

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 21, 2010

MEMBERS PRESENT: Erik Braun, John Brewer, Eric Christianson, Linda Marchand, Dennis Popp, Kay Rippentrop, Andrew Scull and Dave Davis, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Jim Flaaen, Ted Johnson, Dale Tech, Jack Tomac, Mike Schad and Andrea Wolff.

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

Elkins noted that no officers were present and requested that Scull be appointed temporary Chairman. **Brewer motioned, Popp seconded and carried unanimously to appoint Scull as Chairman. (7 to 0 with Braun, Brewer, Christianson, Marchand, Popp, Rippentrop and Scull voting yes and none voting no)**

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

Staff requested that Items 13, 14, and 16 be removed from the Consent Agenda for separate consideration.

Motion by Marchand, Seconded by Christianson and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 17 in accordance with the staff recommendations with the exception of Items 13, 14 and 16. (7 to 0 with Braun, Brewer, Christianson, Marchand, Popp, Rippentrop and Scull voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the October 7, 2010 Planning Commission Meeting Minutes.
2. No. 10CA034 - Section 32, T2N, R8E
Summary of Adoption Action for an Amendment to the adopted Comprehensive Plan to change the land use designation from General Commercial to Light Industrial with a Planned Industrial Development for a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, B.H.M., located in the NE1/4 of the SW1/4, Section 32, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota more fully described as follows: commencing at the southwesterly corner of the dedicated right-of-way of East Anamosa Street as shown in Plat Book 28, Page 22, and the Point of Beginning; thence, first course: S45°16'55"W, a distance of 194.01 feet; thence, second course: N89°52'32"W, a distance of 317.97 feet; thence, third course: N00°07'28"E, a distance of 180.00 feet; thence, fourth course: N45°11'32"E, a distance of 394.23 feet, to a point on the westerly edge of the right-of-way of said East Anamosa Street; thence, fifth

course: southeasterly, along the westerly edge of the right-of-way of said East Anamosa Street, curving to the right on a curve with a radius of 800.00 feet, a delta angle of 26°30'33", an arc length of 370.14 feet, a chord bearing of S28°37'25"E, and a chord distance of 366.84 feet, to the southwesterly corner of the dedicated right-of-way of East Anamosa Street, and the Point of Beginning, more generally described as being located approximately 1/4 mile south of the intersection of North Creek Drive and East Anamosa Street.

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

*3. No. 10PD061 - Millard Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Black Hills Lutheran Schools Association, Inc. to consider an application for a **Major Amendment to a Planned Residential Development to allow a School** for Lots 24-38 of Block 9 of Millard Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 Wood Avenue.

Planning Commission approved the Major Amendment to a Planned Residential Development to allow a School with the following stipulations:

1. **A minimum 24.2 feet front yard setback along the west property line and a minimum 32 foot side yard setback from the north property line shall be authorized for the existing structures. Any expansion, additions or reconstruction of the building in the event the existing building is removed or damaged beyond 50% of its value, shall comply with the minimum 35 foot required setback for a church in a Medium Density Residential Zoning District or a Major Amendment to the Planned Residential Development shall be obtained;**
2. **Prior to initiation of construction, a building permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;**
3. **All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;**
4. **A minimum of 29 off-street parking spaces shall be provided at Phase One of development. A minimum of 32 off-street parking spaces shall be provided at Phase Two of development. A minimum of 34 off-street parking spaces shall be provided at Phase Three of Development. In addition, a minimum of two handicap accessible spaces with one "van" handicap accessible space shall be provided at all times. The parking shall be installed and striped as per the approved parking plan and all provisions of the Off-Street Parking Ordinance shall be continually met;**
5. **All signage shall conform to the design, color and location as shown in the sign package approved as a part of the Planned Residential 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 Residential 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 Residential 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. A minimum of 38,090 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 as necessary;
 7. The property shall be used as a church and a middle school. Any change in use will require a Major Amendment to the Planned Residential Development;
 8. 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;
 9. Prior to issuance of a Building Permit, a revised detail for the dumpster screening fence shall be submitted for review and approval;
 10. All altered portions of the building shall be made handicap accessible; and,
 11. The Major Amendment to the Planned Residential Development shall expire if the use is not undertaken and completed as per the phasing plan schedule. Phase One shall commence within two years of the date of approval by the Planning Commission. Phase Two shall commence within three years of the date of approval by the Planning Commission. If Phase Two has not commenced within three years of the date of approval by the Planning Commission, a Major Amendment for Phase Two shall be obtained prior to its commencement. Phase Three shall commence within five years of the date of approval by the Planning Commission. If Phase Three has not commenced within five years of the date of approval by the Planning Commission, a Major Amendment shall be obtained prior to its commencement. In addition, the Major Amendment to the Planned Residential Development shall expire 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.

