Prior to Planning Commission approval, the Vacation of Right-of-way for City Springs Road shall be approved by the City Council;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the construction plans shall be sealed and signed by a Professional Engineer;**
- 5. Prior to issuance of a building permit, an Erosion and Sediment Control Permit shall be obtained;**
- 6. Prior to issuance of a building permit, a developmental lot agreement shall be signed by the property owner or the property shall be deeded or platted into one lot;**
- 7. Prior to issuance of a building permit, a Wild Fire Mitigation Plan shall be submitted for review and approval. Prior to issuance of a Certificate of Occupancy, the Wild Fire Mitigation Plan shall be completed;**
- 8. Prior to issuance of a Certificate of Occupancy, City Springs Road shall be constructed in compliance with the construction plans submitted September 24, 2010 as a curved street with a minimum of seven landscape islands and reduced pavement widths;**
- 9. Prior to issuance of a Certificate of Occupancy, a turn lane shall be constructed at the eastern terminus of St. Martins Drive as it intersects with Sturgis Road as per the approved Approach Permit from the South Dakota Department of Transportation;**
- 10. Prior to issuance of a Certificate of Occupancy, a minimum of one tree shall be planted in the front yard of each townhome unit. In addition, the landscaping within the landscape islands shall be planted in accordance with the approved landscape plan and shall be irrigated as proposed. All landscaping shall continually be maintained in a live vegetative state and replaced as necessary;**
- 11. The proposed structure(s) shall conform architecturally to the plans, elevations and color palette submitted as part of this Planned Residential Development Plan;**
- 12. A minimum of two off-street parking spaces shall be provided for each townhome at the location of the townhome. In addition, visitor parking**

shall be provided for the proposed townhome units at a rate of one visitor parking space per residential unit located within 300 feet of the residence for a total of 50 visitor parking spaces;

13. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Residential Development. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the Planned Commercial 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 Commercial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. A sign permit shall also be obtained for each individual sign;
14. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
15. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
16. All provisions of the underlying zoning designation(s) shall be met unless otherwise specifically authorized as a stipulation of the Final Residential Development Plan application or a subsequent Major Amendment;
17. The Final Planned Residential Development shall be approved for Phase One to allow the construction of 100 townhomes and the utilities and roads to serve the townhomes. Any change in the proposed use shall require a Major Amendment to the Residential Development Plan. A Major Amendment to the Planned Residential Development shall also be obtained for each subsequent phase of the development. In addition, the Planned Residential Development shall expire if the use is not undertaken and completed as per the phasing plan schedule, with the final phase of development commencing in the Spring of 2016, or if the use as approved has ceased for a period of two years; and,
18. Speed tables shall be constructed at each of the gateway entries on City Springs Road.

Greg Amble stated that the development of the project has been a long and complicated process. Amble expressed thanks to Growth Management staff and the other City departments for working with them on the project. Amble thanked Jerry Foster and his staff for their work on the project. Amble spoke in support of the partnership the project creates with the City and the mutual benefits anticipated as a result of the storm water detention improvements and the expanded City fire protection and water distribution expected from the construction of the water reservoir.

Ron Johnson, area resident, reported that the residents of the Kirkwood Townhome complex were primarily concerned with calming traffic associated with the proposed development. Johnson spoke in support of the proposed addition of the speed tables and thanked City staff and the Good Samaritans for their help to address this issue.

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

The motion carried to approve 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 with the following stipulations:

