

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 24, 2011

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

MEMBERS ABSENT: Doug Kinniburgh, Dennis Popp, Andrew Scull and Pat Wyss

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Ted Johnson, Dale Tech, Tim Behlings, Joel Landeen and Andrea Wolff.

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, 9 and 14 be removed from the Consent Agenda for separate consideration.

Motion by Brewer Seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 14 in accordance with the staff recommendations with the exception of Items 5, 9 and 14. (8 to 0 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the February 10, 2011 Planning Commission Meeting Minutes.
2. No. 04TI005 - Sections 28 and 29, T1N, R7E
A request by City of Rapid City to consider an application for a **Resolution Dissolving Tax Increment District No. 46** for N1/2 NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, S1/2 NW1/4 NW1/4 and SW1/4 NW1/4, all located in Section 28, T1N, R7E, BHM, Rapid City Pennington County, South Dakota; and, Block 16, Lots 1-4 (Golf Course); Block 17, Lots 1-10; Block 15, Lots 1-8 (Golf Course); Block 18, Lots 1-17; Block 10, Lots 1-6 and Outlot G-1; Block 11, Lots 1-37; Block 7, Lots 7-9; Block 12, Lots 1-13; Block 9, Lots 1-6 (Golf Course); Block 8, Lots 4, 5A and 6; Block 2, Lots 1-21; Block 13, Lots 1A, 1B, 2-5; Block 14, Lots 1A, 1B, 2A, 2B, 3-6; Block 1, Lots 1-11; Block 4, Lot 1, 4 & 5; Block 3, Lots 1-3; Block 5, Lot 1; Outlot G less Lots 20 & 21 Block 2 & less Lots 4 & 5 Block 4; Outlot 1; Lot P (Utility Lot); All located in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Block 6, Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8, 9A, 9B, 10A, 10B, 11A, 11B, 12, Red Rock Estates Phase 1A, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Block 3, Lots 4-16; Block 8, Lot 1-3; Block 7, Lots 1-6; Block 4, Lots 2-3; All located in Red Rock Estates Phase II, Section 29, T1N, R7E,

BHM, Rapid City, Pennington County, South Dakota; and, Well Lot; Balance of Tract 1 less Red Rock Estates & less ROW; Balance of Picardi Ranch Road; All located in Red Ridge Ranch Subdivision, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Outlot A of Tract A, Countryside Subdivision; Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, E1/2NW1/4NE1/4 less Red Ridge Ranch & less ROW; SW1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates less Red Rock Estates Phase 1A & less ROW; E1/2 NW1/4 less Red Rock Estates & less ROW; W1/2 W1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates & less ROW; E1/2 NE1/4; All rights-of-way located within Red Rock Estates, Red Rock Estates Phase 1A, Red Rock Estates Phase II, and Red Ridge Ranch Subdivision; All located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Sheridan Lake Road and Muirfield Drive.

Planning Commission recommended that the Resolution Dissolving Tax Increment District #46 be approved.

3. 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.**

Planning Commission recommended that 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 be continued to the April 7, 2011 Planning Commission meeting.

4. 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.**

Planning Commission recommended that 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 be continued to the April 7, 2011 Planning Commission meeting.

*6. No. 11PD006 - Section 24, T1N, R7E

A request by THF Stoneridge Development, LLC to consider an application for a **Initial and Final Planned Commercial Development** for a portion of the S1/2 of the NE ¼ of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northwesterly corner of Lot 7 of Block 2 of Black Hills Center, and the point of beginning; Thence first course: S00°19'55"W, along the westerly boundary of said Lot 7 of Block 2, a

