

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 5, 2011

MEMBERS PRESENT: John Brewer, Eric Christianson, Doug Kinniburgh, Dennis Landguth, Linda Marchand, Dennis Popp, Kay Rippentrop, Steve Rolinger, Andrew Scull and Pat Wyss. Dave Davis, Council Liaison was also present

MEMBERS ABSENT: Julie Gregg and Eric Braun

STAFF PRESENT: Karen Bulman, Patsy Horton, Tim Behlings, Dale Tech, Robert Ellis, Joel Landeen and Risë Ficken

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

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

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

Members of the Planning Commission requested that Items 4, 8, 9, 10 and 11 be removed from the Consent Agenda for separate consideration.

Motion by Wyss, seconded by Scull and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 12 in accordance with the staff recommendations with the exception of Items 4, 6, 7, 8, 9, 10 and 11. (10 to 0 with Brewer, Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger, Scull and Wyss voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the April 21, 2011 Planning Commission Meeting Minutes.
2. No. 11CA003 - Section 9, T1N, R8E
A request by Jim Bickett to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential** for Lot A of Lot 2-3 of the SW1/4 NW1/4, the south 175 feet of Lot B of Lot 2 of the SW1/4 NW1/4, and Lot 1 of the SW1/4 NW1/4 all located in Section 9, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 2825, 2909 and 2917 Garden Lane.

The Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential be approved.

3. No. 11RZ003 - Section 9, T1N, R8E

A request by Jim Bickett to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** for Lot A of Lot 2-3 of the SW1/4 NW1/4, the south 175 feet of Lot B of Lot 2 of the SW1/4 NW1/4, and Lot 1 of the SW1/4 NW1/4 all located in Section 9, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 2825, 2909 and 2917 Garden Lane.

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

*5. No. 11PD018 - Rapid Valley Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Daryl Deneke to consider an application for a **Major Amendment to a Commercial Development Plan** for Lots 7 through 12 of Block 3 and Lots 7 through 12 of Block 4 of Rapid Valley Subdivision located in the NE1/4 of Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1996 Sedivy Lane.

Planning Commission approved the Major Amendment to a Commercial Development Plan be approved with the following stipulations:

1. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned and signed and sealed final construction plans shall be submitted to the Growth Management Department;**
3. **Prior to issuance of a building permit, a Developmental Lot Agreement shall be secured for Lots 7 through 12 of Block 4 of Rapid Valley Subdivision;**
4. **Prior to issuance of a building permit, construction plans shall be submitted for review and approval showing a sanitary sewer connection to Rapid Valley Sanitary District;**
5. **Prior to issuance of a building permit, the site plan shall be revised to show all fencing in compliance with Chapter 15.40 of the Rapid City Municipal Code or Beechwood Lane shall be vacated and/or a Fence Height Exception shall be obtained;**
6. **Prior to issuance of a building permit, an Erosion and Sediment Control Permit shall be obtained;**
7. **Prior to issuance of a building permit, an Air Quality Construction Permit shall be obtained for construction activities disturbing one acre or more of surface area;**
8. **A Permit to Work in the Right-of-way shall be obtained prior to any construction within the right-of-way;**
10. **The proposed structure shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Commercial Development. Revisions to the design of the**

structure that the Growth Management Director determines to be consistent with the original approved elevations, shall be allowed as a Minimal Amendment to the Planned Commercial Development;

11. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to the Initial and Final Planned Commercial Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Commercial Development. 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 80,850 landscaping points shall be provided. In addition, the landscaping shall be planted in accordance with the approved plans. All landscaping shall be continually maintained in a live vegetative state and replaced in compliance with the City's adopted Landscape Ordinance;
13. A minimum of 7 parking spaces with one on the spaces being "van" handicap accessible shall be provided;
14. 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;
15. The currently adopted International Fire Code shall be continually met. In addition, the applicant shall coordinate any expansion or alterations of the project with the Fire Department;
16. The Planned Commercial Development shall allow for a landscape business with accessory commercial structure(s). Other uses permitted within the General Commercial District shall be allowed as a Minimal Amendment to the Planned Commercial Development requiring the review and approval of the Growth Management Director. Conditional Uses allowed within the General Commercial District shall require a Major Amendment to the Planned Commercial Development;
17. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Commercial Development or a subsequent Major Amendment; and,
18. 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.

