

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 22, 2011

MEMBERS PRESENT: Erik Braun, John Brewer, Patrick Fink, Linda Marchand, Dennis Popp, Steve Rolinger, Jan Swank and Len Weimer. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Josh Snyder, Andrew Scull and Kay Rippentrop.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Kip Harrington, Fletcher Lacock, Robert Laroco, Patsy Horton, Tim Behlings, Ted Johnson and Risë Ficken.

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

Brewer 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.

Braun requested that Item 8 be removed from the Consent Agenda for separate consideration.

Staff requested that Item 10 be removed from the Consent Agenda for separate consideration.

Rolinger moved, Marchand seconded and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 18 in accordance with the staff recommendations with the exception of Items 8 and 10. (8 to 0 with Braun, Brewer, Fink, Landguth, Marchand, Popp, Rolinger, Swank and Weimer voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the September 8, 2011 Planning Commission Meeting Minutes.
2. No. 11CA005 - Rapid City Area Future Land Use Plan
Summary of Adoption Action on a request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the Rapid City Area Future Land Use Plan** for Sections 1 through 3, inclusive, Sections 10 through 15, inclusive, and Sections 22 through 27, inclusive, located in T1S, R6E, Sections 1 through 30, inclusive, located in T1S, R7E, Sections 1 through 19, inclusive, Section 30, and portions of Sections 20 and 29, located in T1S, R8E, Sections 1 through 18, inclusive, located in T1S, R9E, Sections 1 through 3, inclusive, Sections 10 through 15, inclusive, Sections 22 through 27, inclusive, and Sections 34 through 36, inclusive, located in T1N, R6E, all of T1N, R7E, all of T1N, R8E, all of T1N, R9E, Sections 1 through 15, inclusive, Sections 22 through 27, inclusive, and Sections 34 through 36, inclusive, located in T2N, R6E, all of T2N, R7E, all of T2N, R8E, Sections 4 through 36, inclusive, located in T2N, R9E, portions of Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, and 12, and

Sections 13 through 36, inclusive, located in T3N, R6E, portions of Sections 1, 7, 8, 9, 10, 11, and 12, and Sections 13 through 36, inclusive, located in T3N, R7E, portions of Sections 3, 4, 5, 6, 9, 10, 11, and 12, and Sections 7, 8, and 13 through 36, inclusive, located in T3N, R8E, Sections 16 through 21, inclusive, and Sections 28 through 33, inclusive, located in T3N, R9E, a portion of Section 31, located in T4N, R8E, all located in BHM, South Dakota.

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

3. No. 11CA008 - Menard Subdivision

Summary of Adoption Action on a request by Sperlich Consulting, Inc. for Century Resources, Inc. to consider an application for a **Comprehensive Plan Amendment to change the land use designation from General Commercial to Light Industrial** for Lot 3R of Block 1 of Menard Subdivision located in the NE1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the south side of East Anamosa Street southeast of the intersection of East Anamosa Street and North Creek Drive.

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

4. No. 11CA009 - Stoney Creek South Subdivision

Summary of Adoption Action on a request by Dream Design International, Inc. to consider an application for a **Comprehensive Plan Amendment to change the land use designation from General Commercial with a Planned Commercial Development to Low Density Residential with a Planned Residential Development** for Lots 1 through 6 of Block 2 of Stoney Creek South Subdivision located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the west side of Bendt Drive, south of Catron Boulevard and east of Sheridan Lake Road.

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

5. No. 11CA010 - Needles Subdivision

A request by Centerline, Inc. for Saint Patrick, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to General Commercial** for Tract AR2 of Needles Subdivision located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, less a portion of Tract AR2 described as follows: Commencing at northwesterly corner of Tract AR2 of Needles Subdivision, common to the northeasterly corner of Tract B of Needles Subdivision, and common to the southwesterly corner of Tract A of Tucker Subdivision, and the point of beginning; Thence, first course: N89°56'00"E, along the northerly boundary of said Tract AR2, common to the southerly boundary of said Tract A, a distance of 331.61 feet, to the southeasterly corner of said Tract A; Thence, second course: S62°44'53"E, a distance of 593.67 feet, to a point on

