

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 23, 2010

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

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Patsy Horton, Jim Flaaen, Bob Dominicak, Ted Johnson, Tim Behlings, Mike Schad, Dale Tech and Andrea Wolff.

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

Elkins advised that as 11 Planning Commissioners are present, Rippentrop will not vote unless another member excuses themselves from participating in an item or leaves the meeting. Elkins introduced Andrea Wolff who is recording minutes and asked that everyone speak clearly.

Gregg 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 1, 2, 7 and 16 be removed from the Consent Agenda for separate consideration.

Motion by Pat Wyss, Seconded by Steve Rolinger and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 24 in accordance with the Planning Commission recommended with the exception of Items 1, 2, 7, and 16. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rolinger and Wyss voting yes and none voting no)

---CONSENT CALENDAR---

3. No. 09PD097 - Big Sky Business Park
A request by Dennis Hettich for Conrads Big C Signs to consider an application for a **Major Amendment to a Planned Commercial Development** for Lot 2 of Block 1 of Big Sky Business Park, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 747 Timmons Boulevard.

Planning Commission continued the Major Amendment to a Planned Commercial Development to revise the sign package to the October 7, 2010 Planning Commission meeting.

4. No. 10CA034 - Section 32, T2N, R8E
A request by Bob Brandt for Century Resources, Inc. to consider an application for an **Amendment to the adopted Comprehensive Plan to change the land use designation from General Commercial to Light Industrial with a Planned Industrial Development** for a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, B.H.M., located in the NE1/4 of the SW1/4, Section 32,

T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota more fully described as follows: commencing at the southwesterly corner of the dedicated right-of-way of East Anamosa Street as shown in Plat Book 28, Page 22, and the Point of Beginning; thence, first course: S45°16'55"W, a distance of 194.01 feet; thence, second course: N89°52'32"W, a distance of 317.97 feet; thence, third course: N00°07'28"E, a distance of 180.00 feet; thence, fourth course: N45°11'32"E, a distance of 394.23 feet, to a point on the westerly edge of the right-of-way of said East Anamosa Street; thence, fifth course: southeasterly, along the westerly edge of the right-of-way of said East Anamosa Street, curving to the right on a curve with a radius of 800.00 feet, a delta angle of 26°30'33", an arc length of 370.14 feet, a chord bearing of S28°37'25"E, and a chord distance of 366.84 feet, to the southwesterly corner of the dedicated right-of-way of East Anamosa Street, and the Point of Beginning, more generally described as being located approximately 1/4 mile south of the intersection of North Creek Drive and East Anamosa Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation from General Commercial to Light Industrial with a Planned Industrial Development be approved.

5. No. 10RZ048 - Section 32, T2N, R8E

A request by Bob Brandt for Century Resources, Inc. to consider an application for a **Rezoning from General Agriculture District to Light Industrial District** for a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, B.H.M., located in the NE1/4 of the SW1/4, Section 32, T2N, R8E, B.H.M., Rapid City, Pennington County, South Dakota more fully described as follows: commencing at the southwesterly corner of the dedicated right-of-way of East Anamosa Street as shown in Plat Book 28, Page 22, and the Point of Beginning; thence, first course: S45°16'55"W, a distance of 194.01 feet; thence, second course: N89°52'32"W, a distance of 317.97 feet; thence, third course: N00°07'28"E, a distance of 180.00 feet; thence, fourth course: N45°11'32"E, a distance of 394.23 feet, to a point on the westerly edge of the right-of-way of said East Anamosa Street; thence, fifth course: southeasterly, along the westerly edge of the right-of-way of said East Anamosa Street, curving to the right on a curve with a radius of 800.00 feet, a delta angle of 26°30'33", an arc length of 370.14 feet, a chord bearing of S28°37'25"E, and a chord distance of 366.84 feet, to the southwesterly corner of the dedicated right-of-way of East Anamosa Street, and the Point of Beginning, more generally described as being located approximately 1/4 mile south of the intersection of North Creek Drive and East Anamosa Street.

Planning Commission recommended that the Rezoning from General Commercial District to Light Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment.

6. No. 10OA004 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment revising the supplementary regulations applicable to Mobile**

Home Parks by amending Section 17.50.110 of the Rapid City Municipal Code.

Planning Commission recommended that the draft ordinance be continued to the October 7, 2010 Planning Commission meeting.

8. No. 10PD052 - Gateway Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for proposed Lots 1 and 2 of Block 1 of Gateway Business Park Subdivision legally described as a portion of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, and a portion of Lot E of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at; the southeasterly corner of Lot 3 of Forefather Flats Subdivision, common to a point on the northerly edge of Interstate 90 right-of-way, Thence S89°50'05"E, along the northerly edge of Interstate 90 right-of-way, a distance of 159.27 feet to the point of beginning; Thence, first course: N00°00'00"E, a distance of 127.29 feet; Thence, second course: N90°00'00"W, a distance of 15.00 feet; Thence, third course: N00°00'00"E, a distance of 25.00 feet; Thence, fourth course: N90°00'00"E, a distance of 29.55 feet; Thence, fifth course: N00°00'00"E, a distance of 97.99 feet; Thence, sixth course: N90°00'00"E, a distance of 8.23 feet; Thence, seventh course: N00°00'00"E, a distance of 96.51 feet; Thence, eighth course: S82°50'06"E, a distance of 25.80 feet; Thence, ninth course: N47°17'30"E, a distance of 28.66 feet; Thence, tenth course: northwesterly, curving to the right, on a curve with a radius of 16.00 feet, a delta angle of 44°50'02", a length of 12.52 feet, a chord bearing of N22°25'00"W, and chord distance of 12.20 feet; Thence, eleventh course: N00°00'00"E, a distance of 29.00 feet; Thence, twelfth course: N90°00'00"E, a distance of 259.94 feet; Thence, thirteenth course: N00°00'00"E, a distance of 53.93feet; Thence, fourteenth course: easterly, curving to the left, on a curve with a radius of 120.00 feet, a delta angle of 09°50'11", a length of 20.60 feet, a chord bearing of S85°04'55"E, and chord distance of 20.58 feet; Thence, fifteenth course: N90°00'00"E, a distance of 46.50 feet; Thence, sixteenth course: S00°00'00"E, a distance of 452.71 feet, to a point on the northerly edge of said Interstate 90 right-of-way; Thence, seventeenth course: S79°07'35"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 20.25 feet; Thence, eighteenth course: N89°50'05"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 371.83 feet, to the point of beginning, more generally described as being located south of the intersection of East Mall Drive and Dakota Craft Drive and north of Interstate 90.

Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the October 7, 2010 Planning Commission meeting.

9. No. 10PL061 - Gateway Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1 and 2 of Block 1 of Gateway Business Park

Subdivision, legally described as a portion of the NW1/4 of the SE1/4 and a portion of Lot E of the S1/2 of the SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between East Mall Drive and Interstate 90 at the southern terminus of Dakota Craft Drive.

Planning Commission continued the Preliminary Plat to the October 7, 2010 Planning Commission meeting.

*10. No. 10PD054 - D.D.E. Subdivision

A request by Robert Wordeman to consider an application for a **Major Amendment to a Planned Industrial Development to revise the sign package** for Lot 2 of Lot A of D.D.E. Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1330 Jess Street.

Planning Commission approved the Major Amendment to a Planned Industrial Development to revise the sign package with the following stipulations:

1. **The following uses shall be allowed: manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, rubber, textiles, tin, iron, steel, wood (excluding saw mill), yard and paint not involving a boiling process; new and used car, truck, motorcycle, snowmobile and boat sales and rentals; farm implement and machinery new and used sales; retail and distribution establishments, including sales, display and show rooms and lots; offices, studios, clinics and laboratories; printing and secretarial services; mail and parcel services; commercial indoor recreational uses, including gymnasiums, ice skating rinks and similar establishments; the manufacture and maintenance of electronic and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilation ducts and equipment, cornices, eaves and the like; the manufacture of musical instruments, toys, novelties, and rubber and metal stamps; automobile assembling, painting, upholstering, rebuilding, recondition, body and fender work, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing; blacksmith shop and machine shop; foundry casting, lightweight nonferrous metal not causing noxious fumes or odors; and, wholesale or warehouse enterprise. Any change in land uses not approved by this Planned Industrial Development will require a Major Amendment to the Planned Industrial Development;**
2. **A Building Permit shall be obtained prior to occupancy of the building, the construction of the parking lot, and the construction of the storefront. In addition, a Certificate of Occupancy shall be obtained prior to use of the building;**

3. **The proposed storefront improvement shall conform architecturally to the approved plans and elevations and a Building Permit shall be obtained prior to construction;**
 4. **Prior to construction of the asphalt parking lot, a Building Permit shall be obtained and a drainage analysis and drainage report shall be submitted for review and approval;**
 5. **A minimum of 31 parking spaces shall be provided. In addition, two of the parking spaces shall be handicap accessible spaces as shown on the site plan. One of the handicap spaces shall be “van” accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;**
 6. **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;**
 7. **All signage shall conform to the approved sign package. No electronic signs are approved as a part of this Development Plan. The addition of electronic signage will require a Major Amendment to 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 Commercial 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;**
 8. **The currently adopted International Fire Codes shall be continually met;**
 9. **A minimum of 34,500 landscaping points shall be provided. The landscaping shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary; and,**
 10. **The Planned Industrial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning commission for the approved uses, or if the use as approved has ceased for a period of two years. However, the additional parking lot and store front construction may be phased over time and extend beyond the two years.**
11. No. 10SV007 - White Eagle Ranch
A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code** for Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM,

Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 14870 East Highway 44.

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 at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code to the October 7, 2010 Planning Commission meeting.

12. No. 10PL028 - White Eagle Ranch

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

Planning Commission continued the Preliminary Plat to the October 7, 2010 Planning Commission meeting.

13. No. 10SV014 - Baxter Subdivision

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 as per Chapter 16.16 of the Rapid City Municipal Code** for Lots 1 and 2 of Baxter Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7601 Pioneer Circle.

Planning Commission continued 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 as per Chapter 16.16 of the Rapid City Municipal Code to the October 7, 2010 Planning Commission meeting.

14. No. 10PL041 - Baxter Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** for proposed Lots 1 and 2 of Baxter Subdivision, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7601 Pioneer Circle.

Planning Commission continued the Layout Plat to the October 7, 2010

Planning Commission meeting.

15. No. 10PL054 - Heavlin Addition No. 2

A request by Duane Brink to consider an application for a **Layout Plat** for proposed Lots 1R and 2 of Heavlin Addition No. 2, legally described as Lot 1 of Heavlin Addition No. 2 located in the SE1/4 SE1/4 SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 23299 South Airport Road.

Planning Commission continued the Layout Plat to the October 7, 2010 Planning Commission meeting.

17. No. 10PL063 - Mahoney Addition

A request by Davis Engineering, Inc. for Bill Peterson and Don Jiracek to consider an application for a **Preliminary Plat** for proposed Lots A and B of Block 76 of Mahoney Addition, legally described as Block 76 less the north 8.5 feet of Block 76 of Mahoney Addition located in the SW1/4 of the SE1/4 of Section 25, T2N, R7E BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Wood Avenue and Doolittle Street.

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

1. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of one additional foot of right-of-way along Doolittle Street or a Variance to the Subdivision Regulations shall be obtained. In addition, a Variance to the Zoning Ordinance shall be obtained from the Zoning Board of Adjustment to reduce the front yard setback for the existing residence from 25 feet to 24 feet as a result of dedicating the additional foot of right-of-way;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along the first 50 foot of Wood Avenue and Doolittle Street starting at the northwest corner of proposed Lot A or an Exception to the Street Design Criteria Manual shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a lot twice as long as it is wide for proposed Lot A or the plat document shall be revised to comply with the length to width requirement;**
4. **Prior to Preliminary Plat approval by the City Council, construction plans for Doolittle Street shall be submitted for review and approval showing three additional feet of pavement, for a minimum pavement width of 27 feet, or a Variance to the Subdivision Regulations shall be submitted for review and approval;**
5. **Prior to Preliminary Plat approval by the City Council, construction plans for Wood Avenue shall be submitted for review and approval showing three additional feet of pavement, for a minimum pavement**

width of 27 feet, and a sidewalk along the east side of the street or a Variance to the Subdivision Regulations shall be submitted for review and approval;