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.

12. No. 11TP012 - 2011-2015 Transportation Improvement Program Amendment #11-005R

Planning Commission recommended approval of the 2011-2015 Transportation Improvement Program Amendment #11-005R.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *4. No. 11PD016 - Section 12, T1N, R7E

A request by Vern Osterloo to consider an application for a **Major Amendment to a Planned Commercial Development** for the unplatted balance of the SW1/4 lying west of 5th Street located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2919 5th Street.

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

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

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

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned and signed and sealed final construction plans shall be submitted to the Growth Management Department;**
- 3. Prior to issuance of a building permit, a Developmental Lot Agreement shall be secured for Tract D, Lot 1 of Tract G and the unplatted balance of SW1/4 located west of 5th Street, Section 12, T1N, R7E;**
- 4. Prior to issuance of a building permit, construction plans shall be submitted for review and approval showing a sidewalk along 5th Street. In addition, prior to issuance of a Certificate of Occupancy, the sidewalk shall be constructed;**
- 5. Prior to issuance of a building permit, construction plans for the improvements of pavement, drainage, water, sewer and on-site sidewalk(s) shall be submitted of review and approval. A water system analysis verifying source and adequate water quantity for fire flows shall also be submitted for review and approval. In addition, utility and/or drainage easements shall be provided as needed;**
- 6. Prior to issuance of a building permit, an Erosion and Sediment**

Control Plan shall be submitted for review and approval. In addition an Erosion and Sediment Control Permit shall be obtained;

- 7. Prior to issuance of a building permit, a grading plan and a drainage report shall be submitted for review and approval;**
- 8. Prior to issuance of a building permit, an Air Quality Construction Permit shall be obtained for construction activities disturbing one acre or more of surface area;**
- 9. The proposed structure shall conform architecturally to the plans and elevations and color palette reviewed and approved as part of this Planned Commercial Development. Revisions to the design of the structure that the Growth Management Director determines to be consistent with the original approved elevations, shall be allowed as a Minimal Amendment to the Planned Commercial Development;**
- 10. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to the Initial and Final Planned Commercial Development. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Planned Commercial Development. 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;**
- 11. A minimum of 92,100 landscaping points with four landscape islands shall be provided. In addition, the landscaping shall be planted in accordance with the approved plans. All landscaping shall be continually maintained in a live vegetative state and replaced in compliance with the City's adopted Landscape Ordinance;**
- 12. A minimum of 180 parking spaces with six of the spaces being handicap accessible spaces shall be provided. In addition one of the handicap spaces shall be "van" handicap accessible;**
- 13. 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;**
- 14. The currently adopted International Fire Code shall be continually met. In addition, the applicant shall coordinate any expansion or alterations of the project with the Fire Department;**
- 15. The Planned Commercial Development shall allow for an office building and a medical facility to be located on the property. Other uses permitted within the General Commercial District shall be allowed as a Minimal Amendment to the Planned Commercial Development requiring the review and approval of the Growth Management Director. Conditional Uses allowed within the General Commercial District shall require a Major Amendment to the Planned Commercial Development;**
- 16. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major**

Amendment to a Planned Commercial Development or a subsequent Major Amendment; and,

17. **The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 0 to 2 with Brewer, Christianson, Kinniburgh, Landguth, Marchand, Rippentrop, Rolinger, and Wyss voting yes, with none voting no and with Popp and Scull abstaining)**

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

Horton requested that items 6 and 7 be considered concurrently.

6. No. 11PL023 - Moon Meadows Estates

A request by Tom and Sue Karlen to consider an application for a **Layout Plat** for proposed Lot 19A and Lot 19B of Moon Meadows Estates, legally described as Lot 19 of Block 3 of Moon Meadows Estates, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8133 North Star Road.

