

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 9, 2009

MEMBERS PRESENT: John Brewer, Gary Brown, Julie Gregg, Thomas Hennies, Dennis Landguth, Andrew Scull and Karen Waltman.

PLANNING COMMISSION PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Karen Bulman, Jared Ball, Mary Bosworth, Ted Johnson, Karley Halsted, Tim Behlings, Mike Schad and Carol Campbell.

Waltman called the meeting to order at 7:02 a.m.

Waltman 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 8, 13, 17, 19 and 21 be removed from the Consent Agenda for separate consideration.

Brown and Brewer requested that Items 14, 15, and 25 thru 31 be removed from the Consent Agenda for separate consideration.

Motion by Hennies, seconded by Landguth and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 31 in accordance with the Planning Commission recommendations with the exception of Items 8, 13, 14, 15, 17, 19, 21 and 25 thru 31. (7 to 0 with Brewer, Brown, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the March 26, 2009 Planning Commission Meeting Minutes.
2. No. 08PL099 - Homestead Plaza Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 28 of Block 3; Tracts A, B, C and D of Block 4 of Homestead Plaza Subdivision, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.

Planning Commission continued the Preliminary Plat to the June 25, 2009 Planning Commission meeting.
3. No. 08PL131 - Rushmore Business Park

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A request by FourFront Design, Inc. for Rapid City Economic Development Foundation to consider an application for a **Preliminary Plat** for proposed Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, more generally described as being located at 333 Concourse Drive.

Planning Commission continued the Preliminary Plat to the April 23, 2009 Planning Commission meeting.

4. No. 08SV047 - Rushmore Business Park

A request by FourFront Design, Inc. for Rapid City Economic Development Foundation 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 along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of

13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, more generally described as being located at 333 Concourse Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code to the April 23, 2009 Planning Commission meeting.

5. No. 08PL143 - Rainbow Ridge Subdivision

A request by Sperlich Consulting, Inc. for Joe Muth at Doeck, LLC to consider an application for a **Preliminary Plat** for proposed Lot 1R-2 of Block 3 of Rainbow Ridge Subdivision, legally described as Lot 1R of Block 3 of Rainbow Ridge Subdivision, located in the SE1/4 NE1/4, and a portion of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest terminus of Bunker Drive.

Planning Commission continued the Preliminary Plat to the April 23, 2009 Planning Commission meeting.

6. No. 09CA003 - Section 4, T1N, R8E

A request by City of Rapid City to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Public** the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of S.D. East Highway 44 and west of Lancer Drive.

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

*7. No. 09PD008 - Boulevard Addition

A request by Rob Larson to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for Lots 13 thru 20 of Block 4 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1124 Kansas City Street.

Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the April 23, 2009 Planning Commission meeting.

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

9. No. 09PL004 - Eastern Acres Subdivision

A request by D.C. Scott Co. Land Surveyors for Herbert Jones to consider an application for a **Preliminary Plat** for proposed Lots 11AR of Block 7 of Eastern Acres Subdivision, legally described as Lot 11A and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5581 Corbin Drive.

Planning Commission continued the Preliminary Plat to the April 23, 2009 Planning Commission meeting.

10. No. 09SV004 - Eastern Acres Subdivision

A request by D.C. Scott Co. Land Surveyors for Herbert Jones to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 11AR of Block 7 of Eastern Acres Subdivision, legally described as Lot 11A and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5581 Corbin Drive.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code to the April 23, 2009 Planning Commission meeting.

11. No. 09PL014 - Discovery Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1, 2 and 3 of Tract 3 of Discovery Subdivision legally described as Tract 3 of Discovery Subdivision located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1851 Discovery Circle.

Planning Commission continued the Preliminary Plat to the April 23, 2009 Planning Commission meeting.

