

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 24, 2011

MEMBERS PRESENT: Erik Braun, Eric Christianson, Doug Kinniburgh, Linda Marchand, Dennis Popp, Kay Rippentrop, and Pat Wyss. Gary Brown, Council Liaison was also present

MEMBERS ABSENT: John Brewer, Julie Gregg, Dennis Landguth, Steve Rolinger, and Andrew Scull

STAFF PRESENT: Vicki Fisher, Karen Bulman, Patsy Horton, Ted Johnson, Tim Behlings, Joel Landeen, Dale Tech, Cameron Humphres and Andrea Wolff.

Kinniburgh called the meeting to order at 7:01 a.m.

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

Staff requested that Item 2 be removed from the Consent Agenda for separate consideration.

A member of the audience requested that Item 3 be removed from the Consent Agenda for separate consideration.

Motion by Marchand, Seconded by Braun and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 11 in accordance with the staff recommendations with the exception of Items 2 and 3. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop and Wyss voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the March 10, 2011 Planning Commission Meeting Minutes.
- *4. 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.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the April 7, 2011 Planning Commission meeting.

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

*5. No. 11PD009 - Section 11, T1N, R7E

A request by CETEC Engineering Services for City of Rapid City to consider an application for an **Initial and Final Planned Residential Development to allow a Municipal Facility** for Tract J in the SW1/4 NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Skyline Drive at Flormann Street.

Planning Commission approved the Initial and Final Planned Residential Development to allow a municipal facility with the following stipulations:

- 1. The Initial and Final Planned Residential Development to allow a municipal facility shall not be effective until the property is rezoned from Park Forest District to Low Density Residential District;**
- 2. A Building Permit and an Erosion Control Permit shall be obtained prior to construction of the control valve station, and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. Prior to issuance of a Building Permit for the proposed control valve station a Fence Height Exception shall be approved by City Council or the fence height must be reduced to 6 feet in height or removed from the proposed plan;**
- 4. Prior to Planning Commission approval, the applicant shall submit a sign package for review and approval or verify that signage is not requested. Prior to installation or painting of a sign on the control valve station, the City Council shall approve the sign as an exempt sign from the requirements of the Sign Code or the City Council shall declare the sign a public purpose sign, or the sign shall be revised to meet the requirements of the Sign Code, or the sign shall be removed from the sign package. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Residential Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package and in compliance with the Sign Ordinance, shall be allowed as a Minimal Amendment to the Planned Residential Development. The addition of electronic signs shall require a Major Amendment to the Planned Residential Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s);**
- 5. A minimum of two off-street parking spaces shall be continually provided. In addition, a minimum of one "van" handicap accessible space shall be provided at all times. The parking shall be installed and striped as per the approved parking plan and all provisions of**

- the Off-Street Parking Ordinance shall be continually met;
6. A minimum of 22,410 landscaping points shall continually be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 7. The proposed structure shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Planned Residential Development. Modifications in the building elevations and design that are consistent with the approved elevations and structural development may be approved as a Minimal Amendment to the Planned Residential Development;
 8. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;
 9. Prior to Planning Commission approval, the site plan and construction plans shall be revised to include a sidewalk along Skyline Drive as per Section 12.16.080 of the Rapid City Municipal Code or the applicant shall obtain a variance from the City Council waiving the sidewalk installation;
 10. An Air Quality Permit shall be obtained prior to the disturbance of one acre or more of surface area;
 11. The Planned Residential Development, as submitted, allows a 26.72 foot and 26.83 foot reduction in the side yard setback in lieu of the required 35 foot side yard setback; and,
 12. 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.

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

6. No. 11VE003 - Rushmore Crossing

A request by Renner & Associates, LLC for Jack Degagne to consider an application for a **Vacation of a portion of a Non-Access Easement** for Lot 2B of Block 3 of Rushmore Crossing, SE1/4 of the SW1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1516 Eglin Street.

Planning Commission recommended that the Vacation of Non-Access Easement be approved with the following stipulations:

1. **Prior to Public Works Committee approval, a separate Exhibit "A" shall be recorded at the Register of Deed's Office securing an alternate non-access easement along Eglin Street as it abuts the property.**

*7. No. 11PD012 - Original Town of Rapid City

A request by Gene Fennell to consider an application for an **Initial and Final Commercial Development Plan** for property located in Block 98 of the Original Town of Rapid City, Section 1, T1N, R7E, described as follows: Lots 1-5 and the N ½ of the vacated Alley adjacent to said lots; Lots 28-32 and S ½ of the vacated Alley adjacent to said lots; and, a portion of Lots 6 and 27 and the N ½ and S ½ of the vacated Alley adjacent to said Lots 6 and 27 described following: Beginning at the northeast corner of said Lot 6, thence southerly along the east line of said Lot 6 a distance of 140.00 feet to the southeast corner of said Lot 6, thence southerly along a line parallel to the east line of said Lot 6 a distance of 20.00 feet to the northeast corner of Lot 27, thence southerly along the east lot line of said Lot 27 a distance of 140.00 feet to the southeast corner of said Lot 27, thence westerly along the south lot line of Lot 27 a distance of 1.60 feet, thence northerly along a line parallel to the east lot line of Lot 27 a distance of 125.33 feet, thence westerly along a line perpendicular to the east lot line of Lot 27 a distance of 14.50 feet, thence northerly along a line, parallel to the east lot line of Lot 27 a distance of 36.50 feet, thence easterly along a line perpendicular to the east lot line of Lot 6 a distance of 14.50 feet, thence northerly along a line parallel to the east lot line of Lot 6 a distance of 138.17 feet to a point on the north lot line of Lot 6, thence easterly along the north line of Lot 6 a distance of 1.60 feet to the point of beginning being the northeast corner of Lot 6, all located on Block 98 of the Original Town of Rapid City, Section 1, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 211 Saint Joseph Street.

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

1. **An Exception is hereby granted to allow the parking structure with a maximum height of 75 feet in lieu of 45 feet as per Chapter 17.18.060;**
2. **The parking structure is located 4.5 feet from the front lot line, 21.5 feet into the 25 foot front yard setback, as approved by the Planning Commission on March 6, 2003 for the 11-6-19 SDCL Review;**
3. **Parking for the Pennington County Courthouse Complex is currently at 781 parking spaces with this two story addition to the parking structure. Any future expansion of this area shall require that parking be provided in compliance with Chapter 17.50.270 of the Rapid City Municipal Code or a Major Amendment to the Planned Commercial Development shall be submitted for review and approval reducing the parking requirement;**
4. **Any additional signage will require a Major Amendment to the Planned Commercial Development;**
5. **Any future enclosure of the stair towers will require a Major Amendment to the Planned Commercial Development; and,**
6. **The Major Amendment to a 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 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.