the southerly boundary of said Tract AR2, common to a point on the northerly edge of Catron Boulevard right-of-way; Thence, third course: southwesterly, curving to the right, along the southerly boundary of said Tract AR2, common to the northerly edge of said Catron Boulevard right-of-way, on a curve with a radius of 743.51 feet, a delta angle of 74°57'16", a length of 972.66 feet, a chord bearing of S59°59'16"W, and chord distance of 904.77 feet; Thence, fourth course: N82°32'06"W, along the southerly boundary of said Tract AR2, common to the northerly edge of said Catron Boulevard right-of-way, a distance of 79.87 feet, to the southwesterly corner of said Tract AR2, common to the southeasterly corner of said Tract B; Thence, fifth course: N00°15'46"E, along the westerly boundary of said Tract AR2, common to the easterly boundary of said Tract B, a distance of 713.64 feet, to the northwesterly corner of said Tract AR2, common to the northeasterly corner of said Tract B, and common to the southwesterly corner of said Tract A, and the point of beginning, less H Lots, more generally described as being located northwest of the intersection of Catron Boulevard and Wellington Drive.

Planning Commission recommended that the Amendment to the adopted Comprehensive Plan to change the future land use designation from Low Density Residential to General Commercial be approved.

6. No. 11RZ017 - Needles Subdivision

A request by Centerline, Inc. for Saint Patrick, LLC to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** for Tract AR2 of Needles Subdivision located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, less a portion of Tract AR2 described as follows: Commencing at northwesterly corner of Tract AR2 of Needles Subdivision, common to the northeasterly corner of Tract B of Needles Subdivision, and common to the southwesterly corner of Tract A of Tucker Subdivision, and the point of beginning; Thence, first course: N89°56'00"E, along the northerly boundary of said Tract AR2, common to the southerly boundary of said Tract A, a distance of 331.61 feet, to the southeasterly corner of said Tract A; Thence, second course: S62°44'53"E, a distance of 593.67 feet, to a point on the southerly boundary of said Tract AR2, common to a point on the northerly edge of Catron Boulevard right-of-way; Thence, third course: southwesterly, curving to the right, along the southerly boundary of said Tract AR2, common to the northerly edge of said Catron Boulevard right-of-way, on a curve with a radius of 743.51 feet, a delta angle of 74°57'16", a length of 972.66 feet, a chord bearing of S59°59'16"W, and chord distance of 904.77 feet; Thence, fourth course: N82°32'06"W, along the southerly boundary of said Tract AR2, common to the northerly edge of said Catron Boulevard right-of-way, a distance of 79.87 feet, to the southwesterly corner of said Tract AR2, common to the southeasterly corner of said Tract B; Thence, fifth course: N00°15'46"E, along the westerly boundary of said Tract AR2, common to the easterly boundary of said Tract B, a distance of 713.64 feet, to the northwesterly corner of said Tract AR2, common to the northeasterly corner of said Tract B, and common to the southwesterly corner of said Tract A, and the point of beginning, less H Lots, more generally described as being located northwest of the intersection of Catron Boulevard and Wellington Drive.

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

*7. No. 11PD030 - Feigels Addition

A request by Renner & Associates, LLC for Deluxe, LLC to consider an application for an **Initial Residential Development Plan** for Lots 1 through 3 of Block 16 of Feigels Addition located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East New York Street.

Planning Commission continued the Initial Residential Development Plan to the October 6, 2011 Planning Commission meeting.

9. No. 11RZ018 - Squirrely Acres Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Ken Berglund for the Estate of Patricia Berglund to consider an application for a **Rezoning from Medium Density Residential District to Park Forest District** for the north 825 feet of the NE1/4 SE1/4 less Squirrely Acres Subdivision located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Berglund Road, south of the intersection of Berglund Road and Fox Road.

Planning Commission recommended approval of the Rezoning from Medium Density Residential District to Park Forest District.

11. No. 11SV014 - Squirrely Acres Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Ken Berglund for the Estate of Patricia Berglund to consider an application for a **Variance to the Subdivision Regulations to allow a 17 foot wide graveled surface in lieu of a minimum 24 foot wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Berglund Road and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 4 and 5 of Squirrely Acres Subdivision, legally described as the north 825 feet of the NE1/4 SE1/4 less Squirrely Acres Subdivision located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Berglund Road, south of the intersection of Berglund Road and Fox Road.