4. No. 10PL028 - White Eagle Ranch
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots A and B of White Eagle Ranch, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 14870 East Highway 44.

Planning Commission recommended that the Preliminary Plat be continued

to the November 4, 2010 Planning Commission meeting.

5. 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 recommended that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the November 4, 2010 Planning Commission meeting.

6. 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 recommended that the Planning Commission acknowledge the applicant's withdrawal of the Layout Plat.

7. 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 recommended that the Preliminary Plat be continued to the November 4, 2010 Planning Commission meeting.

*8. 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 53.93 feet; 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 November 4, 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.

9. No. 10PL062 - Flannery Subdivision
A request by D.C. Scott Co. Land Surveyors for Kelly Flannery to consider an application for a **Layout Plat** for proposed Lots 2 and 3 of Flannery Subdivision, legally described as a portion of Lot 1 of the SE1/4 SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south side of Sheridan Lake Road between Dunsmore Road and Croyle Avenue.

Planning Commission recommended that the Layout Plat be continued to the November 4, 2010 Planning Commission meeting.

10. 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 recommended that the Preliminary Plat be approved with the following stipulations:

1. **Prior to City Council approval of the Preliminary Plat, construction plans shall be submitted for review and approval showing W. Nike Road constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised dedicating an additional five feet of right-of-way along W. Nike Road;**
2. **Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow the property to be served from the high pressure water service system in lieu of the low pressure water service system or construction plans shall be submitted for review and approval showing the property served from the low pressure water service system;**
3. **Prior to Preliminary Plat approval by the City Council, copies of the approved Conditional Letter of Map Revision from the Federal Emergency Management Agency and the approved 404 Permit from the Corp of Engineers shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, a geotechnical report including pavement design shall be submitted for review and approval if subdivision improvements are required. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;**
5. **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;**
6. **Prior to Preliminary Plat approval by the City Council, a grading plan and a drainage plan shall be submitted for review and approval if subdivision improvements are required;**
7. **Prior to Preliminary Plat approval by the City Council, 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 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.

11. 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 recommended that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit and sewer along West Nike Road be approved with the following stipulation:

- 1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the street improvements; and,**

That the Variance to the Subdivision Regulations to waive the requirement to install water along West Nike Road be denied.

*12. 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.

Planning Commission approved the Conditional Use Permit to allow a cellular communication tower in the General Commercial 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. The proposed accessory equipment shall be installed within the existing penthouse as per the approved plan;**
- 4. Off-street parking in compliance with the adopted Off-Street Parking Ordinance shall be provided at which time a cumulative 20% expansion of gross square footage from existing conditions is achieved. Off-street parking facilities shall be installed, striped and maintained in compliance with the adopted Off-Street Parking Ordinance;**

5. Landscaping in compliance with the adopted Landscape Ordinance shall be provided at which time a cumulative 20% expansion of gross square footage from existing conditions is achieved. Landscape shall be installed in compliance with the adopted Landscape Ordinance and continually maintained in a live vegetative state, kept free of refuse and debris and replaced when necessary;
6. The two driveway approaches onto the property from East Philadelphia Street shall be combined into one approach at the time East Philadelphia Street is constructed;
7. All applicable provisions of the currently adopted International Fire Code shall be continually met;
8. All provisions of the General Commercial Zoning District shall be continually met; and,
9. The Conditional Use Permit shall expire if the use as approved is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

*15. No. 10UR033 - Kovarik Subdivision

A request by Shannon Schad to consider an application for a **Conditional Use Permit to allow an oversized garage in the Park Forest Zoning District** for Tract 1 of Kovarik Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5353 Berglund Road.