6. Prior to Preliminary Plat approval by the City Council, a grading plan shall be submitted for review and approval demonstrating that the lot drainage from proposed Lot B will not affect proposed Lot A,
7. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
9. Prior to submittal of a Final Plat application, the plat document shall be revised to show the 100 year Federally designated floodplain boundary effective as of the date of submittal of the Final Plat application;
10. Prior to submittal of a Final Plat application, the existing garage located on the proposed common lot line between proposed Lot A and Lot B shall be removed;
11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid, and,
12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

18. No. 10SV017 - Vista Ridge Subdivision and Menard Subdivision

A request by Sperlich Consulting, Inc. for Century Development, Co., Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the Requirement to install sewer and sidewalk along East North Street, to provide 20 additional feet of right-of-way and install sewer along North Creek Drive, and to provide sidewalk along the west side of North Creek Drive and provide sewer along Century Road as per Chapter 16.16 of the Rapid City Municipal Code** for Lots 2 thru 5 and Lots 7 thru 9 of Vista Ridge Subdivision and Lots 5, 8, 9 of Block 1 of Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot 3 and the adjacent alley of the NW1/4 of the SW1/4, less Lot H1, of Section 32, T2N, R8E, BHM, a portion of the NW1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, and a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, all located in the N1/2 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of East Anamosa Street and East North Street.

Planning Commission continued 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 as per Chapter 16.16 of the Rapid City Municipal Code to the October 7, 2010 Planning Commission meeting.

19. No. 10PL064 - Vista Ridge Subdivision and Menard Subdivision

A request by Sperlich Consulting, Inc. for Century Resources to consider an application for a **Preliminary Plat** for proposed Lots 2 through 7 of Vista Ridge Subdivision, legally described as a portion of the NW1/4 of the SW1/4 and a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of East Anamosa Street and East North Street.

Planning Commission continued the Preliminary Plat to the October 7, 2010 Planning Commission meeting.

20. No. 10PL066 - Skyline Pines East Subdivision

A request by Renner & Associates, LLC for Skyline Pines East Land Co. to consider an application for a **Preliminary Plat** for proposed Tract 1, Lot 19, and dedicated Fairmont Boulevard Right-of-way of Skyline Pines East Subdivision, legally described as a portion of the N1/2 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current western terminus of Fairmont Boulevard west of Mt. Rushmore Road.

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

1. **Prior to Preliminary Plat approval by the City Council, 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 Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, water data and analysis addressing domestic water usage and fire flows shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, sanitary sewer flow and capacity information and analysis shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, a drainage analysis and report, including stormwater detention and post construction water quality management plans, shall be submitted for review and approval;**
5. **Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;**
6. **Prior to Preliminary Plat approval by the City Council, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards**

corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;

7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
8. 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;
9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
10. 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.

*21. No. 10UR024 - R&B Subdivision

A request by Bobbie Greenway to consider an application for a **Conditional Use Permit to allow an oversized private residential garage in the Low Density Residential Zoning District** for Lot 1 of R&B Subdivision located in the SE1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3204 Falls Drive.

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

1. Prior to issuance of a Building Permit for the proposed garage, a revised site plan must be submitted confirming the availability of a fire hydrant at the intersection of Falls Drive and Wonderland Cutoff;
2. Prior to the issuance of a Building Permit, the applicant shall file notice with Register of Deeds indicating that the garage will only be used for residential purposes and a copy shall be submitted to the Growth Management office;
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; and,
5. The proposed structures shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Conditional Use Permit; and,
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.

*22. No. 10UR025 - Riverside Addition

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to allow an off-premise sign in the General Commercial Zoning District** for Lots 21 through 32 of Block 5 of Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1002 West Main Street.

Planning Commission continued the Conditional Use Permit to allow an off-premise sign in the Light Industrial Zoning District to the October 21, 2010 Planning Commission meeting.

23. No. 10UR027 - Owen Mann Tract

A request by Kent Kennedy for Sam Benne and Mitch LaFleur to consider an application for a **Conditional Use Permit to allow mini-storage facilities in a General Commercial Zoning District** for Lot 2 of Lot C of Block 5 of Owen Mann Tract, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of West Rapid Street and Kinney Avenue.

Planning Commission continued the Conditional Use Permit to allow mini-storage facilities in a General Commercial Zoning District to the October 7, 2010 Planning Commission meeting.

*24. No. 10UR028 - Section 8, T1N, R7E

A request by City of Rapid City to consider an application for a **Conditional Use Permit to Construct a Utility** for a parcel of land located in the S1/2 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and being more particularly described as follows: beginning at the C-S1/16th corner of Section 8, T1N, R7E, BHM, being an iron pipe; thence, N01°58'33"E a distance of 156.69 feet to a rebar w/ cap marked "LS 1019" on the 1/4 Section line; thence, N02°21'38"E a distance of 47.78 feet to a rebar w/ cap marked "LS 5086" on the 1/4 Section line; thence, N01°54'33"E a distance of 6.64 feet to a point on the 1/4 Section line, the true point of beginning; thence, N01°54'33"E a distance of 53.90 feet to a rebar w/ cap marked "LS 1019" on the 1/4 Section line; thence, 279.46 feet along a curve, said curve having a radius of 913.38 feet, chord bearing of S61°50'58"W and chord distance of 278.37 feet, to a point of tangency; thence, S54°50'01"W a distance of 115.49 feet to a point; thence, N77°12'14"W a distance of 135.98 feet to a point; thence, N32°07'39"E a distance of 231.57 feet to an iron pin, a point of curvature; thence, 479.02 feet along a curve, said curve having a radius of 775.18 feet, chord bearing of N49°51'54"E and chord distance of 471.44, to a point on the 1/4 Section line; thence, N01°55'02"E a distance of 12.54 feet to a point on the ¼ SECTION line; thence, 169.50 feet along a curve, said curve having a radius of 779.95 feet, chord bearing of N74°14'54"E and chord distance of 169.16 feet, to a point of tangency; thence, N80°12'51"E a distance of 105.46 feet to a point; thence, S09°59'32"E a distance of 94.64 feet to a point; thence, S65°52'53"W a distance of 254.45 feet to a point; thence, S12°58'47"E a distance of 186.50 feet to a

point; thence, 21.33 feet along a curve, said curve having a radius of 1027.79 feet, chord bearing of N77°42'54"E and chord distance of 21.33 feet, to a rebar w/ cap marked "LS 1019", a point of tangency; thence, N79°18'40"E a distance of 139.79 feet to a point; thence, S11°57'47"E a distance of 50.01 feet to a point; thence, S79°18'22"W a distance of 16.46 feet to a point; thence, S79°18'22"W a distance of 121.53 feet to a rebar w/ cap marked "LS 5086", a point of curvature; thence, 144.80 feet along a curve, said curve having a radius of 858.85 feet, chord bearing of S74°07'59"W and chord distance of 144.63 feet, to the true point of beginning, more generally described as being located on the south side of Jackson Boulevard, west of Cleghorn Springs State Fish Hatchery.