distance of 398.60 feet, to a point on the northerly edge of E. Catron Boulevard right-of-way; Thence second course: N89°40'08"W, along the northerly edge of said E. Catron Boulevard right-of-way, a distance of 1764.70 feet, to the easterly edge of Black Hills Boulevard right-of-way; Thence third course: N00°03'36"E, along the easterly edge of said Black Hills Boulevard right-of-way, a distance of 191.09 feet; Thence fourth course: N00°14'35"E, along the easterly edge of said Black Hills Boulevard right-of-way, a distance of 61.27 feet; Thence fifth course: curving to the right, along the easterly edge of said Black Hills Boulevard right-of-way, on a curve with a radius of 364.00 feet, a delta angle of 30°12'45", a length of 191.94 feet, a chord bearing of N15°14'34"E, and chord distance of 189.72 feet; Thence sixth course: N30°20'35"E, along the easterly edge of said Black Hills Boulevard right-of-way, a distance of 99.91 feet; Thence seventh course: N75°17'37"E, along the easterly edge of said Black Hills Boulevard right-of-way, a distance of 14.10 feet, to the southerly edge of Stumer Road right-of-way; Thence eighth course: S59°41'22"E, along the southerly edge of said Stumer Road right-of-way, a distance of 434.78 feet; Thence ninth course: curving to the left, along the southerly edge of said Stumer Road right-of-way, on a curve with a radius of 429.50 feet, a delta angle of 29°59'41", a length of 224.85 feet, a chord bearing of S74°42'44"E, and chord distance of 222.29 feet; Thence tenth course: S89°40'57"E, along the southerly edge of said Stumer Road right-of-way, a distance of 730.54 feet; Thence eleventh course: curving to the left, along the southerly edge of said Stumer Road right-of-way, on a curve with a radius of 429.50 feet, a delta angle of 43°16'08", a length of 324.35 feet, a chord bearing of N68°42'08"E, and chord distance of 316.70 feet; Thence twelfth course: curving to the right, along the southerly edge of said Stumer Road right-of-way, on a curve with a radius of 370.50 feet, a delta angle of 07°24'51", a length of 47.94 feet, a chord bearing of N50°51'43"E, and chord distance of 47.91 feet, to the northwesterly corner of said Lot 7 of Block 2, and the point of beginning, more generally described as being located at the northeast corner of the intersection of Black Hills Boulevard and Catron Boulevard/U.S. Highway 16B.

Planning Commission approved the Initial and Final Planned Commercial Development be approved with the following stipulations:

- 1. The proposed signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. The 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. 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;**
- 2. Landscaping shall be provided and irrigated in compliance with the approved landscape plan. Changes to the proposed landscape plan, which the Growth Management Director determines to be consistent**

with the original approved landscape plan, shall be allowed as a Minimal Amendment to the Planned Commercial Development; and,

3. 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.

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.

7. No. 11PL002 - Canyon Springs Preserve

A request by Bryan Vulcan for Ian and Amanda Vidinha to consider an application for a **Preliminary Plat** for proposed Lot 89 of Canyon Springs Preserve, legally described as a portion of Common Area 1 of Block 1 of Canyon Springs Preserve located in the NE1/4 SW1/4 of Section 23, T2N, R6E, BHM, Pennington County, south Dakota, more generally described as being located at 8885 Nemo Road.

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

1. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a pedestrian access easement along the southern lot line of the proposed lot;
2. Prior to Preliminary Plat approval by the City Council, 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;
3. Prior to Preliminary Plat approval by the City Council, 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;
4. Prior to Preliminary Plat approval by the City Council, 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.
5. Prior to Preliminary Plat approval by the City Council, a miscellaneous

document shall be recorded at the Register of Deed's Office securing a minimum ten foot wide utility easement across a portion of the balance of Common Area 1 for the existing water service line extending from Ivory Birch Place to the proposed lot. In addition, a copy of the recorded miscellaneous document shall be submitted to the Growth Management Department for review and approval;

