

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 5, 2012

MEMBERS PRESENT: Sandra Beshara, John Brewer, Patrick Fink, Heather Knox, Dennis Popp, Kay Rippentrop, Tim Rose, Steve Rolinger, Andrew Scull, Josh Snyder and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Linda Marchand

STAFF PRESENT: Brett Limbaugh, Pauline Sumption, Fletcher Lacock, Robert Laroco, Kip Harrington, Ted Johnson, Carla Cushman and Risë Ficken.

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

Brewer welcomed new Commissioners Tim Rose and Heather Knox to the Planning Commission. Brewer congratulated Popp, Fink and Rippentrop on their reappointment to the Planning Commission.

Brewer provided a brief review of the Planning Commission's various duties and responsibilities.

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.

Motion by Rolinger, seconded by Snyder and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 9 in accordance with the staff recommendations. (10 to 0 with Brewer, Fink, Knox, Popp, Rippentrop, Rolinger, Rose, Scull, Snyder and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the June 21, 2012 Planning Commission Meeting Minutes.

2. No. 07TI005 - Original Town of Rapid City

A request by City of Rapid City to consider an application for a **Resolution to Dissolve Tax Increment District No. 62** for property generally described as being located between Omaha Street and South Street between 3rd Street and 6th Street.

Planning Commission recommended approval of the Resolution to Dissolve Tax Increment District No. 62.

3. No. 12CA003 - Rushmore Center

A request by Renner & Associates, LLC for HDRK Properties, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to Commercial** for vacated Lots 22-28 of Block 11 of Plain View 2nd Addition to the City of Rapid City, and Vacated Alley Adjacent to Lots 22-28 of Block 11 of Plainview 2nd Addition to the City of Rapid

City located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County South Dakota, more fully described as follows: Commencing at the southeasterly corner of Tract C of Rushmore Center, and the point of beginning; Thence, first course: N00°04'53"E, along the easterly boundary of said Tract C, a distance of 140.32 feet; Thence, second course: N00°08'40"E, along the easterly boundary of said Tract C, a distance of 20.00 feet; Thence, third course: S89°52'39"E, along the easterly boundary of said Tract C, a distance of 179.64 feet; Thence, fourth course: S00°04'10"W, a distance of 19.95 feet; Thence, fifth course: S00°01'07"W, a distance of 140.13 feet; Thence, sixth course: N89°57'35"W, a distance of 54.85 feet; Thence, seventh course: N89°56'53"W, a distance of 124.97 feet to the said point of beginning, more generally described as being located on the north side of East Anamosa Street east of the intersection of East Anamosa Street and Luna Avenue.

Planning Commission recommended approval of the Amendment to the Comprehensive Plan to change the land use designation from Residential to Commercial in conjunction with the proposed rezone application (File #12RZ011) from Low Density Residential District to General Commercial District.

4. No. 12RZ011 - Rushmore Center

A request by Renner & Associates, LLC for HDRK Properties, LLC to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** for a portion of Tract C of Rushmore Center, vacated Lots 22-28 of Block 11 of Plainview 2nd Addition to the City of Rapid City, and vacated alley adjacent to Lots 22-28 of Block 11 of Plainview 2nd Addition to the City of Rapid City, located in the SE1/4 of the SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Tract C of Rushmore Center, and the point of beginning; Thence, first course: N89°57'35"W, along the southerly boundary of said Tract C, common to the northerly edge of said East Anamosa Street right-of-way, a distance of 220.52 feet; Thence, second course: N00°06'16"E, a distance of 340.49 feet; Thence, third course: S89°50'00"E, a distance of 400.18 feet, to a point on the easterly boundary of said Tract C; Thence, fourth course: S00°07'24"W, along the easterly boundary of said Tract C, a distance of 179.55 feet; Thence, fifth course: S00°04'10"W, a distance of 19.95 feet; Thence, sixth course: S00°01'07"W, a distance of 140.13 feet; Thence, seventh course: N89°57'35"W, a distance of 54.85 feet; Thence, eighth course: N89°56'53"W, a distance of 124.97 feet to the said point of beginning, more generally described as being located on the north side of East Anamosa Street east of the intersection of East Anamosa Street and Luna Avenue.

