

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 4, 2010

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

STAFF PRESENT: Marcia Elkins, Monica Heller, Vicki Fisher, Karen Bulman, Patsy Horton, Jim Flaaen, Tim Behlings, Mike Schad, Dale Tech, Ted Johnson and Risë Ficken.

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

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

Staff requested that Items 5, 6 and 7 be removed from the Consent Agenda for separate consideration.

Brewer requested that Items 11 and 19 be removed from the Consent Agenda for separate consideration.

Motion by Rolinger, seconded by Kinniburgh and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 20 in accordance with the staff recommendations with the exception of Items 5, 6, 7, 11 and 19. (9 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger and Wyss voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the October 21, 2010 Planning Commission Meeting Minutes.
2. No. 02TI003 - Disk Drive Extension
A request by City of Rapid City to consider an application for the **Dissolution of Tax Increment District No. 36** for Lot 1 of Block 1, & Dedicated right-of-way, of Tires Plus Addition, located in the NE1/4 of the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 1R and 2R of Five Star Subdivision and dedicated public right-of-way shown as Disk Drive, located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tracts 4-C of Parcel #4, and Tracts 4-A, C and D, all located in the SE1/4 NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots A, B & C of Lot 1 of Block 1 of Geld Subdivision and Lots 2 & 3 of Geld Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Parcel #3 in SW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Parcel #7 in SW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, described by metes and bounds as follows: Beginning on the West Section Line at the Northwest corner of the SW1/4 NW1/4 of said Section 25; thence East

along the one-sixteenth line a distance of 350 feet to the TRUE POINT OF BEGINNING, thence due South a distance of 145 feet; thence North 76 degrees 15 feet East a distance of 610 feet to the East-West one-sixteenth line; thence West along the one-sixteenth line a distance of 592.6 feet to the true point of beginning; Lot 18 (except that portion of Lot 18 platted as Lot C of Pine View Subdivision, as shown on the plat filed in Plat Book 17, page 144), and all of Lots 19-22 together with the vacated Street abutting said lots as recorded in Miscellaneous Book 115, page 678, all located in Block 4, Pine View Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 8R of Block 3 as recorded on Plat of Tract CR and Lot 8R of Block 3 formerly Tract C and Lot 8 of Block 3 located in the NW1/4 NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2 of Lowe's Subdivision, formerly Tract 1 of Martley Subdivision and Tract CR of the NW1/4 of the NE1/4 located in the NW1/4 of NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Balance of Parcel No. 8 in the NW1/4 NW1/4 of Section 25, T2N, R7E, BHM, Pennington County, South Dakota; Unplatted portion of NW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted Balance of NE1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot H-1 in the S1/2 NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Plat of dedicated public right-of-way shown as Disk Drive, formerly a portion of Parcel 5 of NE1/4NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; All of dedicated Public right-of-way of Disk Drive located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; A portion of Lot A of Howard Street/I-90 right-of-way located adjacent to Tracts 4-C of Parcel #4 and Tracts 4-A, C & D of the SE1/4NW1/4 and adjacent to Parcel #3 and Parcel #7 in the SW1/4NW1/4 and Lot 1R of Five Star Subdivision in the NW1/4 and Disk Drive right-of-way, all located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; The 100 foot Haines Avenue right-of-way beginning at the southern boundary of the Haines Avenue/Disk Drive intersection located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, then traveling northward and ending at the intersection of the North/South and East/West quarter section lines of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2, The New Park Subdivision, located in the NW1/4SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; SW1/4SW1/4, NE1/4SW1/4, N1/2SE1/4SW1/4, all located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Dakota Subdivision #1, located in the S1/2SE1/4SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lakota Subdivision #1, Lakota Subdivision #2, and Lakota Subdivision #3, all located in the N1/2NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as an area extending north from Interstate 90 to Northridge Subdivision and from the east property boundary of Lowe's Subdivision to Bunker Drive.

Planning Commission recommended approval of the resolution dissolving the Tax Increment District.