Planning Commission recommended approval of the Variance to the Subdivision Regulations to allow a 17 foot wide graveled surface in lieu of a minimum 24 foot wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Berglund Road and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code 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 along the section line highway;
2. Prior to submittal of a Preliminary Plat application, the Wild Fire Mitigation Plan shall be approved by Fire Department. In addition, prior to submittal of a Final Plat application, the plan shall be implemented;
3. Upon submittal of a Preliminary Plat application, the applicant shall submit written documentation identifying maintenance of Berglund Road; and,
4. A note shall be placed on the plat stating that all residential structures shall be sprinklered with a residential fire sprinkler system.

12. No. 11PL047 - Nielsen Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Delbert and Shirley Stover to consider an application for a **Layout Plat** for proposed Lots 4A and 4B of Block 3 of Nielsen Subdivision, legally described as Lot 4 of Block 3 of Nielsen Subdivision located in Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6280 Tittle Springs Place.

Planning Commission recommended approval of the Layout Plat with the following stipulations:

1. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow 120 dwelling units with one point of access in lieu of a maximum of 40 dwelling units as per the Street Design Criteria Manual or the plat document shall be revised to provide a second point of access;
2. Prior to submittal of a Preliminary Plat application, the applicant shall submit a request and obtain approval from the City Engineer to allow a six foot wide minor drainage and utility easement along the interior side of all lot lines or the plat document shall be revised to provide a minimum 8 foot wide minor drainage and utility easement pursuant to Chapter 16.12.200 of the Rapid City Municipal Code;
3. Upon submittal of the Preliminary Plat application, road construction plans for Tittle Springs Lane shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained to waive the required street improvements and an Exception shall be obtained to allow an easement to serve 7 lots in lieu of a maximum of 4 lots as per the Street Design Criteria Manual;
4. Upon submittal of the Preliminary Plat application, road construction plans for S.D. Highway 44 West shall be submitted for review showing the street constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision

Regulations shall be obtained to waive the requirement to provide water and sewer and an Exception shall be obtained to waive the requirement to provide curb, gutter, sidewalk and street light conduit;

5. Upon submittal of the Preliminary Plat application, road construction plans for the two access easements shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. 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.
7. 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 the applicant connects to the Rapid Canyon Sewer District as proposed, then written approval from Rapid Canyon Sewer District to allow the proposed sewer extension and that adequate sewer capacity exists shall be submitted for review and approval;
8. Upon submittal of a Preliminary Plat application, a Master Utility Plan showing public and private utilities shall be submitted for review and approval;
9. Upon submittal of a Preliminary Plat application, a drainage plan and a grading plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
10. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required;
11. Upon submittal of a Preliminary Plat application, the Wild Fire Mitigation Plan shall be approved by the Fire Department. In addition, prior to submittal of a Final Plat application, the Wild Fire Mitigation Plan shall be implemented;
12. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a non-access easement along Tittle Springs Place in compliance with the Street Design Criteria Manual;
13. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and

- approval;
14. Upon submittal of a Preliminary Plat application, the applicant shall submit written documentation identifying maintenance responsibility of Tittle Springs Place and the two access easements;
 15. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City;
 16. 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;
 17. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 18. The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.
13. No. 11SV015 - Nielsen Subdivision
A request by Fisk Land Surveying & Consulting Engineers for Delbert and Shirley Stover to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and water, to reduce the pavement width from 24 feet to 10 feet and to reduce the easement width from 49 feet to 30 feet for Tittle Springs Place; to waive the requirement to install water and sewer along S.D. Highway 44 West; and, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the width of the access easement from 49 feet to 40 feet as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 4A and 4B of Block 3 of Nielsen Subdivision, legally described as Lot 4 of Block 3 of Nielsen Subdivision located in Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6280 Tittle Springs Place.