Planning Commission approved the Conditional Use Permit to allow an oversized garage in the Park Forest Zoning District with the following stipulations:

1. Prior to issuance of a Building Permit approval, a grading and drainage plan shall be submitted for review and approval;
2. Prior to the issuance of a Building Permit, the applicant shall file a Covenant Agreement with Register of Deeds indicating that the garage will only be used for residential purposes and a copy submitted to the Growth Management staff;
3. A Building Permit shall be obtained prior to construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. All applicable provisions of the currently adopted International Fire Code shall be continually met;
5. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit; and,
6. The proposed structures shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Conditional Use Permit; and,
7. 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.

*17. No. 10UR035 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **Conditional Use Permit to allow temporary structures in the Flood Hazard Zoning District** for Tract 17 less Lot H1 of Rapid City Greenway Tract, Sections 34 and 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in Founders Park.

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

1. Prior to the initiation of the event, a Special Exception to the Flood Area Construction Regulations be approved by City Council;
2. Prior to the initiation of the event, a Temporary Use Permit shall be obtained;
3. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works Director;
4. That the structures for the event be removed that evening after the event has ceased;
5. That contact information and telephone numbers for the event staff during the event shall be provided to the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works Director;
6. That no overnight camping shall be permitted;
7. That the event, parking and portable restroom areas be set up and utilized in conformance with the approved plans;
8. All signage shall comply with the requirements of the Sign Code. In addition, a Sign Permit shall also be obtained for each sign prior to installation; and,
9. The Conditional Use Permit shall expire if the use as approved is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Elkins requested items 13, 14 and 16 be considered concurrently.

- *13. No. 10UR031 - Section 12, T1N, R7E
A request by Stephen Parker for General Dynamics to consider an application for a **Major Amendment to a Conditional Use Permit to allow Microcell Wireless Communication Facilities on Buildings 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.
- *14. No. 10UR032 - Rushmore Regional Industrial Park
A request by General Dynamics for AT&T Mobility to consider an application for a **Conditional Use Permit to allow a Cellular Communications Tower and Accessory Structures in a Light Industrial Zoning District** for Lot 1 of Block 3 of Rushmore Regional Industrial Park, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 Turbine Drive.
- *16. No. 10UR034 - McMahon Industrial Park No. 2
A request by General Dynamics for AT&T Mobility to consider an application for a **Conditional Use Permit to allow a Cellular Communications Tower in the General Commercial Zoning District** for Lot 2 of Block 9 of McMahon Industrial Park No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3060 Haines Avenue.

Elkins requested these items be removed from Consent agenda as the receipts had not been received prior to the meeting as required by Ordinance and requested that the item(s) be continued to the November 4, 2010 Planning Commission meeting. Elkins advised that should the receipts be received prior to the end of the meeting the items could be reconsidered at that time.

Brewer motioned, seconded by Braun and carried unanimously to continue items to the November 4, 2010 Planning Commission meeting. (7 to 0 with Braun, Brewer, Christianson, Marchand, Popp, Rippentrop and Scull voting yes and none voting no)

- *18. 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 noted that the Major Amendment to a Planned Development to revise the sign package has been before the Commission for some time now, but that all required changes including fence enclosures, signage corrections and landscaping have been completed. Flaen recommended that the item be

approved with stipulations.

Dennis Hettich, of Conrad Signs representing Don's Valley Market, said he was available to answer any questions.

In response to Braun question Hettich confirmed that the LED sign was for onsite advertisement.