3. No. 10CA040 - M Hill Study Area Plan
Summary of Adoption Action 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, more 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.

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

4. No. 10CA041 - RapidTRIP2035 - Long Range Transportation Plan
Summary of Adoption Action for an Amendment to the Comprehensive Plan to adopt the RapidTRIP2035 - Long Range Transportation Plan for the Rapid City Area.

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

8. No. 10RZ047 - Fravel Tract
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Medium Density Residential District** for Lot 3A of Lot 3 of SW1/4NW1/4 and the south 20 feet of Garden Lane right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4, Lot 3E of Lot 3 of the SW1/4NW1/4, Lots 1 through 7, Fravel Tract, and the north 15 feet of Orchard Lane right-of-way located adjacent to Lots 3 through 7 of Fravel Tract, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of South Valley Drive and Orchard Lane.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment.

9. 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 18, 2010 Planning Commission meeting.

10. No. 10OA017 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to allow setbacks to be reduced for existing structures as a result of dedicating right-of-way or H Lots by adding Section 17.50.255 to the Rapid City Municipal Code.**

Planning Commission recommended that the Ordinance Amendment to allow setbacks to be reduced for existing structures as a result of dedicating right-of-way or H Lots by adding Section 17.50.255 to the Rapid City Municipal Code be approved.

12. 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 December 9, 2010 Planning Commission meeting.

13. 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 Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 14870 East Highway 44.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code to the December 9, 2010 Planning Commission meeting.

14. 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 on the south side of Sheridan Lake Road between Dunsmore Road and

Croyle Avenue.

Planning Commission continued the Layout Plat to the November 18, 2010 Planning Commission meeting.

15. No. 10PL075 - Heavlin No. 2 Addition

A request by Dream Design International to consider an application for a **Preliminary Plat** for proposed Lot 1R and Lot 2 of Heavlin No. 2 Addition, legally described as Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23299 South Airport Road.

Planning Commission continued the Preliminary Plat to the November 18, 2010 Planning Commission meeting.

16. No. 10SV022 - Heavlin No. 2 Addition

A request by Dream Design International to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1R and Lot 2 of Heavlin No. 2 Addition, legally described as Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23299 South Airport Road.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code to the November 18, 2010, Planning Commission meeting.

17. No. 10PL076 - Baxter Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Baxter Subdivision, legally described as a 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 that the Preliminary Plat be approved with the following stipulations:

1. **Prior to City Council approval of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the applicant's site plan shall be revised to clearly delineate the distance between the drainfield and the proposed lot line to insure that a minimum 10 foot setback is being provided or a Variance shall be obtained from the**

2. **South Dakota Department of Environment and Natural Resources;**
 2. **Prior to City Council approval of the Preliminary Plat, 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;**
 3. **Prior to City Council approval of the Preliminary Plat, construction plans shall 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 shall be obtained;**
 4. **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;**
 5. **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;**
 6. **Prior to submittal of a Final Plat application, an Operating Permit shall be obtained for the existing septic system located on proposed Lot 1 in accordance with Pennington County's On-site Wastewater Treatment Systems Ordinance;**
 7. **Prior to City Council approval of the Preliminary Plat, 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;**
 9. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
 10. **The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.**
18. No. 10PL077 - Canyon Springs Preserve
A request by Bryan Vulcan for Ian and Amanda Vidinha to consider an application for a **Layout Plat** for proposed Lot 89 of Canyon Springs Preserve, legally described as that part of Common Lot 1 of Block 1 of Canyon Springs Preserve located in the NE1/4 SW1/4, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Nemo Road and North Emerald Ridge Road.