- 1. Prior to issuance of a building permit, a Letter of Map Revision shall be reviewed and approved by the Federal Emergency Management Agency. In addition, prior to the start of construction within the 100 year federally designated floodplain area, a Floodplain Development Permit shall be obtained as needed;**
- 2. Prior to Planning Commission approval, the Vacation of Right-of-way for City Springs Road shall be approved by the City Council;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the construction plans shall be sealed and signed by a Professional Engineer;**
- 5. Prior to issuance of a building permit, an Erosion and Sediment Control Permit shall be obtained;**
- 6. Prior to issuance of a building permit, a developmental lot agreement shall be signed by the property owner or the property shall be deeded or platted into one lot;**
- 7. Prior to issuance of a building permit, a Wild Fire Mitigation Plan shall be submitted for review and approval. Prior to issuance of a Certificate of Occupancy, the Wild Fire Mitigation Plan shall be completed;**
- 8. Prior to issuance of a Certificate of Occupancy, City Springs Road shall be constructed in compliance with the construction plans submitted September 24, 2010 as a curved street with a minimum of seven landscape islands and reduced pavement widths;**
- 9. Prior to issuance of a Certificate of Occupancy, a turn lane shall be constructed at the eastern terminus of St. Martins Drive as it intersects with Sturgis Road as per the approved Approach Permit from the South Dakota Department of Transportation;**
- 10. Prior to issuance of a Certificate of Occupancy, a minimum of one tree shall be planted in the front yard of each townhome unit. In addition, the landscaping within the landscape islands shall be planted in accordance with the approved landscape plan and shall be irrigated as proposed. All landscaping shall continually be maintained in a live vegetative state and replaced as necessary;**

11. The proposed structure(s) shall conform architecturally to the plans, elevations and color palette submitted as part of this Planned Residential Development Plan;
12. A minimum of two off-street parking spaces shall be provided for each townhome at the location of the townhome. In addition, visitor parking shall be provided for the proposed townhome units at a rate of one visitor parking space per residential unit located within 300 feet of the residence for a total of 50 visitor parking spaces;
13. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Residential Development. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the Planned Commercial 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 Commercial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. A sign permit shall also be obtained for each individual sign;
14. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
15. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
16. All provisions of the underlying zoning designation(s) shall be met unless otherwise specifically authorized as a stipulation of the Final Residential Development Plan application or a subsequent Major Amendment;
17. The Final Planned Residential Development shall be approved for Phase One to allow the construction of 100 townhomes and the utilities and roads to serve the townhomes. Any change in the proposed use shall require a Major Amendment to the Residential Development Plan. A Major Amendment to the Planned Residential Development shall also be obtained for each subsequent phase of the development. In addition, the Planned Residential Development shall expire if the use is not undertaken and completed as per the phasing plan schedule, with the final phase of development commencing in the Spring of 2016, or if the use as approved has ceased for a period of two years; and,
18. Speed tables shall be constructed at each of the gateway entries on City Springs Road. (7 to 0 to 1 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop and Rolinger voting yes, with none voting no and with Wyss abstaining)

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

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

*28. 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** for Lot 2 of Block 1 of Big Sky Business Park, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 747 Timmons Boulevard.

Flaen stated that construction has begun on the landscaping and dumpster screening enclosure and has not been completed. Flaen recommended that the Major Amendment to a Planned Commercial Development be continued to the October 21, 2010 Planning Commission meeting.

Rolinger moved, Marchand seconded and carried unanimously to continue the Major Amendment to the Planned Commercial Development to the October 21, 2010 Planning Commission meeting. (8 to 0 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes and none voting no)

*29. No. 10PD056 - Original Town of Rapid City

A request by FourFront Design, Inc. for Destination Rapid City to consider an application for a **Major Amendment to a Planned Commercial Development** for Lots 1-16, Block 75, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between 5th and 6th Streets, north of Main Street.

Fisher presented the request and noted staff's recommendation for approval of the application with stipulations. Fisher indicated that the stipulations have been met.