Planning Commission approved the Conditional Use Permit to construct a utility 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. **A Floodplain Development Permit shall be obtained prior to any disturbance of soil or the start of construction within the area of the property located within the 100 year Federally Designated Floodplain;**
3. **Prior to the start of construction a 404 permit shall be obtained from the Corp of Engineers as needed;**
4. **Prior to the start of construction, a South Dakota Department of Environment and Natural Resource Permit shall be obtained as needed;**
5. **Prior to the start of construction an Erosion and Sediment Control Permit shall be obtained;**
6. **An Air Quality Permit shall be obtained prior to the disturbance of one acre or more;**
7. **The currently adopted International Fire Code shall be continually met;**
8. **The proposed building shall conform architecturally to the plans and elevations and color palette submitted as part of this Conditional Use Permit application. Revisions to the structure which the Growth Management Director determines to be consistent with the original approved elevations shall be allowed as a Minimal Amendment to the Conditional Use Permit. In addition, the expansion of the structure shall meet all requirements of the Rapid City Municipal Code or a Major Amendment shall be required;**
9. **The proposed fence shall conform architecturally to the elevations and color palette submitted as part of this Conditional Use Permit application;**
10. **The signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the Conditional Use Permit. 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 Commercial**

Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. A sign permit shall also be obtained;

11. **A minimum of 25,194 landscape points shall be provided as proposed. In addition, the landscaping shall be planted in compliance with the approved landscape plan and shall comply with all approved requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
12. **A minimum of two parking spaces shall be provided. In addition, one of the parking spaces shall be "van" handicap accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;**
13. **All provisions of the Flood Hazard District shall be met;**
14. **The property shall be used as a raw water pump station site. Any other use of the property shall require a Major Amendment to the Conditional Use Permit; and,**
15. **The 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.**

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

1. Approval of the September 9, 2010 and September 14, 2010 Meeting Minutes.

Marcia noted that the minutes for the September 14, 2010 Special Planning Commission meeting were not completed in time to link and therefore requested that only the minutes for the September 9, 2010 Planning Commission be approved

Landguth moved, Popp seconded approval of the minutes for the September 9, 2010 Planning Commission meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rolinger and Wyss voting yes and none voting no)

- *2. 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.

Elkins presented staff's recommendation to continue the Planned Residential Development to the October 7, 2010 Planning Commission meeting.

Elkins noted that Wyss would be abstaining from voting due to a conflict of interest.

Braun moved, Marchand seconded and 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 October 7, 2010 Planning Commission meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rolinger and Rippentrop voting yes and none voting no)

7. No. 10OA013 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment amending Temporary Use Regulations in Chapter 17.50, Chapter 17.16, Chapter 17.18, Chapter 17.20, Chapter 17.30, Chapter 17.32, and Chapter 17.48 of the Rapid City Municipal Code.**

Elkins noted that a number of links for this item were not linked for the multiple ordinances and asked that it be continued to the October 7, Planning Commission meeting to allow the Planning Commission time to review the information.

Rolinger moved, second by Christenson and unanimously carried to continue the Ordinance Amendment amending Temporary Use Regulations in Chapter 17.50, Chapter 17.16, Chapter 17.18, Chapter 17.20, Chapter 17.30, Chapter 17.32, and Chapter 17.48 of the Rapid City Municipal Code to the October 7, 2010 Planning Commission meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rolinger and Wyss voting yes and none voting no)

16. No. 10PL062 - Flannery Subdivision

A request by D.C. Scott Co. Land Surveyors for Kelly Flannery to consider an application for a **Layout Plat** for proposed Lots 2 and 3 of Flannery Subdivision, legally described as a portion of Lot 1 of the SE1/4 SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located on the south side of Sheridan Lake Road between Dunsmore Road and Croyle Avenue.

Elkins stated that the applicant has requested that the item be continued to the October 21, 2010 Planning Commission meeting.

Moved by Rolinger, seconded by Marchand and unanimously carried to continued the Layout Plat to the October 21, 2010 Planning Commission meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rolinger and Wyss voting yes and none voting no)

*25. No. 10UR026 - Original Town of Rapid City

A request by Jaclyn L. Kennison to consider an application for a **Major Amendment to a Conditional Use Permit to allow an Art Center in the Central Business District** for Lots 17 and 18 and the north 55 feet of Lots 19-21 of Block 84 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 632 1/2 Saint Joseph Street.

Flaen stated that the applicant had withdrawn the application for a Major Amendment to the Conditional Use Permit and requested that the Planning Commission acknowledge the applicant's withdrawal.

Rolinger moved, Landguth seconded and unanimously carried to acknowledge the applicant's withdrawal of the Major Amendment to a Conditional Use Permit to allow an Art Center in the Central Business. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rolinger and Wyss voting yes and none voting no)

Horton requested that items 26 and 27 be taken concurrently.

26. No. 10CA021 - Arrowhead View Addition

A request by Fisk Land Surveying & Consulting Engineers for Property Rentals, Inc. to consider an application for an **Amendment to the adopted Comprehensive Plan to change the future land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** for Tract G (less part of Lots 1, 2, 3A and 3B and less Lot H1); Tract H (less part of Lots 1 and 29 of Fairway Hills and less Lot H1); and Lot 1 of Tract I all of Arrowhead View Addition, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3800 Fairway Hills Drive.

27. No. 10RZ043 - Arrowhead View Addition

A request by Fisk Land Surveying & Consulting Engineers for Property Rentals, Inc. to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** for Tract G (less part of Lots 1, 2, 3A and 3B and less Lot H1); Tract H (less part of Lots 1 and 29 of Fairway Hills and less Lot H1); and Lot 1 of Tract I all of Arrowhead View Addition, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3800 Fairway Hills Drive.