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

1. **Prior to Planning Commission approval of the Layout Plat, the applicant shall submit a revised site plan for review and approval**

- showing the location of the existing utilities, fire hydrant, drainage ways, the approach to the proposed lot and the adjacent driveway(s) located on the east side of Nemo Road;
2. Prior to City Council approval of the Layout Plat, the applicant shall amend the Planned Unit Development with Pennington County to allow the proposed additional residential lot;
 3. Upon submittal of a Preliminary Plat application, road construction plans for Nemo Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, dry sewer mains shall be provided in accordance with Section 16.16.050 of the Rapid City Municipal Code;
 5. Upon submittal of a Preliminary Plat application, the applicant shall submit a copy of an approved Operating Permit from Pennington County to insure that the existing wastewater system has been constructed in accordance with Pennington County's On-site Wastewater Treatment Systems Ordinance and the previously approved Planned Unit Development by Pennington County;
 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, an on-site water plan prepared by a Professional Engineer for the existing water service provided by Canyon Springs Preserve LLC shall be submitted for review and approval to demonstrate that adequate fire and domestic flows are being provided and in compliance with the Planned Unit Development previously approved by Pennington County;
 7. Upon submittal of a Preliminary Plat application, the applicant shall identify the use(s) of the two remaining balances of the Common Area 1 located south of proposed Lot 89 adjacent to Nemo Road and located between Lots 3 and 4 of Canyon Springs Preserve. In addition, miscellaneous documents shall be recorded as needed securing the use of these areas as pedestrian access, utility easements and/or drainage easements;
 8. Upon submittal of a Preliminary Plat application, a drainage plan addressing the stormwater discharge from the Canyon Springs Preserve development shall be submitted for review and approval. In particular, the drainage plan shall identify the maximum limits of the drainage way through the proposed lot and secure within a Major Drainage Easement. In addition, stormwater and channel calculations shall be submitted for review and approval. Drainage

- easements shall also be secured as needed;
9. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the areas of periodic inundation. In particular, the areas of floodway as per the Federal Emergency Management Agency Floodplain maps shall be secured within a Major Drainage Easement;
 10. Upon submittal of a Preliminary Plat application, a grading plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
 11. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required;
 12. Upon submittal of a Preliminary Plat application, the plat document shall be revised to include the previously platted note for Canyon Springs Preserve which states: "Prior to obtaining a Building Permit for a residence on any of the lots, two suitable on-site wastewater system areas shall be identified with accompanying percolation tests and soil profiles certified by a Registered Professional Engineer. Any septic system to be located on any of the properties shall be designed and certified by a Registered Professional Engineer based on specific soil and geologic conditions. Soil profiles shall show that proper soil separation can be obtained as outlined in State Administrative Rule 74:53:01:32. If the percolation and soil profile information do not meet these requirements an alternative system approved by the South Dakota Department of Environment and Natural Resources may be used. As a last resort, Pennington County may approve the use of holding tanks";
 13. Upon submittal of a Preliminary Plat application, the plat title document shall be revised to read "Lot 89 of Block 1 of Canyon Springs Preserve (formerly a portion of Common Area 1 of Block 1 of Canyon Springs Preserve) located in NE1/4SE1/4...." In addition, the plat document shall be revised to include the Certificate of Finance Officer certifying the Growth Management Director's approval of the Final Plat;
 14. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 15. 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;
 16. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Nemo Road;
 17. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Nemo Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict

- with utility easement(s);
18. 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;
 19. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 20. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

20. 10TP030 – Final 2011 Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization.

Planning Commission recommended approval of the Final 2011 Unified Planning Work Program.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Bulman requested that Items 5 and 6 be considered concurrently.

5. No. 10CA043 - Melody Acres
A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Mobile Home Residential with a Planned Residential Development to Low Density Residential** for the east 33 feet of South Valley Drive right-of-way located adjacent to Lot 3M and Lot 5 of Melody Acres, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to 2990 South Valley Drive.
6. No. 10RZ046 - Melody Acres
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** for Lot 3M of Melody Acres, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2990 South Valley Drive.

Kinniburgh advised that he would abstain from discussion and voting on Items 5 and 6 due to a conflict of interest.