Planning Commission recommended approval of the request to Rezone from Low Density Residential District to General Commercial District in conjunction with the associated Comprehensive Plan Amendment.

5. No. 12RZ012 - Rushmore Center

A request by Renner & Associates, LLC for HDRK Properties, LLC to consider an application for a **Rezoning from General Agriculture District to General Commercial District** for a portion of Tract C of Rushmore Center located in the

SE1/4 of the SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Tract C of Rushmore Center, thence N89°57'35"W, a distance of 220.52 feet, to a point on the southerly boundary of said Tract C, common to a point on the northerly edge of East Anamosa Street right-of-way, and the point of beginning; Thence, first course: N89°57'35"W, along the southerly boundary of said Tract C, common to the northerly edge of said East Anamosa Street right-of-way, a distance of 140.88 feet; Thence, second course: along the southerly boundary of said Tract C, common to the northerly edge of said East Anamosa Street right-of-way, curving to the left, on a curve with a radius of 844.00 feet, a delta angle of 02°39'54", a length of 39.26 feet, a chord bearing of N83°18'22"W, and chord distance of 39.26 feet; Thence, third course: N41°40'33"W, along the westerly boundary of said Tract C, common to the easterly edge of Luna Avenue right-of-way, a distance of 28.95 feet; Thence, fourth course: N01°57'56"E, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, a distance of 375.86 feet; Thence, fifth course: along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, curving to the left, on a curve with a radius of 2030.00 feet, a delta angle of 00°12'03", a length of 7.12 feet, a chord bearing of N01°51'55"E, and chord distance of 7.12 feet; Thence, sixth course: S89°54'12"E, a distance of 617.03 feet, to a point on the easterly boundary of said Tract C, common to a point on the westerly boundary of Lot 5A, Block 2 of Rushmore Crossing; Thence, seventh course: S00°08'44"W, along the easterly boundary of said Tract C, common to the westerly boundary of said Lot 5A, a distance of 28.36 feet; Thence, eighth course: N89°50'59"W, along the easterly boundary of said Tract C, a distance of 30.09 feet; Thence, ninth course: S00°06'36"W, along the easterly boundary of said Tract C, a distance of 40.40 feet; Thence, tenth course: N89°50'00"W, a distance of 400.18 feet; Thence, eleventh course: S00°06'16"W, a distance of 340.49 feet, to the said point of beginning, more generally described as being located at the northeast corner of the intersection of East Anamosa Street and Luna Avenue.

Planning Commission recommended approval of the Rezoning from General Agriculture District to General Commercial District.

6. No. 12RZ010 - Sections 13 and 14, T2N, R7E

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** for a portion of NW1/4 of the SW1/4 of Section 13, T2N, R7E, B.H.M., a portion of the NE1/4 of the SE1/4 of Section 14, T2N, R7E, B.H.M., and a portion of the SE1/4 of the NE1/4 of Section 14, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 1 of Block 12 of Auburn Hills Subdivision, located in the NW1/4 of the SW1/4 of Section 13 T2N, R7E, B.H.M, and the Point of Beginning; Thence, first course: N89°46'22"W, a distance of 228.79 feet, to a point on the Section Line common to Section 13 and Section 14, T2N, R7E, B.M.H.; Thence, second course: S00°02'25"W, along the Section Line common to said Section 13 and Section 14, a distance of 6.65 feet, to a point on the Section Line common to said Section 13 and Section 14; Thence, third course: N89°46'22"W, a distance of 178.43 feet; Thence, fourth course: N00°13'38"E, a

