

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
December 9, 2010

MEMBERS PRESENT: Erik Braun, John Brewer, Eric Christianson, Julie Gregg, Doug Kinniburgh, Linda Marchand, and Kay Rippentrop. Dave Davis, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Jim Flaaen, Tim Behlings, Mike Schad, Dale Tech and Andrea Wolff.

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

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 13, 14, and 19 be removed from the Consent Agenda for separate consideration.

Kinniburgh requested that Item 3 be removed from the Consent Agenda for separate consideration.

Motion by Kinniburgh seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 19 in accordance with the staff recommendations with the exception of Items 3, 13, 14, and 19. (7 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand and Rippentrop voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the November 17, 2010 Special Planning Commission Meeting Minutes and the November 18, 2010 Planning Commission Meeting Minutes.
2. No. 04TI009 - Resolution No. 2010-166 to Dissolve Tax Increment Financing District No. 48 Located west of S. Valley Drive, south of SD Highway 44 and north of E. St. Charles Street and S. Valley Drive Right-of-way.

Planning Commission recommended that the Resolution Dissolving Tax Increment District #48 be approved.

4. No. 10CA045 - Section 9, T1N, R8E
A request by City of Rapid City to consider an application for a **Comprehensive Plan Amendment to change the land use designation from Low Density Residential to Mobile Home Residential** for a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 1 of Orchard

Subdivision, Thence S82°0'00"E, a distance of 173.5 feet, to the Point of Beginning; Thence S0°36'23"E, a distance of 37.728 feet; Thence S0°36'23"E, a distance of 29.22 feet; Thence S0°36'22"E, a distance of 76.989 feet; Thence S0°36'23"E, a distance of 273.789 feet; Thence S0°35'19"E, a distance of 15.739 feet; Thence N43°26'53"W, a distance of 33.391 feet; Thence N47°15'42"W, a distance of 14.018 feet; Thence N47°15'42"W, a distance of 22.12 feet; Thence N59°40'48"W, a distance of 74.816 feet; Thence N86°11'52"W, a distance of 47.373 feet; Thence N89°32'8"W, a distance of 12.218 feet; Thence N0°25'32"W, a distance of 199.56 feet; Thence N0°27'20"W, a distance of 168.265 feet; Thence N0°27'19"W, a distance of 15.62 feet; Thence N0°10'1"W, a distance of 15.104 feet; Thence S82°1'27"E, a distance of 173.132 feet; Thence S0°58'15"E, a distance of 23.395 feet; Thence S0°58'10"E, a distance of 7.456 feet, to the Point of Beginning, more generally described as being located at 2919, 2925 and 2931 Orchard Lane.

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

5. No. 10RZ056 - Section 9, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Mobile Home Residential District** for a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 1 of Orchard Subdivision, Thence S82°0'00"E, a distance of 173.5 feet, to the Point of Beginning; Thence S0°36'23"E, a distance of 37.728 feet; Thence S0°36'23"E, a distance of 29.22 feet; Thence S0°36'22"E, a distance of 76.989 feet; Thence S0°36'23"E, a distance of 273.789 feet; Thence S0°35'19"E, a distance of 15.739 feet; Thence N43°26'53"W, a distance of 33.391 feet; Thence N47°15'42"W, a distance of 14.018 feet; Thence N47°15'42"W, a distance of 22.12 feet; Thence N59°40'48"W, a distance of 74.816 feet; Thence N86°11'52"W, a distance of 47.373 feet; Thence N89°32'8"W, a distance of 12.218 feet; Thence N0°25'32"W, a distance of 199.56 feet; Thence N0°27'20"W, a distance of 168.265 feet; Thence N0°27'19"W, a distance of 15.62 feet; Thence N0°10'1"W, a distance of 15.104 feet; Thence S82°1'27"E, a distance of 173.132 feet; Thence S0°58'15"E, a distance of 23.395 feet; Thence S0°58'10"E, a distance of 7.456 feet, to the Point of Beginning, more generally described as being located at 2919, 2925 and 2931 Orchard Lane.