8. No. 11RZ002 - Section 22, T1N, R7E

A request by Sperlich Consulting, Inc. for OTS, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** for a portion of the SW1/4 of the SW1/4, Section 22, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 4 of Block 3 of Stoney Creek South Subdivision, common to a point on the westerly edge of the 68 feet wide right-of-way of Nugget Gulch Road; Thence, S26°19'59"W, along the westerly edge of the right-of-way of said Nugget Gulch Road, a distance of 152.73 feet, to a point of curvature; Thence, southwesterly, along the westerly edge of the right-of-way of said Nugget Gulch Road, curving to the left on a curve with a radius of 409.00 feet, a delta angle of 20°35'54"±, an arc length of 147.04± feet, a chord bearing of S16°02'04"W±, and a chord distance of 146.25± feet, to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, common to a point on the Section 1/16 line common to the NW1/4 of the SW1/4, and the SW1/4 of the SW1/4 of said Section 22, and the Point of Beginning; Thence, first course: southwesterly, along the westerly edge of the right-of-way of said Nugget Gulch Road, curving to the left on a curve with a radius of 409.00 feet, a delta angle of 05°53'11"±, an arc length of 42.02± feet, a chord bearing of S02°47'32"W±, and a chord distance of 42.00± feet, to a point of tangency; Thence, second course: S00°08'15"E, along the westerly edge of the right-of-way of said Nugget Gulch Road, a distance of 293.83 feet, to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, common to the northwesterly corner of Lot H-3 of the SW1/4 of the SW1/4, and the SE1/4 of the SW1/4, of Section 22; Thence, third course: S00°08'50"E, along the westerly edge of the right-of-way of said Lot H-3, a distance of 40.80 feet, to a point of curvature; Thence, fourth course: southeasterly, along the westerly edge of the right-of-way of said Lot H-3, curving to the left on a curve with a radius of 434.00 feet, a delta angle of 28°06'50", an arc length of 212.96 feet, a chord bearing of S14°13'03"E, and a chord distance of 210.83 feet, to a point of reverse curvature; Thence, fifth course: southeasterly, along the westerly edge of the right-of-way of said Lot H-3, curving to the right on a curve with a radius of 366.00 feet, a delta angle of 28°13'15", an arc length of 180.27 feet, a chord bearing of S14°09'51"E, and a chord distance of 178.46 feet, to a point of tangency; Thence, sixth course: S00°02'25"E, along the westerly edge of the right-of-way of said Lot H-3, a distance of 16.75 feet, to a point on the westerly edge of the right-of-way of said Lot H-3, common to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, and common to the northeasterly corner of Lot 8 of Block 2 of Catron Crossing Subdivision; Thence, seventh course: S89°55'17"W, along the northerly boundary of said Lot 8 of Block 2 of Catron Crossing Subdivision, a distance of 99.88 feet, to the northwesterly

corner of said Lot 8 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 7 of Block 2 of Catron Crossing Subdivision; Thence, eighth course: S89°52'45"W, along the northerly boundary of said Lot 7 of Block 2 of Catron Crossing Subdivision, a distance of 93.85 feet, to the northwesterly corner of said Lot 7 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 6 of Block 2 of Catron Crossing Subdivision; Thence, ninth course: N89°56'47"W, along the northerly boundary of said Lot 6 of Block 2 of Catron Crossing Subdivision, a distance of 93.70 feet, to the northwesterly corner of said Lot 6 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 5 of Block 2 of Catron Crossing Subdivision; Thence, tenth course: N89°59'19"W, along the northerly boundary of said Lot 5 of Block 2 of Catron Crossing Subdivision, a distance of 93.72 feet, to the northwesterly corner of said Lot 5 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 4 of Block 2 of Catron Crossing Subdivision; Thence, eleventh course: S89°51'50"W, along the northerly boundary of said Lot 4 of Block 2 of Catron Crossing Subdivision, a distance of 93.76 feet, to the northwesterly corner of said Lot 4 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 3 of Block 2 of Catron Crossing Subdivision; Thence, twelfth course: N89°52'33"W, along the northerly boundary of said Lot 3 of Block 2 of Catron Crossing Subdivision, a distance of 93.69 feet, to the northwesterly corner of said Lot 3 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 2 of Block 2 of Catron Crossing Subdivision; Thence, thirteenth course: S89°55'44"W, along the northerly boundary of said Lot 2 of Block 2 of Catron Crossing Subdivision, a distance of 72.41 feet, to the northwesterly corner of said Lot 2 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 1 of Block 2 of Catron Crossing Subdivision; Thence, fourteenth course: N76°23'31"W, along the northerly boundary of said Lot 1 of Block 2 of Catron Crossing Subdivision, a distance of 108.68 feet, to the northwesterly corner of said Lot 1 of Block 2 of Catron Crossing Subdivision, common to a point on the easterly edge of the 52 feet wide right-of-way of Bendt Drive; Thence, fifteenth course: N00°08'35"W, along the easterly edge of the right-of-way of said Bendt Drive, a distance of 63.37 feet, to a point of curvature; Thence, sixteenth course: northeasterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 13°10'54", an arc length of 63.04 feet, a chord bearing of N06°36'18"E, and a chord distance of 62.90 feet, to a point on the easterly edge of the right-of-way of said Bendt Drive, common to the southwesterly corner of Lot 9 of Block 2 of Catron Crossing Subdivision; Thence seventeenth course: S77°13'45"E, along the southerly boundary of said Lot 9 of Block 2 of Catron Crossing Subdivision, a distance of 160.97 feet, to the southeasterly corner of said Lot 9 of Block 2 of Catron Crossing Subdivision; Thence, eighteenth course: N12°46'51"E, along the easterly boundary of said Lot 9 of Block 2 of Catron Crossing Subdivision, a distance of 121.06 feet, to the northeasterly corner of said Lot 9 of Block 2 of Catron Crossing Subdivision; Thence, nineteenth course: N76°23'05"W, along the northerly boundary of said Lot 9 of Block 2 of Catron Crossing Subdivision, a distance of 142.67 feet, to the northwesterly corner of said Lot 9 of Block 2 of Catron Crossing Subdivision, common to a point on the easterly edge of the right-of-way of said Bendt Drive; Thence, twentieth course: N23°07'27"E, along the easterly edge of the right-of-way of said Bendt Drive, a distance of 37.31 feet, to a

point of curvature; Thence, twenty-first course: northeasterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the left on a curve with a radius of 476.00 feet, a delta angle of 27°56'54", an arc length of 232.19 feet, a chord bearing of N09°22'33"E, and a chord distance of 229.89 feet, to a point of tangency; Thence, twenty-second course: N04°37'59"W, along the easterly edge of the right-of-way of said Bendt Drive, a distance of 83.68 feet, to a point of curvature; Thence, twenty-third course: northeasterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 13°23'57", an arc length of 64.08 feet, a chord bearing of N02°02'14"E, and a chord distance of 63.93 feet, to a point of reverse curvature; Thence, twenty-fourth course: northwesterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 16°13'25"±, an arc length of 92.31± feet, a chord bearing of N00°35'12"E±, and a chord distance of 92.00± feet, to a point on the easterly edge of the right-of-way of said Bendt Drive, common to a point on the Section 1/16 line common to the NW1/4 of the SW1/4, and the SW1/4 of the SW1/4 of said Section 22; Thence, twenty-fifth course: N89°40'17"E±, along said Section 1/16 line common to the NW1/4 of the SW1/4, and the SW1/4 of the SW1/4 of said Section 22, a distance of 551.68± feet, to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, common to a point on the Section 1/16 line common to the NW1/4 of the SW1/4, and the SW1/4 of the SW1/4 of said Section 22, and the Point of Beginning, more generally described as being located west of the intersection of Overview Lane and Nugget Gulch Road.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be approved.

9. No. 11PL012 - Five Star Subdivision

A request by FMG Engineering for Rubloff Rapid City, LLC to consider an application for a **Preliminary Plat** for proposed Lot A of Lot 1R and Lot B of Lot 1R of Five Star Subdivision, legally described as Lot 1R of Five Star Subdivision located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue, south of Disk Drive and north of Interstate 90.