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

Wyss moved, Marchand seconded and carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

- 1. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing the awning along the west side of the building located outside of Sixth Street right-of-way. In addition, a detail of the awning shall be submitted for review and approval identifying the dimensions of the awning, building materials and color. A revised elevation shall also be submitted for review and approval showing that the proposed awning provides a minimum 8 foot height above grade;**
- 2. Prior to Planning Commission approval, a revised elevation shall be submitted for review and approval showing that the proposed**

- awnings along the south side of the structure provide a minimum 8 foot height above grade;
3. Prior to Planning Commission approval, revised elevations shall be submitted for review and approval removing the banners from the south elevation;
 4. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the construction plans shall be sealed and signed by a Professional Engineer;
 5. Prior to issuance of a Certificate of Occupancy, the existing structural damage, including damaged drain lines and electrical conduit, shall be repaired;
 6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 7. The proposed structure(s) shall conform architecturally to the plans, elevations and color palette submitted as part of this Major Amendment to the Planned Commercial Development;
 8. The structure shall be constructed in compliance with the approved 11.1 Historic Permit and shall meet all requirements of Section 1-19A-11.1 South Dakota Codified Law Historic Preservation Review Procedures;
 9. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. The proposed electronic public message board shall be located within the parking garage as proposed and shall be used exclusively to display public service messages. 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;
 10. The currently adopted International Fire Code shall be continually met;
 11. A 4 foot front yard setback along Sixth Street and a zero foot front yard setback along Fifth Street shall be continually provided;
 12. The parking garage shall continue to meet all requirements for the Americans with Disability Act;
 13. Minimum 8 ½ foot wide parking stalls with 24 foot wide access lanes shall be allowed as previously granted;
 14. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Major Amendment to the Commercial Development Plan;
 15. The Major Amendment to the Planned Commercial Development shall allow for a parking garage with restrooms, a mechanical room, Zamboni enclosure and equipment storage facility, and bike storage to be located on the property; and,

16. **The Major Amendment to the Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A one year time extension may be granted if requested in writing to the Growth Management Director prior to the Final Development Plan approval expiration date. (7 to 0 to 1 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop and Wyss voting yes, with none voting no and with Rolinger 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.

*30. No. 10PD059 - Rainbow Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Residential Development to allow Municipal Facilities** for Lot CL of Block 2 of Rainbow Ridge Subdivision, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1049 Sagewood Street.

Flaaen presented the request, reviewed the slides and advised that the utility easement has not been secured. Flaaen recommended that the application be continued to the October 21, 2010 Planning Commission meeting to allow the easement to be secured and recorded.

Rolinger left the meeting at this time.

Hani Shafai, Dream Design, advised that the project has already been awarded and requested that stipulation No. 1 be amended to require that the utility easement shall be recorded prior to issuance of a building permit.

In response to a question from Kinniburgh, Elkins stated that staff had no objection to the proposed revision to stipulation No. 1.

Popp moved, Wyss seconded and carried unanimously to approve the Major Amendment to a Planned Residential Development to allow Municipal Facilities with the following stipulations:

1. **Prior to issuance of a building permit, a utility easement for the property shall be recorded with the Register of Deeds Office and a copy of the recorded Easement submitted to the Growth Management Department or the property shall be deeded to the City with the City Council's approval;**
2. **Prior to Planning Commission approval, color details for the proposed building shall be submitted for review and approval;**
3. **Prior to Planning Commission approval, a revised parking plan must be submitted identifying that the handicap "van accessible" space meets the required dimensions;**

4. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structures;
5. All applicable provisions of the currently adopted International Fire Code shall be continually met;
6. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;
7. All International Fire Codes shall be continually met;
8. All driveways shall be constructed as per Section 8.2.7 and Figure 8-5 of the Street Design Criteria Manual;
9. The Planned Residential Development shall allow 51 single family residences and municipal facilities. Any change in use shall require a Major Amendment to the Planned Residential Development;
10. A complete revised site plan for the entire Planned Residential Development boundaries shall be submitted for review and approval prior to issuance of a Building Permit;
11. Prior to issuance of a Certificate of Occupancy, all service lines needing to serve the revised lot layout shall be installed or abandoned at the developer's cost as necessary;
12. The addition of signage shall require an Amendment to the Planned Residential Development as determined by the Growth Management Director. Changes to the 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 Residential Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
13. The proposed structures shall conform architecturally to the plans and elevations submitted;
14. All driveways shall be constructed as per Section 8.2.7 and Figure 8-5 of the Street Design Criteria Manual;
15. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Residential Development or a subsequent Major Amendment; and,
16. The Major Amendment to the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, and Wyss voting yes and with none voting no)

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

Commission.