12. No. 09SV009 - Discovery Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road and Interstate 90 as per Chapter 16.16**

of the Rapid City Municipal Code for proposed Lots 1, 2 and 3 of Tract 3 of Discovery Subdivision, legally described as Tract 3 of Discovery Subdivision located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1851 Discovery Circle.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road and Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest and future assessment for the improvements.**

16. No. 09RZ019 - Section 5, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Light Industrial District** of Lot 5 of the E1/2 SE1/4, and the 75 foot wide East Highway 44 Right-of-way located north of Lot 5 of the E1/2 SE1/4, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2613 East Highway 44.

Planning Commission recommended that the Rezoning from No Use District to Light Industrial District be approved in conjunction with a Planned Development Designation.

18. No. 09SR013 - Robbinsdale Park Addition

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct a sidewalk in a public park** on Robbinsdale Park less Lot 1 of Robbinsdale Park Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 626 East Fairmont Boulevard.

Planning Commission continued the SDCL 11-6-19 Review to construct a sidewalk in a public park to the April 23, 2009 Planning Commission meeting.

20. No. 09SR022 - Section 29, T1N, R7E

A request by Rick Holpp for SWS, LLC to consider an application for a **SDCL 11-6-19 Review for the construction of a cellular communication tower** on the E1/2 NE1/4 SE1/4 less Lot H1, less right-of-way, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Sheridan Lake Road.

Planning Commission approved the SDCL 11-6-19 Review for the construction of a cellular communication tower.

*22. No. 09UR006 - Copperfield Subdivision

A request by Charles Pike to consider an application for a **Conditional Use Permit to allow an oversized garage in a Low Density Residential District** for

Lot 17 of Block 1 of Copperfield Subdivision, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1414 Copperfield Drive.

Planning Commission approved the Conditional Use Permit to allow an oversized garage in a Low Density Residential District with the following stipulations:

1. **Prior to Planning Commission approval, the applicant shall submit a revised site plan demonstrating that the proposed garage addition will be located outside of the Major Drainage easement located along the north property line or that a portion of the Major Drainage Easement be vacated;**
2. **Prior to the issuance of a Building Permit, the applicant shall file a Covenant Agreement with Register of Deeds indicating that the garage will only be used for residential purposes;**
3. **Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy;**
4. **All applicable provisions of the currently adopted International Fire Code shall be continually met;**
5. **Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;**
6. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years;**
7. **The garage shall be constructed and maintained of the same general materials and colors as the existing residence. All construction shall comply with the approved plan and elevations.**

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

*23. No. 09UR007 - Tower Ridge Subdivision

A request by Donald R. Simonsen to consider an application for a **Conditional Use Permit to allow an oversized garage in a General Agriculture District** for Lot 5 of Tower Ridge Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1506 Enchantment Road.

Planning Commission approved the Conditional Use Permit to allow an oversized garage in a General Agriculture District with the following stipulations:

1. **Prior to the issuance of a Building Permit the applicant shall file a Covenant Agreement with Register of Deeds indicating that the garage will only be used for residential purposes;**
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 applicable provisions of the currently adopted International Fire Code shall be continually met;
4. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;
5. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years;
6. All construction shall comply with the approved plan and elevations;
7. Prior to the issuance of a building permit the applicant must provide plans that indicate that only one access will be provided for the property; and,
8. The garage shall be constructed and maintained of the same general materials and the same colors as the existing residence.

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

*24. No. 09UR008 - Red Rock Estates

A request by David Reyelts to consider an application for a **Conditional Use Permit to allow an oversized garage in a Low Density Residential District** for Lot 29R of Block 22 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6717 Kennemer Drive.

Planning Commission approved the Conditional Use Permit to allow an oversized garage in a Low Density Residential District with the following stipulations:

1. Prior to the issuance of a Building Permit the applicant shall file a Covenant Agreement with Register of Deeds indicating that the garage will only be used for residential purposes;
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 applicable provisions of the currently adopted International Fire Code shall be continually met;
4. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit;
5. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years;
6. All construction shall comply with the approved plan and elevations; and,
7. The garage shall be constructed and maintained of the same general materials and the same colors as the proposed single family

residence.