Braun moved, Brewer seconded and carried to approved the Major Amendment to the Planned Commercial Development with the following stipulations:

- 1. A Sign Permit shall be obtained prior to the installation of any new signage and a Sign Permit shall be obtained for the existing signage on the property approved through this Major Amendment to the Planned Commercial Development;**
- 2. All signage shall conform to the approved sign package. The addition of additional electronic signage will require 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. 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);**
- 3. A minimum of 96,030 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;**
- 4. A minimum of 128 parking spaces shall be provided with five handicap accessible spaces. Two handicap accessible spaces shall be "van" accessible. In addition, three stacking spaces and one service space shall be provided for the coffee kiosk drive through window. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 5. All permitted uses within the General Commercial Zoning District shall be authorized as permitted uses within the Planned Commercial Development. The addition of Conditional Uses as identified in Chapter 17.18.030 of the Rapid City Municipal Code shall require a Major Amendment to a Planned Commercial Development. Specifically, the addition of any additional on-sale liquor establishments shall require a Major Amendment to a Planned Commercial Development;**
- 6. Additions and/or expansions to the existing structures, determined by the Growth Management Director to be consistent with Chapter 17.50.070.B of the Rapid City Municipal Code, may be allowed as a Minimal Amendment to the Planned Commercial Development. Any other additions and/or expansions will require a Major Amendment to the Planned Commercial Development; and,**
- 7. 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. (7 to 0 with Braun, Brewer, Christianson, Marchand, Popp, Rippentrop and Scull voting yes and none voting no)

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

Fisher requested that items 19 and 20 be considered concurrently.

*19. 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.

*20. 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 stated that staff had received written notice from the applicant withdrawing the requests. She indicated that staff recommends acknowledgement of the applicant's withdrawal.

Brewer stated he would be abstaining from voting on this item.

Braun moved, seconded by Popp to acknowledge applicant's withdrawal of the Major Amendment to the Fairway Hills Planned Residential Development to reduce the boundaries of the Planned Development and the Major Amendment to the Fairway Hills Planned Residential Development to reduce the boundaries of the Planned Development. (6 to 0 to 1 with Braun, Christianson, Marchand, Popp, Rippentrop and Scull voting yes, with none voting no and Brewer abstaining)

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

business on the seventh full calendar day following action by the Planning Commission.

*21. No. 10PD060 - Rushmore Crossing

A request by BFA, Inc. for Midland Rushmore, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** for Lot 1 of Block 2 of Rushmore Crossing, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 925 Eglin Street.

Fisher presented the Major Amendment to a Planned Commercial Development noting that the applicant has agreed to correct the color differences between the rooftop units and roof membrane as defined in the original stipulations of approval. Fisher stated that, with this correction, staff recommends that the request be approved with stipulations.

Scull advised that he would abstain from item 21 and 22.

Scull relinquished the gavel to Brewer.

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

- 1. A minimum of 637 parking spaces shall be provided with 13 of the parking spaces being handicap accessible spaces. Two of the handicap spaces shall be “van accessible”. In addition, three stacking lanes shall be provided for each individual fueling station. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 2. A minimum of 504,098 landscaping points with a minimum of 15 planter islands shall be provided. In addition, the landscaping shall be in accordance with the approved plans. All landscaping shall also be continually maintained in a live vegetative state and replaced as necessary;**
- 3. The roof top units and the roof membrane shall be the same color. In addition, the proposed structure(s) shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of the Initial and Final Planned Commercial Development;**
- 4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 5. Prior to setting the signal at the intersection of Eglin Street and Approach No. 9, a traffic signal warrant analysis, signed and sealed by a licensed South Dakota Professional Engineer, verifying that warrants are being met shall be submitted for review and approval. If the traffic signal warrant analysis demonstrates that a signal is required, then the signal shall be installed;**
- 6. An Air Quality Permit application shall be submitted for review and approval prior to any surface disturbance of one acre or more. In particular, the Air Quality Permit shall include the owner’s signature, identify the local contractor, describe the location of the work area and**