distance of 20.22 feet; Thence, fifth course: N89°46'22"W, a distance of 126.00 feet; Thence, sixth course: N00°13'38"E, a distance of 520.68 feet; Thence, seventh course: N35°20'07"W, a distance of 57.42 feet; Thence, eighth course: N46°19'06"W, a distance of 297.40 feet; Thence, ninth course: N00°21'21"W, a distance of 567.54 feet; Thence, tenth course: N14°28'41"W, a distance of 205.24 feet; Thence, eleventh course: N00°07'31"W, a distance of 343.36 feet; Thence, twelfth course: N89°52'29"E, a distance of 293.68 feet, to the northwesterly corner of Lot 1 of Block 11 of Auburn Hills Subdivision; Thence, thirteenth course: S00°07'31"E, along the westerly boundary of said Lot 1 of Block 11 of Auburn Hills Subdivision, a distance of 110.00 feet to the southwest corner of said Lot 1 of Block 11, common to a point on the northerly edge of the right-of-way of Cobalt Drive; Thence, fourteenth course: S89°52'29"W, along the northerly edge of the right-of-way of said Cobalt Drive, a distance of 0.75 feet, to the northwesterly end of the dedicated right-of-way of said Cobalt Drive; Thence, fifteenth course: S00°07'31"E, along the westerly end of the dedicated right-of-way of said Cobalt Drive, a distance of 52.00 feet, to the northwesterly corner of Lot 1 of Block 10, common to the southwest end of the dedicated right-of-way of said Cobalt Drive; Thence, sixteenth course: S00°21'21"E, along the westerly boundary of said Lot 1 of Block 10 of Auburn Hills Subdivision, a distance of 85.00 feet, to the southwest corner of said Lot 1 of Block 10, common to the northwesterly corner of Lot 2 of Block 10 of Auburn Hills Subdivision; Thence, seventeenth course: S14°28'41"E, along the westerly boundary of said Lot 2 of Block 10 of Auburn Hills Subdivision, a distance of 101.98 feet, to the southwest corner of said Lot 2 of Block 10, common to the northwesterly corner of Lot 3 of Block 10 of Auburn Hills Subdivision; Thence, eighteenth course: S14°28'41"E, along the westerly boundary of said Lot 3 of Block 10 of Auburn Hills Subdivision, a distance of 80.10 feet, to the southwest corner of said Lot 3 of Block 10, common to the northwesterly corner of Lot 4 of Block 10 of Auburn Hills Subdivision; Thence, nineteenth course: S00°21'21"E, along the westerly boundary of said Lot 4 of Block 10 of Auburn Hills Subdivision, a distance of 69.50 feet, to the southwest corner of said Lot 4 of Block 10, common to the northwesterly corner of Lot 5 of Block 10 of Auburn Hills Subdivision; Thence, twentieth course: S00°21'21"E, along the westerly boundary of said Lot 5 of Block 10 of Auburn Hills Subdivision, a distance of 69.18 feet, to the southwest corner of said Lot 5 of Block 10, common to the northwesterly corner of Lot 6 of Block 10 of Auburn Hills Subdivision; Thence, twenty-first course: S00°21'21"E, along the westerly boundary of said Lot 6 of Block 10 of Auburn Hills Subdivision, a distance of 80.00 feet, to the southwest corner of said Lot 6 of Block 10, common to the northwesterly corner of Lot 7 of Block 10 of Auburn Hills Subdivision; Thence, twenty-second course: S00°21'21"E, along the westerly boundary of said Lot 7 of Block 10 of Auburn Hills Subdivision, a distance of 80.00 feet, to the southwest corner of said Lot 7 of Block 10, common to the northwesterly corner of Lot 8 of Block 10 of Auburn Hills Subdivision; Thence, twenty-third course: S00°21'21"E, along the westerly boundary of said Lot 8 of Block 10 of Auburn Hills Subdivision, a distance of 80.00 feet, to the southwest corner of said Lot 8 of Block 10, common to the northwesterly corner of Lot 9 of Block 10 of Auburn Hills Subdivision; Thence, twenty-fourth course: S00°21'21"E, along the westerly boundary of said Lot 9 of Block 10 of Auburn Hills Subdivision, a distance of 98.81 feet, to the southwest corner of said Lot 9 of Block 10,