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

---END OF CONSENT CALENDAR---

*8. No. 09PD009 - Rushmore Mall Addition

A request by Tom Danson for Running Supply, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for Lot 18 of Rushmore Mall Addition in the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and in a portion of Lot M-2 of Marshall Heights Tract in the NW1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2200 North Maple Avenue.

Waltman stated that she will be abstaining from discussion and voting due to a conflict of interest.

Brown moved, Landguth seconded and carried to continue the Planned Commercial Development - Initial and Final Development Plan to the April 23, 2009 Planning Commission meeting. (6 to 0 to 1 with Brewer, Brown, Gregg, Hennies, Landguth and Scull voting yes and none voting no and Waltman 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.

13. No. 09PL015 - Engesser Subdivision

A request by Sperlich Consulting, Inc. for Tim Engesser to consider an application for a **Layout Plat** for proposed Lots 1R, 2R and Lots 3 thru 6 of Engesser Subdivision, legally described as Lots 1 and 2 of Engesser Subdivision, located in the E1/2 SE1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Dunn Road and Radar Hill Road.

Elkins presented the staff recommendation to continue the Layout Plat to the April 23, 2009 Planning Commission meeting.

Hennies moved, Landguth seconded and unanimously carried to continue the Layout Plat to the April 23, 2009 Planning Commission meeting. (7 to 0 with Brewer, Brown, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

Items 14 and 15 were taken concurrently.

14. No. 09RZ017 - Hillsview Subdivision
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** of the west 100 feet of the Lot 14 of Hillsview Subdivision and the 75 foot wide S.D. Highway 44 right-of-way lying adjacent and south of the west 100 feet of Lot 14 of Hillsview Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Valley Drive and north of S.D. Highway 44.
15. No. 09RZ018 - Hillsview Subdivision
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** of Lot 7 of E1/2 SE1/4, and the 75 foot wide East Highway 44 Right-of-way located south of Lot 7 of the E1/2 SE1/4, and the 33 foot wide Valley Drive Right-of-way located east of Lot 14 less the west 100 feet of Hillsview Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1585 Valley Drive.

Brown stated that he would be abstaining from discussion and voting due to a conflict of interest.

Hennies moved, Landguth seconded and unanimously carried to recommend that the Rezoning requests from No Use District to General Commercial District be approved. (6 to 0 to 1 with Brewer, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no and Brown abstaining)

17. No. 09SR019 - Rapid City Greenway Tracts
A request by James L. Scull, Jr. to consider an application for a **SDCL 11-6-19 Review to allow structures on public property** on Tract 1 of Rapid City Greenway Tracts located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Chapel Lane and Shore Drive.

Scull stated that he would be abstaining from discussion and voting due to a conflict of interest.

Hennies moved, Landguth seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow structures on public property to the April 23, 2009 Planning Commission meeting. (6 to 0 to 1 with Brewer, Brown, Gregg, Hennies, Landguth, and Waltman voting yes and none voting no and Scull abstaining)

19. No. 09SR020 - Marshall Subdivision
A request by Rapid City Area School District No. 51-4 to consider an application for a **SDCL 11-6-19 Review to allow the construction of a structure on public**

property on Tract A of Marshall Subdivision of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 800 Mickelson Drive.

Ball presented the staff recommendation to acknowledge the applicant's withdrawal of the SDCL 11-6-19 Review request.

Hennies moved, Brown seconded and unanimously carried to acknowledge the applicant's withdrawal of the SDCL 11-6-19 Review to allow the construction of a structure on public property. (7 to 0 with Brewer, Brown, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

21. No. 09SR023 - Robbinsdale Addition No. 10

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct structures on public property** on Lot 2 less Lot H1, Lot H2, Lot H3 and right-of-way of Block 10 of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4415 Parkview Drive.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review request to the April 23, 2009 Planning Commission meeting.

Brewer moved, Hennies seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct structures on public property to the April 23, 2009 Planning Commission meeting. (7 to 0 with Brewer, Brown, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

Items 25 thru 31 were taken concurrently.