- include a site plan;
7. The compactor and the bale and pallet area shall be located in compliance with the proposed plan and screened along all four sides as proposed;
 8. No outdoor storage of palettes, card board boxes or other similar materials shall be allowed outside of the screened bale and pallet area. In addition, no storage of semi-trailers shall be allowed on the property;
 9. The outdoor display area shall be designed and located in compliance with the proposed plan;
 10. The three rail white fencing shall be allowed on a temporary basis only. Once the development has been completed, the fence shall be removed on a phase by phase basis;
 11. The retaining wall shall be constructed in compliance with the approved plans. In addition, a Permit to Work in the Right-of-way shall be obtained if needed;
 12. 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. 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. 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 Truck Route Plan shall continually meet the minimum radii and turning movement requirements;
 14. An east-west pedestrian sidewalk shall be provided as proposed as a part of the construction of the Sam's Club site. The proposed north-south pedestrian sidewalk shall be constructed along the east side of the access aisle when future development occurs on the adjacent properties. In particular, the sidewalk shall be allowed to be constructed in phases contingent upon a pedestrian sidewalk being extended from Eglin Street to the specific building site;
 15. The currently adopted International Fire Code shall be continually met;
 16. The lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 17. A retail store and a gas station shall be allowed on the property. In addition, no overnight camping or overnight recreational vehicle parking shall be allowed. Any other use of the property shall require the review and approval of a Major Amendment to the Commercial Development Plan;
 18. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Commercial Development Plan application or a subsequent Major Amendment; and,

19. **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 time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (6 to 0 to 1 with Braun, Christianson, Marchand, Popp, Rippentrop and Brewer voting yes, with none voting no and Scull abstaining)**

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

- *22. No. 10PD062 - Stoney Creek South Subdivision

A request by Arc International, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development to construct a Commercial Structure** for Lot 4 of Block 1 of Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5808 Sheridan Lake Road.

Fisher presented the staff's recommendation to continue the item to the November 4, 2010 Planning Commission meeting.

Christianson moved, Braun seconded and carried to continue the Major Amendment to a Planned Commercial Development to construct a commercial structure to the November 4, 2010 Planning Commission meeting. (6 to 0 to 1 with Braun, Christianson, Marchand, Popp, Rippentrop and Brewer voting yes, with none voting no and Scull abstaining)

Brewer returned the gavel to Scull

Fisher requested that items 23 and 24 be heard concurrently.

23. 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 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.

24. 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.

Fisher presented the applications and reviewed slides. Fisher stated that since the plat no longer abuts East North Street, the Variance request to waive the requirement to provide sewer along East North Street is no longer required. Fisher stated that staff recommends denying the request. Fisher stated that staff recommends the request to reduce the right-of-way from the minimum 100 feet to 80 feet with 10 feet easement be denied as North Creek Drive is identified as a minor arterial street on the City's Major Street Plan. Fisher indicated that the minimum right-of-way of 100 feet allows for future growth and development of turn lanes as needed along the street.

Fisher identified sidewalk locations in response to request from Brewer.

In answer to question from Scull, Fisher clarified that North Creek Drive is identified as a minor arterial street noting that the street could eventually be improved to five lanes with additional turning lanes.

Bob Brandt expressed his opinion on the potential future development in the area and stated that he believes the 80 feet right-of-way with 10 foot wide easement are adequate.

In response to a question from Scull, Fisher stated that the proposed utility easements are in addition to the right-of-way.

Doug Sperlich discussed the right-of-way plans noting the right-of-way for other recently platted sections in the area are 80 feet.

Discussion followed regarding the possible need to purchase additional right-of-way, the location of the storm water detention cell and the affect on building setbacks, the need for turn lanes, and zoning of property in the area.

In response to Marchand's comment that she strongly supports sidewalks for community safety, Sperlich noted that the developer intends to install sidewalks.

In response to a question from Braun, Fisher clarified that the original application did include a request to waive installation of sidewalks but it is her understanding that the request has been removed.

Discussion continued regarding street designations and future street development and existing right-of-way.