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

1. **Prior to Preliminary Plat approval by the City Council, road construction plans for Interstate 90 shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with sewer and water or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the City Council, road construction plans for the access easement shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a 59 foot wide easement and constructed with a minimum 26 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 submittal of a Preliminary Plat approval by the City Council, the Operation and Easement Agreement shall be reviewed and approved by the City Attorney's Office or additional access easements in a form acceptable to the City Attorney shall be provided to secure access along all shared access aisles and to all parking spaces as required;
4. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow the water and sewer service lines serving Lot B of Lot 1R to cross Lot A of Lot 1R or the lot layout shall be revised to comply with the design specifications or plans to relocate the utilities in compliance with all applicable provisions of the Rapid City Municipal Code and the adopted Utility Specification shall be submitted for review and approval. If the Exception is granted and a Covenant Agreement is required as a stipulation of granting the Exception, then the agreement shall be recorded prior to submittal of a Final Plat application;
5. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
6. Prior to Preliminary Plat approval by the City Council, a grading plan and a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In particular, the drainage plan shall include calculations demonstrating that discharge from any improvements will not exceed pre-development flow rates or local detention facilities shall be provided. In addition, the plat document shall also be revised to provide drainage easements as necessary;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
8. Prior to submittal of a Final Plat application, the plat shall be revised to show the lots as Lot 1RA and Lot 1RB;
9. Upon submittal of a Final Plat application, an additional 4,378 landscape points shall be added to proposed Lot B of Lot 1R or surety shall be posted for the improvement;
10. 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;
11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
12. 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.

10. No. 11SV003 - Five Star Subdivision

A request by FMG Engineering for Rubloff Rapid City, LLC 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 along the access easement and to reduce the width of the access easement from 59 feet to a varying width of 40 feet to 26 feet and to waive the requirement to install water and sewer along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot A of Lot 1R and Lot B of Lot 1R of Five Star Subdivision, legally described as Lot 1R of Five Star Subdivision located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue, south of Disk Drive and north of Interstate 90.

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 along the access easement and to reduce the width of the access easement from 59 feet to a varying width of 40 feet to 26 feet be approved; and

That the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Interstate 90 as per 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. No. 11UR004 - Rapid City Greenway Tract

A request by Hills Alive Festival to consider an application for a **Conditional Use Permit to allow structures in the Flood Hazard Zoning District** for Tract 20 less Lot H1 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between North Mount Rushmore Road and Fifth Street in Memorial Park.

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

1. **A Temporary Use Permit shall be obtained prior to initiation of the event;**
2. **Prior to issuance of a Temporary Use Permit, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;**
3. **All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;**
4. **All requirements of the Floodplain Development Ordinance shall be met at all times;**
5. **A Special Exception to the Floodplain Development Ordinance shall**

- be obtained to allow structures to be located in the hydraulic floodway or the site plan shall be revised to eliminate the structures from this area of the property;
6. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;
 7. Prior to the initiation of the event, a traffic plan shall be submitted to the Rapid City Police Department and implemented as required to provide safe pedestrian travel to and from the event;
 8. No banners shall be allowed within the public right-of-way or on fences. In addition, all signs shall be on-premise signs and a sign permit shall be obtained pursuant to Section 15.28 of the Rapid City Municipal Code;
 9. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested;
 10. All electrical wiring shall comply with the applicable Uniform Building and Electrical Codes;
 11. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;
 12. Overnight prayer shall be allowed in a festival tent on Saturday night of each year. No speakers, microphones or amplification shall be utilized during the overnight prayer activities. In addition, no camping shall be permitted;
 13. Security shall be provided for the duration of the special event and a weather radio shall be on-site and monitored continually;
 14. The proposed event shall be allowed to operate as proposed for no more than two event days per year with the exception of 2015 which shall allow for three days. In addition, set up shall be allowed Thursday and Friday prior to the event each year with tear down on Monday after the event; and,
 15. The Conditional Use Permit shall be reviewed upon a complaint basis.

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

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *2. 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 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.

Bulman clarified that this item was removed from consent agenda to allow members of the Planning Commission to abstain due to business interests and presented staff's recommendation to approve with stipulations.

Braun and Wyss indicated they would be abstaining due to business interest.

Popp moved, Marchand seconded and carried to approve the Major Amendment to a Conditional Use Permit with the following stipulations:

- 1. The uses allowed on the property shall include: a school, including preschool and Kindergarten through 5th Grade and a child care center for after school hours and summer months; a church to be used in conjunction with the school; and, a Spiritual Life Center as an accessory to the church. The Spiritual Life Center shall be used for faith based retreats or religious events and are not to be rented for profit or to others not focused on faith building growth. The Center shall be used for retreats up to two weeks in length and include 24 double occupancy lodging rooms and 35 single occupancy lodging rooms. Any change in use or expansion of use shall require the review and approval of a Major Amendment to the Conditional Use Permit. Changes in use or expansion of use, which the Growth Management Director determines is consistent with and accessory to the original approved uses, shall be allowed as a Minimal Amendment to the Conditional Use Permit;**
- 2. A Building Permit shall be obtained prior to any construction for the school and church use and a Certificate of Occupancy shall be obtained prior to occupancy. All plans must be stamped and signed by a Registered Professional Engineer or Architect as per SDCL 36-18A;**
- 3. The proposed structures shall continue to conform architecturally to the approved plans and elevations;**
- 4. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
- 5. Upon submission of a Building Permit application for the school and church use, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
- 6. A minimum of 395,250 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 7. A minimum of 214 parking spaces shall be provided. In addition, twelve of the parking spaces shall be handicap accessible spaces. Five of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met. As the church will be used in conjunction with the school, the**

- church will share parking spaces with the school. Any expansion of the parking lot will require a Major Amendment to the Conditional Use Permit. Any expansion of the school or a change in use for the church will require additional parking and a Major Amendment to the Conditional Use Permit;
8. All currently adopted International Fire Codes shall be met;
 9. Prior to Planning Commission approval, a complete sign package, to include the five (5) ground signs, one (1) electronic sign, and any proposed wall signs, shall be submitted for review and approval, or a Major Amendment to the Conditional Use Permit shall be submitted prior to any signage being placed on the property;
 10. The exception for five driveway approaches is approved with this Major Amendment to the Conditional Use Permit. Any changes in the approved site plan or changes in use that require a Major Amendment to the Conditional Use Permit will require that the exception for the five driveway approaches be re-submitted for review and approval;
 11. The construction of the two turn lanes at St. Martins Drive and Sturgis Road and the improvements shall be completed prior to obtaining a Certificate of Occupancy;
 12. All provisions of the Medium Density Residential District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment; and,
 13. The Major Amendment to a 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. (5 to 0 to 2 with Christianson, Kinniburgh, Marchand, Popp, and Rippentrop voting yes and none voting no and Braun and Wyss abstaining)

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

3. No. 11CA001 - Airport Master Plan
A request by Rapid City Regional Airport to consider an application for an **Amendment to the adopted Comprehensive Plan to incorporate the City of Rapid City's Regional Airport Master Plan, Land Use Compatibility Plan, October 2010.**

Horton presented the application noting that the Airport Director and consultant were in attendance to address questions. Kinniburgh asked if public discussion had been held as requested. Horton stated that multiple issues have been identified and addressed and a stipulation added to have neighborhood open houses before implementing the plan.