Marchand moved, Braun seconded and carried to recommend that the Amendment to the adopted Comprehensive Plan to change the future land use designation from Mobile Home Residential to Low Density Residential be approved (10CA043); and, to recommend that that the Rezoning from No Use District to Low Density Residential District be approved (10RZ046). (8 to 0 to 1 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rolinger and Wyss voting yes, none voting no and with Kinniburgh

abstaining)

7. No. 10CA044 - Fravel Tract

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential** for Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4 and the south 20 feet of Garden Lane right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4, Lot 3E of Lot 3 of the SW1/4NW1/4, Lots 1 through 7, Fravel Tract, and the east 33 feet of S Valley Drive right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4, and the north 15 feet of Orchard Lane right-of-way located adjacent to Lots 3 through 7 of Fravel Tract, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of South Valley Drive and Orchard Lane.

Elkins stated that an email received from Pam Johnson objecting to this application was distributed on the dais. Elkins indicated that there are mobile homes located in the area noting that the proposed Medium Density Residential Zoning District allows mobile home parks to be approved as a conditional use.

Landguth moved, Braun seconded and unanimously carried to recommend that the Amendment to the adopted Comprehensive Plan to change the future land use designation from Low Density Residential to Medium Density Residential be approved. (9 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger and Wyss voting yes and none voting no)

*11. No. 10PD064 - Springbrook Acres Addition

A request by Davis Engineering, Inc. to consider an application for a **Major Amendment to a Planned Residential Development to allow an oversized garage** for Lot 2 of Tract SB revised of Springbrook Acres Addition, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Sheridan Lake Road at the current northern terminus of Estates Drive.

Brewer stated that he would abstain from voting on Item 11 due to a conflict of interest.

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

- 1. Prior to issuance of a Building Permit, a revised site plan shall be submitted identifying the location of water and sewer service lines on adjacent properties;**
- 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 any construction and a**

Certificate of Occupancy shall be obtained prior to occupancy;

4. **Lot 2 and Lot 3 shall provide a minimum 1.692 acre and 2.239 acre lot size. The balance of the lot(s) shall provide a minimum three acre lot size. All other provisions of the Park Forest District shall be met unless exceptions have been specifically authorized;**
5. **All applicable provisions of the currently adopted International Fire Code shall be continually met;**
6. **The proposed structures shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development;**
7. **Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Planned Residential Development;**
8. **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. (8 to 0 to 1 with Braun, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger and Wyss voting yes, none voting no, and with 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.

19. 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.

Brewer stated that he would abstain from voting on Item 19 due to a conflict of interest.

Elkins advised that the applicant has requested that the Sidewalk Café Permit be continued to the November 18, 2010 Planning Commission meeting.

Braun moved, Marchand seconded and carried to continue the Sidewalk Café request to the November 18, 2010 Planning Commission meeting. (8 to 0 to 1 with Braun, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger and Wyss voting yes, none voting no, and with Brewer abstaining)

Heller requested that Items 21 and 22 be considered concurrently.

21. No. 10OA015 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code.**

22. No. 10OA016 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to revise the requirements of sidewalk construction within 2 years of the final plat approval by amending Section 16.16.090 of the Rapid City Municipal Code.**

Heller stated that the proposed ordinance amendments were presented at a Special Planning Commission meeting and an open house. Heller provided a brief explanation of each of the four ordinance amendments noting staff's recommendation for approval. Heller indicated that although not required, staff requests the Planning Commission's recommendation for approval of the two ordinance amendments affecting Section 12 of the Rapid City Municipal Code.

Janelle Finck requested that Item 21 be continued to the second Planning Commission meeting in February to allow the Second Floor Review Committee to review the proposed changes.

Rolinger moved, Braun seconded and carried to continue the Ordinance Amendment to require the construction of a sidewalk from a structure to the right-of-way by adding Section 17.50.305 to the Rapid City Municipal Code (10OA016) to the February 24, 2011 Planning Commission meeting. (6 to 3 with Braun, Brewer, Christianson, Gregg, Marchand, and Rolinger voting yes and with Kinniburgh, Landguth and Wyss voting no)

Elkins stated that the proposed ordinance amendments in Items 21 and 22 are companion items. Elkins recommended that Item 22 be continued to the February 24, 2011 Planning Commission meeting to be considered concurrently with Item 21.