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

6. No. 10CA046 - Section 28, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Comprehensive Plan Amendment to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Industrial Development** for a portion of the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota

more fully described as follows: Commencing at the northeasterly corner of Lot 3 of GLM Subdivision No. 2, common to a point on the east-west section 1/4 line of Section 28, T2N, R8E, and the point of beginning; Thence, first course: S89°56'27"E, along the said east-west section 1/4 line a distance 204.58 feet, to the center-west 16th corner of said section 28; Thence, second course: S89°58'22"E, along the said east-west section 1/4 line a distance 1326.23 feet, to the center 1/4 corner of said section 28, common to the northwesterly corner of Lot 1 of Mall Drive Subdivision; Thence, third course: S00°01'24"E, along the westerly boundary of said Lot 1, common to the north-south section 1/4 line, a distance of 396.01 feet, to the southwesterly corner of said Lot 1, common to a point on the northerly edge of East Mall Drive right-of-way; Thence, fourth course: S89°53'19"W, along the northerly edge of said East Mall Drive right-of-way, a distance of 1530.15 feet, to the southeasterly corner of said Lot 3; Thence, fifth course: N00°07'04"W, along the easterly boundary of said Lot 3, a distance of 399.88 feet, to northeasterly corner of said Lot 3, common to a point on the east-west section 1/4 line, and the point of beginning, and, a portion of the SW1/4 of Section 28, and Lot 3 of Starlite Subdivision, Section 28, T2N, R8E, BHM Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at intersection of the southerly edge of East Mall Drive right-of-way, and the easterly edge of Dyess Avenue right-of-way, and the point of beginning; Thence, first course: S89°58'23"E, along the southerly edge of said East Mall Drive right-of-way, a distance of 1017.22 feet; Thence, second course: N89°51'21"E, along the southerly edge of said East Mall Drive right-of-way, a distance of 30.10 feet; Thence, third course: S00°00'00"E, a distance of 463.07 feet; Thence, fourth course: S46°19'30"E, a distance of 112.25 feet; Thence, fifth course: S00°00'00"E, a distance of 376.79 feet, to a point on the northerly edge of Interstate 90 right-of-way; Thence, sixth course: N89°50'04"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 261.04 feet, to the southeasterly corner of Lot 3 of Starlite Subdivision; Thence, seventh course: N89°44'25"W, along the northerly edge of said Interstate 90 right-of-way, common to the southerly boundary of said Lot 3, a distance of 300.04 feet; Thence, eighth course: N67°13'25"W, along the northerly edge of said Interstate 90 right-of-way, common to the southerly boundary of said Lot 3, a distance of 279.40 feet, to the northwesterly corner of said Lot 3; Thence, ninth course: N67°13'25"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 278.24 feet, to the easterly edge of said Dyess Avenue right-of-way; Thence, tenth course: N08°55'12"W, along the easterly edge of said Dyess Avenue right-of-way, a distance of 342.56 feet; Thence, eleventh course: N00°01'28"W, along the easterly edge of said Dyess Avenue right-of-way, a distance of 361.37 feet, to the intersection of the southerly edge of said East Mall Drive right-of-way, and the easterly edge of said Dyess Avenue right-of-way, and the point of beginning, more generally described as being located northeast of the intersection of Dyess Avenue and Interstate 90 north and south of East Mall Drive.