Elkins noted that Brewer indicated that he would not be participating in or vote on this item due to a conflict of interest on these two items and Rippentrop will be eligible to vote.

Horton presented the application and reviewed the slides.

Horton reported that the applicant met with the Future Land Use Committee

September 10, 2010 to discuss the Comprehensive Plan Amendment. Horton stated that Future Land Use Committee recommended approval of the Comprehensive Plan Amendment provided the traffic issues and buffering are addressed.

Greg opened the floor to comments.

Janelle Finck, of Fisk Engineering, spoke on behalf of the applicants. Finck reviewed the development history and reviewed the original development plan approved as a planned development in 1976. Finck reviewed specific uses and plans included in the covenant agreement filed with all of the property located in the Fairway Hills Planned Residential Development. Finck referred to an existing sign on the property denoting commercial sale or lease and reiterated the desire of the applicant to move forward with the development of his property.

Dr. Sam Kerr addressed the meeting representing National American University. He noted the size and scope of the university and the University's growth. He urged approval of the proposed plan.

Erica Olson requested to speak at the end of the public hearing to address follow up questions.

John Brewer, 3823 Ridgemoor Drive, spoke as a property owner. He noted that his property abuts the property in question and requested that the rezoning and Comprehensive Amendment be denied. Brewer addressed his concerns which included insufficient drainage, traffic and lack of sidewalks, the need for signals to assist with anticipated increase in traffic.

Wyss asked whether the applicant had submitted a Traffic Impact Study or proposed buffering plan. Elkins noted that a major amendment to the planned development is already in the process that will include buffering information, but does not include traffic information.

Ken Kirkeby, 2600 Byrnwood, addressed his concerns regarding traffic and the major impact on homes and property values that this request would create. Kirkeby stated there are 583,329 square feet of commercial properties for sale and 300,300 square feet of commercial properties for lease at present throughout the community.

Rocky Kirkeby, 3815 Ridgemoor Drive, indicated that her property is also adjacent to the proposal. She stated that the previous plans for office development were replaced with a funeral home. This use creates light pollution and traffic pollution for her property. She expressed concerns with additional changes to existing plan approvals and the negative impacts created like the required lighting, the proposed restaurant and traffic generated, along with odor, noise and garbage position

Anne Hengen, 4008 Mt. Shadow Place, expressed her concern about the traffic

safety issues the parking lots and increased traffic flow would create both for vehicle and foot traffic. She noted that this section of Sheridan Lake Road already poses a traffic hazard and the proposed changes would only add to that hazard. Hegen requested that the rezoning be denied.

Steve Hengen, 4008 Mt. Shadow Place, expressed his concerns regarding the rezoning from residential to commercial use for the development, including, lights, odor and traffic. Hegen stated that he is aware the Commission has a difficult decision regarding this item but requests denial.

Buddy Belzer, 3821 Ridemoor Drive, discussed how he and his wife returned to Rapid City after being gone for years and chose to return and purchase his property on verbal confirmation from Bob Buckingham of Medium Density Residential area. His property will be adjacent to the commercial building and he requested that the rezoning be denied.

Brad Dudley, 4005 Mt. Shadow Place, requested that the Commission deny the rezoning base on the potential safety issues regarding traffic hazards between cars, pedestrians, and area children on bicycles and the increased traffic that the commercial development will bring.

Dan Ashmore, 3814 Ridgemoor Drive, addressed the Commission noting he has seen the changes over the 30 years the master plan has been in place since he has lived here since the inception of the development. Ashmore noted some of the growth has changed in the area including Sandstone and Holiday Hills; that the road is now a main thorough fare with high speed and high traffic flows. Adding additional commercial properties would increase that danger. Ashmore expressed concerns with the noise, traffic and additional pollution that the restaurant would create. He also noted that the property would be open to the highest bidder once it was rezoned since the owner is a publicly held company. He requested the applications be denied

Dr. Eldon Bell, 3806 Ridgemoor Drive, noted that he is worried about the invasion of commercial development and requested that the applications be denied.

Dick Novak, 3625 Sheridan Lake Road, Arrowhead Golf Course Superintendent noted his concerns regarding the drainage issues the rezoning may cause to arrowhead golf course. Novak confirmed that the fence at the golf course has been repaired repeatedly during the winter months from vehicles leaving Sheridan Lake Road.

Mark Hasvold, 4013 Mt. Shadow Place, expressed his concerns regarding traffic and requested that the request be denied. Hasvold stated that attendance at the open house was not a gage of interest in the request and mentioned that the sign previously referenced was confusing since the property is not currently zoned commercial and questioned how could it be sold commercial.

Brian Gonzalz, 3922 Mt. Shadows Pl, noted that he concurred with the area residents and received notice regarding the proposal. He referred to the curb cut that defined where potential growth was planned in comparison to the current access and proposed changes. Gonzalez stated he feels that this represents bait and switch and request the applications be denied.

Erica Olson returned to the podium to address comments. Olson indicated that she representing National American University as an attorney with Olson, Olson and Nash and noted that as a planned development any future changes would require coming before the Commission. She confirmed that the plans presented are not final plans and not what would be submitted for approval. She stated that for development to proceed they need to be able to rely on the master plans, including the one on file since 1976, and asked that Commission use that as consideration.

Mike Gustufson, 4021 Mt. Shadows Pl, addressed his concern that Fairway Hills Boulevard is the only way in and out of the community. He requested that the rezoning be denied.

Rolinger noted that this issue is difficult and many concerns have been addressed on both sides and that the Planning Commission and City Council duties are required to control those uses. He stated that he has serious concerns regarding traffic and drainage. Rolinger stated he would like more information before proceeding.

Landguth stated that he is a part of the Future Land Use Committee and pointed out that the Committee had two stipulations which were traffic and buffering residential from commercial. Landguth requested a buffering plan and a traffic analysis for area. He stated that buffering can be successfully used in developments to protect residential uses from commercial uses noting Clock Tower Plaza as an example. He noted that these two items should be resolved before the request moves forward.

Elkins noted that the Initial Planned Development application is scheduled to be addressed at the October 7, 2010 Planning Commission meeting and suggested that these applications be continued to that date

Wyss concurred that a traffic impact study is necessary. He also expressed concern regarding the proposal even with additional buffering.