Planning Commission recommended approval of the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and water, to reduce the pavement width from 24 feet to 10 feet and to reduce the easement width from 49 feet to 30 feet for Tittle Springs Place; to waive the requirement to install water and sewer along S.D. Highway 44 West; and, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the width of the access easement from 49 feet to 40 feet as per Chapter 16.16 of the Rapid City Municipal Code 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 along S.D. Highway 44 West;

2. **Prior to submittal of a Preliminary Plat application, the Wild Fire Mitigation Plan shall be approved by Fire Department. In addition, prior to submittal of a Final Plat application, the plan shall be implemented;**
3. **Upon submittal of a Preliminary Plat application, the applicant shall submit written documentation identifying maintenance responsibility of Tittle Springs Place and the two access easements;**
4. **A note shall be placed on the plat stating that all new residential structures shall be sprinklered with a residential fire sprinkler system; and,**
5. **That the plat document be revised to show an additional 9.5 feet of easement width along Tittle Springs Place as it abuts the property.**

14. No. 11RZ016 - Section 29, T2N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** for a parcel of land located in Lot 1 of the SE1/4 SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, said 1.72 acre of land being situated in the northwest corner of and adjoining the west boundary of said Lot 1 and adjoining the south right-of-way line of Sheridan Lake Road, a public road, and being more particularly described by metes and bound as follows: Commencing, for location purposes only at an iron rod with cap marked "FISK 1771" found for corner on the west sixteenth-section line of said SE1/4 SE1/4 of Section 29 at its intersection with the eastern right-of-way line of Croyle Avenue, a 66-foot wide public road, said corner also marking the intersection of the east boundary of Lot A of Lot 1 of Rohrer Subdivision in the SW1/4 SE1/4 of Section 29 and west boundary of Lot B of Lot 1 of the SE1/4 SE1/4 of Section 29 with the eastern right-of-way line of Croyle Avenue; Thence, N00°03'49"W, along said sixteenth-section line, running within the right-of-way of Croyle Avenue, a distance of 390.92 feet to the Point of Beginning of the herein described tract, said Point of Beginning being located at another intersection with the eastern right-of-way line of Croyle Avenue and also being at the intersection of the east boundary of Lot B of Lot 1 of Rohrer Subdivision in the SW1/4 SE1/4 of Section 29 and west boundary of said Lot 1 of the SE1/4 SE1/4 of Section 29 with the eastern right-of-way line of Croyle Avenue; Thence, N00°03'49"W, along the west sixteenth-section line and west boundary of said Lot 1 of the SE1/4 SE1/4 of Section 29, a distance of 199.93 feet to a point for corner on the southern right-of-way line of Sheridan Lake Road, from which a surveyor's monument marking the northeast corner of Lot 23 of Block 12 of Countryside Subdivision on the west line of Lot 1 of Block 5 of Red Rock Estates bears N00°03'49"W a distance of 237.70 feet; Thence, N69°25'25"E, along the southern right-of-way line of Sheridan Lake Road, running parallel to and 33 feet from the centerline of said Sheridan Lake Road, a distance of 217.80 feet to a point of curvature; Thence, continuing along the southern right-of-way line of Sheridan Lake Road in a curve to the right having a central angle of 01°37'22", a radius of 1399.39 feet, and an arc length of 39.64 feet to a point for corner; Thence, S09°15'00"E, a distance of 246.84 feet to a point for corner; Thence, N87°30'00"E, a distance of 55.33 feet to a point for corner; Thence, S02°30'00"E, a distance of 61.00 feet to a point for corner; Thence, S87°30'00"W, a distance of 335.55 feet to a point for corner on the

eastern right-of-way line of said Croyle Avenue; Thence, N07°07'11"W, along the eastern right-of-way line of Croyle Avenue, a distance of 27.13 feet to the Point of Beginning, more generally described as being located at 7887 Sheridan Lake Road.

Planning Commission recommended approval of the Rezoning from No Use District to General Commercial District.

15. No. 11RZ019 - Starlite Subdivision

A request by Richard Huffman to consider an application for a **Rezoning from General Commercial District to Light Industrial District** for Lot 1A of Starlite Subdivision located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Dyess Avenue and Eglin Street.

Planning Commission continued the Rezoning from General Commercial District to Light Industrial District to the October 6, 2011 Planning Commission meeting.

16. No. 11VR003 - Feigels Addition

A request by Renner & Associates, LLC for Deluxe, LLC to consider an application for a **Vacation of Right-of-Way** for a portion of N. Cherry Street right-of-way lying adjacent to Lot 1 of Block 16, a portion of Pine Street right-of-way lying adjacent to Lot 3 of Block 16, a portion of E. New York Street right-of-way and a portion of E. Chicago Street right-of-way lying adjacent to Lots 1-3 of Block 16 of Feigels Addition located in the SW1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East New York Street.