- 25. 09TP007 - **2009-2013 Transportation Improvement Program Amendment No. 09-007.**
- 26. 09TP008 - **2009-2013 Transportation Improvement Program Amendment No. 09-008.**
- 27. 09TP009 - **2009-2013 Transportation Improvement Program Amendment No. 09-009.**
- 28. 09TP010 - **2009-2013 Transportation Improvement Program Amendment No. 09-010.**
- 29. 09TP011 - **2009-2013 Transportation Improvement Program Amendment No. 09-011.**
- 30. 09TP012 - **2009-2013 Transportation Improvement Program Amendment No. 09-012.**

31. **09TP013 - 2009-2013 Transportation Improvement Program Amendment No. 09-013.**

In response to Brewer's question, Elkins outlined the process for the review of the Amendments to the Transportation Improvement Program. Elkins stated that some of the amendments are as the result of the Recovery Act and additional funding that has been allocated. Elkins summarized the proposed Amendments.

Brewer moved, Hennies seconded and unanimously carried to recommend approval of the 2009-2013 Transportation Improvement Program Amendments 09-007, 09-008, 09-009, 09-010, 09-011, 09-012 and 09-013. (7 to 0 with Brewer, Brown, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*32. No. 09PD007 - WREA Subdivision

A request by Geiger Architecture for West River Electric Association to consider an application for a **Major Amendment to a Planned Industrial Development** for Lot 1 of WREA Subdivision of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3250 East Highway 44.

Fisher presented the staff recommendation to approve the Major Amendment request with stipulations. Fisher identified the design and location of the proposed tower on the subject property.

Scull moved, Gregg seconded and unanimously carried to approve the Major Amendment to a Planned Industrial 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, an Erosion and Sediment Permit shall be obtained;**
3. **Prior to issuance of a building permit, the applicant shall sign a developmental lot agreement;**
4. **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 to the Development Service Center Division;**
5. **Prior to the start of construction, a Floodplain Development Permit shall be obtained for any work within the Federally Designated 100 year Floodplain located in the northern portion of the property, if applicable;**
6. **A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the street rights-of-way;**
7. **An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
8. **The proposed structure(s) shall conform architecturally to the plans**

- and elevations and color palette submitted as part of the Industrial Development Plan;
9. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Industrial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Industrial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 10. All fencing shall conform architecturally to the proposed elevations, color palette and design plans submitted as part of this Initial and Final Planned Industrial Development;
 11. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;
 12. The dumpsters shall be located as shown on the site plan and screened on all four sides as proposed;
 13. All currently adopted International Fire Codes shall be met;
 14. A minimum of 776,050 landscaping points shall be provided. In addition, the landscaping shall be designed to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 15. A minimum of 194 parking spaces shall be provided. In addition, six of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met. Any other use of the 20,696.4 square foot storage area proposed on the second floor shall require that a Major Amendment to the Planned Industrial Development be obtained. In addition, additional parking shall be provided for the use as needed;
 16. The use within the Planned Industrial Development shall be as an administrative office with meeting rooms, warehouse units and an outdoor storage area. No poles shall be stored within the outdoor storage area. In addition, a 95 foot high pole tower with exterior omni antennas and an exterior microwave antenna shall be allowed. Any other use shall require a Major Amendment to the Planned Industrial Development;
 17. All provisions of the Light Industrial District shall be met unless an exception is specifically authorized as a stipulation of this Initial and Final Industrial Development Plan or a subsequent Major Amendment; and,
 18. An Exception is hereby granted to allow a time extension of ten years

from the date of approval of this Planned Industrial Development application to complete the second phase of the development, which includes the complete build-out of the second floor of the office building. The balance of the project has been identified as Phase One. The Planned Industrial Development for Phase One shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Brewer, Brown, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

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

*33. No. 09PD011 - Huffman Subdivision

A request by Toby Karn for Frontera Chicos, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** for Lot 2 of Huffman Subdivision, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of North Cambell Street and East North Street.