In response to a question from Braun, Horton confirmed that there would be

another chance to review the Comprehensive Plan before implementation. Horton responded to a question from Kinniburgh that there are plans to manage the open areas and density.

Max Parker, 3213 W. Main, stated that it was his understating that the open houses would occur before approval of the Plan and not prior to implementation of the Plan. He also stated that the majority of the area in the Airport Master Plan is located in Pennington County and that the City and not the County will be making the decisions. Horton noted that the County Commission will be reviewing the Plan as it moves forward through the process and will actually be approving it as part of their long range plan.

Wyss stated he believes the Airport Master Plan is a guide that provides general direction.

In response to a question from Popp regarding County approval process, Horton stated that the County would have to hold a public hearing to approve the Plan and that the Plan they approve would be the same as what the City approves.

Wyss moved, Popp seconded and carried unanimously that the Amendment to the Comprehensive Plan to adopt the Rapid City Regional Airport Master Plan, Land Use Compatibility Plan dated October 2010, be approved with the following stipulation:

- 1. That prior to implementation of any recommended changes to existing land use, public meetings shall be held to inform area property owners of potential impacts. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop and Wyss voting yes and none voting no)**

*12. 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 at 1718 Eglin Street.

Horton presented staff's recommendation to continue the Initial and Final Planned Commercial Development to allow an on-sale liquor establishment to the April 7, 2011 Planning Commission meeting.

Popp moved, Marchand seconded and carried unanimously to continue the Initial and Final Planned Commercial Development to allow an on-sale liquor establishment to the April 7, 2011 Planning Commission meeting. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop 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.

*13. No. 11UR005 - Original Town of Rapid City

A request by Anthony Demaro to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** for Lots 13 thru 16 of Block 82 of the Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 510 9th Street.

Bulman presented the application stating that the project has received approval from the Historic Preservation Committee and presented staff's recommendation to approve with stipulations.

RG Schmidt, adjacent property owner, voiced his objection due to the density of liquor licenses in the area and issues with parking, littering and derelict actions experienced previously with patrons of the former facility and request that these issues be seriously considered. He asked that the commission deny the request.

Pat Roseland, nearby property owner, stated that he supports the application.

Anthony Demaro, General Manager of Murphy's, spoke to the problems noted by Schmidt stating that the new facility will cater to a different clientele than the previous one and plans to offer a more historic, upper end pub and restaurant experience. Braun commended them for the work put into the property

In response to Brown's comment that City Council has had issues with the area in the past, Demaro replied they would work to prevent parking, littering and loitering issues.

Braun moved, Wyss seconded and carried unanimously to approve the Conditional Use Permit to allow an on-sale liquor establishment with the following stipulations:

- 1. The approved uses for the property shall be limited to an on-sale liquor establishment operating in conjunction with a full-service restaurant/pub. Any other use of the property shall require a Major Amendment to the Conditional Use Permit;**
- 2. The hours of operation for the outdoor patio shall be limited to 11:00 a.m. to 12:00 a.m. on weekdays and 11:00 a.m. to 1 a.m. on Friday and Saturday, and live entertainment on the outdoor patio shall not be allowed beyond 11:30 p.m.;**
- 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. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;**
- 5. 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. Any new signs or the replacement of signs will require a variance to the Sign Code Board of Appeals if the signs do not conform to the**

Sign Code requirements. 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 any 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. A sign permit shall also be obtained for any additional signage;

6. **All applicable provisions of the currently adopted International Fire Code shall continually be met;**
7. **All provisions of the Central Business Zoning District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment; and,**
8. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop 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 14 and 15 heard concurrently.

*14. 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.

*15. 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 stipulations of approval have not been met and as such that staff recommends the applications be continued to the April 7, 2011 Planning Commission meeting.

Popp moved, Marchand seconded and unanimously carried to continue the Preliminary Plat (10PL061) for Lot 1, Block 1 of Gateway Business Park Subdivision and the Planned Commercial Development - Initial and Final Development Plan (10PD052) to the April 7, 2011 Planning Commission meeting. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop 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.

- *16. No. 11PD008 - Section 1, T1N, R7E
A request by Doug Meiron for Black Hills Workshop Foundation to consider an application for an **Initial and Final Planned Residential Development** for that

portion of the unplatted portion of the SE1/4 NE1/4 (formerly known as Lots 16-26 and Lot 16A of Block 3 of Morgans Addition) lying east of East Boulevard, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 802 East Boulevard.

Fisher presented the application and staff's recommendation to approve with stipulations.

In response to a question from Kinniburgh regarding approaches, Fisher confirmed that the approaches meet all City requirements.

Marchand moved, Popp seconded and carried unanimously approved the Initial and Final Planned Residential Development with the following stipulations:

- 1. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Planning Commission approval, additional drainage information shall be submitted for review and approval identifying the stormwater routing across the parcel and the impact on the adjacent properties;**
- 3. Prior to Planning Commission approval, sewer data shall be submitted for review and approval demonstrating that the existing sewer facility is adequate to provide service for the proposed use or construction plans shall be submitted for review and approval to provide adequate sewer service for the proposed use;**
- 4. Prior to Planning Commission approval, revised construction plans providing a water main connection to the Low Level Water Service Zone main located at East Boulevard and Quincy Street shall be submitted for review and approval or calculations shall be provided supporting the proposed connection to the Palo Verde Zone, the High Level Water Service Zone. In addition, an Exception shall be obtained to allow a property located within the Low Level Water Service Zone to be served by the High Level Water Service Zone;**
- 5. A Building Permit shall be obtained prior to the start of construction and a Certificate of Occupancy shall be obtained prior to Occupancy;**
- 6. Prior to issuance of a Building Permit, an Exception shall be obtained to waive the requirement to provide a sidewalk along East Boulevard or prior to issuance of a Certificate of Occupancy, a sidewalk shall be constructed along the street as shown on the applicant's site plan;**
- 7. Prior to issuance of a Building Permit, a water main easement shall be recorded at the Register of Deed's Office for the extension of the water main located outside of right-of-way to serve the property. In addition, a copy of the recorded easement shall be submitted to the Growth Management Department;**
- 8. The structures shall conform architecturally to the plans and elevations and color palette submitted as part of this Initial and Final Planned Residential Development. Changes to the elevations may be**

authorized by the Growth Management Director when they are consistent with the architectural style of the development as approved herein;

9. A minimum of 39,090 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
10. A minimum of four parking spaces shall be provided. In addition, one of the parking spaces shall be "van" handicap accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;
11. The currently adopted International Fire Code shall be continually met. In particular, the residential structures shall have fire sprinkler systems as proposed to insure that the occupants are protected; and,
12. A group home shall be allowed on the property as defined by Chapter 17.04.350 of the Zoning Ordinance. This shall not include missions, detoxification centers or detention centers. In particular, the two proposed residences shall be used as a group home with a maximum of four clients and two staff members per home. However, the Planned Residential Development shall expire if the use is not undertaken and completed within ten years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years. In addition, any change and/or expansion in use shall require that a Major Amendment to the Planned Residential Development be obtained. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop 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.

*17. No. 11PD010 - Rushmore Crossing

A request by GHA Architecture/Development for Rare Hospitality International, Inc. to consider an application for an **Initial and Final Commercial Development Plan to allow an on-sale liquor establishment** for Lot 2A and Lot 2B of Block 3 of Rushmore Crossing, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1510 and 1516 Eglin Street.

Horton presented the application and advised that staff recommends approval with stipulations as revised.

