

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 22, 2010

MEMBERS PRESENT: Gary Brown, Julie Gregg, Doug Kinniburgh, Linda Marchand, Andrew Scull and Pat Wyss. Karen Gunderson-Olsen, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Karen Bulman, Patsy Horton, Ali DeMersseman, Jim Flaaen, Mary Bosworth, Ted Johnson, Karley Halsted, Tim Behlings, Mike Schad, Carol Campbell and Andrea Wolff.

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

Scull 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 24 and 28 be removed from the Consent Agenda for separate consideration.

Kinniburgh requested that Item 7 be removed from the Consent Agenda for separate consideration.

Motion by Brown, Seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 28 in accordance with the staff recommendations with the exception of Items 7, 24 and 28. (6 to 0 with Brown, Gregg, Kinniburgh, Marchand, Scull and Wyss voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the April 8, 2010 Planning Commission Meeting Minutes and the April 8, 2010 Special Planning Commission Meeting Minutes.

ADDENDUM TO

**AGENDA
CITY OF RAPID CITY PLANNING COMMISSION
April 22, 2010 at 7:00 a.m.**

- 1A. Approval of the April 6, 2010 Special Planning Commission Meeting Minutes
2. No. 09PL072 - Hillsview Subdivision
A request by Renner & Associates for Royal Nielsen to consider an application for a **Preliminary Plat** for proposed Lots A and B of Lot 15 Revised of Hillsview Subdivision, legally described as Lot 15 revised of Hillsview Subdivision and the sought 293 feet of Lot 6 of Marshall Subdivision, located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located

adjacent to the north side of East S.D. Highway 44 between Rockhill Road and Hillside Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing curb and gutter along the south side of S.D. Highway 44 and a sidewalk along both sides of the street or an Exception shall be obtained;**
 2. **Prior to Preliminary Plat approval by the City Council, the design detail for the proposed detention pond shall be revised to address redline comments. The design detail may also be revised to show an open drainage channel extending south from the detention pond in lieu of a drainage pipe if desired by the applicant. In addition, the plat document shall be revised to show drainage easements as needed. If an alternate detention facility design is proposed other than the design specified in the adopted Perrine Drainage Basin Design Plan, then a drainage analysis to amend the adopted Perrine Drainage Basin Design Plan shall be submitted for review and approval demonstrating that an alternate drainage pond design is appropriate for this area. In addition, a revised drainage design detail shall be submitted for review and approval;**
 3. **Prior to Preliminary Plat approval by the City Council, a phasing plan shall be submitted for review and approval and the construction plans shall be revised accordingly if it is the intent of the applicant to Final Plat the two lots separately;**
 4. **Prior to submittal of a Final Plat application, the storage building shall be removed from proposed Lot 15RA as proposed or surety shall be posted to insure that it is removed as a part of the subdivision improvements for this property;**
 5. **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;**
 6. **Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and,**
 7. **The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.**
3. No. 09PL086 - Spring Canyon Estates
A request by Dream Design International, Inc. to consider an application for a **Layout Plat** for proposed Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, legally described as Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5703 and 5707 Pioneer Circle.

Planning Commission acknowledged the applicant's withdrawal of the

Layout Plat.

4. No. 09SV028 - Spring Canyon Estates

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle, to reduce the width of the private access and utility easement from 49 feet to a verifying width of 46.9 feet to five feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the private access and utility easement, to reduce the width of the access easement from 49 feet to a verifying width of 40 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, legally described as Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5703 and 5707 Pioneer Circle.

Planning Commission acknowledged the applicant's withdrawal of the Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle, to reduce the width of the private access and utility easement from 49 feet to a varying width of 46.9 feet to 5 feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the private access and utility easement, to reduce the width of the access easement from 49 feet to a varying width of 40 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code.

5. No. 09SR123 - Section 35, T1N, R7E

A request by Kent Hagg for Hagg Development Inc. to consider an application for a **SDCL 11-6-19 Review to extend public utilities** on the SW1/4 NW1/4, Section 35, T1N, R7E, BHM, and the U.S. Highway 16 Right-of-way and Moon Meadows Right-of-way located adjacent to the SW1/4 NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of U.S. Highway 16 and Sammis Trail.

Planning Commission continued the SDCL 11-6-19 Review to extend a public sewer main to the May 27, 2010 Planning Commission meeting.