Braun moved, Marchand seconded and carried unanimously to recommended that the Preliminary Plat be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, construction plans for North Creek Drive shall be submitted for review and approval showing the street located within a minimum 100 foot wide right-of-way and constructed with a sewer main along the entire street and a sidewalk along the west side of the street or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, construction plans for Century Road shall be submitted for review and approval showing the construction of a sewer main along the entire street or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to Preliminary Plat approval by the City Council, the 30 foot wide sanitary sewer easement and the 10 foot wide utility, parking and access easement located outside the boundaries of the Preliminary Plat shall be recorded at the Register of Deed's Office as miscellaneous document(s) or the plat document shall be revised to include these areas within the boundaries of the Preliminary Plat;**
- 5. Prior to Preliminary Plat approval by the City Council, Lot 3 less Lot H1 located in Section 32, T2N, R8E shall be under different ownership than Vantage Properties, LLC or Century Resources, Inc. or a revised Master Plan shall be submitted for review and approval which includes Lot 3. In addition, the Master Plan shall identify an alternate access to Lot 3, eliminating the approach directly onto E. North Street;**
- 6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 7. 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;**
- 8. Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and,**
- 9. 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, and**

That the Variance to the Subdivision Regulations to waive the requirement to install sewer and sidewalk along East North Street be denied;

That the Variance to the Subdivision Regulations to waive the requirement

to provide 20 additional feet of right-of-way along North Creek Drive be approved;

That the Planning Commission acknowledge the applicants withdrawal of the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along the west side of North Creek Drive , and;

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along North Creek Drive and along Century Road be approved with the following stipulation:

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

Fisher requested that items 25 and 26 be considered concurrently.

25. No. 10PL073 - S and S Subdivision

A request by Fisk Land Surveying & Consulting Engineers for James Steele to consider an application for a **Layout Plat** for proposed Lot 1 of S and S Subdivision legally described as that portion of the SE1/4 SE1/4 SE1/4 of Section 25, T2N, R6E, lying South and West of Lot H-1 of said SE1/4 SE1/4 SE1/4, BHM, Pennington County, South Dakota, more generally described as being located along the south side of Sun Ridge Road west of the intersection of Sun Ridge Road and Aztec Drive.

26. No. 10SV021 - S and S Subdivision

A request by Fisk Land Surveying & Consulting Engineers for James Steele to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Sun Ridge Road and the Section Line Highway and to waive the requirement to dedicate right-of-way along the Section Line Highway per Chapter 16 of the Rapid City Municipal Code** for proposed Lot 1 of S and S Subdivision, legally described as that portion of the SE1/4 SE1/4 SE1/4 of Section 25, T2N, R6E, lying South and West of Lot H-1 of said SE1/4 SE1/4 SE1/4, BHM, Pennington County, South Dakota, more generally described as being located along the south side of Sun Ridge Road west of the intersection of Sun Ridge Road and Aztec Drive.

Fisher presented the applications and reviewed slides noting that the Preliminary Plat approved in 2008 has expired. Fisher also noted that a Variance to Subdivision regulations associated with the plat was approved in 2008. She noted that since that time the Source Water Protection Policy has been requiring the installation of dry sewer as required by ordinance. Fisher presented staff's recommendation that the Variances for street improvements be approved and that the Variance to waive the requirement for sewer to be installed be denied.

Janelle Finck, Fisk Engineering, reviewed the request and its history noting that the prior request for the Variance had been granted; however, the associated pending sale did not take place, so they are making the requests again. Fink addressed future development plans in relation to this request indicating it may be years before sewer is connected to the area and requested that the requirement for dry sewer installation be waived.

In response to Braun's question, Fisher confirmed that the waiver of right to protest as currently written does not include sewer.

Brewer stated that although he does not have full understanding of the water, sewer and septic development as it affects this area, his intentions are to be a good steward as development moves this direction. Brewer stated that he is comfortable with the motion.

Braun agreed that preserving water quality is important but does not believe installing dry sewer years in advance of potential sewer development is necessary.

Scull concurred with Braun's comments.