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

1. Prior to issuance of a building permit, all redlined comments shall be

- addressed. Additionally, the redlined plans shall be returned to the Growth Management Department;
2. Prior to Planning Commission approval, the site plan or sign package shall be revised to show a similar building layout. Changes to the proposed building layout that comply with all building and fire code regulations, which the Growth Management Director determines to be consistent with the original approved site plan, shall be allowed as a Minimal Amendment to the Planned Commercial Development;
 3. A minimum of 76,348 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;
 4. 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;
 5. Prior to issuance of a building permit, a shared access agreement shall be reviewed and approved by the City Attorney's office and recorded at the Register of Deeds Office;
 6. 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;
 7. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;
 8. The proposed structure(s) shall conform architecturally to the plans, elevations and color palette submitted as part of the Planned Commercial Development Plan. Additionally, the roof coating shall match the color palette;
 9. Upon warrants being met to construct a signal along Eglin Street at the western approach, the western approach shall be redesigned to add a lane and align with the driveway located south of Eglin Street as per the Rushmore Crossing Traffic Impact Study, 3rd Edition. Said improvements shall be at the applicant's expense;
 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 69 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. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop 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.

*18. No. 11PD011 - Black Hills Center

A request by FourFront Design, Inc. for Eagle Ridge II, LP to consider an application for a **Major Amendment to a Planned Residential Development** for Lots 2A and 2B of Block 1 of Black Hills Center, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 121 Stumer Road.

Fisher presented the application noting that this is a Major Amendment to the Planned Residential Development (09PD096) that was approved in 2010 for Phase II of the Eagle Ridge apartment complex, which required that the landscaping be planted within 90 days of issuance of building permit. However, due to the timing and weather an extension is being requested. Fisher advised that staff supports that extension with the stipulations as distributed.

Additionally, Fisher noted that the traffic calming island proposed at the east entrance to the site will be shown as part of this construction project as noted in revised stipulation #2. Fisher advised that staff recommends approval with revised stipulations.

Tyler Bowling, 343 Enchantment Road, noted his concerns regarding landscaping and erosion damage to his property and presented photos. In response to a question from Bowling, Kinniburgh noted that there had been much input from surrounding home owners. Fisher stated that the developer will be available to discuss the issues leading up to the delay and also noted that the developer is required to provide erosion and sediment control. Tyler requested enforcement of previous approvals. Fisher advised that if the landscaping is not in place by the

August 1, 2011, deadline noted in the stipulations set forth on the Major Amendment, that staff would issue a stop work order or the applicant would have to request an additional extension.

Braun requested the applicant to address the issues. Bob Drew, Eagle Ridge Developer, stated they fully intended to meet the deadline, but approval delays for their Housing Urban Development financing had pushed the dates back. Drew presented photos of the property and progress noting that they are working to meet requirements and deadlines and requested that the extension be approved.

In response to questions from Kinniburgh regarding erosion onto adjoining owner's property, Drew replied that they are working to control the erosion. Braun noted that the extension may be unnecessary. Drew replied that the extension will allow for potential delays due to weather, but believes they can make the deadline.

Braun moved, Popp seconded and carried to approve the Major Amendment to a Planned Residential Development with the following stipulations:

- 1. The landscaping along the west lot line shall be planted no later than August 1, 2011. All landscaping shall be planted in compliance with the approved landscaping plan and shall comply with all approved requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary. Any change in the approved landscaping plan shall require a Major Amendment to the Planned Residential Development;**
- 2. Prior to issuance of a Certificate of Occupancy, the traffic control island shall be constructed within the approach along Stumer Road. In addition, removal of the traffic control island shall require the review and approval of a Major Amendment to the Planned Residential Development;**
- 3. A fence shall continually be maintained along the west lot line in compliance with the approved design plans;**
- 4. The retaining wall(s) shall be constructed in compliance with the approved design plans. In addition, the wall(s) shall be constructed at the start of construction for Phase Two;**
- 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 motorist or constitute a nuisance of any kind;**
- 6. Sediment and erosion control measures shall be continually maintained to preclude sediment from depositing onto the adjacent properties and/or rights-of-way. In addition, sediment and erosion control measures shall be maintained along the berm located along Catron Boulevard;**
- 7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 8. The proposed apartment buildings shall not exceed 38 feet, 9 3/8 inches in height as per the previously approved Exception request;**
- 9. All provisions of the Zoning Ordinance shall be met unless otherwise**

- specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment;
10. The dumpster(s) shall be screened on all four sides with an opaque screening fence;
 11. A minimum of 231 parking spaces shall be provided with seven of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. A minimum of six planter islands shall be provided within the parking lot. Each planter island shall contain a minimum of 100 square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. All provisions of the Off-Street Parking Ordinance shall be continually met;
 12. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. All of the residential dwelling units or structures shall be sprinklered;
 13. A storm water discharge permit shall be obtained as needed;
 14. A Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation as needed;
 15. The surety shall continually be provided as needed to insure that the landscaping, fencing and retaining wall are completed as per the approved plans;
 16. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development; and,
 17. The Planned Residential Development shall allow for the construction of a 154 unit apartment complex with a leasing/administration office, tot lots and accessory garages on the property. The time to complete the Planned Residential Development shall be extended two years from the date of approval by the Planning Commission. However, the Planned Residential Development shall expire if the use is not undertaken and completed within the two years or if the use as approved has ceased for two years. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop 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 19 and 20 be considered concurrently.

19. No. 11PL013 - The Ridge at Catron Crossing Subdivision

A request by Sperlich Consulting, Inc. for OTS, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 through 29 of Block 1 and Drainage Lot of The Ridge at Catron Crossing Subdivision, legally described as a portion of the NW1/4 of the SW1/4, and a portion of the SW1/4 of the SW1/4, Section 22, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Overview Lane and Nugget Gulch Road.

*20. No. 11PD013 - Section 22, T1N, R7E

A request by Sperlich Consulting, Inc. for OTS, Inc. to consider an application for an **Initial and Final Residential Development Plan** for a portion of the NW1/4 of the SW1/4, and a portion of the SW1/4 of the SW1/4, Section 22, T1N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 4 of Block 3 of Stoney Creek South Subdivision, common to a point on the westerly edge of the 68 feet wide right-of-way of Nugget Gulch Road, and the Point of Beginning; Thence, first course: S26°19'59"W, along the westerly edge of the right-of-way of said Nugget Gulch Road, a distance of 152.73 feet, to a point of curvature; Thence, second course: southwesterly, along the westerly edge of the right-of-way of said Nugget Gulch Road, curving to the left on a curve with a radius of 409.00 feet, a delta angle of 26°29'04", an arc length of 189.06 feet, a chord bearing of S13°05'29"W, and a chord distance of 187.38 feet, to a point of tangency; Thence, third course: S00°08'15"E, along the westerly edge of the right-of-way of said Nugget Gulch Road, a distance of 293.83 feet, to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, common to northwesterly corner of Lot H-3 of the SW1/4 of the SW1/4, and the SE1/4 of the SW1/4, of said Section 22; Thence, fourth course: S00°08'50"E, along the westerly edge of the right-of-way of said Lot H-3, a distance of 40.80 feet, to a point of curvature; Thence, fifth course: southeasterly, along the westerly edge of the right-of-way of said Lot H-3, curving to the left on a curve with a radius of 434.00 feet, a delta angle of 28°06'50", an arc length of 212.96 feet, a chord bearing of S14°13'03"E, and a chord distance of 210.83 feet, to a point of reverse curvature; Thence, sixth course: southeasterly, along the westerly edge of the right-of-way of said Lot H-3, curving to the right on a curve with a radius of 366.00 feet, a delta angle of 28°13'15", an arc length of 180.27 feet, a chord bearing of S14°09'51"E, and a chord distance of 178.46 feet, to a point of tangency; Thence, seventh course: S00°02'25"E, along the westerly edge of the right-of-way of said Lot H-3, a distance of 16.75 feet, to a point on the westerly edge of the right-of-way of said Lot H-3, common to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, and common to the northeasterly corner of Lot 8 of Block 2 of Catron Crossing Subdivision; Thence, eighth course: S89°55'17"W, along the northerly boundary of said Lot 8 of Block 2 of Catron Crossing Subdivision, a distance of 99.88 feet, to the northwesterly corner of said Lot 8 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 7 of Block 2 of Catron Crossing Subdivision; Thence, ninth course: S89°52'45"W, along the northerly boundary of said Lot 7 of Block 2 of Catron Crossing Subdivision, a distance of 93.85 feet, to the northwesterly corner of said Lot 7 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 6 of Block 2 of Catron Crossing Subdivision; Thence, tenth course: N89°56'47"W, along the northerly boundary of said Lot 6 of Block 2 of Catron Crossing Subdivision, a distance of 93.70 feet, to the northwesterly