common to the northwesterly corner of Lot 10 of Block 10 of Auburn Hills Subdivision; Thence, twenty-fifth course: $S00^{\circ}21'21''E$, along the westerly boundary of said Lot 10 of Block 10 of Auburn Hills Subdivision, a distance of 99.45 feet, to the southwesterly corner of said Lot 10 of Block 10, common to the northwesterly corner of Lot 11 of Block 10 of Auburn Hills Subdivision; Thence, twenty-sixth course: $S46^{\circ}19'06''E$, along the westerly boundary of said Lot 11 of Block 10 of Auburn Hills Subdivision, a distance of 133.08 feet, to the southwesterly corner of said Lot 11 of Block 10, common to the northwesterly corner of Lot 12 of Block 10 of Auburn Hills Subdivision; Thence, twenty-seventh course: $S46^{\circ}19'06''E$, along the westerly boundary of said Lot 12 of Block 10 of Auburn Hills Subdivision, a distance of 102.81 feet, to the southwesterly corner of said Lot 12 of Block 10, common to the northwesterly corner of Lot 13 of Block 10 of Auburn Hills Subdivision; Thence, twenty-eighth course: $S46^{\circ}19'06''E$, along the westerly boundary of said Lot 13 of Block 10 of Auburn Hills Subdivision, a distance of 80.00 feet, to the southwesterly corner of said Lot 13 of Block 10, common to the northwesterly corner of Lot 14 of Block 10 of Auburn Hills Subdivision; Thence, twenty-ninth course: $S46^{\circ}19'06''E$, along the westerly boundary of said Lot 14 of Block 10 of Auburn Hills Subdivision, a distance of 48.75 feet, to a point on the southwesterly boundary of said Lot 14 of Block 10, common to the northwesterly corner of Lot 20 of Block 10 of Auburn Hills Subdivision, and common to a point on the Section Line common to Section 13 and Section 14, T2N, R7E, B.H.M.; Thence, thirtieth course: $S00^{\circ}02'25''W$, along the westerly boundary of said Lot 20 of Block 10 of Auburn Hills Subdivision, common to the Section Line common to Section 13 and Section 14, T2N, R7E, B.H.M., a distance of 224.86 feet, to the southwesterly corner of said Lot 20 of Block 10, common with the northwesterly end of the dedicated right-of-way of Gainsboro Drive, and common to a point on the Section Line common to Section 13 and Section 14, T2N, R7E, B.H.M.; Thence, thirty-first course: $S00^{\circ}02'25''W$, along the westerly end of the dedicated right-of-way of said Gainsboro Drive, common to the Section Line common to Section 13 and Section 14, T2N, R7E, B.H.M., a distance of 49.00 feet, to the northwesterly corner of Lot 5 of Block 9 of Auburn Hills Subdivision, common to the southwesterly end of the right-of-way of said Gainsboro Drive, and common to a point on the Section Line common to Section 13 and Section 14, T2N, R7E, B.H.M.; Thence, thirty-second course: $S00^{\circ}02'25''W$, along the westerly boundary of said Lot 5 of Block 9 of Auburn Hills Subdivision, common to the Section Line common to Section 13 and Section 14, T2N, R7E, B.H.M., a distance of 110.00 feet, to the southwesterly corner of said Lot 5 of Block 9, and common to a point on the Section Line common to Section 13 and Section 14, T2N, R7E, B.H.M.; Thence, thirty-third course: $S89^{\circ}46'22''E$, along the southerly boundary of said Lot 5 of Block 9 of Auburn Hills Subdivision, a distance of 79.64 feet, to the southeasterly corner of said Lot 5 of Block 9, common to the southwesterly corner of Lot 4 of Block 9 of Auburn Hills Subdivision; Thence, thirty-fourth course: $S89^{\circ}46'22''E$, along the southerly boundary of said Lot 4 of Block 9 of Auburn Hills Subdivision, a distance of 80.00 feet, to the southeasterly corner of said Lot 4 of Block 9, common to the southwesterly corner of Lot 3 of Block 9 of Auburn Hills Subdivision; Thence, thirty-fifth course: $S89^{\circ}46'22''E$, along the southerly boundary of said Lot 3 of Block 9 of Auburn Hills Subdivision, a distance of 78.50 feet, to the southeasterly corner of said Lot 3 of Block 9, common to the southwesterly corner of Lot 2 of Block 9 of Auburn Hills Subdivision, and common to the northwesterly corner of