6. No. 10AN001 - Cleghorn Canyon Subdivision No. 2

A request by City of Rapid City to consider an application for a **Petition for Annexation** on Lots A and B of Lot 3, Lot B of Lot 4, North 202 feet of Lot 4 and the vacated street lying east and adjacent to Lot 4, all in Block 2 of Cleghorn Canyon Subdivision #2; and all of Block 1 of Cleghorn Canyon Subdivision #2,

all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota; and the Right-of-way Lot CS in Block 1 of Cleghorn Canyon Subdivision #2 known as Cleghorn Canyon Lane, and Cleghorn Canyon Road adjacent to and south of Block 1 of Cleghorn Canyon Subdivision #2 and south of the vacated street lying east and adjacent to Lot 4 of Block 2 of Cleghorn Canyon #2, and the private lane adjacent and north of Lot B of Lot 4 of Block 2 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Cleghorn Canyon Road and west of Jackson Boulevard.

Planning Commission recommended that the Petition for Annexation be approved.

8. No. 10CA004 - Wood Subdivision

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 Low Density Residential** on Lots 1 thru 5 of Wood Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the north side of School Drive west of Elk Vale Road.

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

9. No. 10CA010 - Mahoney Addition

A request by Larry Nelson to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential** on all of Block 11 of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 229 Lindbergh Avenue.

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

10. No. 10RZ031 - Mahoney Addition

A request by Larry Nelson to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** of all of Block 11 of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 229 Lindbergh Avenue.

Planning Commission recommended that the Rezoning from Low Density Residential District to Medium Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment.

11. No. 10CA011 - Wood Subdivision

A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from**

General Commercial to Low Density Residential on the east 88 feet of Lot D of the NE1/4 NW1/4 less Lot H1 and Lot 6 of Wood Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Elk Vale Road and north of School Drive.

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

12. No. 10RZ032 - Wood Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** of the east 88 feet of Lot D of the NE1/4 NW1/4 less Lot H1 and Lot 6 of Wood Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Elk Vale Road and north of School Drive.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with the associated Amendment to the Comprehensive Plan.

*13. No. 10PD019 - Boulevard Addition

A request by Henriksen, Inc. for Jenny Day to consider an application for a **Planned Residential Development - Initial and Final Development to allow a child care center** for Lots 19 thru 24 of Block 9 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1123 Kansas City Street.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to allow a child care center to the May 6, 2010 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.

*14. No. 10PD032 - McMahon Subdivision

A request by Sperlich Consulting, Inc. for Bill Brown to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for Lot B of Tract E-3R of McMahon Subdivision, located in the NE1/4 of the SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Haines Avenue and Kathryn Avenue.

Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the May 6, 2010 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.

15. No. 10PL011 - Noyes Subdivision

A request by Doug Noyes to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Noyes Subdivision, legally described as Lots A, B, D & E of replat of Lot 13 of Block 31 of Boulevard Addition and a portion of Fairview Street Right-of-way, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Clark Street, west of 12th Street and the eastern terminus of Forest Hills Drive connecting with Clark Street.

Planning Commission continued the Preliminary Plat to the May 6, 2010 Planning Commission meeting.

16. No. 10SV006 - Noyes Subdivision

A request by Doug Noyes to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement along the alley right-of-way and to install sidewalks along the north side of Clark Street and to install street light conduit along Clark Street as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 1 and 2 of Noyes Subdivision, legally described as Lots A, B, D & E of replat of Lot 13 of Block 31 of Boulevard Addition and a portion of Fairview Street Right-of-way, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Clark Street, west of 12th Street and the eastern terminus of Forest Hills Drive connecting with Clark Street.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to install pavement along the alley right-of-way, to install sidewalks along the north side of Clark Street and to install street light conduit along Clark Street as per Chapter 16.16 of the Rapid City Municipal Code to the May 6, 2010 Planning Commission meeting.

17. No. 10PL012 - Pleasant Valley Subdivision

A request by Renner & Associates for Randy Ruthford to consider an application for a **Layout Plat** for proposed Lot A of Lot 24 of Acre Tract and Lot 3R of Block 6 of Pleasant Valley Subdivision, legally described as the W1/2 of Lot 24 of Acre Tract and Lot 3 of Block 6 of Pleasant Valley Subdivision, located in the SW1/4 of the SW1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 204 South Canyon Road and 213 Philip Drive.