Fisher requested that items 31 and 32 be considered concurrently.

31. 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.

32. 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.

Fisher advised that the Zoning Board of Adjustment will consider a new appeal for the property on November 2, 2010. Fisher recommended that the Preliminary Plat and the Subdivision Variance be continued to the November 4, 2010 Planning Commission meeting to allow a determination to be made on the Zoning Variance request.

Marchand moved, Christianson seconded and carried unanimously to continue the Preliminary Plat (10PL033) 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 (10SV010) to the November 4, 2010 Planning Commission meeting. (7 to 0 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, and Wyss voting yes and with none voting no)

33. No. 10SC004 - Original Town of Rapid City
A request by Raymond Graff for Dublin Square, Inc. to consider an application for a **Sidewalk Café Permit** for the Main Street right-of-way adjacent to Lots 15 and 16 of Block 83 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3220 West Main Street.

Flaen advised that the stipulations of approval have not been met and recommended that the Sidewalk Café Permit be continued to the October 21, 2010 Planning Commission meeting. Flaen reviewed the legal description for

the property and advised that the property address would be corrected to 504 Mt. Rushmore Road.

Marchand moved, Christianson seconded and carried unanimously to continue the Sidewalk Café Permit request to the October 21, 2010 Planning Commission meeting and to correct the address to reflect 504 Mt. Rushmore Road. (7 to 0 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, and Wyss voting yes and with none voting no)

*34. No. 10UR027 - Owen Mann Tract

A request by Kent Kennedy for Sam Benne and Mitch LaFleur to consider an application for a **Conditional Use Permit to allow mini-storage facilities in a General Commercial Zoning District** for Lot 2 of Lot C of Block 5 of Owen Mann Tract, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of West Rapid Street and Kinney Avenue.

Flaen presented the request and reviewed staff's recommendation for approval of the Conditional Use Permit application with stipulations. Flaen advised that the associated Zoning Variance has been granted and the stipulations of approval have been met.

Sam Benne requested approval of the application.

Marchand moved, Popp seconded and carried unanimously to approve the Conditional Use Permit to allow mini-storage facilities in a General Commercial Zoning District with the following stipulations:

- 1. Prior to Planning Commission approval, the applicant shall obtain a Variance from the Zoning Board of Adjustment to allow a 3 foot circulation aisle in lieu of the required 30 foot circulation aisle for mini-storage facilities, or the applicant shall submit a revised site plan providing the required 30 foot circulation aisle;**
- 2. Prior to issuance of a Building Permit, the applicant shall confirm that adequate fire flows are available for the proposed structure;**
- 3. A Building Permit shall be obtained prior to construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. All applicable provision of the currently adopted International Fire Code shall be continually met;**
- 5. No outdoor storage is approved as part of this Conditional Use Permit. The addition of outdoor storage will require a Major Amendment to the Conditional Use Permit;**
- 6. All applicable provisions of the General Commercial Zoning District shall be continually met;**
- 7. A Sign Permit shall be obtained prior to the installation of any signage;**
- 8. The landscaping shall be installed as per the approved landscape plan and continually maintained in a live, vegetative state, kept free of refuse and debris and replaced when necessary;**
- 9. The permanent off-street parking spaces shall be installed, striped**

- and maintained as per the approved parking plan and shall continually comply with the Off-Street Parking Ordinance;
10. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;
 11. The proposed structure shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Conditional Use Permit; and,
 12. 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. (7 to 0 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, and Wyss voting yes and with none voting no)

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

*35. No. 10UR030 - Atlantis Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Isis Hospitality to consider an application for a **Major Amendment to a Conditional Use Permit to expand an On-Sale Liquor Establishment** for Lot 1 Revised of Atlantis Subdivision located in the W1/2 SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1416 North Elk Vale Road.