Rolinger moved, Braun seconded and unanimously carried to continue the Ordinance Amendment to revise the requirements of sidewalk construction within 2 years of the Final Plat approval, to include requiring a sidewalk connecting the corner ramps and all sidewalks with the City's Extraterritorial jurisdiction, by amending Section 16.16.090 of the Rapid City Municipal Code (10OA016) to the February 24, 2011 Planning Commission meeting. (9 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger and Wyss voting yes and none voting no)

Fisher requested that Items 23 and 24 be considered concurrently.

*23. 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 NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, and a portion of Lot E of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ 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.

24. 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.

Fisher advised that a Traffic Impact Study must be submitted prior to Planning Commission approval of the Preliminary Plat. Fisher indicated that the applicant submitted a new legal description for the Planned Development requiring new hearing notices to be mailed and a new legal publication. Fisher recommended that the Preliminary Plat and Planned Commercial Development be continued to the November 18, 2010 Planning Commission meeting.

Rolinger moved, Marchand seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan (10PD052) and the Preliminary Plat (10PL061) to the November 18, 2010 Planning Commission meeting. (9 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger and Wyss voting yes and none voting no)

*25. 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 request and reviewed the slides. Fisher advised that the revised landscaping plan was submitted and approved and the certificates of occupancy for the two existing structures were obtained. Fisher added that a revised parking plan meeting ADA requirements was submitted. Fisher stated that staff recommends approval of the application with stipulations.

Rolinger moved, Wyss seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development to construct a commercial structure with the following stipulations:

- 1. Prior to Planning Commission approval, a Certificate of Occupancy shall be obtained for the two existing buildings currently located on the property;**
- 2. Prior to Planning Commission approval, the parking plan shall be revised to provide a minimum 60 inch wide access aisle adjacent to the proposed handicap parking spaces located in front of the Architecture International building and the propose third building. In addition, the parking plan shall continually provide a minimum of 49 parking spaces with two handicap accessible spaces. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 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 red line comments shall be addressed. In addition, revised plans shall be submitted as needed addressing the red line comments;**
- 5. Prior to issuance of a building permit, an industrial pre-treatment permit shall be obtained for the medical facility if needed;**
- 6. Prior to issuance of a building permit, an Erosion Control Permit shall be obtained;**
- 7. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
- 8. The proposed structure shall conform architecturally to the plans and elevations and color palette submitted as part of this Major Amendment to the Commercial Development Plan;**
- 9. A minimum of 56,980 landscape points 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;**
- 10. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of this Major Amendment to the Planned Commercial 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;

11. The exterior air handling units shall continually be screened as proposed;
12. All International Fire Codes shall be continually met;
13. 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. In addition, the lighting shall be arranged so as to provide security and to reflect light toward the parking areas;
14. The proposed commercial structure shall be used as professional office and medical facility uses as proposed. A medical facility for emergency care shall not be allowed on the property. Other permitted uses in the General Commercial District shall be allowed as a minimal amendment to the Planned Commercial Development contingent upon compliance with the Rapid City Municipal Code. A Major Amendment to the Planned Commercial Development shall be obtained for any use allowed as a Conditional Use in the General Commercial District; and,
15. The Planned Commercial Development shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (9 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger and Wyss voting yes and none voting no)

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

*26. No. 10PD065 - Rushmore Crossing

A request by Midland Rushmore, LLC to consider an application for a **Major Amendment to a Planned Commercial Development to allow on-sale liquor establishments** for Lot 4 in Block 3 of Rushmore Crossing located in Section 29, Tract E in Block 2 of Rushmore Crossing located in Sections 29 and 32, and Lot 5 in Block 2 of Rushmore Crossing located in Sections 29 and 30 all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Eglin Street at Rushmore Crossing.