Planning Commission acknowledged the withdrawal of the Layout Plat application.

18. No. 10PL014 - Feay Reder Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Darryl Johnson to consider an application for a **Preliminary Plat** for proposed Lots 14A and 14B of Lot 14 of Feay Reder Subdivision, legally described as Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 9850 Sheridan Lake Road.

Planning Commission continued the Preliminary Plat to the May 6, 2010 Planning Commission meeting.

19. No. 10SV005 - Feay Reder Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Darryl Johnson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way, construct pavement, curb, gutter, sidewalk, street light conduit, water, sewer along the Section Line Highway, and to reduce the required pavement width from 48 feet to 22 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 14A and 14B of Lot 14 of Feay Reder Subdivision, legally described as Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 9850 Sheridan Lake Road.

Planning Commission continued the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way, construct pavement, curb, gutter, sidewalk, street light conduit, water, sewer along the Section Line Highway, and to reduce the required pavement width from 48 feet to 22 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code to the May 6, 2010 Planning Commission meeting.

20. No. 10PL015 - Settlers Creek Townhomes

A request by Bob Brandt for Rushmore Properties, LLC to consider an application for a **Preliminary Plat** for proposed Lot 10A and Lot 10B of Block 2 of Settlers Creek Townhomes, legally described as the unplatted parcel located in the N1/2 SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 Philadelphia Street.

Planning Commission continued the Preliminary Plat to the May 6, 2010 Planning Commission meeting.

21. No. 10PL016 - Norman Ranch Subdivision

A request by Sperlich Consulting, Inc. for Scott Weyer of Weyer Creations to consider an application for a **Layout Plat** for proposed Lots A thru E of Lot 1 of Judicial Lot 4 of Norman Ranch Subdivision, legally described as Lot 1 of

Judicial Lot 4, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located approximately 1.424 miles southwest of the intersection of Old Folsom Road and S.D. South Highway 79.

Planning Commission continued the Layout Plat to the May 6, 2010 Planning Commission meeting.

22. No. 10PL019 - South Creek Industrial Park

A request by FourFront Design, Inc. for Jim Mirehouse to consider an application for a **Preliminary Plat** for proposed Lot D of Block 1 of South Creek Industrial Park, legally described as Block 1 less Lots 1 thru 8 of South Creek Industrial Park, located in the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4, Section 8, T1N,R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of E. Tallent Street between Creek Drive and South S.D. Highway 79.

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

1. **Prior to Preliminary Plat approval by the City Council, construction plans showing the installation of a 20 foot wide paved surface along the 59 foot wide public access and utility easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the City Council, a utility plan shall be submitted for review and approval demonstrating that the existing water and sewer lines are located in the existing and proposed utility easements or the plat document shall be revised to dedicate utility easements as needed;**
3. **Prior to Preliminary Plat approval by the City Council, the plat and site plan shall be revised to address all red lined comments. In addition, the revised plat and site plan, along with the red lined comments, shall be submitted to the Growth Management Department for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, a cost estimate for the required subdivision improvements shall be submitted for review and approval;**
5. **Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the "Resolution by Governing Board" certificate;**
6. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;**
7. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
8. **The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the**

two year period, request a one year extension subject to approval by the City Council.

23. No. 10PL020 - Murphy Ranch Estates Subdivision

A request by Ron Davis of Davis Engineering, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 8 thru 10 of Block 7, Lots 1R and 7 thru 11 of Block 8 and Lots 3 thru 9 of Block 10, legally described as the unplatted portion of Tract F of the NW1/4 and Lot 1 of Block 8 of Murphy Ranch Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5670 E. Highway 44.

Planning Commission continued the Preliminary Plat to the May 6, 2010 Planning Commission meeting.

25. No. 10RZ022 - Melody Acres No. 2

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Mobile Home Residential District** of Lot 32 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2800 Cactus Drive.

Planning Commission continued the Rezoning from No Use District to Mobile Home Residential District to the May 6, 2010 Planning Commission meeting.

26. No. 10SR013 - North Rapid Addition

A request by Josh Christiansen for NeighborWorks Dakota Home Resources to consider an application for a **SDCL 11-6-19 Review to authorize the acquisition of property for a community garden** on Lots 19 and 20 of Block 25 of North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 706 Lemmon Avenue.