Davis also questioned the traffic safety and the aesthetic issues, but the major issue is the history of traffic on Sheridan Lake Road. He also requested that a traffic analysis be done.

Elkins reviewed the 1976 master plan. She stated that the plan was approved as a Planned Residential Development in 1976 including the area identified as commercial sales. She clarified that the applicant is now requesting changes to the original plan, necessitating the proposed changes.

Elkins also noted a frontage road identified on the plan and clarified that a second access exists through Carmel Townhomes site via Carmel Point and Heidiway Lane.

Michael Buckingham stated that he feels the development is within the allowable uses and will provide needed services and opportunities to the community. He requested that the Planning Commission not delay the application, rather the Planning Commission deny the application if necessary to allow the items to move on to the City Council for consideration.

Rolinger moved, Wyss seconded that the Amendment to the adopted Comprehensive Plan to change the future land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development and that the Rezoning from Medium Density Residential District to General Commercial in conjunction with the associated Comprehensive Plan Amendment be denied. (9 to 1 with Braun, Rippentrop, Christianson, Gregg, Kinniburgh, Landguth, Popp, Rolinger and Wyss voting yes and Marchand voting no)

Fisher requested that items 28, 29 and 30 be taken concurrently.

28. No. 10PL065 - Dakota Ridge Subdivision

A request by Wyss Associates, Inc. for Rapid City Defense Housing Corporation to consider an application for a **Preliminary Plat** for proposed Lots 1R through 22R and 24R through 29R of Block 1, Lots 1R through 18R of Block 2, Lots 1R through 43R and 45R through 57R of Block 4, Lots 1R through 64R of Block 5 and Common Area C Revised, Common Area D Revised, Common Area E Revised, Common Area F Revised, Common Area G Revised and Common Area H Revised of Dakota Ridge Subdivision, legally described as Lots 1 through 22 and 24 through 29 of Block 1, Lots 1 through 18 of Block 2, Lots 1 through 43 and 45 through 57 of Block 4, Lots 1 through 64 of Block 5 and Common Areas C through H of Dakota Ridge Subdivision located in the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Cambell Street, south of East Minnesota Street and east of Elm Avenue.

29. No. 10SV018 - Dakota Ridge Subdivision

A request by Wyss Associates, Inc. for Rapid City Defense Housing Corporation to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the east side of Wildflower Drive, on the south side of Clover Ridge Drive, on the west side of Prairie View Drive, on both sides of the street on Range View Circle, Range View Court and Harvest Lane, on the north side of Field View Drive and Minnesota Street, to reduce the right-of-way width from 52 feet to 50 feet on Wild Flower Drive, Clover Ridge Drive, Prairie View Drive and on portions of Range View Circle, to reduce the cul-de-sac right-of-way width from 110 feet to 100 feet on Prairie View Court and Range View Court, to reduce the**

right-of-way width from 100 feet to 90 feet and 80 feet on Minnesota Street, to reduce the pavement width from 27 feet to 20.5 feet on Wildflower Drive, Clover Ridge Drive and Range View Circle, to reduce the pavement width from 24 feet to 20.5 feet on Prairie View Court, Range View Court and Harvest Lane, to reduce the cul-de-sac pavement width from 96 feet to 69 feet on Prairie View Court and Range View Court and to waive the requirement to install a sewer main on Wildflower Drive from Minnesota Street to Clover Ridge Drive and on Range View Circle from Wild Flower Drive to Range View Court as per Chapter 16.16 of the Rapid City Municipal Code for Lots 1R through 22R and 24R through 29R of Block 1, Lots 1R through 18R of Block 2, Lots 1R through 43R and 45R through 57R of Block 4, Lots 1R through 64R of Block 5 and Common Area C Revised, Common Area D Revised, Common Area E Revised, Common Area F Revised, Common Area G Revised and Common Area H Revised of Dakota Ridge Subdivision located in the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 through 22 and 24 through 29 of Block 1, Lots 1 through 18 of Block 2, Lots 1 through 43 and 45 through 57 of Block 4, Lots 1 through 64 of Block 5 and Common Areas C through H of Dakota Ridge Subdivision located in the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Cambell Street, south of East Minnesota Street and east of Elm Avenue.

*30. No. 10PD053 - Dakota Ridge Subdivision

A request by Wyss Associates, Inc. for Rapid City Defense Housing Corporation to consider an application for a **Major Amendment to a Planned Residential Development** for Lots 1 through 22 and 24 through 29 of Block 1, Lots 1 through 18 of Block 2, Lots 1 through 43 and 45 through 57 of Block 4, Lots 1 through 64 of Block 5 and Common Areas C through H of Dakota Ridge Subdivision located in the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Cambell Street, south of East Minnesota Street and east of Elm Avenue.

Fisher presented the staff recommendation to approve the Preliminary Plat, the Variance and the Major Amendment to a Planned Residential Development with stipulations including that the applicant sign a Waiver of Right to Protest.

Fisher noted that Pat Wyss would be abstaining from voting and discussion.

Rolinger moved; and Marchand seconded to approve as staff recommends.

In response to Brewer's question Fisher confirmed that the Waiver of Right to Protest addresses items that do not currently meet City standards

Rolinger moved, Marchand seconded that the Preliminary Plat be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans for Range View Court shall be submitted for review and approval showing the cul-de-sac street constructed with a**

- minimum 24 foot wide paved surface and a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the cul-de-sac bulb located within a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for Prairie View Court shall be submitted for review and approval showing the cul-de-sac street constructed with a minimum 24 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the cul-de-sac bulb located within a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 3. Prior to Preliminary Plat approval by the City Council, road construction plans for Clover Ridge Drive shall be submitted for review and approval showing the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface and a sidewalk along the south side of the street or a Variance to the Subdivision Regulations shall be obtained;
 4. Prior to Preliminary Plat approval by the City Council, road construction plans for Wild Flower Drive shall be submitted for review and approval showing the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, a sidewalk along the east side of the street and sewer or a Variance to the Subdivision Regulations shall be obtained;
 5. Prior to Preliminary Plat approval by the City Council, road construction plans for Prairie View Drive shall be submitted for review and approval showing the street located within a minimum 52 foot wide right-of-way and constructed with a sidewalk along the west side of the street or a Variance to the Subdivision Regulations shall be obtained;
 6. Prior to Preliminary Plat approval by the City Council, road construction plans for Range View Circle shall be submitted for review and approval showing the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, sidewalk along both sides of the street and sewer or a Variance to the Subdivision Regulations shall be obtained;
 7. Prior to Preliminary Plat approval by the City Council, road construction plans for Field View Drive shall be submitted for review and approval showing a sidewalk along the north side of the street or a Variance to the Subdivision Regulations shall be obtained;
 8. Prior to Preliminary Plat approval by the City Council, road construction plans for Harvest Lane shall be submitted for review and approval showing the street constructed with a minimum 24 foot wide paved surface and a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained;
 9. Prior to Preliminary Plat approval by the City Council, road

construction plans for E. Minnesota Street shall be submitted for review and approval showing a sidewalk along the north side of the street or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 10 additional feet of right-of-way or a Variance to the Subdivision Regulations shall be obtained;