In response to Scull's question, Schad advised that he should abstain.

Scull stated that he would abstain from discussion and voting due to a conflict of interest.

Waltman stated that she has had discussions with the applicant.

Fisher presented the staff recommendation to deny the Major Amendment request. Fisher identified the proposed future uses on the subject property. Fisher identified the proposed sign submitted by the applicant. Fisher added that that staff previously supported an enclosed ground sign. Fisher reviewed the stipulations of approval. Fisher stated that the minutes of the previous meeting in August were inaccurate with regard to the sign proposal. Fisher identified the proposed sign submitted by the applicant.

Fisher commented that the staff is requesting that the opening at the base of the sign be enclosed. Fisher added that staff has also requested that the Luminated Electronic Display sign be removed to eliminate a possible negative distraction to adjacent traffic. Fisher identified that the site plan has been revised to remove the proposed sign from the setback and the sight triangle. Fisher stated that staff cannot support the proposed sign.

Waltman disclosed a conversation with Bob Brandt with regard to the sign. Waltman stated that she identified that the changes were specific to the removal of the electronic component of the Rushmore Mall sign.

In response to Brewer's question, Fisher identified the portion of the proposed sign that is not enclosed. Fisher added that staff would prefer a monument sign and the applicant has submitted a pole sign.

In response to Scull's question, Schad advised that he should abstain. Discussion followed.

Bob Brandt, representing the applicant, reviewed the dimensions and cosmetic structure of the proposed sign. Brandt stated that in his conversation with the Department of Transportation, they indicated that they have no official opinion on the proposed sign. Brandt commented that the information submitted identifies that there is no data and no official opinion from the Police Department on the traffic hazards related to Luminated Electronic Display signs. Brandt commented that his inquiries regarding the status of the Rushmore Mall sign was not directed to Waltman specifically. Brandt expressed his opinion regarding the possible positive uses relating to the electronic billboard and public safety. Brandt requested that the Planning Commission approve the Major Amendment request.

Toby Karn, applicant's agent stated that the proposed sign is not located on the corner of East North Street rather on the service road. Karn expressed his opinion of the advantages of the open portion of the sign at the base. Karn identified other similar businesses that have an open based sign in Rapid City.

In response to Hennies' question, Karn stated that the dimension of the sign is clearly visible to traffic on East North Street.

In response to Hennies' question, Karn expressed his opinion that the proposed sign does not create a safety issue. Karn added that the proposed sign is 130 feet off East North Street.

Hennies expressed his opposition to the larger signs in the community.

In response to Landguth's question, Karn stated that there is no acceptance of the submitted Summary of the "Driving Performance in the Presence and Absence of Billboards" prepared by Virginia Tech Transportation Institute from any oversight committee. Landguth expressed his opposition to the proposed size of the sign.

Brewer expressed his support for the proposed sign on the subject property.

Brewer moved to approve with the Major Amendment to a Planned Commercial Development. The motion died for the lack of a second.

Brandt stated that the size of the sign will serve three separate businesses. Brandt identified locations within Rapid City that have individual signs that are greater in size.

Hennies moved, Landguth seconded carried to deny the Major Amendment to a Planned Commercial Development. (5 to 1 to 1 with Brown, Gregg,

Hennies, Landguth, Scull and Waltman voting yes and Brewer voting no 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.

Elkins requested that items 34 and 35 be taken concurrently.

34. No. 09PL003 - Hilltop Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lot 1 of Block 2 of Hilltop Business Park Subdivision, legally described as a portion of the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Homestead Street and Elk Vale Road.

35. No. 09SV002 - Hilltop Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Block 2 of Hilltop Business Park Subdivision, formerly a portion of the SE1/4 of the NE1/4, located in the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Homestead Street and Elk Vale Road.

Scull stated that he would abstain from discussion and voting due to a conflict of interest.

Elkins presented the staff recommendation to continue the Preliminary Plat and the Variance to the Subdivision Regulations requests to continue to the May 7, 2009 Planning Commission meeting.