Planning Commission continued the Vacation of Right-of-Way to the October 6, 2011 Planning Commission meeting.

17. 11TP019 – Rapid City Area Metropolitan Planning Organization 2012 Unified Planning Work Program - Draft Report

Planning Commission recommended approval of Item # 11TP019 - 2012 Unified Planning work Program - Draft Report.

18. 11TP020 – Rapid City Area Metropolitan Planning Organization Participation Plan Update - Draft Report

Planning Commission recommended approval of Item # 11TP020 Participation Plan Update - Draft Report.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*8. No. 11PD035 - Knights of Columbus Subdivision

A request by MAC Construction for Knights, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** for Lot A of Knights of Columbus Subdivision located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 Fifth Street.

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

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

1. **The Major Amendment to the Planned Commercial Development shall allow for the expansion of use to include an adult day care and professional offices. Other uses permitted within the Office 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 Office Commercial District shall require a Major Amendment to the Planned Commercial Development;**
2. **In addition to the Joint Use Agreement allowing 30 additional parking spaces on Lot B of Knights of Columbus Subdivision, a minimum of 33 parking spaces shall be provided on this property. Any change in use shall require that additional parking be provided as per the City's adopted Off-Street Parking Ordinance;**
3. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
4. **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 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;**
5. **All applicable provisions of the currently adopted International Fire Code shall continually be met;**
6. **All provisions of the Office Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of this Major Amendment to the Planned Commercial Development or a subsequent Major Amendment; and,**
7. **The Major Amendment to the Planned Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 to 1 with Brewer, Fink,**

Landguth, Marchand, Popp, Rolinger, Swank and Weimer voting yes,
with none voting no, and with Braun abstaining)

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

10. No. 11PL046 - Squirrely Acres Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Ken Berglund for the Estate of Patricia Berglund to consider an application for a **Layout Plat** for proposed Lots 4 and 5 of Squirrely Acres Subdivision, legally described as the north 825 feet of the NE1/4 SE1/4 less Squirrely Acres Subdivision located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Berglund Road, south of the intersection of Berglund Road and Fox Road.

Fisher requested that Stipulation No. 9 be amended as follows: **Upon submittal of a Preliminary Plat application, the applicant shall submit written documentation identify maintenance of ~~Tittle Springs Lane~~ Berglund Road and the two access easements.**

Rolinger moved, Marchand seconded and unanimously carried to recommend approval of the Layout Plat with the following stipulations:

- 1. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow an easement to serve five lots in lieu of a maximum of four lots as per the Street Design Criteria Manual or the plat document shall be revised accordingly;**
- 2. Upon submittal of the Preliminary Plat application, road construction plans for Berglund Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Upon submittal of the Preliminary Plat application, road construction plans for the section line highway shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated. The adjacent property owner shall participate in the platting or vacation of the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way. In particular, the road shall be located in a minimum 59 foot wide 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;**
- 4. Upon submittal of a Preliminary Plat application, water plans**

- prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided.
5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;
 6. Upon submittal of a Preliminary Plat application, a drainage plan and a grading plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
 7. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required;
 8. Prior to submittal of a Preliminary Plat application, the Wild Fire Mitigation Plan shall be approved by the Fire Department. In addition, prior to submittal of a Final Plat application, the Wild Fire Mitigation Plan shall be implemented;
 9. Upon submittal of a Preliminary Plat application, the applicant shall submit written documentation identify maintenance of Berglund Road and the two access easements;
 10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 11. 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;
 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 13. The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council. (8 to 0 with Braun, Brewer, Fink, Landguth, Marchand, Popp, Rolinger, Swank and Weimer voting yes and none voting no)
19. No. 11PL044 - Teton Heights Subdivision
A request by Dream Design International, Inc. to consider an application for a

Layout Plat for proposed Lots 1-133 of Teton Heights Subdivision, legally described as NE1/4 NW1/4 of Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Country Road between West Nike Road and 143rd Avenue.

Fisher stated that this application was continued at the September 8, 2011 Planning Commission meeting to allow the applicant to address issues with staff. Fisher indicated that the issues were resolved and she noted staff's recommendation for approval of the Layout Plat with stipulations.