Lot 1 of Block 9 of Auburn Hills Subdivision; Thence, thirty-sixth course: S00°13'38"W, along the westerly boundary of said Lot 1 of Block 9 of Auburn Hills Subdivision, a distance of 110.00 feet, to the southwesterly corner of said Lot 1 of Block 9 of Auburn Hills Subdivision, common to a point on the northerly edge of the dedicated right-of-way of Auburn Drive; Thence, thirty-seventh course: N89°46'22"W, along the northerly edge of the dedicated right-of-way of said Auburn Drive, a distance of 8.50 feet, to the northwesterly end of the dedicated right-of-way of said Auburn Drive; Thence, thirty-eighth course: S00°13'38"W, along the westerly end of the dedicated right-of-way of said Auburn Drive, a distance of 52.00 feet, to the southwesterly corner of the dedicated right-of-way of said Auburn Drive, common to the northwesterly corner of said Lot 1 of Block 12 of Auburn Hills Subdivision; Thence, thirty-ninth course: S00°13'38"W, along the westerly boundary of said Lot 1 of Block 12 of Auburn Hills Subdivision, a distance of 100.00 feet, to the southwesterly corner of said Lot 1 of Block 12 of Auburn Hills Subdivision, located in the NW1/4 of the SW1/4 of Section 13 T2N, R7E, B.H.M., and the Point of Beginning, more generally described as being located west of the current western terminus of Auburn Drive extending north and lying west of the current western terminus of Cobalt Drive.

Planning Commission recommended approval of the Rezoning from General Agriculture District to Low Density Residential District.

7. No. 12PL025 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 6 through 10 of Block 9, Lots 21 through 37 of Block 10, Lot 2 of Block 11, Lots 2 through 5 of Block 12, Lots 1 through 2 of Block 13, Lots 1 through 8 of Block 14, Lots 1 through 9 of Block 15, Lot 1 of Block 16, Lot 1 of Block 17 of Auburn Hills Subdivision, located in the NW1/4 of the SW1/4, and in the SW1/4 of the NW1/4, Section 13, T2N, R7E, B.H.M., also in the SE1/4 of the NE1/4, and in the NE1/4 of the SE1/4, Section 14, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 of Section 13, a portion of the SW1/4 of the NW1/4 of Section 13, a portion of the SE1/4 of the NE1/4 of Section 14 and a portion of the NE1/4 of the SE1/4 of Section 14, Located in the NW1/4 of the SW1/4, and in the SW1/4 of the NW1/4, Section 13, T2N, R7E, B.H.M., also in the SE1/4 of the NE1/4, and in the NE1/4 of the SE1/4, Section 14, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, more generally described as being located west of the current western terminus of Auburn Drive extending north and lying west of the current western terminus of Cobalt Drive.

Planning Commission recommended approval of the Preliminary Subdivision Plan with the following stipulations:

1. **Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications, as applicable, shall be obtained. The redlined comments and/or copies of the approved Exceptions shall be submitted with the Development Engineering Plan application;**
2. **Prior to submittal of a Development Engineering Plan application,**

written approval shall be obtained from the City Engineer to allow the use of a sewer termination cleanout per Rapid City Standard Detail 9-8 or the plans shall be revised as needed;

3. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual;
4. Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to show Valencia Place located within a minimum 50 foot wide right-of-way or an Exception shall be obtained;
5. Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to show Gainsboro Drive located within a minimum 50 foot wide right-of-way or an Exception shall be obtained;
6. Upon submittal of a Development Engineering Plan application, a geotechnical report shall be submitted for review and approval for the proposed public improvements, including pavement design and soils resistivity test results;
7. Upon submittal of a Development Engineering Plan application, a drainage plan and a grading plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary.;
8. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
9. Upon submittal of a Development Engineering Plan application, water plans demonstrating that adequate fire and domestic flows are being provided shall be submitted for review and approval;
10. Upon submittal of a Development Engineering Plan application, sewer plans demonstrating that sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity shall be submitted for review and approval;
11. Upon submittal of a Development Engineering Plan application, a cost estimate shall be submitted for review and approval;
12. Prior to submittal of a Final Plat application, the plat document shall be revised relabeling Lot 1, Block 13 as it is an existing platted lot of record;
13. 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,
14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

8. No. 12PL026 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 9-15 of Block 1, Lots 10-13 of Block 2, Lot 12 of Block 4, Lots 7-12 of Block 6, Lots 1-11 of Block 7, and Lots 1-19 of Block 8, all located in Brookfield Subdivision, located in the NE1/4 of the SE 1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current northern terminus of Three Rivers Drive.