Brewer moved, Popp seconded recommended that the Layout Plat be approved with the following stipulations:

- 1. Upon submittal of the Preliminary Plat application, road construction plans for Sun Ridge Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Upon submittal of the Preliminary Plat application, road construction plans for the section line highway shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated. The adjacent property owner shall participate in the platting or vacation of the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way. In particular, the road shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Upon submittal of the Preliminary Plat application, a grading plan and a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;**
- 4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided.**
- 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then**

- an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;
6. Upon submittal of the Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval;
 7. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
 8. 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. In addition, the note currently shown on the plat shall be removed stating that “on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile information is not sufficient for conventional systems”;
 9. Upon submittal of a Final Plat application, surety shall be posted and subdivision inspection fees shall be paid as required;
 10. Prior to the City’s acceptance of the public improvements, a warranty surety be submitted for review and approval as required; and,
 11. 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, and;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Sun Ridge Road and the section line highway and to waive the requirement to dedicate right-of-way along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Sun Ridge Road shall continually be maintained with a 24 foot wide chip seal surface;
 2. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the street improvements. (7 to 0 with Braun, Brewer, Christianson, Marchand, Popp, Rippentrop and Scull voting yes and none voting no)
27. 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 504 Mt. Rushmore Road.

Flaaen presented staff’s recommendation to continue the item to the November

4, 2010 Planning Commission meeting.

Brewer moved, Marchand seconded and carried unanimously to continue the Sidewalk Café Permit to the November 4, 2010 Planning Commission meeting. (7 to 0 with Braun, Brewer, Christianson, Marchand, Popp, Rippentrop and Scull voting yes and none voting no)

28. No. 10SE007 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **Special Exception to the Flood Area Construction Regulations** for Tract 17 less Lot H1 of Rapid City Greenway Tract, Sections 34 and 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in Founders Park.

Tech advised that the Flood Plain Development Permit was denied as the structures cannot be adequately flood-proofed. Tech indicated that as the City participates in the National Flood Insurance Program, staff recommends denial of the request. Tech noted that the Planning Commission has recommended approval of similar events in the past with the following stipulations:

1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director, or the Public Works director; and,
2. That the structures for the event be removed that evening after the event has ceased.

In response to a question from Scull, Tech said that he believes that any permanent structure built in the floodway would have to meet the requirements of the flood plain ordinance.

In response to a question from Brewer about recent City Council discussions on special events, Tech said he believes that the Council discussion was associated to other issues.

Brewer discussed his support of this and other such events that promote the area.

In response to Scull's question, Tech stated that the site plan indicates that the proposed structures are outside of the Floodway.

Brewer motioned, Marchand seconded and unanimously carried to recommend that the Special Exception to the Flood Area Construction Regulations to allow temporary structures in the flood plain be approved with the following stipulations:

1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director; and,
2. That the structures for the event be removed that evening after the event has ceased. (7 to 0 with Braun, Brewer, Christianson, Marchand, Popp, Rippentrop and Scull voting yes and none voting

no)

*29. No. 10UR025 - Riverside Addition

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to allow an off-premise sign in the General Commercial Zoning District** for Lots 21 through 32 of Block 5 of Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1002 West Main Street.

Flaen presented the request noting that the applicant's request had been approved by the Sign Code Board of Appeals and that staff recommends approval as the request involves the relocation of an existing billboard.

Terry Olson, of Lamar Advertising presented information on current and proposed billboards and locations. Olson stated that the proposed location will free up the parking lot area after the removal of the building currently on the lot. He indicated that Lamar proposes to reduce the size of the billboard and remove the overhead wires.

Braun moved, Brewer seconded and carried unanimously to approve the application for Conditional Use Permit to allow an off-premise sign in the General Commercial Zoning District. (7 to 0 with Braun, Brewer, Christianson, Marchand, Popp, Rippentrop and Scull voting yes and none voting no)

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

Elkins informed the Commission that they had received a FedEx delivery during the meeting and she requested that items 13, 14, and 16 be reviewed at this time.

Braun moved, Popp seconded and carried unanimously to reconsider items 13, 14 and 16.