Planning Commission continued the SDCL 11-6-19 Review to authorize the acquisition of property for a community garden to the May 6, 2010 Planning Commission meeting.

27. No. 10SR016 - Sections 23, 24 and 26, T1N, R7E and Section 19, T1N, R8E

A request by TSP, Three, Inc. for City of Rapid City to consider an application for a **SDCL 11-6-19 Review to install public utilities within a public right-of-way** on Catron Boulevard right-of-way more particularly described as located between U.S. Highway 16 and S.D. Highway 79 and Lot H1 of Units 6 and 6A of East Catron Boulevard Commercial Condominiums, located in the SW1/4, Section 19, T1N, R8E, Lot H1 of Tract B of Needles Subdivision, located in the NW1/4, Section 26, T1N, R7E, Lots H1, H2 and H3 of Tract AR2 of the Needles Subdivision, located in the NW1/4, Section 26, T1N, R7E, Lot PE1 of Tract AR2 of the Needles Subdivision, located in the NW1/4, Section 26, T1N, R7E, Lot H1, amending the Original Plat of Lot H1 as recorded in Book of Plats 11- Page 117, dated May 30, 2007 of Lot A of Cleary Subdivision, located in the NW1/4, Section 26, T1N, R7E, Lot H1 of Lot A of Cleary Subdivision, located in the NW1/4, Section 26, T1N, R7E, Lots H1 and H2 of Tract of Meadow View

Subdivision, located in the NW1/4, Section 26, T1N, R7E, Lot H2 of the NW1/4 NE1/4, except the S1/2 S1/2 NW1/4 NE1/4, except the South Hill Subdivision, except Wellington Heights Subdivision and except Meadow View Subdivision of Section 26, T1N, R7E, Lot H2 of the unplatted portion of the E1/2 SW1/4 SE1/4 of Section 23, T1N, R7E, Lot H1 of Lots 1, 2 and 4 of Tract 1 of Par Subdivision, located in the SE1/4 Section 23, T1N, R7E, Lot H3 of Lot 4 of Tract 1 of Par Subdivision, located in the SE1/4 Section 23, T1N, R7E, Lot PE1 of Tract 2 of Par Subdivision, located in the SE1/4 Section 23, T1N, R7E, Lot H2 located in the SW1/4 of the SW1/4, the NW1/4 of the SE1/4 and the NE1/4 of the SE1/4 of Section 24, T1N, R7E, Lot H2 of Government Lot 2, except the North 80 Subdivision, located in the NW1/4, Section 19, T1N, R8E, Lot H2 less the MJK Subdivision, located in the E1/2 of the NW1/4, Section 19, T1N, R8E, Lot H1 of Parcel B of MJK Subdivision, located in the NE1/4, Section 19, T1N, R8E, Lot A, located in the NE1/4 SW1/4, lying north of the Highway right-of-way, Section 24, T1N, R7E, Lot A of Lot H2 of the unplatted portion of the E1/2 SW1/4 SE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Catron Boulevard between U.S. Highway 16 and S.D. Highway 79.

Planning Commission acknowledged the applicant's withdrawal of the SDCL 11-6-19 Review to install public utilities within a public right-of-way.

---END OF CONSENT CALENDAR---

7. No. 10CA003 - Melody Acres
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 Mobile Home Residential with a Planned Residential Development to Low Density Residential** on Lot 5 of Melody Acres, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and Lot 3M of Melody Acres, Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3010 and 2990 South Valley Drive.

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

Brown moved, Gregg seconded and carried to approve the summary and authorized publication in the Rapid City Journal. (5 to 0 to 1 with Brown, Gregg, Marchand, Scull and Wyss voting yes and none voting no and Kinniburgh abstained)

24. No. 10PL021 - Elks Crossing
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 thru 22 of Block 4, Lots 1 thru 15 of Block 5, Lots 1 & 2 of Block 6, Lot 1 of Block 7, Rust Ridge Court right-of-way, Fieldstone Drive right-of-way and Vinecliff Drive right-of-way of Elks Crossing, legally described as an unplatted portion of the E1/2 of the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road on Fieldstone Drive.

Fisher presented the staff recommendation to continue the Preliminary Plat to the May 6, 2010 Planning Commission meeting at the applicant's request.