Flaen presented the request and reviewed the slides. Flaen indicated that the proposed amendment will allow on-sale liquor establishments to be operated in conjunction with full-service restaurants at three locations within the Rushmore Crossing Planned Commercial Development. Flaen identified the proposed

outdoor patio requested for the Qdoba restaurant site noting that a landscaping island will be relocated to accommodate the outdoor seating area. Flaaen presented staff's recommendation for approval with stipulations.

Rolinger moved, Marchand seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development to allow on-sale liquor establishments with the following stipulations:

- 1. The on-sale liquor establishments shall operate in conjunction with a full-service restaurant only. Any other on-sale liquor use will require a Major Amendment to the Planned Commercial Development(s);**
- 2. The approved uses shall be limited to retail, full-service restaurant with on-sale liquor, hotel and business uses on Tract E and Lot 5 of Block 2 and office, retail, storage and a maximum 4,850 square foot full-service restaurant with on-sale liquor on Lot 4 of Block 3;**
- 3. All parking shall continually comply with the approved parking plans as stipulated in the Final Development Plans and subsequent Major Amendments;**
- 4. The outdoor patio shall be located and constructed as per the submitted site plan and that a minimum five foot wide clear pedestrian path on the sidewalk shall be maintained at all times;**
- 5. The landscaping shall continually comply with the previously approved landscape plans. The landscaping plans must also comply with all requirements of the Zoning Ordinance. In addition, the landscaping must continually be maintained in a live, vegetative state, kept free of refuse and debris and replaced when necessary;**
- 6. 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;**
- 7. All currently adopted International Fire Codes shall be continually met;**
- 8. A Building Permit shall be obtained prior to construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 9. No overnight camping shall be allowed;**
- 10. The 50,000 square foot basement area of the Scheel's building shall be exclusively used for storage. Any other use of the basement shall require the review and approval of a Major Amendment to the Planned Commercial Development. In addition, additional parking shall be provided as needed for the use;**
- 11. The proposed structure(s) shall conform architecturally to the plans, elevations and color palette submitted as part of the Planned Commercial Development Plan;**
- 12. The roof top mechanical equipment shall be screened from view along**

- the front and side(s) of the building. In addition, prior to issuance of a Building Permit, a line of sight drawing shall be submitted for review and approval showing the roof top mechanical equipment from the rear elevation of the building. The roof top mechanical equipment shall be camouflaged in color to match the color of the roof;
13. All outdoor lighting shall be designed to 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 passing motorists or constitute a nuisance of any kind;
 14. The location, size and noise rating of all exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
 15. Prior to the issuance of a Building Permit for any new structure, an Erosion and Sediment Control Plan shall be submitted for review and approval;
 16. The previously approved screening fence with landscaping shall be continually maintained along Interstate 90;
 17. All fencing shall conform architecturally to the proposed elevations, color palette and design plans submitted as part of the Planned Commercial Development;
 18. Dumpsters shall be located as proposed on the previously approved site plans and screened on four sides as approved;
 19. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
 20. All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Initial Commercial Development Plan, the Final Commercial Development Plan or a subsequent Major Amendment; and,
 21. 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 Commercial Development Plan approval expiration date, a one year extension for Final Commercial Development Plan approval may be granted. (9 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger and Wyss voting yes and none voting no)

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

Fisher requested that Items 27 and 28 be considered concurrently.

27. 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.
28. 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 presented the requests, reviewed the slides and identified the two existing homes on the property noting that the northern house has been condemned. Fisher reviewed the existing and proposed site plans. Fisher discussed the variances that were previously granted by the Zoning Board of Adjustment for the property. Fisher explained that the applicant submitted a new plat document and was subsequently granted variances from the Zoning Board of Adjustment for the proposed reduction in the lot size and the reduction in the minimum front building line.

Fisher reviewed the applicant's request to waive the requirement for additional pavement along Lemon Avenue and to pave that portion of the alley that abuts the lots. Fisher noted that City Council has granted Subdivision Variances in previous cases where platting resulted in a decrease in density and in cases where the paving of an alley would result in a discontinuous street section. Fisher noted that the applicant has signed a waiver of right to protest future assessments for the improvements. Fisher stated that staff recommends approval of both the Plat and the Subdivision Variance with the stipulations outlined in the staff reports.