Planning Commission recommended approval of the Preliminary Subdivision Plan with the following stipulations:

1. **Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications, as applicable, shall be obtained. The redlined comments and/or copies of the approved Exceptions shall be submitted with the Development Engineering Plan application;**
2. **Prior to submittal of a Development Engineering Plan application, approved permits from the Environmental Protection Agency shall be obtained to relocate the delineated wetlands from the current terminus of Three Rives Drive to the property located west of the proposed development. In addition, copies of the approved permits shall be submitted with the Development Engineering Plan application;**
3. **Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual;**
4. **Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to show Cobalt Drive as the collector street in lieu of Tupelo Drive. In particular, Cobalt Drive shall be located within a minimum 68 foot wide right-of-way and constructed with a minimum 34 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer and Tupelo Drive shall be located within a minimum 52 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 an Exception shall be obtained;**
5. **Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to show Melano Street located within a minimum 50 foot wide right-of-way or an Exception shall be obtained;**
6. **Upon submittal of a Development Engineering Plan application, a geotechnical report shall be submitted for review and approval for the proposed public improvements, including pavement design and soils resistivity test results;**

7. Upon submittal of a Development Engineering Plan application, a drainage plan and a grading plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
 8. Upon submittal of a Development Engineering Plan application, the applicant shall submit documentation verifying ownership and maintenance of the proposed drainage lot;
 9. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 10. Upon submittal of a Development Engineering Plan application, water plans demonstrating that adequate fire and domestic flows are being provided shall be submitted for review and approval;
 11. Upon submittal of a Development Engineering Plan application, sewer plans demonstrating that sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity shall be submitted for review and approval;
 12. Upon submittal of a Development Engineering Plan application, a cost estimate shall be submitted for review and approval;
 13. 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,
 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
9. Capital Improvements 5-year Master Plan for FY2013 – FY2017

Planning Commission recommended approval of the Capital Improvements 5-Year Master Plan for FY2013 – FY2017.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *10. No. 12UR015 - South Boulevard Addition
A request by Steven Dunn for Black Hills Power to consider an application for a **Major Amendment to a Conditional Use Permit to allow the renovation of an existing utility substation in the Low Density Residential Zoning District** for Lots 23-26 and the west 10 feet of adjacent vacated alley in Block 32 of South Boulevard Addition, located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2510 Fifth Street.

Lacock presented the request and reviewed the slides. Lacock indicated that staff recommends approval of the Major Amendment to a Conditional Use Permit with the stipulations identified in the staff report.

Scull noted that a previous request related to the substation on this property received significant neighborhood input and comment and was denied.

Scull moved and Popp seconded to approve the Major Amendment to a Conditional Use Permit to allow the renovation of an existing utility substation in the Low Density Residential Zoning District with the following stipulations:

- 1. A building permit shall be obtained prior to any construction;**
- 2. Prior to issuance of a building permit, an erosion and sediment control plan shall be submitted for review and approval and an erosion and sediment control permit shall be obtained as warranted;**
- 3. A minimum of 12,600 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 4. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 5. All signage shall continually 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 a Conditional Use Permit. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to a 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 a 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;**
- 6. 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;**
- 7. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment; and,**
- 8. The Major Amendment to a Planned Development shall allow a utility substation. Any change in use that is a permitted use in the Low Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Low Density Residential District shall require the review and approval of a Major Amendment to the Planned Development.**

In response to a question from Snyder, Steven Dunn stated that construction on the project is anticipated to begin in August and will be completed by year-end. Dunn advised that they will work with adjacent property owners to ensure that they are not disturbed by the construction activity on the site to the greatest

extent possible.