6. Prior to Preliminary Plat approval by the City Council, drainage information including channel calculations and flow routing information that demonstrates the adequacy of the existing stormwater improvements adjacent to and across this property shall be submitted for review and approval. In addition, drainage easements shall be secured as needed. The plat document shall also 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;
 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. Prior to submittal of a Final Plat application, the plat document shall be revised to include a note stating that an 8 foot wide minor drainage and utility easement is dedicated along all interior lot lines. In addition, the plat document shall be revised to show the subdivision name as "Canyon Springs Preserve" in lieu of "Canyon Springs Reserve";
 9. 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;
 10. Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and,
 11. 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.
8. No. 11SV001 - Canyon Springs Preserve
A request by Bryan Vulcan for Ian and Amanda Vidinha to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer, including dry sewer, and to reduce the pavement width along Nemo Road from 36 feet to 24 feet as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 89 of Canyon Springs Preserve, legally described as a portion of Common Area 1 of Block 1 of Canyon Springs Preserve located in the NE1/4 SW1/4 of Section 23, T2N, R6E, BHM, Pennington County, south Dakota, more generally described as being located at 8885 Nemo Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk,

street light conduit, water and sewer, including dry sewer, and to reduce the pavement width along Nemo Road from 36 feet to 24 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved.

10. No. 11SV002 - Mahoney Addition

A request by D.C. Scott Co. Land Surveyors for Northern Development, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to increase the existing pavement width from 24 feet to 27 feet along Lindbergh Avenue and Patton Street as they abut the property pursuant to Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot A, Lot B and Lot C of Block 11 and Lot A, Lot B, and Lot C of Block 22 of Mahoney Addition, legally described as Block 11 and Block 22 of the amended plat of Mahoney Addition, located in the SW1/4 SE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Wood Avenue between Lindbergh Avenue and Patton Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to increase the existing pavement width from 24 feet to 27 feet along Lindbergh Avenue and Patton Street as they abut the property pursuant to Chapter 16.16 of the Rapid City Municipal Code 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 improvement.**

11. 11TP004 – 2011–2015 Transportation Improvement Program Amendment #11-002R

Planning Commission recommended approval of the 2011-2015 Transportation Improvement Program Amendment #11-002R

12. 11TP005 – 2011–2015 Transportation Improvement Program Amendment #11-003R

Planning Commission recommended approval of the 2011-2015 Transportation Improvement Program Amendment #11-003R.

13. 11TP006 – 2011–2015 Transportation Improvement Program Amendment #11-004R

Planning Commission recommended approval of the 2011-2015 Transportation Improvement Program Amendment #11-004R.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*5. No. 11PD001 - Rapid City Greenway Tracts

A request by FMG Engineering for Baseball 320, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan**

for that portion of Tract 8 of the Rapid City Greenway Tracts that is located in the NE1/4 of SE1/4 of NW1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Pete Lien Baseball Field near the southwest corner of the intersection of Canyon Lake Drive and Sheridan Lake Road.

Elkins presented the application noting that the applicant requests that it be continued to the March 24, 2011 Planning Commission meeting.

Rolinger moved; seconded by Brewer and carried unanimously to continue the Planned Residential Development - Initial and Final Development Plan to the March 24, 2011 Planning Commission meeting at applicants request. (8 to 0 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger 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.

9. No. 11PL007 - Mahoney Addition

A request by D.C. Scott Co. Land Surveyors for Northern Development, LLC to consider an application for a **Preliminary Plat** for proposed Lot A, Lot B and Lot C of Block 11 and Lot A, Lot B, and Lot C of Block 22 of Mahoney Addition, legally described as Block 11 and Block 22 of the amended plat of Mahoney Addition, located in the SW1/4 SE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Wood Avenue between Lindbergh Avenue and Patton Street.

Elkins stated that the associated notation for this item was not correct but that the linked items were correct and apologized to the Commission. Elkins clarified the recommendation is to approve the Preliminary Plat with stipulations.

Kara Hatch, 222 Patton Street, addressed her concerns with the development plans including lot size, street width, utility access and the affect it will have on the neighborhood. Hatch presented a letter from another concerned neighbor.