Elkins requested items 13, 14 and 16 be considered concurrently.

*13. No. 10UR031 - Section 12, T1N, R7E

A request by Stephen Parker for General Dynamics to consider an application for a **Major Amendment to a Conditional Use Permit to allow Microcell Wireless Communication Facilities on Buildings 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.

*14. No. 10UR032 - Rushmore Regional Industrial Park

A request by General Dynamics for AT&T Mobility to consider an application for a **Conditional Use Permit to allow a Cellular Communications Tower and Accessory Structures in a Light Industrial Zoning District** for Lot 1 of Block 3 of Rushmore Regional Industrial Park, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 Turbine Drive.

*16. No. 10UR034 - McMahon Industrial Park No. 2

A request by General Dynamics for AT&T Mobility to consider an application for a **Conditional Use Permit to allow a Cellular Communications Tower in the General Commercial Zoning District** for Lot 2 of Block 9 of McMahon Industrial Park No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3060 Haines Avenue.

Elkins presented staff's recommendation to approve the requests with stipulations. She stated that Flaaen had pulled the files and confirmed that postal notifications for each of the items have been received.

Braun moved, Popp seconded and carried unanimously to approved the Major Amendment to a Conditional Use Permit to allow Microcell Wireless Communication Facilities on Buildings 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 firefighting 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 and,

Braun moved, Popp seconded and carried unanimously to approved the Conditional Use Permit to allow a Cellular Communications Tower and Accessory Structures in a Light Industrial 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. The proposed accessory equipment shall be installed within the existing equipment shelter as per the approved plan;
4. A minimum of 241 parking spaces shall be continually provided. Off-street parking facilities shall be installed, striped and maintained in compliance with the adopted Off-Street Parking Ordinance;
5. A minimum of 422,564 landscape points shall be provided. Landscape shall be installed in compliance with the adopted Landscape Ordinance and continually maintained in a live vegetative state, kept free of refuse and debris and replaced when necessary;
7. All applicable provisions of the currently adopted International Fire Code shall be continually met;
8. All provisions of the Light Industrial Zoning District shall be continually met; and,
9. The Conditional Use Permit shall expire if the use as approved is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years and,

Braun moved, Popp seconded and carried unanimously to approved the Conditional Use Permit to allow a Cellular Communications Tower in the General Commercial 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. The proposed accessory equipment shall be installed within the existing equipment shelter as per the approved plan;
4. All applicable provisions of the currently adopted International Fire Code shall be continually met;
5. All provisions of the General Commercial Zoning District shall be continually met;
6. The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority;
7. The tower shall remain unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;
8. No commercial advertising signage shall be allowed on the tower;
9. Landscaping in compliance with the adopted Landscape Ordinance shall be provided at which time a cumulative 20% expansion of gross square footage is achieved. Landscape shall be installed in compliance with the adopted Landscape Ordinance and continually maintained in a live vegetative state, kept free of refuse and debris and replaced when necessary;
10. That all requirements of the Off-Street Parking Ordinance shall be continually met; and,
11. The Conditional Use Permit shall expire if the use as approved is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a

period of two years. (7 to 0 with Braun, Brewer, Christianson, Marchand, Popp, Rippentrop and Scull voting yes and none voting no)

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

30. Discussion Items

31. Staff Items

- A. Review of Sidewalk Cafes
Elkins requested this item be continued to the November 4, 2010 Planning Commission meeting.

Brewer moved, Braun seconded and carried unanimously to continue to the November 4, 2010 Planning Commission approved.

Elkins recognized and thanked staff for their efforts.

Brewer reported that City Council discussed the appointment of the new Sign Code Task Force. Davis stated that City Council approved 12 members. Davis noted that the moratorium on off premise advertising is in place until February 2011. Discussion followed regarding signage.

32. Planning Commission Items

There being no further business, Marchand moved, Christianson seconded and unanimously carried to adjourn the meeting at 8:30 a.m. (7 to 0 with Braun, Brewer, Christianson, Marchand, Popp, Rippentrop and Scull voting yes and none voting no)