Flaen presented the application and noted that the recommended stipulations of approval have been met with the exception that the covenant agreement has not been signed, recorded and returned as required in stipulation No. 1. Flaen recommended that the Major Amendment to a Conditional Use Permit be continued to the October 21, 2010 Planning Commission meeting.

Janelle Finck, Fisk Land Surveying & Consulting Engineers, requested that stipulation No. 1 be revised to require that the covenant agreement be signed and recorded prior to initiation of expansion of the on-sale liquor use. Finck noted that the document has been approved to be executed by the City and is in transit in that process.

In response to a question from Kinniburgh, Elkins stated that staff had no objection to the proposed revision to stipulation No. 1.

Popp moved, Marchand seconded and carried unanimously to approve the Major Amendment to a Conditional Use Permit to expand an On-Sale Liquor Establishment with the following stipulations:

1. **Prior to initiation of the expansion of the On-Sale Liquor Establishment use, the City Council shall authorize the Mayor and Finance Officer to**

sign a Covenant Agreement with Atlantis, LLC for shared parking facilities and a signed and recorded copy of the Covenant Agreement shall be submitted to the Growth Management Department;

2. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. All applicable provisions of the currently adopted International Fire Code shall be continually met;
4. The Major Amendment to the Conditional Use Permit shall allow for the expansion of the existing on-sale liquor establishment to include serving alcoholic beverages to the general public and not limited to patrons of the hotel and/or waterpark uses;
5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
6. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan; and,
7. The Major Amendment to the Conditional Use Permit shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop and Wyss voting yes and with none voting no)

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

36. Discussion Items

A. Sidewalk Requirements

Heller indicated that possible changes to the ordinances relating to sidewalk requirements were discussed at a special Planning Commission meeting and an open house.

Heller advised that the proposed amendment to Section 12.16.080 of the Rapid City Municipal Code would require the installation of a sidewalk when a property is redeveloped or expanded by 20% or more. Heller noted staff's recommendation for approval of the proposed amendment.

Heller stated that the amendments contemplated for Section 12.16.070 would increase the width of sidewalks to 5 feet on certain roadways to meet ADA requirements. Heller indicated that the amendment as proposed would require a 4 foot wide sidewalk on lane place and local roads and other roads would be required to construct a 5 foot wide sidewalk. Heller noted staff's recommendation for approval of the proposed amendment.

Heller indicated that the proposed amendment to Section 16.16.090 would require sidewalks be constructed within a certain time frame. Heller noted

that this issue generated the most discussion from the public. Heller added that the developers and consultants felt that the ordinance adopted in 2006 requiring installation of sidewalks at the time of issuance of a building permit has not been in place long enough to allow there to be a determination that the ordinance should be revised. Heller stated that based on the work of the Council Development Committee to create the existing ordinance and the concerns expressed by the public; staff does not recommend moving forward with revisions to the time frames for installation of sidewalks. Heller described a discrepancy in the interpretation of Section 16.16.090 related to the installation of sidewalk connections between corner ramps. Heller advised that staff recommends that the current ordinance be amended to clarify that sidewalk connections between corner ramps are required to be constructed and to require that sidewalks be constructed at the time of street construction in the three-mile platting jurisdiction.

Heller indicated that there was no opposition expressed to the proposed ordinance amendment to add Section 17.50.305 to require a sidewalk connection from the right-of-way to a building. Heller indicated that the Code does not currently require that connection. Heller noted staff's recommendation to move forward with the proposed amendment.

Marchand moved, Wyss seconded and carried unanimously to authorize staff to advertise for public hearing to consider amendments to Sections 12.16.080, 12.16.070, 16.16.090 and 17.50.305. (7 to 0 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop and Wyss voting yes and with none voting no)

There being no further business, Marchand moved, Christianson seconded and unanimously carried to adjourn the meeting at 8:13 a.m. (7 to 0 with Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop and Wyss voting yes and none voting no)