In response to a question from Braun regarding the Waiver Of Right to Protest that was part of the associated Subdivision Variance (11SV002), Elkins stated that widening of the road in front of just this single lot would create a discontinuous street section. She noted that the associated Subdivision Variance had been acted on as item 10 of the consent calendar.

In response to a question from Brewer, Elkins reviewed the associated graphics stating that setbacks and right-of-ways meet Zoning and Fire code.

Rolinger moved, seconded by Brewer and carried unanimously that the Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;
 2. 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;
 3. Prior to Preliminary Plat approval by the City Council, construction plans for Lindbergh Avenue shall be submitted for review and approval showing three additional feet of pavement, for a minimum pavement width of 27 feet, or a Variance to the Subdivision Regulations shall be obtained;
 4. Prior to Preliminary Plat approval by the City Council, construction plans for Patton Street shall be submitted for review and approval showing three additional feet of pavement, for a minimum pavement 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, a grading plan and a drainage plan shall be submitted for review and approval if subdivision improvements are required;
 6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 8. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council. (8 to 0 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger voting yes and none voting no)
14. No. 10SW001 - Original Town of Rapid City
A request by John W. Ashley to consider an application for a **Sidewalk Vendor Permit** for Sidewalk Vendor Location 5 located in the right-of-way adjacent to Tract A of Block 95 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being a portion of the Saint Joseph Street right-of-way east of the intersection of Sixth Street and Saint Joseph Street.

Elkins advised that the applicant requested the item be moved to the March 10, 2011 Planning Commission meeting.

Rolinger moved, seconded by Brewer and unanimously carried to continue the Sidewalk Vendor Permit to the March 10, 2011 Planning Commission meeting. (8 to 0 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger voting yes and none voting no)

*15. No. 10PD068 - Rushmore Crossing

A request by Stewart Sanderson for Black Hills BBQ, Inc. to consider an application for an **Initial and Final Planned Commercial Development to allow an on-sale liquor establishment** for Lot 5 of Block 3 of Rushmore Crossing, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1718 Eglin Street.

Elkins advised that the applicant has requested that this item be continued to the March 24, 2011 Planning Commission meeting

Braun moved, seconded by Marchand and carried unanimously to continue the Initial and Final Planned Commercial Development to allow an on-sale liquor establishment to the March 24, 2011 Planning Commission meeting. (8 to 0 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger 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 15 and 16 be heard concurrently.

16. No. 10PL061 - Gateway Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for Lots 1 and 2 of Block 1 of Gateway Business Park Subdivision located in the W1/2 of the SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, 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.

*17. No. 10PD052 - Section 28, T2N, R8E

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 ¼ of the SE ¼, and a portion of Lot E of the S ½ of the SE ¼ 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, and the point of beginning; Thence, first course: N00°02'40"W, along the easterly boundary of said Lot 3, a distance of 359.70 feet; Thence, second course: N89°56'14"E, a distance of 86.82 feet; Thence,