7. No. 11SV008 - Moon Meadows Estates

A request by Tom and Sue Karlen to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along North Star Road and to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Moon Meadows Drive as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 19A and Lot 19B of Moon Meadows Estates, legally described as Lot 19 of Block 3 of Moon Meadows Estates, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8133 North Star Road.

Horton advised that a petition from area neighbors was submitted requesting that the subdivision variance application be denied. Horton presented the request and reviewed the slides and identified the proposed property subdivision and the requested variances. Horton indicated that the neighbors have stated that existing covenants do not allow properties within the association to be subdivided. Horton stated that the City is not a party to the covenants. Horton noted that staff reports identify issues that will need to be addressed, including provisions for on-site sewer and an additional well. Horton stated that staff recommends approval of the Layout Plat application and the Subdivision Variance application with stipulations.

In response to a question from Brewer, Horton stated that the enforcement of covenants is a civil matter between the individuals that are parties to the covenant. Discussion followed.

In response a question from Scull, Horton confirmed that the applicant is willing to dedicate additional right-of-way and to sign a waiver of right to protest future assessments.

Tom Karlen provided a brief description of the covenants noting that they were made in 1969. Karlen provided examples of a number of existing covenant violations in the area, including other cases where property was subdivided. Karlen added that he is willing to meet all of the stipulations of approval stating that he does not believe the additional lot will increase traffic or dust. Karlen discussed issues associated with property valuation and property taxes. Karlen requested approval of the Layout Plat and Subdivision Variance applications.

Kinniburgh requested clarification concerning the size of existing lots in the area. Discussion followed.

Rolinger moved and Marchand seconded to recommend that the Layout Plat (11PL023) be approved with the following stipulations:

- 1. Upon submittal of a Preliminary Plat application, road construction plans for Moon Meadows Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 17 feet of additional right-of-way or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Upon submittal of a Preliminary Plat application, road construction plans for North Star Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In addition, dry sewer mains shall be provided pursuant to the adopted Source Water Protection Study recommendation;**
- 4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a**

private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;

5. Prior to submittal of a Preliminary Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
6. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to include the note: "8 foot wide minor drainage and utility easement on all interior lot lines";
7. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Moon Meadows Drive;
8. Upon submittal of a Preliminary Plat application, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
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; and,
11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, to recommend that the Variance to the Subdivision Regulations (11SV008) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along North Star Road and to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Moon Meadows Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:
 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;
 2. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way; and,
 3. The on-site water system shall provide adequate fire and domestic flows or an approved residential fire sprinkler system shall be provided in each new residential structure.

In response to a question from Wyss, Landeen clarified that the neighbors can institute a legal proceeding to prevent the applicant from splitting a lot. Landeen added that requiring the subdivision improvements to be installed at this time

would create a discontinuous road section on an otherwise unimproved road. Landeen reviewed options available to the City Council to cause the subdivision improvements to be completed in the future.

Wyss stated that one of the purposes of the three-mile platting jurisdiction is to ensure that improvements are in place when the City expands in the future.

Landeen discussed the purpose of the Waiver of Right to Protest, the Three-Mile Platting Jurisdiction, and issues associated with the creation of discontinuous road sections.

Kinniburgh clarified that the petition submitted by the area residents is related to both the Plat application and the Subdivision Variance application.

The motion carried to recommend that the Layout Plat (11PL023) be approved with the following stipulations:

- 1. Upon submittal of a Preliminary Plat application, road construction plans for Moon Meadows Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 17 feet of additional right-of-way or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Upon submittal of a Preliminary Plat application, road construction plans for North Star Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In addition, dry sewer mains shall be provided pursuant to the adopted Source Water Protection Study recommendation;**
- 4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and**

approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;

5. Prior to submittal of a Preliminary Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
6. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to include the note: "8 foot wide minor drainage and utility easement on all interior lot lines";
7. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Moon Meadows Drive;
8. Upon submittal of a Preliminary Plat application, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
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; and,
11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required, and,

To recommend that the Variance to the Subdivision Regulations (11SV008) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along North Star Road and to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Moon Meadows Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