John Haag, area resident, spoke in support of the requests noting that the applicant has stated that they will raise the house pads above street level, the Governor's houses will be owner occupied, and the homes will be fire sprinklered. Hank stated that the two houses will upgrade the neighborhood and requested approval of the applications.

Mike Kissinger, area resident, spoke in support of the two new houses proposed by the applicant.

Rolinger moved, Brewer seconded and unanimously carried to recommend approval of the Preliminary Plat (10PL033) with the following stipulations:

1. Prior to Preliminary Plat approval by the Planning Commission, a Variance from the Zoning Board of Adjustment shall be obtained to reduce the minimum lot size requirement in the Medium Density Residential District from 6,500 square feet to 5,250 square feet and to reduce the minimum front building line for each lot from 50 feet to 38.50 and 36.60 feet, respectively, or the plat document shall be revised to comply with the minimum requirements;
2. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the alley constructed with a minimum 16 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, construction plans for Lemmon Avenue shall be submitted for review and approval showing the existing 24.10 foot wide paved surface expanded to a minimum width of 27 feet or a Variance to the Subdivision Regulations shall be obtained;
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 submittal of a Final Plat application, the residence ordered to be demolished located on proposed 29R shall be removed or surety shall be posted for the removal of the structure. If the residence is removed by the City, then the lien covering the cost of the removal of the structure shall be paid prior to submittal of a Final Plat application;
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, a 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,

To recommend that 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) be approved 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 improvements. (9 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger and Wyss voting yes and none voting no)

29. No. 10SV023 - Mahoney Addition

A request by Davis Engineering, Inc. for William Peterson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Doolittle Street and Wood Avenue and to waive the requirement to install a sidewalk along the east side of Wood Avenue as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot A and Lot B of Block 76 of Mahoney Addition, legally described as Block 76 less the north 8.5 feet of Block 76 of Mahoney Addition located in SW1/4 of SE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of Doolittle Street and Wood Avenue.

Fisher presented the request and stated that the applicant has withdrawn the variance request to waive the construction of the sidewalk along the east side of Wood Avenue. Fisher stated that plans have been submitted showing that the sidewalk will be constructed at the time a building permit is issued.

Fisher recommended approval of the request to waive the requirement to install additional pavement in conjunction with the execution of a waiver of right to protest future assessments and to acknowledge the applicant's withdrawal of the request to waive the requirement for the installation of sidewalk along the east side of Wood Avenue.

Rolinger moved, Marchand seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Doolittle Street and Wood Avenue be approved 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 improvements; and, To acknowledge the applicant's withdrawal of the Variance to the Subdivision Regulations to waive the requirement to install a sidewalk along the east side of Wood Avenue. (9 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger and Wyss voting yes and none voting no)**

30. No. 10VR008 - Original Townsite of the City of Rapid City

A request by Chamberlin Architects for Destination Rapid City to consider an application for a **Vacation of Right-of-Way** for a portion of the alley right-of-way adjacent to Lots 24 thru 32 of Block 75 of the Original Townsite of the City of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being a portion of the alley adjacent to 502, 508, 510 and 512 Main Street.

Fisher presented the request and displayed the slides. Fisher stated that staff recommends that a utility easement be secured and that the applicants enter into an agreement to hold the utility companies harmless for damages that may occur within that area. Fisher noted that staff recommends approval of the Vacation of Right-of-Way with stipulations.

Rolinger moved and Marchand seconded to recommend that the Vacation of Right-of-Way be approved with the following stipulations:

- 1. Prior to City Council approval, the applicant shall demonstrate that the remaining alley right-of-way is sufficient to accommodate the turning radius for vehicles exiting the parking garage located along the north side of the alley; and,**
- 2. Prior to City Council approval, the applicant shall secure a utility easement for the proposed area to be vacated and shall enter an agreement which holds the private and public utilities harmless for any damages due to the construction or maintenance of utilities within this area.**

Brewer advised that he was employed by Destination Rapid City until 2009 and is no longer employed there. Brewer indicated that he would be participating in the discussion and vote as he does not have a conflict of interest.