third course: S00°10'04"E, a distance of 190.75 feet; Thence, fourth course: S25°39'15"E, a distance of 9.14 feet; Thence, fifth course: S56°22'25"E, a distance of 10.96 feet; Thence, sixth course: N89°46'53"E, a distance of 73.64 feet; Thence, seventh course: N00°00'00"E, a distance of 94.80 feet; Thence, eighth course: N90°00'00"E, a distance of 8.23 feet; Thence, ninth course: N00°00'00"E, a distance of 77.18 feet; Thence, tenth course: S89°23'24"E, a distance of 44.24 feet; Thence, eleventh course: N19°08'40"E, a distance of 32.41 feet; Thence, twelfth course: northwesterly, curving to the right, on a curve with a radius of 23.54 feet, a delta angle of 63°55'08", a length of 26.26 feet, a chord bearing of N36°17'51"W, and chord distance of 24.92 feet; Thence, thirteenth course: N02°40'34"E, a distance of 25.63 feet; Thence, fourteenth course: N90°00'00"E, a distance of 241.53 feet; Thence, fifteenth course: N00°00'00"E, a distance of 192.44 feet; Thence, sixteenth course: N36°20'19"W, a distance of 3.75 feet; Thence, seventeenth course: N06°05'08"W, a distance of 41.12 feet; Thence, eighteenth course: N00°00'00"E, a distance of 1.34 feet; Thence, nineteenth course: N90°00'00"E, a distance of 3.69 feet; Thence, twentieth course: N45°00'00"E, a distance of 28.28 feet; Thence, twenty-first course: S00°00'00"E, a distance of 115.69 feet; Thence, twenty-second course: southeasterly, curving to the left, on a curve with a radius of 160.00 feet, a delta angle of 62°30'13", a length of 174.54 feet, a chord bearing of S31°15'06"E, and chord distance of 166.02 feet; Thence, twenty-third course: S60°32'23"W, a distance of 19.67 feet; Thence, twenty-fourth course: S00°00'00"E, a distance of 390.94 feet, to a point on the northerly edge of said Interstate 90 right-of-way; Thence, twenty-fifth course: S79°07'35"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 20.25 feet; Thence, twenty-sixth course: N89°50'05"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 531.10 feet, to the southeasterly corner of said Lot 3, and 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.

Fisher advised that the applicant requests that the Preliminary Plat and Planned Commercial Development - Initial and Final Development Plan be continued to the March 10, 2011 Planning Commission meeting.

Marchand moved, seconded by Rolinger and carried unanimously to continue the Preliminary Plat and Planned Commercial Development - Initial and Final Development Plan to the March 10, 2011 Planning Commission meeting. (8 to 0 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger 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.

*18. No. 11PD003 - Rushmore Mall Addition

A request by GreenbergFarrow to consider an application for an **Initial and Final Commercial Development Plan to allow an on-sale liquor establishment** for

Lot 8 and the west 162 feet of Lot 7 of Rushmore Mall Addition to the City of Rapid City, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2016 and 2112 North Maple Avenue.

Elkins presented the request and noted staff's recommendation to approve the request with stipulations.

Brewer moved, seconded by Marchand and carried unanimously to approve the Initial and Final Commercial Development Plan to allow an on-sale liquor establishment with the following stipulations:

- 1. Prior to Planning Commission approval a revised utility plan shall be submitted demonstrating that water and sewer services will be connected to City services as per City standards;**
- 2. A minimum of 44,447 landscape points shall be provided. The landscaping shall be installed as per the approved landscape plan and continually maintained in a live vegetative state, kept free of refuse and debris and replaced when necessary;**
- 3. The approved uses for the property shall be limited to a full service restaurant and on-sale liquor establishment operating in conjunction with a full-service restaurant. Any other use of the property shall require a Major Amendment to the Planned Commercial Development;**
- 4. An Exception is hereby granted to allow a 1.18 acre parcel in lieu of the required 4 acre parcel as required in the Shopping Center – 2 Zoning District;**
- 5. An Exception is hereby granted to allow a 5 foot setback from the street for the proposed parking lot in lieu of the 25 foot setback as required in the Shopping Center – 2 Zoning District;**
- 6. Prior to issuance of a Building Permit, a developmental lot agreement must be signed and submitted to the Growth Management office;**
- 7. 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;**
- 8. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;**
- 9. The proposed structure(s) shall conform architecturally to the plans, elevations and color palette submitted as part of the Planned Commercial Development Plan;**
- 10. 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;**
- 11. 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. The addition of electronic signage will require a Major 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;

12. A minimum of 74 off-street parking spaces shall continually be provided including a minimum of 3 handicap accessible spaces with one being "van accessible". The parking shall be installed as per the approved parking plan and continually maintained as such;
13. All applicable provisions of the currently adopted International Fire Code shall continually be met;
14. All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Initial and Final Commercial Development Plan or a subsequent Major Amendment; and,
15. 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. (8 to 0 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger 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.