Brown moved, Marchand seconded and unanimously carried to continue the Preliminary Plat to the May 6, 2010 Planning Commission meeting. (6 to 0 with Brown, Gregg, Kinniburgh, Marchand, Scull and Wyss voting yes and none voting no)

28. No. 10SR018 - Section 34, T2N, R7E

A request by Sweet Creek, LLC to consider an application for a **SDCL 11-6-19 Review to install a storm sewer system** on Deadwood Avenue right-of-way located adjacent to the south 33 feet of the east 200 feet of the NW1/4 SE1/4 less Lot H1 unplatted, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and the south 33 feet of the east 200 feet of the NW1/4 SE1/4 less Lot H1 unplatted, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Krebs Drive and Deadwood Avenue.

Fisher presented the staff recommendation that the Planning Commission acknowledge the applicant's withdrawal of the SDCL 11-6-19 Review to install a storm sewer system.

Marchand moved, Gregg seconded and unanimously carried to acknowledge the applicant's withdrawal of the SDCL 11-6-19 Review to install a storm sewer system. (6 to 0 with Brown, Gregg, Kinniburgh, Marchand, Scull and Wyss voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*29. No. 09PD048 - Stoney Creek South Subdivision

A request by Sperlich Consulting, Inc. for J. Scull Construction to consider an application for a **Planned Commercial Development - Initial and Final Development to include an on-sale liquor establishment** for Lot 1A of Block 1 of Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5550 Sheridan Lake Road.

DeMersseman presented the staff recommendation to continue the Planned Commercial Development – Initial and Final Development to include an on-sale liquor establishment to the May 6, 2010 Planning Commission meeting.

In response to Brown's question, DeMersseman identified that the application was submitted in September of 2009. Brown requested that a resolution to the request be forthcoming.

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

Marchand moved, Wyss seconded and carried to continue the Planned

Commercial Development – Initial and Final Development Plan to the May 6, 2010 Planning Commission meeting. (5 to 0 to 1 with Brown, Gregg, Kinniburgh, Marchand and Wyss voting yes and none voting no and Scull abstained)

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.

*30. No. 09PD053 - St. Martins Village

A request by FMG, Inc. for Good Samaritan Society to consider an application for a **Planned Residential Development - Final Development Plan** for an unplatted parcel of land located in the SE1/4 SW1/4 and the SW1/4 SE1/4 and the NE1/4 SE1/4 and the NW1/4 SE1/4 and the SW1/4 NE1/4 and less Lot A of the W1/2 SE1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 (Sturgis Road) and south of Hidden Valley Road.

Fisher presented the staff recommendation to continue to the Planned Residential Development – Final Development Plan to the May 27, 2010 Planning Commission meeting. Fisher stated that the applicant is required to obtain a letter of map revision from Federal Emergency Management Agency. Fisher added that staff has met with adjacent property owners to discuss the need for additional traffic calming devices. Fisher stated that the applicant's site plan complies with the approved site plan submitted with the Initial Planned Residential Development. Fisher added that at the neighborhood meeting it was identified that additional traffic calming devices should be considered to further discourage traffic into the development. Fisher stated that the neighborhood has requested an additional meeting to further discuss traffic calming devices.

Alderson Gunderson-Olsen commented on the adjacent property owners concerns with development regarding the increase of traffic flow through the proposed development. Gunderson-Olsen requested that special consideration be given to the neighborhood property owners concerns with regard to traffic flow.

Brown expressed his concern with the possible negative impact to adjacent property owners from increased traffic flow without making it difficult for drivers.

Brown moved, Marchand seconded to continue the Planned Residential Development - Final Development Plan to the May 27, 2010 Planning Commission meeting.

Scull expressed his concern with the logistics of a neighborhood meeting.

Brown moved, Marchand seconded and unanimously carried to continue the Planned Residential Development - Final Development Plan to allow the construction of townhomes with attached garages and the

construction of the utilities and roads to serve the townhomes to the May 27, 2010 Planning Commission meeting. (6 to 0 with Brown, Gregg, Kinniburgh, Marchand, Scull and Wyss voting yes and none voting no)

In response to a question from Scull, Elkins stated that the intent is that a larger area would be notified of the neighborhood meeting to be held in Council Chambers. Elkins further expressed her opinion that there is an opportunity for conversation about additional traffic calming measures without disturbing planned development. Discussion followed

Jerry Foster, FMG requested that a separate meeting with staff members and neighborhood representatives be held to understand concerns. Foster suggested that there are concerns that can be worked out prior to a neighborhood meeting. Foster added that a working session with staff would be more beneficial and then a neighborhood meeting could be held later. Elkins stated that staff would be agreeable to a working session.