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

In response to a question from Kinniburgh, Elkins stated that in some cases the façade of the building would be expanded into this area noting that the City Attorney indicated that allowing encroachments in the right-of-way would not be a possibility.

The motion carried to recommend that the Vacation of Right-of-Way be approved with the following stipulations:

- 1. Prior to City Council approval, the applicant shall demonstrate that the remaining alley right-of-way is sufficient to accommodate the turning radius for vehicles exiting the parking garage located along the north side of the alley; and,**
- 2. Prior to City Council approval, the applicant shall secure a utility easement for the proposed area to be vacated and shall enter an agreement which holds the private and public utilities harmless for any damages due to the construction or maintenance of utilities within this area. (7 to 1 to 1 with Brewer, Christianson, Gregg, Landguth, Marchand, Rolinger and Wyss voting yes, with Kinniburgh voting no, and with Braun abstaining)**

31. Discussion Items

- A. Amendments to the Tax Increment Financing Guidelines – Mike Schad

Elkins stated that staff requests that the amendments to the Tax Increment Financing Guidelines be continued to the November 18, 2010 Planning Commission meeting.

Rolinger moved, Braun seconded and unanimously carried to continue the amendments to the Tax Increment Financing Guidelines to the November 18, 2010 Planning Commission meeting. (9 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth,

Marchand, Rolinger and Wyss voting yes and none voting no)

B. Review of Sidewalk Cafés

Fisher reviewed the experience with sidewalk cafés over the past year and the report that had been distributed. Discussion followed.

Rolinger moved, Brewer seconded and unanimously carried to authorize staff to draft an Ordinance Amendment for further review to allow design changes to the Sidewalk Café as a Minimal Amendment to be reviewed and approved administratively with the provision that staff's decision may be appealed to the Planning Commission. (9 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger and Wyss voting yes and none voting no)

C. Landscape Ordinance

Bulman reviewed the additional revisions that have been made to the proposed ordinance in response to comments received at the Special Planning Commission meeting. Bulman indicated that while the Planning Commission was in support of moving forward with the proposed ordinance, the Second Floor Review Committee has requested that the draft ordinance be continued to allow their review of the document.

Wyss requested clarification concerning the membership and stated purpose of the Second Floor Review Committee.

Janelle Finck advised that the Mayor appointed the Second Floor Review Committee to review the recommendations related to the operations of the Growth Management Department. Finck indicated that the Committee is to evaluate what areas can be implemented to improve efficiency and to reduce the number of items that come forward to the Planning Commission and City Council.

In response to a question from Wyss, Elkins stated that Jim Mirehouse, Janelle Finck, Tom Rau, Pat Tlustos, Bill Freytag, Jeff Lage, Ron Kroeger, Jim Scull and Jerry Shoener are the members of the Second Floor Review Committee.

In response to a question from Wyss, Elkins responded that the draft Landscape Ordinance has been under development for approximately two years including several public meetings in the last year.

Rolinger moved, Brewer seconded and carried to continue the Landscape Ordinance to the February 24, 2011 Planning Commission meeting. (8 to 1 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, and Rolinger voting yes and with Wyss voting no)

32. Staff Items

Elkins requested that a special Planning Commission meeting be scheduled in Council Chambers on November 17, 2010 at 5:30 p.m. to address the Chapel Valley Study.

Discussion followed.

Kinniburgh moved, Wyss seconded and unanimously carried to schedule a Special Planning Commission meeting in Council Chambers on November 17, 2010 at 5:30 p.m. to address the Chapel Valley Study. (9 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger and Wyss voting yes and none voting no)

There being no further business, Kinniburgh moved, Landguth seconded and unanimously carried to adjourn the meeting at 7:57 a.m. (9 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Rolinger and Wyss voting yes and none voting no)