Gregg moved, Hennies seconded carried to continue the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code to the May 7, 2009 Planning Commission meeting. (6 to 0 to 1 with Brewer, Brown, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no and Scull abstaining)

36. No. 09SE002 - Rapid City Greenway Tract

A request by James L. Scull, Jr. to consider an application for a **Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodway** on Tract 1 of Rapid City Greenway Tract located in

Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Chapel Lane and Shore Drive.

Scull stated that he would abstain from discussion and voting due to a conflict of interest.

Tech presented the staff recommendation to deny the exception request.

In response to Hennies question, Tech stated that the structures will be temporary.

Jim Scull, the applicant stated that the tents will be temporary for a one day event. Discussion followed.

Brewer expressed his support for the special exception request.

Brewer moved, Brown seconded to approve the Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodway with the stipulation that the tents are taken down that evening immediately after the event.

Substitute motion by Hennies and seconded by Gregg to approve the Special Exception to the Flood Area Construction Regulations to allow temporary structures in the floodway with the following stipulations:

- 1). That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director; and,**
- 2). That the tents be taken down immediately after the event.**

Elkins stated that there are time limitations for an event in the park and that allow the public in the park past a certain hour. Discussion followed.

Elkins added that the applicant has requested that the tents be constructed the evening before and taken down the morning after. Discussion followed regarding the motion.

Substitute motion by Hennies, seconded by Gregg and carried to recommend that the Special Exception to the Flood Area Construction Standards be approved with the following stipulations:

- 1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director; and,**
- 2. That the structures for the event be removed that evening after the event has ceased. (6 to 0 to 1 with Brewer, Brown, Gregg, Hennies, Landguth, and Waltman voting yes and none voting no and Scull abstaining)**

DRAFT

A request by TSP Three, Inc. for Gerald Niess to consider an application for a **SDCL 11-6-19 Review to allow construction of a structure on public property** on Lot 1 in SW1/4 Section 5 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 2 and 3 in S1/2 Section 6 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 4 and 5 in E1/2 Section 7 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 in the SE1/4 of Section 7, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in NW1/4 Section 8 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 1, Lots 3, 4, 5 and 6 in the SW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 1 and 2 of the SW1/4 Section 8 and Lot 1 of SW1/4SE1/4 Section 8, all located in T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 7 of R.C. Airport Subdivision No. 1 in SW1/4, Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in SE1/4 Section 8 of R.C. Airport Subdivision No. 2 in SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 2, Lots 2, 3, 4 & 5 in the SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 3, Lots 1 & 2 in the SW1/4, Section 9, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 of NW1/4, Section 16, T1N, R9E, BHM, Pennington County, South Dakota; and, All of Section 17, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 2 in SE1/4 Section 20 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, All of the N1/2 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot A and B of SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Section line right-of-way in the SW1/4 of Section 20 located north of Lot H-1 of Lot A in the SW1/4 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 3, 4, 5 & 6 in Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 5A in SW1/4SW1/4 of Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, W1/2NW1/4, NW1/4SW1/4, Pt. SW1/4SW1/4, Tracts G and H in the SE1/4NW1/4 and E1/2SW1/4, and Tract I in the SW1/4SW1/4, Section 21, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 7 and 8 in N1/2 of Section 28 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at the northeast terminus of Airport Road.

Fisher presented the staff recommendation to approve the SDCL 11-6-19 Review request.

Hennies moved, Landguth seconded and unanimously carried to approve

the SDCL 11-6-19 Review to allow construction of a structure on public property. (7 to 0 with Brewer, Brown, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

38. No. 09SR021 - Section 6, T1N, R8E

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to allow improvements on public property** on Lot 2 of Government Lot 2 less the east 472 feet and Tract C, Section 6, T1N, R8E, platted, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 760 Centre Street.

Elkins presented the staff recommendation to approve the SDCL 11-6-19 Review.