corner of said Lot 6 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 5 of Block 2 of Catron Crossing Subdivision; Thence, eleventh course: $N89^{\circ}59'19''W$, along the northerly boundary of said Lot 5 of Block 2 of Catron Crossing Subdivision, a distance of 93.72 feet, to the northwesterly corner of said Lot 5 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 4 of Block 2 of Catron Crossing Subdivision; Thence, twelfth course: $S89^{\circ}51'50''W$, along the northerly boundary of said Lot 4 of Block 2 of Catron Crossing Subdivision, a distance of 93.76 feet, to the northwesterly corner of said Lot 4 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 3 of Block 2 of Catron Crossing Subdivision; Thence, thirteenth course: $N89^{\circ}52'33''W$, along the northerly boundary of said Lot 3 of Block 2 of Catron Crossing Subdivision, a distance of 93.69 feet, to the northwesterly corner of said Lot 3 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 2 of Block 2 of Catron Crossing Subdivision; Thence, fourteenth course: $S89^{\circ}55'44''W$, along the northerly boundary of said Lot 2 of Block 2 of Catron Crossing Subdivision, a distance of 72.41 feet, to the northwesterly corner of said Lot 2 of Block 2 of Catron Crossing Subdivision, common to the northeasterly corner of Lot 1 of Block 2 of Catron Crossing Subdivision; Thence, fifteenth course: $N76^{\circ}23'31''W$, along the northerly boundary of said Lot 1 of Block 2 of Catron Crossing Subdivision, a distance of 108.68 feet, to the northwesterly corner of said Lot 1 of Block 2 of Catron Crossing Subdivision, common to a point on the easterly edge of the 52 feet wide right-of-way of Bendt Drive; Thence, sixteenth course: $N00^{\circ}08'35''W$, along the easterly edge of the right-of-way of said Bendt Drive, a distance of 63.37 feet, to a point of curvature; Thence, seventeenth course: northeasterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of $13^{\circ}10'54''$, an arc length of 63.04 feet, a chord bearing of $N06^{\circ}36'18''E$, and a chord distance of 62.90 feet, to a point on the easterly edge of the right-of-way of said Bendt Drive, common to the southwesterly corner of Lot 9 of Block 2 of Catron Crossing Subdivision; Thence eighteenth course: $S77^{\circ}13'45''E$, along the southerly boundary of said Lot 9 of Block 2 of Catron Crossing Subdivision, a distance of 160.97 feet, to the southeasterly corner of said Lot 9 of Block 2 of Catron Crossing Subdivision; Thence, nineteenth course: $N12^{\circ}46'51''E$, along the easterly boundary of said Lot 9 of Block 2 of Catron Crossing Subdivision, a distance of 121.06 feet, to the northeasterly corner of said Lot 9 of Block 2 of Catron Crossing Subdivision; Thence, twentieth course: $N76^{\circ}23'05''W$, along the northerly boundary of said Lot 9 of Block 2 of Catron Crossing Subdivision, a distance of 142.67 feet, to the northwesterly corner of said Lot 9 of Block 2 of Catron Crossing Subdivision, common to a point on the easterly edge of the right-of-way of said Bendt Drive; Thence, twenty-first course: $N23^{\circ}07'27''E$, along the easterly edge of the right-of-way of said Bendt Drive, a distance of 37.31 feet, to a point of curvature; Thence, twenty-second course: northeasterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the left on a curve with a radius of 476.00 feet, a delta angle of $27^{\circ}56'54''$, an arc length of 232.19 feet, a chord bearing of $N09^{\circ}22'33''E$, and a chord distance of 229.89 feet, to a point of tangency; Thence, twenty-third course: $N04^{\circ}37'59''W$, along the easterly edge of the right-of-way of said Bendt Drive, a distance of 83.68 feet, to a point of curvature; Thence, twenty-fourth course: northeasterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the right on a curve with a radius of

274.00 feet, a delta angle of 13°23'57", an arc length of 64.08 feet, a chord bearing of N02°02'14"E, and a chord distance of 63.93 feet, to a point of reverse curvature; Thence, twenty-fifth course: northwesterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 28°06'40", an arc length of 159.95 feet, a chord bearing of N05°21'25"W, and a chord distance of 158.35 feet, to a point of reverse curvature; Thence, twenty-sixth course: northwesterly, along the easterly edge of the right-of-way of said Bendt Drive, curving to the right on a curve with a radius of 274.00 feet, a delta angle of 27°25'54", an arc length of 131.18 feet, a chord bearing of N05°39'36"W, and a chord distance of 129.93 feet, to a point on the easterly edge of the right-of-way of said Bendt Drive, common to the southwesterly corner of Lot 1 of Block 3 of Stoney Creek South Subdivision; Thence, twenty-seventh course: N89°18'01"E, along the southerly boundary of said Lot 1 of Block 3 of Stoney Creek South Subdivision, a distance of 159.42 feet, to the southeasterly corner of said Lot 1 of Block 3 of Stoney Creek South Subdivision; Thence, twenty-eighth course: N00°39'56"W, along the easterly boundary of said Lot 1 and Lot 2 of Block 3 of Stoney Creek South Subdivision, a distance of 239.98 feet, to the northeasterly corner of said Lot 2 of Block 3 of Stoney Creek South Subdivision, common to the southeasterly corner of Lot 3 of Block 3 of Stoney Creek South Subdivision; Thence, twenty-ninth course: N00°39'30"W, along the easterly boundary of said Lot 3 of Block 3 of Stoney Creek South Subdivision, a distance of 119.95 feet, to the northeasterly corner of said Lot 3 of Block 3 of Stoney Creek South Subdivision, common to a point on the southerly boundary of said Lot 4 of Block 3 of Stoney Creek South Subdivision; Thence, thirtieth course: S62°36'40"E, along the southerly boundary of said Lot 4 of Block 3 of Stoney Creek South Subdivision, a distance of 600.41 feet, to the southeasterly corner of said Lot 4 of Block 3 of Stoney Creek South Subdivision, common to a point on the westerly edge of the right-of-way of said Nugget Gulch Road, and the Point of Beginning, more generally described as being located west of the intersection of Overview Lane and Nugget Gulch Road.