*19. No. 11PD005 - Burson Subdivision

A request by Corean Construction LLC for Fresh Start Convenience Stores to consider an application for an **Initial and Final Planned Commercial Development to allow an On-Sale Liquor Establishment** for Lot 1B of Lot M and Lot 2 of Lot M of Burson Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3800 and 3887 East Highway 44.

Elkins advised that staff recommends continuing the request to the March 10, 2011 Planning Commission meeting.

Rolinger moved, seconded by Brewer and unanimously carried to continue the Initial and Final Planned Commercial Development to allow an On-Sale Liquor Establishment to the March 10, 2011 Planning Commission meeting. (8 to 0 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger 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.

*20. No. 11PD007 - Schnasse Addition

A request by Erik Braun for Yeung, Inc. to consider an application for an **Initial and Final Planned Commercial Development to allow an On-Sale Liquor Establishment** for Lots 5, 6 and 7 of Block 13 of Schnasse Addition, Section 31, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 315 East North Street.

Fisher presented the request and reviewed staff's recommendation for approval with stipulations.

Braun indicated he would be abstaining due to a conflict of interest.

Rolinger moved, seconded by Brewer and carried to approve the Initial and Final Planned Commercial Development to allow an On-Sale Liquor Establishment with the following stipulations:

- 1. The approved uses for the property shall be limited to a full service restaurant and on-sale liquor establishment operating in conjunction with a full-service restaurant. Any other use of the property shall require a Major Amendment to the Planned Commercial Development;**
- 2. An Exception is hereby granted to allow a Planned Commercial Development with a 0.36 acre lot size in lieu of the required minimum one acre lot size;**
- 3. 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;**
- 4. The existing structure shall continually conform architecturally to the plans, elevations and color palette submitted as part of the Planned Commercial Development Plan;**
- 5. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorists;**
- 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. The addition of electronic signage will require a Major 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. A minimum of 25 off-street parking spaces shall continually be provided including a minimum of one handicap accessible space with one being "van accessible";**

8. **All applicable provisions of the currently adopted International Fire Code shall continually be met;**
9. **All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Initial and Final Commercial Development Plan or a subsequent Major Amendment; and,**
10. **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. (7 to 0 to 1 with Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger voting yes, none voting no and with Braun 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. 10UR039 - Section 29, T2N, R7E

A request by ARC International for Rapid City Diocese & Rapid City Catholic Schools to consider an application for a **Major Amendment to a Conditional Use Permit** for the SE1/4 NW1/4 of Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2101 City Springs Road.

Braun indicated he would be abstaining due to business interests in the project

Rolinger moved, seconded by Marchand and carried to continue the Major Amendment to a Conditional Use Permit to the March 24, 2011 Planning Commission meeting. (7 to 0 to 1 with Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger voting yes, none voting no and with Braun 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. 11UR001 - Original Town of Rapid City

A request by 42nd Street Design Studio, LLC to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment** for Lot 12 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 725 Main Street.

Elkins reviewed the application noting that the applicant has been working diligently to meet all the stipulations but had been unable to obtain all the needed

signatures on the required Covenant Agreement. Elkins stated that the Fire Department has agreed to revise stipulation # 1 to read: "Prior to initiation of use" instead of "Prior to Planning Commission approval." Elkins stated that with that change, staff recommends approval with the revised stipulations.

Brewer moved, seconded by Marchand and carried unanimously to approve the Conditional Use Permit to allow an On-Sale Liquor Establishment with the following stipulations:

- 1. Prior to initiation of use, the applicant shall enter into a covenant agreement regarding the completion of the fire sprinkler system and associated alarm equipment throughout the remaining portions of the building;**
- 2. The proposed structure shall conform architecturally to the plans, elevations and color palette approved as part of the Conditional Use Permit;**
- 3. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. The addition of electronic signage will require a Major Amendment to the Conditional Use Permit. 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;**
- 4. All applicable provisions of the International Fire Code shall be continually met;**
- 5. No outside patio is allowed. Any expansion of the use will require a Major Amendment to the Conditional Use Permit;**
- 6. The on-sale liquor establishment shall be limited to malt beverages and wine. A Major Amendment to the Conditional Use Permit shall be obtained if full liquor sales is proposed; 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. (8 to 0 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger 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.