In response to a question from Snyder, Lacock advised that the certified mailing was completed and the sign was posted on the property one week prior to the Planning Commission meeting.

In response to a question from Brewer, Lacock stated that there were no telephone calls or other inquiries received concerning the proposed amendment.

The motion unanimously carried to approve the Major Amendment to a Conditional Use Permit to allow the renovation of an existing utility substation in the Low Density Residential Zoning District with the following stipulations:

- 1. A building permit shall be obtained prior to any construction;**
- 2. Prior to issuance of a building permit, an erosion and sediment control plan shall be submitted for review and approval and an erosion and sediment control permit shall be obtained as warranted;**
- 3. A minimum of 12,600 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 4. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 5. All signage shall continually 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 a Conditional Use Permit. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to a 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 a 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;**
- 6. 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;**
- 7. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Development or a subsequent Major Amendment; and,**
- 8. The Major Amendment to a Planned Development shall allow a utility substation. Any change in use that is a permitted use in the Low Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Low Density Residential District shall require the review and**

approval of a Major Amendment to the Planned Development. (10 to 0 with Brewer, Fink, Knox, Popp, Rippentrop, Rolinger, Rose, Scull, Snyder and Swank 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 Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

*11. No. 12UR016 - Original Town of Rapid City

A request by Orris Enterprises, Inc to consider an application for a **Major Amendment to a Conditional Use Permit for the expansion of an On-Sale Liquor Establishment** for Lots 17 and 18 and the north 55 feet of Lots 19 thru 21 of Block 84 of the Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 518 and 520 Seventh Street.

Lacock presented the request and reviewed the slides. Lacock stated that staff recommends approval of the application with the stipulations outlined in the staff report.

In response to a question from Brewer, Lacock stated that South Dakota legal last call is currently 2:00 a.m.

In response to a question from Snyder, Lacock stated that staff is not aware of any complaints concerning the operations of the business at this location.

Rolinger moved and Rose seconded to approve the Major Amendment to a Conditional Use Permit for the expansion of an On-Sale Liquor Establishment with the following stipulations:

1. **The on-sale liquor establishment shall allow full liquor sales;**
2. **The hours of operation shall be from 10:00 a.m. to South Dakota legal last call;**
3. **The on-sale liquor establishment shall operate in compliance with SDCL 34-46-18, "Smoking permitted in certain licensed establishments where alcohol is sold";**
4. **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;**
5. **All applicable provisions of the adopted International Fire Code shall continually be 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 a 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. The approval of the Historic Sign Review Committee shall be obtained prior to obtaining the Sign Permit;
7. 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; and,
 8. The Major Amendment to a Conditional Use Permit will allow for the expansion of an On-Sale Liquor Establishment. Any change in use that is a permitted use in the Central Business District will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Central Business District will require the review and approval of a Major Amendment to the Conditional Use Permit. All provisions of the Central Business District must be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Conditional Use Permit or a subsequent Major Amendment.

In response to a question from Brewer, Lacock stated that the Conditional Use Permit is currently approved for beer and wine sales limited to the hours of 10:00 a.m. until 12:00 a.m. Lacock stated that the applicant is requesting to expand sales to include full liquor from the hours of 10:00 a.m. until South Dakota legal last call, currently 2:00 a.m. Lacock added that as there are currently no full liquor licenses available from the City, the applicant will need to obtain that license through the private market.

Discussion followed concerning the granting of liquor licenses to a business with multiple suites, the granting of Conditional Use Permit approval for specific suites within a property containing multiple addresses, and the duration of approval for Conditional Use Permits.

Snyder stated that he would like additional information concerning whether there are any compliance issues associated with the existing use on the property.

Snyder offered a substitute motion to continue the Major Amendment to a Conditional Use Permit for the expansion of an On-Sale Liquor Establishment to the July 26, 2012 Planning Commission meeting. Beshara seconded the motion.

In response to a question from Brewer, Lacock stated that Police Department staff did not have any comment concerning the proposed Major Amendment.

Brewer requested clarification concerning the expanded use in the existing Sidewalk Café at this location. Discussion followed.