10. Prior to Preliminary Plat approval by the City Council, Exceptions shall be obtained to allow water and sewer service lines to cross another lot or the plat document shall be revised accordingly;
11. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a minimum 8 foot wide minor drainage and utility easement along all side lot lines or an Exception shall be obtained from the City Engineer to reduce the easement width to allow the existing structural encroachments;
12. Prior to Preliminary Plat approval by the City Council, written documentation from all of the affected utility companies shall be submitted for review and approval indicating concurrence with relocating the lot lines as proposed and with reducing the width of the minor drainage and utility easement along all side lot lines as proposed or the plat document shall be revised as needed;
13. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
14. Prior to Preliminary Plat approval by the City Council, a grading plan shall be submitted for review and approval demonstrating that drainage from the development will not result in inter-basin transfer of drainage flows. In addition construction drawings for the proposed drainage improvements shall be submitted for review and approval. A hydraulic analysis for the proposed culvert shall also be submitted for review and approval;
15. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
16. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid, and,
17. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

That the Variance to the Subdivision Regulations to reduce the right-of-way width on Clover Ridge Drive, Prairie View Drive, Range View Circle and Wild Flower Drive from 52 feet to 50 feet, to reduce the cul-de-sac right-of-way diameter on Prairie View Court and Range View Court from 110 feet to 100 feet and to reduce the right-of-way width on E. Minnesota Street from 100 feet to 90 feet and 80 feet, respectively, be approved with the following stipulation:

1. A ten foot wide public utility and pedestrian access easement shall be

provided along E. Minnesota Street; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of Range View Court, Range View Circle and Harvest Lane, the south side of Clover Ridge Drive, the east side of Wild Flower Drive, the west side of Prairie View Drive, the north side of Field View Drive and the north side of East Minnesota Street, to reduce the pavement width on Range View Court from 24 feet to 20.5 feet, to reduce the pavement width on Prairie View Court from 24 feet to 20.5 feet, to reduce the pavement width on Clover Ridge Drive from 27 feet to 20.5 feet, to reduce the pavement width on Wild Flower Drive from 27 feet to 20.5 feet, to reduce the pavement width on Range View Circle from 27 feet to 20.5 feet, to reduce the pavement width on Harvest Lane from 24 feet to 20.5 feet, to reduce the cul-de-sac pavement width on Range View Court from 96 feet to 69, to reduce the cul-de-sac pavement width on Prairie View Court from 96 feet to 69 feet and to waive the requirement to provide a sewer main along Wild Flower Drive and Range View Circle be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement; and,
2. No-parking signs shall be posted along one side of Range View Court, Prairie View Court, Clover Ridge Drive, Wild Flower Drive, Range View Circle, Harvest Lane and within the cul-de-sac bulbs on Range View Court and Prairie View Court prior to submittal of a Final Plat application.

That the Major Amendment to a Planned Residential Development be approved with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. The structures shall conform architecturally to the elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development.
4. Each residence shall continually provide a minimum two stall garage in order to meet the off-street parking requirement. In addition, a minimum of 26 parking spaces with one of the spaces being "van" handicap accessible shall continually be provided for the community center;
5. A minimum of 22,863 landscape points shall be continually provided at the community center site;
6. An Exception is hereby granted reducing the front, side and rear yard setback(s) for the existing structures as shown on the applicant's site plan dated September 9, 2010. Any removal of that portion of the building encroaching into the setback shall require that a minimum 25 foot front yard setback be provided, that a minimum 12 foot side yard setback be provided for a two story structure and that a minimum 8 foot side yard setback be provided for a one story structure. In addition, a minimum 25 foot rear yard setback shall be provided for main buildings and a minimum 5 foot rear yard setback shall be provided for unattached accessory buildings;

7. **All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Residential Development or a subsequent Major Amendment shall be obtained; and,**
8. **The Planned Residential Development shall allow for a single family residence with an attached garage, decks and accessory structures on each residential lot and common areas with a community center and accessory structures. However, the Planned Residential Development shall expire if the use as approved has ceased for two years. (9 to 0 to 1 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Popp, Rolinger and Rippentrop voting yes and none voting no and Wyss 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.

Fisher requested that items 31 and 32 be taken concurrently.

31. No. 10PL032 - Tower Place

A request by Renner & Associates, LLC for Andrea K. Sabow to consider an application for a **Preliminary Plat** for proposed Tracts A, B and C of Tower Place, legally described as a portion of the E1/2 of the NW1/4 of the SW1/4 and a portion of the NE1/4 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Tower Road and north of Skyline Ranch Road.

32. No. 10SV009 - Tower Place

A request by Renner & Associates, LLC for Andrea K. Sabow to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and additional pavement along Tower Road, Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk streetlight conduit, water, sewer and pavement along Hanks Drive as they abut the property as per Chapter 16.16 of the Rapid City Municipal Code** for Tracts A, B and C of Tower Place, located in the N1/2 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 E1/4 NW1/4 SW1/4, Section 14, T1N, R7E, BHM, Pennington County, South Dakota, excepting there from Lot B of the S1/4 NW1/4, N1/4 SW1/4, Section 14, shown on the plat filed in Plat Book 3, Page 155, and also excepting there from Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and that part of the NE1/4 SW1/4, Section 14, bounded on the north by Lot B of the S1/4 NW1/4 and the N1/4 of the SW1/4, Section 14, shown on the plat filed in Plat Book 3, page 155, and bounded on the east by the right-of-way for "Old U.S. Highway 16" shown on the plat filed in Highway Plat Book 2, Page 48, and bounded on the south by Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and bounded on the west by the west boundary line of said NE1/4

SW1/4, more generally described as being located west of Tower Road and north of Skyline Ranch Road.