Swank moved, Rolinger seconded and unanimously carried to recommended approval of the Layout Plat with the following stipulations:

- 1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design, slope stability and corrosion protection shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 4. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans shall demonstrate adequate capacity of the wastewater system and shall verify if the southeast corner of the property is within the service area of the sanitary lift station. The plat document shall also be revised to provide utility easements as needed;**
- 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains, including a connection to the future low pressure 12 inch water main being extended from southeast of the site, shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. 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;**
- 7. Upon submittal of a Preliminary Plat application, a Traffic Impact Study shall be submitted for review and approval with recommendations as to the timing of improvements on Country Road**

- due to the impact of the proposed subdivision;
8. Upon submittal of a Preliminary Plat application, the sight distance at the location of the intersection of Country Road and the proposed minor arterial road shall be verified to insure compliance with City Street Design Standards;
 9. Upon submittal of a Preliminary Plat application, road construction plans for Country Road shall be submitted for review and approval. In particular, the road construction plans shall show Country Road located in a minimum 100 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised dedicating an additional 17 feet of right-of-way;
 10. Upon submittal of a Preliminary Plat application, road construction plans for the minor arterial street proposed to be located along the west lot line shall be submitted for review and approval. In particular, the road construction plans shall show the minor arterial street located in a minimum 100 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 11. Upon submittal of a Preliminary Plat application, road construction plans for the sub-collector streets, preliminarily labeled as Streets A, B, D, E, G and H, shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sac streets with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 12. Upon submittal of a Preliminary Plat application, road construction plans for the lane place streets, preliminarily labeled as Streets C and F, shall be submitted for review and approval. In particular, the lane place streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sac street(s) with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 13. Upon submittal of a Preliminary Plat application, the applicant shall identify ownership and maintenance of the green space lots. In

- addition, the green space lots shall be labeled with a lot and block designation.
14. Upon submittal of a Preliminary Plat application, a copy of the utility easement securing the location of the sewer lift station on the proposed "City Lot" shall be submitted for review and approval. In addition, the plat document shall be revised to show the easement. The "City Lot" shall also be labeled with a lot and block designation;
 15. Upon submittal of a Preliminary Plat, a phasing plan for the proposed development shall be submitted for review and approval;
 16. Upon submittal of a Preliminary Plat application, a site plan showing possible building envelopes on all lots which front a street on three sides shall be submitted for review and approval identifying access and insuring that an adequate building site exists on each lot;
 17. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the International Fire Code shall be continually met;
 18. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 19. 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;
 20. Prior to Preliminary Plat approval by the City Council, the property shall be rezoned from General Agriculture District to Low Density Residential District and a Planned Development Designation shall be approved as per the City's Future Land Use Plan;
 21. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Country Road and the minor arterial street or a Variance to the Subdivision Regulations shall be obtained;
 22. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;
 23. Prior to submittal of a Preliminary Plat application, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
 24. 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.
 25. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 26. The approved Layout Plat for which no grading, construction or other

improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council. (8 to 0 with Braun, Brewer, Fink, Landguth, Marchand, Popp, Rolinger, Swank and Weimer voting yes and none voting no)

20. Discussion Items
None.

21. Staff Items
None.

22. Planning Commission Items
A. Election of Vice-Chairperson

Swank nominated Marchand for Planning Commission Vice-Chairperson. Swank moved, Popp seconded and unanimously carried to cease nominations for Planning Commission Vice-Chairperson and that a unanimous ballot be cast for Marchand. (8 to 0 with Braun, Brewer, Fink, Landguth, Marchand, Popp, Rolinger, Swank and Weimer voting yes and none voting no)

Swank volunteered to serve as the Planning Commission representative for the Sign Code Board of Appeals.

Limbaugh stated that he would forward Swank's name to the Mayor for consideration for appointment.

Discussion followed concerning the pending changes to the Sign Ordinance.

There being no further business, Rolinger moved, Popp seconded and unanimously carried to adjourn the meeting at 7:10 a.m. (8 to 0 with Braun, Brewer, Fink, Landguth, Marchand, Popp, Rippentrop, Rolinger, Swank and Weimer voting yes and none voting no)