Fisher presented the applications and requested that the applications be continued to the April 7, 2011 Planning Commission meeting as all stipulations have not been met.

Marchand moved, Braun seconded and carried to continue the Preliminary Plat (11PL013) and the Initial and Final Residential Development Plan (11PD013) to the April 7, 2011 Planning Commission meeting. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop and Wyss voting yes and none voting no)

Fisher asked that 21, 22, 23 be considered concurrently.

21. No. 11PL014 - Prairie Meadows Subdivision

A request by Sperlich Consulting, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 through 8 of Block 1, Lots 1 through 6 of Block 2, and Lot 1A and Lot 1B of Block 3 of Prairie Meadows Subdivision, legally described as Tract A of Prairie Meadows Subdivision and Government Lot 4 of Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of West Nike

Road and Country Road.

22. No. 11SV004 - Prairie Meadows Subdivision

A request by Sperlich Consulting, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer, and to reduce the pavement width from 40 feet to 20 feet along West Nike Road as it abuts the property as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 through 8 of Block 1, Lots 1 through 6 of Block 2, and Lot 1A and Lot 1B of Block 3 of Prairie Meadows Subdivision, legally described as Tract A of Prairie Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of West Nike Road and Country Road.

*23. No. 11PD014 - Prairie Meadows Subdivision

A request by Sperlich Consulting, Inc. to consider an application for an **Initial and Final Residential Development Plan** for Tract A of Prairie Meadows Subdivision located in Section 18, T2N, R8E, Rapid City, Pennington County, South Dakota and a portion of "Government" Lot 4 of Section 18 located in "Government" Lot 4, Section 18, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northeasterly corner of Tract A of Prairie Meadows Subdivision, and the Point of Beginning; Thence, first course: N56°49'00"W, along the northeasterly boundary of said Tract A of Prairie Meadows Subdivision, a distance of 267.50 feet, to an angle point on the northeasterly boundary of said Tract A of Prairie Meadows Subdivision; Thence, second course: N51°28'00"W, along the northeasterly boundary of said Tract A of Prairie Meadows Subdivision, a distance of 306.50 feet, to a northerly corner of the boundary of said Tract A of Prairie Meadows Subdivision; Thence, third course: S38°31'50"W, along a northwesterly boundary of said Tract A, a distance of 120.00 feet, to a northerly corner on the boundary of said Tract A of Prairie Meadows Subdivision; Thence, fourth course: N32°30'16"E, a distance of 135.75 feet; Thence, fifth course: S51°28'00"E, a distance of 320.05 feet; Thence, sixth course: S56°49'00"E, a distance of 266.80 feet; Thence, seventh course: S33°11'00"W, a distance of 15.00 feet, to the northeasterly corner of said Tract A of Prairie Meadows Subdivision, and the Point of Beginning, more generally described as being located at the northeast corner of the intersection of West Nike Road and Country Road.

Fisher presented the applications and staff's recommendation to approve the Preliminary Plat (11PL014) and Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer, and to reduce the pavement width from 40 feet to 20 feet along West Nike Road as it abuts the property as per Chapter 16.16 of the Rapid City Municipal Code (11SV004) with stipulations. Fisher noted that a revised legal description is needed for the Planned Development (11PD014) and that staff recommends the item be continued to the April 7, 2011 Planning Commission meeting.

In response to a question from Braun about access and improvements to West Nike Road, Fisher clarified that the waiver of right to protest allows the

development to proceed without having to make all of the improvements at this time, but allows for them to be required at a future date.

Marchand moved, Braun seconded and unanimously carried that the Preliminary Plat (11PL014) be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned and signed and sealed final construction plans shall be submitted to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show Lot 1A and Lot 1B of Block 3 as one lot or a Variance to the Subdivision Regulations shall be obtained to waive the requirement to provide legal access to Lot 1B. In addition, a Variance from the Zoning Board of Adjustment shall be obtained to reduce the minimum lot size in the Low Density Residential District for Lot 1B from 6,500 square feet to 2,744.28 square feet;**
- 3. Prior to Preliminary Plat approval by the City Council, the construction plans for Bengal Drive and Eli Drive shall be revised to show the streets located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to City Council approval of the Preliminary Plat, construction plans shall be submitted for review and approval showing W. Nike Road constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow the property to be served from the high pressure water service system in lieu of the low pressure water service system or construction plans shall be submitted for review and approval showing the property served from the low pressure water service system;**
- 6. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow maximum water pressure in excess of 135 psi or construction plans shall be submitted for review and approval identifying compliance with the requirement;**
- 7. Prior to Preliminary Plat approval by the City Council, water plans shall be submitted for review and approval showing the construction of a 12 inch water main from Cobalt Drive along West Nike Road as is abuts the property;**
- 8. 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;**
- 9. Prior to Preliminary Plat approval by the Planning Commission, the Traffic Impact Study dated November 2010 shall be revised to address all redline comments and to identify the triggers and/or warrants for the recommended improvements. The revised Traffic Impact Study**

- shall be sealed and signed by a Professional Engineer and submitted to the Growth Management Department for review and approval;
10. Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
 11. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to include the proposed Major Drainage Easement within the boundaries of the plat or the Major Drainage Easement shall be recorded as a miscellaneous document and a copy of the recorded easement submitted to the Growth Management Department for review and approval. If the Major Drainage Easement is secured as a miscellaneous document, then the plat title shall be revised to eliminate the "Major Drainage Easement of Government Lot 4";
 12. Prior to Preliminary Plat approval by the City Council, a Master Utility Plan identifying private and public utilities shall be submitted for review and approval;
 13. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 14. Upon submittal of a Final Plat application, a Covenant Agreement shall be executed to provide the maintenance of the proposed Drainage Lot;
 15. 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;
 16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 17. 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 install curb, gutter, sidewalk, street light conduit and sewer, and to reduce the pavement width from 40 feet to 20 feet along West Nike Road as it abuts the property as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

To recommend that the Initial and Final Residential Development Plan be continued to the April 7, 2011 Planning Commission meeting. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop 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.

24. No. 11PL008 - GLM Subdivision

A request by Dream Design International, Inc. for Jim Scull to consider an application for a **Preliminary Plat** for proposed Lots 4, 5 and 6 and dedicated Lowery Lane right-of-way of GLM Subdivision No. 2, legally described as the unplatted balance located north of Mall Drive in the N1/2 of the SW1/4 of Section 28, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the north side of East Mall Drive approximately 1/2 mile west of the intersection of Elk Vale Road and East Mall Drive.

Fisher presented the application and reviewed the revised stipulations.

Popp moved, Marchand seconded and unanimously carried to approve the Preliminary Plat with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, the improvements along E. Mall Drive shall be completed as per the terms of the existing Covenant Agreement or the applicant shall submit a cost estimate and post surety for the improvements or an updated Traffic Impact Study based on the revised land use(s) shall be submitted for review and approval and the owner shall enter into a revised Covenant Agreement identifying the timing and extent of the required improvements;**
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, the construction plans shall be revised to show street light conduit along the north/south street or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, erosion and sediment controls shall be provided to prevent sediment transport off the site and a permanent vegetative cover with a density of 70% of the native cover must be established on the property in compliance with Chapter 8.34 and 8.50 of the Rapid City Municipal Code;**
5. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show non-access easements along the north/south street and E. Mall Drive in compliance with the Street Design Criteria Manual or an Exception shall be obtained;**
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. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop and Wyss voting yes and none voting no)**

25. No. 11PL015 - Una Del Acres No. 2

A request by Fisk Land Surveying & Consulting Engineers for Joseph Hecker to consider an application for a **Preliminary Plat** for proposed Lots 19R and 22RA of Una Del Acres No. 2, legally described as Lots 19 and 22R of Una Del Acres No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6030 Una Del Acres.