Gunderson-Olsen commented on the discussion regarding traffic calming devices. Gunderson-Olsen stated that the neighborhood has expressed concerns with the safety of the neighborhood. Discussion followed.

In response to Scull's question, Elkins stated that staff would arrange a work session with the applicant.

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.

31. No. 09SR048 - Section 23, T2N, R7E

A request by Dream Design International, Inc. to consider an application for a **SDCL 11-6-19 Review to construct a public water main, storm sewer and drainage improvements** on the unplatted S1/2 NE1/4 less Rainbow Ridge Subdivision and less right-of-way, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Sagewood Street and Alma Street.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review to construct a public water main, storm sewer and drainage improvements request to the May 6, 2010 Planning Commission meeting.

Brown moved, Marchand seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct a public water main, storm sewer and drainage improvements to the May 6, 2010 Planning Commission meeting. (6 to 0 with Brown, Gregg, Kinniburgh, Marchand, Scull and Wyss voting yes and none voting no)

32. No. 10CA012 - Melody Acres Subdivision No. 2

A request by City of Rapid City to consider an application for an **Amendment to**

the adopted Comprehensive Plan to change the land use designation from Mobile Home Residential with a Planned Residential Development to Mobile Home Residential on all of Melody Acres Subdivision No. 2, and the Scott Street, Cactus Drive, East Fairmont Street, and South Valley Drive rights-of-way located adjacent to Melody Acres Subdivision No. 2 in the SW1/4 SW1/4 of Section 9, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at South Valley Drive.

Horton presented the Future Land Use committee's recommendation to approve the Amendment to the adopted Comprehensive Plan to change the land use designation from Mobile Home Residential with a Planned Residential Development to Mobile Home Residential.

Brown moved, Marchand seconded and unanimously carried to recommend that the Amendment to the adopted Comprehensive Plan to change the future land use designation from Mobile Home Residential with a Planned Residential Development to Mobile Home Residential be approved. (6 to 0 with Brown, Gregg, Kinniburgh, Marchand, Scull and Wyss voting yes and none voting no)

33. No. 10RZ014 - Section 5, T1N, R8E

A request by Jim Letner to consider an application for a **Rezoning from General Commercial District to Light Industrial District** of a portion of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning: Thence, first course: S00°06'11"W, along the easterly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the westerly edge of the right-of-way of said Creek Drive, a distance of 265.72 feet, to a point on the easterly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to a point on the westerly edge of the right-of-way of said Creek Drive; Thence, second course: N89°52'00"W, a distance of 581.46 feet, to a point on the westerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the easterly boundary of Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5; Thence, third course: N00°01'08"W, along the westerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the easterly boundary of said Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, a distance of 265.72 feet, to the northwesterly corner of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the northeasterly corner of said Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, and common to a point on the southerly edge of the right-of-way of said East St. Charles Street; Thence, fourth course: S89°52'01"E, along the northerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the southerly edge of the right-of-way of said East St. Charles Street, a distance of 582.03 feet, to the northeasterly corner of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of

Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning, more generally described as being located south of East St. Charles Street and west of Creek Drive.

DeMersseman presented the staff recommendation to approve the Rezoning from General Commercial District to Light Industrial District.

Elkins noted that the City Council took a different action from Planning Commission and removed the requirement for a Planned Development.

Gunderson-Olsen corrected that she was not at the Future Land Use Committee meeting when action was taken and was not part of that discussion.

Brown commented that the Future Land Use Committee reviewed and reconsidered the circumstances and recommended to drop the requirement for the Planned Commercial Development.

Brown moved, Gregg seconded and carried to recommend that the Rezoning from General Commercial District to Light Industrial District be approved. (5 to 1 with Brown, Gregg, Kinniburgh, Marchand and Scull voting yes and Wyss voting no)

34. No. 10RZ029 - Melody Acres

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** of Lot 5 of Melody Acres, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3010 South Valley Drive.