Fisher noted that the Preliminary Plat and Variance have been before the Planning Commission previously and that there are utility and drainage issues that need to be addressed. Fisher stated that the applicant had been informed that if these items were not received prior to this meeting staff would be recommending to they be denied. To date these items have not been received and therefore staff is recommending the Preliminary Plat and Variance be denied.

Moved by Braun, second by Christenson and unanimously carried that the Preliminary Plat and Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and additional pavement along Tower Road and Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and pavement along Hanks Drive as they abut the property be denied. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rolinger and Wyss voting yes and none voting no)

33. No. 10PL050 - Murphy Ranch Estates Subdivision

A request by Davis Engineering, Inc. to consider an application for a **Preliminary Plat** for proposed Lots 1R, 9, 10 and 11 of Block 8 and Lots 3, 4, 5 and 6 of Block 10 of Murphy Ranch Estates Subdivision, legally described as the unplatted portion of Tract F of the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Reservoir Road and on the south side of Long View Road.

Fisher noted that the Planning Commission had previously heard testimony that previous phases of this development were not completed and the Commission had required outstanding improvements be completed and inspected by staff and that any violations be corrected prior to today's meeting or the Planning Commission would be recommending denial. Fisher informed the Commission that these requirements have been completed. She noted that Warranty Surety still needs to be posted to allow the subdivision improvements to be accepted. Fisher asked that an additional stipulation be added that prior to City Council approval Warranty Surety be secured for the previous phases of subdivision improvements.

Mike Shad stated he anticipates having the Warranty Surety by the end of the week.

Rolinger moved, seconded by Brewer that the Preliminary Plat be approved with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, 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 Growth Management Department;
2. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to either show the existing 8 foot wide minor drainage and utility easement located along the existing south lot line on Lot 1 or the plat document shall be revised to show the vacation of the existing minor drainage and utility easement. In addition, written documentation from all of the affected utility companies shall be submitted for review and approval indicating concurrence with the vacation;
 4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 5. Prior to Preliminary Plat approval by the City Council, a copy of the recorded utility easements for the 52 foot wide sanitary sewer easement located at the south end of Knuckleduster Road and the 49 foot wide sanitary sewer easement located at the east end of Wesson Road, as shown on the construction plans, shall be submitted for review and approval;
 6. Prior to Preliminary Plat approval by the City Council, a site plan showing the existing development located on Lot 1 shall be submitted for review and approval;
 7. Prior to Preliminary Plat approval by the City Council, water system plans prepared by a Registered Professional Engineer verifying the source and demonstrating sufficient quantities for fire flows must be submitted for review and approval;
 8. Prior to Preliminary Plat approval by the City Council, a turnaround shall be provided at the terminus of Wesson Road in compliance with Section 5.2.3 of the Street Design Criteria Manual. In particular, the turnaround shall be located within a minimum 110 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface or an Exception shall be obtained;
 9. Prior to Preliminary Plat approval by the Planning Commission, the outstanding grading, drainage, and construction issues associated with the previous phases of development shall be completed as follows:
 - 1) Phases 1 and 2:
 - Repair settlement on Remington Street at locations identified during the field inspection on June 4, 2010;
 - 2) Phase 3A:
 - Complete final grading and seeding of the detention pond;
 - 3) Phase 3B:
 - Remove rock and debris, complete grading and seed

drainage channel to the east of the drainage pan and sidewalk bridge;

4) Phase 3C:

- Complete grading and seed the remaining portions of the drainage channel between the lots and north of the detention pond;

5) Phase 4A:

- Backfill, grade and seed back of curb along Knuckleduster Road; and,
- Install erosion and sediment control fences, hay bales, compost socks, etc. as necessary to prevent sediment run-off from the project site. Maintain all erosion control measures until permanent vegetation is established.

In addition, warranty surety shall be posted for these improvements;

10. Prior to Preliminary Plat approval by the Planning Commission, the outstanding violations on the property shall be resolved with Pennington County. In particular, the vehicles, construction debris and plumbing items shall be removed from the property;
 11. Prior to submittal of a Final Plat application, the plat document shall be revised to show a notation vacating Lot 1 of Block 8 pursuant to South Dakota Codified Law 11-3-20.2;
 12. Prior to submittal of a Final Plat application, the plat title shall be revised to include "formerly Lot 1 of Block 8";
 13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 15. 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.
 16. Prior to City Council approval Warranty Surety be secured for the previous phase of subdivision improvements. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rolinger and Wyss voting yes and none voting no)
34. No. 10SC004 - Original Town of Rapid City
A request by Raymond Graff for Dublin Square, Inc. to consider an application for a **Sidewalk Café Permit** for the Main Street right-of-way adjacent to Lots 15 and 16 of Block 83 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3220 West Main Street.

Elkins presented the staff's recommendation to continue the request for a

Sidewalk Café permit be continued to the October 7, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues.

Discussion followed regarding requirements for sidewalk cafes and possible streamlining the process amending permits and addressing pedestrian safety.

Rolinger moved, Christenson seconded and unanimously carried that the Sidewalk Café Permit request be continued to the October 7, 2010 Planning Commission meeting. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rolinger and Wyss voting yes and none voting no)

Motion by Brewer, second by Marchand to extend meeting beyond 9:00 a.m. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rolinger and Wyss voting yes and none voting no)

35. Discussion Items

- A. Ordinance Amendments Addressing Setback Reductions Resulting from Right-of-Way Dedications – Vicki Fisher

Fisher presented staff's request to advertise public hearings to amend setback requirements Chapter 17 of the Rapid City Municipal Code to allow setbacks to be reduced for existing structures as a result of dedicating right-of-way and /or H Lots.

Brew moved, seconded Braun to authorize staff to advertise for public hearings to consider amendments to Chapter 17 of the Rapid City Municipal Code to allow setback(s) to be reduced for existing structures as a result of dedicating right-of-way and/or H Lots. (10 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Landguth, Marchand, Popp, Rolinger and Wyss voting yes and none voting no)

36. Staff Items None

37. Planning Commission Items - None

38. Committee Reports

There being no further business, Landguth moved, Marchand seconded and unanimously carried to adjourn the meeting at 9:04 a.m.