Bulman presented the applications and staff's recommendation to approve with stipulations.

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

1. **Prior to Preliminary Plat approval by the Planning Commission, the Exception to allow two driveways to serve a residential lot shall be approved, or one driveway removed and the plat document revised to provide non-access easements in compliance with the Street Design Criteria Manual;**
2. **Prior to City Council approval, non-access easements shall be shown on the plat document in compliance with the Street Design Criteria Manual;**
3. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;**
4. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
5. **The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop and Wyss voting yes and none voting no)**

26. No. 11SE001 - Rapid City Greenway Tract

A request by Hills Alive Festival to consider an application for a **Special Exception to the Flood Area Construction Regulations** for Tract 20 less Lot H1 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between North Mount Rushmore Road and Fifth Street in Memorial Park.

Tech presented the application noting that the approval extends from 2012 through 2016. Tech stated that since the City is a member of National Flood Insurance program, the City must follow FEMA regulations and, therefore, staff recommends denial. Tech did note that Planning commission has approved such requests in the past with stipulations.

In response to a question from Kinniburgh whether this type of request could be moved to an administrative approval, Tech responded that he does not feel this should be administrative as staff has to meet FEMA regulations and must recommend denial. Planning Commission has the option to approve these requests.

Marchand supported the multiple year approval.

Marchand moved, Christianson seconded and unanimously carried that the Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodway be approved with the following stipulations.

- 1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director; and,**
- 2. That the applicant have someone available on call 24 hours a day to take the tent down should the need arise.**
- 3. If the site plan changes substantially in any year beyond 2012, a new Special Exception to the Flood Area Construction Regulations must be submitted for consideration. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop and Wyss voting yes and none voting no)**

*27. No. 11UR002 - Original Town of Rapid City

A request by Riley Cassidy for UGLY, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** for the south 50 feet of Lots 25 to 27, both inclusive, in Block 63 of the Original Town of Rapid City and a strip of land immediately north thereof being 17 feet wide across Lots 25 thru 32, both inclusive, in Block 63 of the Original Town of Rapid City, and having 8 and 5/10 feet of such width on each side of the center line of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's tract as the same was laid and operated across said lots, meaning and intending hereby a portion of the southerly 17 foot wide strips of land formerly conveyed by Rapid City, Black Hills and Western Railroad Company to Chicago, Milwaukee, St. Paul and Pacific Railroad Company which deed was recorded in the Office of the Register of Deeds, Pennington County, South Dakota on July 15, 1948, in Book 81 of Deeds at page 430, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 321 7th Street.

Horton presented staff's recommendation of approval with stipulations. Horton stated staff is working with the applicant to meet the stipulations to address issues that have been identified and that staff recommends that the application be approved with stipulations.

Braun asked if there has been any feedback or comment from the surrounding owners. Horton responded that to date no additional comments have been received, but that provisions allow for issues or complaints to be addressed specifically should they arise.

Braun moved, Popp seconded and carried unanimously to approve the Conditional Use Permit to allow an on-sale liquor establishment with the following stipulations:

- 1. Prior to the initiation of the use and each year thereafter, obtain an operational building permit as required in the applicable Fire Code prior to occupancy of the tent;**
- 2. Each year prior to the initiation of the use, the applicant shall obtain an electrical permit approved by the Rapid City electrical inspector for all temporary electrical wiring utilized to support area lighting, exit lighting, stage and equipment;**
- 3. Prior to the initiation of the use and prior to approval of the permit authorizing the tent, the applicant shall provide copies of a revised Parking and Lease Agreement with Hilton Development Corp. stating that the existing parking agreement remains valid and authorizing the applicant to utilize the property as a beer garden;**
- 4. Prior to the initiation of the use and prior to approval of the permit authorizing the tent, the applicant shall provide written confirmation from American Memorial Life Insurance Co. that the existing parking agreement remains valid;**
- 5. Prior to the initiation of the use and prior to approval of the permit authorizing the tent, the applicant shall provide copies of a revised Parking and Lease Agreement with WestMed indicating that the Agreement accommodates the proposed Friday and Saturday use;**
- 6. Each year thereafter prior to the initiation of the use, the applicant shall provide written confirmation that all four parking agreements remain in effect, or the use shall immediately cease until the agreements are secured;**
- 7. Prior to the initiation of the use and prior to approval of the permit authorizing the tent, the applicant shall submit any revisions to the site plan that the Police Department staff may require for review and approval, to include all required egress and fencing as may be necessary to secure the facility. The tent shall be set up and maintained in accordance with the approved plan and the stipulations of approval at all times. Any changes to the approved site plan shall require submission and approval as a minimal amendment;**
- 8. The tent shall be operated as a canopy with the sides removed and include an existing 6 foot fence along the eastern perimeter and a 4 foot fence along the balance of the site as identified on the site plan;**
- 9. Exits designed in accordance with all applicable provisions of the Fire Code shall be provided and maintained at all times. The exits must not be obstructed in any fashion and an attendant shall be provided at each location to monitor the patrons coming and going to satisfy the required control of alcohol;**

10. Each exit must be clearly marked with an illuminated exit sign complete with secondary power or battery back-up. Normal illumination of the means of egress must be a minimum of one foot candle at the floor level and must be capable of providing emergency illuminations in the event of a power failure;
11. The tent membrane shall meet all applicable flammability standards;
12. The tent which includes all tie down cables, ropes, stakes, etc. must be maintained a minimum of 12 feet from the existing structure along the north side. All tie down cables, ropes, stakes, etc. shall be protected at all times so as to prevent personal injury;
13. No cooking, heating equipment or flame producing devices shall be allowed on-site, unless the applicant obtains prior written approval from the Rapid City Fire Chief or his designee;
14. Each year prior to initiation of the use, the applicant shall submit copies of active Liability Insurance for review and approval by the City Attorney. The applicant shall provide written confirmation that the insurance covers the beer garden site;
15. Each year prior to initiation of the use, the applicant shall submit an updated security plan to the Police Department for review and approval. The applicant shall provide a copy of the approved security plan to the Growth Management Department;
16. The Conditional Use Permit per the approved site plan and letter of intent shall be valid from April 1st through October 31st through 2014; and,
17. The Conditional Use Permit shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop 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.

Discussion Items

Horton request verification that the Planning Commission still preferred all Condition Use Permit Applications for On-Sale Liquor Establishments to be placed under non-consent items. Christianson indicated that he prefers to address them separately.

Staff Items

Planning Commission Items

Wyss requested that the Planning Commission prepare a letter to be sent to Marcia Elkins thanking her for her 20 years of service and dedication.

Kinniburgh commended staff for all their hard work acknowledging they continue to provide the same level of support to the Planning Commission

even though they are short staffed.

There being no further business, Marchand moved, Popp seconded and unanimously carried to adjourn the meeting at 8:17 a.m. (7 to 0 with Braun, Christianson, Kinniburgh, Marchand, Popp, Rippentrop and Wyss voting yes and none voting no)