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;
2. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way; and,
3. The on-site water system shall provide adequate fire and domestic flows or an approved residential fire sprinkler system shall be provided in each new residential structure. (8 to 0 to 2 with Brewer, Christianson, Landguth, Marchand, Popp, Rippentrop, Rolinger and Scull voting yes and with Wyss and Kinniburgh voting no)

8. No. 11RZ004 - Rapid City Greenway Tracts

A request by City of Rapid City to consider an application for a **Rezoning from Flood Hazard District to Light Industrial District** for Tract 31 of the Rapid City

Greenway Tracts located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota less the following property described by metes and bounds: beginning at the northeast corner of said Tract 31, thence S00°09'30"W 30.00 feet, thence N44°48'45"W 42.45 feet, thence S89°47'00"E 30.00 feet to the point of beginning, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Steele Avenue and East Main Street.

In response to a question from Brewer, Bulman advised that the property to be rezoned is located in the flood plain but not in the hydraulic flood way. Bulman stated that staff would like to make some expansions on the property for a fueling station noting that adjacent property is zoned Light Industrial District.

In response to a question from Brewer, Ellis identified the location on the property where a new fueling depot is anticipated to be located. Ellis identified the location of the current uses on the property and discussed issues associated with the Flood Hazard zoning of the property. Discussion followed.

In response to a question from Brewer, Ellis provided a brief review of future plans to relocate the existing street shop structure further from the existing flood plain area on the property. Discussion followed.

Scull moved, Wyss seconded and unanimously carried to recommend approval of the Rezoning from Flood Hazard District to Light Industrial District. (10 to 0 with Brewer, Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger, Scull and Wyss voting yes and none voting no)

Scull requested that Items 9 and 10 be considered concurrently.

9. No. 11RZ005 - Section 33, T2N, R8E

A request by Dream Design International to consider an application for a **Rezoning from Medium Density Residential District to General Agriculture District** for the SE1/4 less the east 660 feet and less the Elk Vale Road right-of-way located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Elk Vale Road and East Anamosa Street.

10. No. 11RZ006 - Section 33, T2N, R8E

A request by Dream Design International to consider an application for a **Rezoning from General Commercial District to General Agriculture District** for the east 660 feet of the SE1/4 less the Elk Vale Road right-of-way located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Elk Vale Road and East Anamosa Street.

Scull advised that he would abstain from voting on Items 9 and 10 due to a conflict of interest.

Marchand moved, Rolinger seconded and carried to recommend that the Rezoning from Medium Density Residential District to General Agriculture District (11RZ005) be approved; and, to recommend that the Rezoning from General Commercial District to General Agriculture District (11RZ006) be approved. (9 to 0 to 1 with Brewer, Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger and Wyss voting yes, with none voting no, and with Scull abstaining)

*11. No. 11UR010 - Original Town of Rapid City

A request by Gale Johnson for Black Hills Workshop Foundation to consider an application for a **Conditional Use Permit to allow an art center in the Central Business District** for Lots 17-22 of Block 83 of the Original Town of Rapid City, Section 1, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 722, 724 and 738 Saint Joseph Street and 514, 516 and 518 Mt. Rushmore Road.

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

Rolinger moved, Marchand seconded and carried to approve the **Conditional Use Permit to allow an art center in the Central Business District with the following stipulations:**

1. **The Conditional Use Permit shall allow for an art center to be located on the property. Other uses permitted within the Central Business District shall be allowed as a Minimal Amendment to the Conditional Use Permit requiring the review and approval of the Growth Management Director. Conditional Uses allowed within the Central Business District shall require a Major Amendment to the Conditional Use Permit;**
2. **Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy;**
3. **All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;**
4. **The proposed structures shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Conditional Use Permit. As the property is located in the environs of the Downtown Historic District, any changes to the exterior of the building in the future will require approval from the Historic Preservation Commission;**
5. **All applicable provisions of the currently adopted International Fire Code shall be continually met;**
6. **All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Major Amendment to the Conditional Use Permit. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. 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. All signage shall obtain review and approval from the Historic Sign Review Committee prior to obtaining a sign permit;

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 five years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (9 to 0 to 1 with Brewer, Christianson, Kinniburgh, Landguth, Marchand, Rippentrop, Rolinger, Scull and Wyss voting yes, with none voting no, and Popp with 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.