*23. No. 11UR003 - Park Addition No. 2

A request by Gari Jo Bloomberg to consider an application for a **Conditional Use**

Permit to allow an On-Sale Liquor Establishment for Lot F less Lot F-1 of Park Addition No. 2, Section 6 (also in Section 1, T1N, R7E), T1N, R8E, BHM, and Lot A of E of Government Lot 4 and 5, Section 6, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 200 East Main Street.

Elkins presented the application and staff's recommendation to approve with stipulations. Elkins noted this location had been an operating on-sale liquor use but had been out of business longer than allowed triggering the current Conditional Use Permit process.

In response to a question from Marchand regarding a letter that was received from concerned citizens, Elkins noted that staff has been working with the Police Department staff and South Dakota School of Mines staff to address this issue as well as working with campus staff on their master plan. She noted that the Commission should be receiving an invitation to an upcoming open house from the South Dakota School of Mines on the Campus Master Plan.

In response to a question from Rolinger on the type of facility, Elkins stated that she believes this will be a sports bar with pool tables. Brewer noted that he shares Marchand's concerns but believes the proposed development and its distance from campus will help and looks forward to seeing the master plan for the South Dakota School of Mines.

Rolinger moved, seconded by Brewer and carried unanimously to approve the Conditional Use Permit to allow an On-Sale Liquor Establishment with the following stipulations:

- 1. Prior to Planning Commission approval, a revised site plan shall be submitted identifying all underground utilities on the property;**
- 2. Prior to Planning Commission approval, a Exception to the Street Design Criteria Manual shall be obtained to allow three driveway approaches or one of the driveway approaches shall be closed;**
- 3. Prior to occupancy of the building, a covenant agreement shall be entered into with the property owner to allow the installation of fire protection systems over an approved time frame;**
- 4. The property shall be used as an on-sale liquor establishment. The addition of any other conditional use of the General Commercial Zoning District will require a Major Amendment to the Conditional Use Permit;**
- 5. The proposed structure shall conform architecturally to the plans, elevations and color palette approved as part of the Conditional Use Permit;**
- 6. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Conditional Use Permit. The addition of additional electronic signage will require a Major Amendment to the Conditional Use**

Permit. 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 applicable provisions of the International Fire Code shall be continually met;
8. All provisions of the General Commercial Zoning District shall be continually met;
9. A minimum of 33 off-street parking spaces shall be continually provided. Two of the spaces shall be handicap accessible, one of which shall be "van accessible". All provisions of the off-street parking ordinance shall be continually met;
10. 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;
11. A minimum of 18,503 landscape points shall be continually provided on the property. The landscaping plan shall continually comply with Chapter 17.50.300 of the Rapid City Municipal Code and the approved landscape plan. The landscaping shall be continually maintained in a live vegetative state, kept free of refuse and debris and replaced when necessary; and,
12. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 0 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger 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.

24. Discussion Items
A. Landscaping Ordinance

Elkins noted that the Second Floor Committee requested this item be continued to the April 7, 2011 Planning Commission meeting to allow additional review and discussion.

Marchand moved, seconded by Braun and carried unanimously to continue to the April 7, 2011 Planning Commission meeting. 8 to 0 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger voting yes and none voting no)

25. Staff Items

Elkins noted the Open House for the School of Mines will be held March 27, 2011

at the Surbeck Center Ballroom and encouraged everyone to attend.

26. Planning Commission Items

27. Committee Reports

There being no further business, Marchand moved, Rolinger seconded and unanimously carried to adjourn the meeting at 7:31 a.m. (8 to 0 with Braun, Brewer, Christianson, Gregg, Landguth, Marchand, Rippentrop, and Rolinger voting yes and none voting no)