Brewer moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow improvements on public property. (7 to 0 with Brewer, Brown, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

*39. No. 09UR009 - Original Town of Rapid City

A request by Rapid City Fine Arts Council to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** for Lots 1 thru 5 and the north half of the adjacent vacated alley, the east half of Lot 26, Lots 27 thru 32, and the south half of the adjacent vacated alley, Block 103, Original Town of Rapid City, all located in the NE1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 713 Seventh Street.

Elkins presented the staff recommendation to approve the Conditional Use Permit request with stipulations.

In response to Waltman's question, Schad recommended that she abstain from discussion and voting.

Waltman stated that she would abstain from discussion and voting due to a conflict of interest.

Bob Martin, represented First Presbyterian Church, expressed concern with the frequency of events that would occur at the Museum. Martin also expressed concern with security and control during events that served alcohol.

In response to Brewer's question, Elkins stated that this is the first time the applicant has requested a Conditional Use Permit. Elkins stated that staff is not aware of any negative impact from events associated with the location. Discussion followed.

Brewer expressed his concern with regard to the possible future impact to the use in the downtown location.

In response to Hennies question, Elkins stated that the applicant is requesting a beer and wine license.

In response to Hennies question, Elkins stated that language could be added that only special events be considered for the service of alcohol.

Troy Carr, Assistant Pastor of Faith Lutheran Church, expressed his concern for the Conditional Use Permit request. Carr requested that the Planning Commission deny the Conditional Use Permit request.

Bill Waugh, First United Methodist Church expressed his concern with the frequency of events.

Hennies requested that Elkins provide verbage for stipulations.

Scull moved, Brewer seconded and unanimously carried to continue the Conditional Use Permit to the April 23, 2009 Planning Commission meeting. (7 to 0 with Brewer, Brown, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no)

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

*40. No. 09UR010 - Radio Tower Addition

A request by Kennedy Design Group, Inc. to consider an application for a **Major Amendment to a Conditional Use Permit to expand an existing on-sale liquor establishment** for Lot 1 less H1, Lot 2, the south 2.5 feet of Lot 3 and the vacated alley adjacent to said Lots of Radio Tower Addition of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1330 St. Patrick Street.

Elkins presented the staff recommendation to approve the Major Amendment request with stipulations.

In response to Landguth's question, Elkins stated that staff does not see this as a high volume use.

In response to Brown's question, Elkins stated that there have been no concerns from adjacent property owners with regard to buffering.

Landguth moved, Scull seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit to expand an existing on-sale liquor establishment, the Major Amendment to a Conditional Use Permit with the following stipulations:

- 1. The hours of operation shall be limited from 7:00 a.m. to 10:00 p.m.;**
- 2. A building permit shall be obtained prior to any construction and a**

- Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. A minimum of 21 parking spaces shall be provided and one of the parking spaces shall be a handicap accessible space. All provisions of the Off-Street Parking Ordinance shall be continually met;**
 - 4. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
 - 5. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Industrial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Industrial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
 - 6. The lighting shall be designed to be reflected within the property boundaries so as not to 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. The currently adopted International Fire Code shall be continually met;**
 - 8. All provisions of the General Commercial Zoning District shall be met unless an exception is specifically authorized as a stipulation of this Major Amendment to a Conditional Use Permit application or a subsequent Major Amendment; and,**
 - 9. The Major Amendment to a Conditional Use Permit shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Brewer, Brown, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no)**

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

41. Discussion Items
 - A. Signatures on applications for Conditional Use Permit development applications.

Elkins briefed the Commission on the letter included in the packet regarding possible ordinance amendments regarding property owner's signatures on applications. .

42. Planning Commission Items

In response to Brewer's question, Elkins provided the time and location of the Spring Creek Open House Future Land Use Plan.

43. Committee Reports

- A. City Council Report (March 16, 2009)
The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Landguth moved, Scull seconded and unanimously carried to adjourn the meeting at 8:33 a.m. (7 to 0 with Brewer, Brown, Gregg, Hennies, Landguth, Scull and Waltman voting yes and none voting no)