Flaen presented the staff recommendation to approve the Rezoning from No Use District to Low Density Residential District.

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

Marchand moved, Gregg seconded and carried to recommend that the Rezoning from No Use District to Low Density Residential District be approved. (5 to 0 to 1 with Brown, Gregg, Marchand, Scull and Wyss voting yes and none voting no and Kinniburgh abstaining)

35. No. 10SR009 - Rapid City Greenway Tract

A request by Mitch Johnson for Baseball 320, Inc. to consider an application for a **SDCL 11-6-19 Review to replace an existing sign on public property** on Tract 8 of Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2601 Canyon Lake Drive.

Flaen presented the staff recommendation to approve the SDCL 11-6-19 Review to replace an existing sign on public property.

Flaen further identified the size, location and direction that the scoreboard would face. Flaen stated that the applicant has obtained a variance for the size of the sign from the Sign Code Board of Appeals.

Brown stated that the Sign Code Board of Appeals supported the proposed sign on the subject property.

Wyss moved, Kinniburgh seconded and unanimously carried to approve the SDCL 11-6-19 Review to replace an existing sign on public property. (6 to 0 with Brown, Gregg, Kinniburgh, Marchand, Scull and Wyss voting yes and none voting no)

36. No. 10SR014 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **SDCL 11-6-19 Review to construct drainage improvements on public property** on Tract 25 less Lots H1 and H2 of Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street between East Boulevard and Third Street.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review request to the May 27, 2010 Planning Commission meeting.

In response to Kinniburgh's question to redirect foot traffic, Fisher stated that this project is to improve drainage.

Kinniburgh suggested that additional landscaping be planted to discourage foot traffic. Elkins stated that staff would discuss that suggestion with the Public Works Department.

Brown moved, Marchand seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct drainage improvements on public property to the May 27, 2010 Planning Commission meeting. (6 to 0 with Brown, Gregg, Kinniburgh, Marchand, Scull and Wyss voting yes and none voting no)

37. No. 10SR022 - Original Town of Rapid City

A request by Wyss Associates, Inc. for ATTA to consider an application for a **SDCL 11-6-19 Review to construct structures on public property** on Lots 1 thru 16 and west ½ of the vacated Second Street abutting Lot 1 and the east half of that portion of the vacated Third Street abutting Lot 16 and the north half of the vacated alley, the north half of Lot 17 thru 20 and the half of alley abutting said Lots, the south half of lots 17 thru 20 and the north half of the vacated Denver Street adjacent to said Lots, Lots 21 thru 22, the south half of the vacated alley and the north half of the vacated Denver Street adjacent to said Lots, Lots 23 thru 24, the south half of the vacated alley and the north half of the vacated Denver Street adjacent to said Lots, Lots 25 thru 32, the west half of vacated Second Street adjacent to said Lot 32, the south of vacated Alley and the north vacated Denver Street adjacent to said Lots 25 thru 32 of Block 8 of the Original

Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 230 Denver Street.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review to construct structures on public property request to the May 6, 2010 Planning Commission meeting at the applicant's request. Fisher reviewed a meeting that was held with neighboring property owners and law enforcement regarding fencing.

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

Marchand moved and Kinniburgh seconded and carried to continue the SDCL 11-6-19 Review to construct structures on public property to the May 6, 2010 Planning Commission meeting. (5 to 0 to 1 with Brown, Gregg, Kinniburgh, Marchand and Scull voting yes and none voting no and Wyss abstaining)

38. Discussion Items

39. Staff Items

A. Work Program Update.

B. Sidewalk Policy.

Elkins requested that the Work Program Update and the Sidewalk Policy be placed back on the Planning Commission Agenda when they are ready for consideration.

C. Elkins stated that staff has met with the neighbors in the Enchantment Road/Stumer Road area to discuss traffic connection, cul-de-sac and traffic calming options. She explained that staff will work on alternatives for the group to review that would address the concerns of the neighborhood.

D. Elkins presented the Planning Commission's Annual Report for 2009.

E. Elkins stated that Ali DeMersseman has submitted her resignation. Elkins thanked DeMersseman for her service.

There being no further business, Brown moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:46 a.m. (6 to 0 with Brown, Gregg, Kinniburgh, Marchand, Scull and Wyss voting yes and none voting no)