Horton requested that items 13 and 14 be considered concurrently.

13. No. 10PL028 - White Eagle Ranch

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for Lots A and B of White Eagle Ranch, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 14870 East Highway 44.

14. No. 10SV007 - White Eagle Ranch

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road and Aviation Road as per Chapter 16.16 of the Rapid City Municipal Code** for Lots A and B of White Eagle Ranch, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 14870 East Highway 44.

Horton advised that the outstanding issues related to these applications have been resolved noting staff's recommendation for approval of the Preliminary Plat application and the Subdivision Variance application with the stipulations outlined in the staff reports.

Brewer moved, Marchand seconded and unanimously carried to recommend that the Preliminary Plat (10PL028) be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, construction plans for the section line highway shall be submitted for review and approval showing the street located within a minimum 59 foot wide dedicated right-of-way 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 or the section line highway shall be vacated;
2. Prior to Preliminary Plat approval by the City Council, construction plans for Aviation Road shall be submitted for review and approval showing the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, construction plans for Airport Road shall be submitted for review and approval showing the street constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
5. Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In addition, information shall be provided identifying the condition and location of the existing wastewater system including flood proofing measures;
6. 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 for any subdivision improvements. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
7. 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 for any subdivision improvements;

8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval if any subdivision improvements are required;
9. Upon submittal of a Final Plat application, a reserve drainfield area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided;
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; and,

To recommend that the Variance to the Subdivision Regulations (10SV007) to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer along Airport Road and Aviation Road be approved with the following stipulations:

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;
2. Upon submittal of a Final Plat application, surety shall be posted for the design and construction of the on-site water and wastewater systems; and,

That the Variance to the Subdivision Regulations to waive the requirement to install pavement along Aviation Road be denied. (10 to 0 with Brewer, Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger, Scull and Wyss voting yes and none voting no)

*15. No. 11PD017 - MacArthur Subdivision

A request by Dale Salway for HeSapa New Life to consider an application for a **Initial and Final Residential Development Plan** for Lots A, C, E, F and G, Lots 6 thru 7, Lot 8 less Lot H1, Lot 9 less Lot H1, and Lots 10 thru 13 all located in Block 2 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 415 MacArthur Street.

Bulman advised that the stipulations of approval have not been met noting that the applicant concurs with staff's recommendation to continue the Initial and Final Residential Development Plan to the May 26, 2011 Planning Commission meeting.

Landguth moved, Popp seconded and carried unanimously to continue the

Initial and Final Residential Development Plan to the May 26, 2011 Planning Commission meeting. (10 to 0 with Brewer, Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger, Scull and Wyss voting yes and none voting no)

16. Discussion Items

Horton advised that an open house is scheduled for Tuesday, May 10, 2011 from 4:30 p.m. to 6:00 p.m. in the First Floor Community Room to discuss the proposed new Platting Process as recommended by the Second Floor Review Committee. Discussion followed.

Horton also requested that the Planning Commission authorize staff to move forward with the recommendations of the Second Floor Review Committee to draft amendments that would consolidate land use designations and to draft amendments to Section 2.60.160 of the Rapid City Municipal Code to clarify when comprehensive plan amendment applications are required. Horton indicated that staff will conduct open houses to allow public input on the proposed amendment. Discussion followed.

Marchand moved, Christianson seconded and unanimously carried to direct staff to draft amendments to consolidate land use designations, to draft amendments to Section 2.60.160 of the Rapid City Municipal Code, and to hold public input meetings to consider the proposed amendments. (10 to 0 with Brewer, Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger, Scull and Wyss voting yes and none voting no)

There being no further business, Brewer moved, Landguth seconded and unanimously carried to adjourn the meeting at 7:38 a.m. (10 to 0 with Brewer, Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger, Scull and Wyss voting yes and none voting no)