Cushman stated that the legal activity within the building can be continued into the sidewalk café area.

Rolinger indicated that the Police Department has historically notified staff and the City Council of problems associated with on-sale liquor activities at a given location.

Snyder noted that the applicant is not present to address questions related to the compliance issue. Snyder stated that he feels the application should be continued to the next Planning Commission meeting to allow additional information to be obtained.

Upon a roll-call vote the substitute motion failed to continue the Major Amendment to a Conditional Use Permit for the expansion of an On-Sale Liquor Establishment to the July 26, 2012 Planning Commission meeting. (2 to 8 with Snyder and Swank voting yes and with Brewer, Fink, Knox, Popp, Rippentrop, Rolinger, Rose and Scull voting no)

The motion carried to approve the Major Amendment to a Conditional Use Permit for the expansion of an On-Sale Liquor Establishment with the following stipulations:

- 1. The on-sale liquor establishment shall allow full liquor sales;**
- 2. The hours of operation shall be from 10:00 a.m. to South Dakota legal last call;**
- 3. The on-sale liquor establishment shall operate in compliance with SDCL 34-46-18, "Smoking permitted in certain licensed establishments where alcohol is sold";**
- 4. 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;**
- 5. All applicable provisions of the adopted International Fire Code shall continually be 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 a 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. The approval of the Historic Sign Review Committee shall be obtained prior to obtaining the Sign Permit;**
- 7. 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; and,**
- 8. The Major Amendment to a Conditional Use Permit will allow for the expansion of an On-Sale Liquor Establishment. Any change in use that is a permitted use in the Central Business District will require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Central Business District will require the review and approval of a Major Amendment to the Conditional Use Permit. All provisions of the Central Business District must be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Conditional Use Permit or a subsequent Major Amendment. (9 to 1 with Brewer, Fink, Knox, Popp, Rippentrop,**

Rolinger, Rose, Scull and Swank voting yes and with Snyder 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 Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

12. Discussion Items

None.

13. Staff Items

None.

14. Planning Commission Items

- A. Brewer advised that volunteers were needed for consideration for appointment as the Planning Commission representative for a number of Committees to which the Planning Commission provides support.

Brewer provided a brief review of the function of Future Land Use Committee. Popp advised that at the last committee meeting the Future Land Use Committee elected to be dissolved at staff's recommendation. Popp indicated that the staff's recommendations on requests formerly heard by the Future Land Use Committee will go directly to the Planning Commission for consideration. Brewer requested clarification concerning how the tasks of the Future Land Use Committee will function at the Planning Commission level and requested that a report be provided concerning the dissolution of the Future Land Use Committee. Discussion followed.

Brewer provided a brief review of the function of the Development Appeals Review Board. Discussion followed. Knox volunteered to be considered for appointment to serve as the Planning Commission representative to the Development Appeals Review Board.

Popp volunteered to be considered to be appointed to serve as a Planning Commission representative to the Infrastructure Development Partnership Fund Committee.

Discussion followed concerning the possible consolidation of the Sign Code Board of Appeals with the Zoning Board of Adjustment. Swank stated that he will continue to serve as the Planning Commission representative on the Sign Code Board of Appeals committee until it is dissolved.

Rolinger volunteered to be considered for appointment as the Planning Commission representative to the Tax Increment Finance Committee

Discussion followed concerning the .16 Utility Committee membership.

Discussion followed concerning the oversight of the Zoning Board of Adjustment. Rolinger advised that he continues to serve as a member of the Zoning Board of Adjustment noting that he has served on the Board for a number of years and feels it is an excellent board to work on. Snyder volunteered for consideration for appointment to serve as an alternate Planning Commission representative to the Zoning Board of Adjustment.

Brewer requested that Limbaugh propose several dates for Planning Commission training sessions noting that in a number of cases members of the City Council attend and also benefit from the Planning Commission training provided by staff.

There being no further business, Snyder moved, Popp seconded and unanimously carried to adjourn the meeting at 7:42 a.m. (10 to 0 with Brewer, Fink, Knox, Popp, Rippentrop, Rolinger, Rose, Scull, Snyder and Swank voting yes and none voting no)