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

7. No. 10RZ057 - Section 28, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Commercial District to Light Industrial District** for a portion of the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northeasterly corner of Lot 3 of GLM Subdivision No. 2, common to a point on the east-west section 1/4 line of Section 28, T2N, R8E, and the point of beginning; Thence, first course: S89°56'27"E, along the said east-west section 1/4 line a distance 204.58 feet, to the center-west 16th corner of said section 28; Thence, second course: S89°58'22"E, along the said east-west section 1/4 line a distance 1326.23 feet, to the center 1/4 corner of said section 28, common to the northwesterly corner of Lot 1 of Mall Drive Subdivision; Thence, third course: S00°01'24"E, along the westerly boundary of said Lot 1, common to the north-south section 1/4 line, a distance of 396.01 feet, to the southwesterly corner of said Lot 1, common to a point on the northerly edge of East Mall Drive right-of-way; Thence, fourth course: S89°53'19"W, along the northerly edge of said East Mall Drive right-of-way, a distance of 1530.15 feet, to the southeasterly corner of said Lot 3; Thence, fifth course: N00°07'04"W, along the easterly boundary of said Lot 3, a distance of 399.88 feet, to northeasterly corner of said Lot 3, common to a point on the east-west section 1/4 line, and the point of beginning, and, a portion of the SW1/4 of Section 28, and Lot 3 of Starlite Subdivision, Section 28, T2N, R8E, BHM Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at intersection of the southerly edge of East Mall Drive right-of-way, and the easterly edge of Dyess Avenue right-of-way, and the point of beginning; Thence, first course: S89°58'23"E, along the southerly edge of said East Mall Drive right-of-way, a distance of 1017.22 feet; Thence, second course: N89°51'21"E, along the southerly edge of said East Mall Drive right-of-way, a distance of 30.10 feet; Thence, third course: S00°00'00"E, a distance of 463.07 feet; Thence, fourth course: S46°19'30"E, a distance of 112.25 feet; Thence, fifth course: S00°00'00"E, a distance of 376.79 feet, to a point on the northerly edge of Interstate 90 right-of-way; Thence, sixth course: N89°50'04"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 261.04 feet, to the southeasterly corner of Lot 3 of Starlite Subdivision; Thence, seventh course: N89°44'25"W, along the northerly edge of said Interstate 90 right-of-way, common to the southerly boundary of said Lot 3, a distance of 300.04 feet; Thence, eighth course: N67°13'25"W, along the northerly edge of said Interstate 90 right-of-way, common to the southerly boundary of said Lot 3, a distance of 279.40 feet, to the northwesterly corner of said Lot 3; Thence, ninth course: N67°13'25"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 278.24 feet, to the easterly edge of said Dyess Avenue right-of-way; Thence, tenth course: N08°55'12"W, along the easterly edge of said Dyess Avenue right-of-way, a distance of 342.56 feet; Thence, eleventh course: N00°01'28"W, along the easterly edge of said Dyess Avenue right-of-way, a distance of 361.37 feet, to the intersection of the southerly edge of said East Mall Drive right-of-way, and the easterly edge of said Dyess Avenue right-of-way, and the point of beginning, more generally described as being located northeast of the intersection of Dyess Avenue and Interstate 90 north and south of East Mall Drive.

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

8. 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 recommended that the Preliminary Plat be continued to the January 6, 2011 Planning Commission meeting.

9. 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 at 14870 East Highway 44.

Planning Commission recommended that 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 be continued to the January 6, 2011 Planning Commission meeting.

10. 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.

Planning Commission recommended that the City Council acknowledge the applicant's withdrawal of the Layout Plat.

11. No. 10PL075 - Heavlin No. 2 Addition

A request by Dream Design International to consider an application for a **Preliminary Plat** for proposed Lot 1R and Lot 2 of Heavlin No. 2 Addition, legally described as Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23299 South Airport Road.

Planning Commission recommended that the Preliminary Plat be continued to the January 6, 2011 Planning Commission meeting.

12. No. 10SV022 - Heavlin No. 2 Addition

A request by Dream Design International to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1R and Lot 2 of Heavlin No. 2 Addition, legally described as Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 23299 South Airport Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the January 6, 2011, Planning Commission meeting.

15. No. 10PL088 - North 80 Subdivision

A request by Centerline for Lazy P-6 Land Co., Inc. to consider an application for a **Preliminary Plat** for proposed Lot 3 of North 80 Subdivision and dedicated public right-of-way, all located in Section 19, T1N, R8E, legally described as unplatted Government Lot 1 less Gemstone Subdivision, less Lot H-1 and less right-of-way; Government Lot 2 less North 80 Subdivision, less Lot H2 and less right-of-way, all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of 5th Street at the current eastern terminus of East Stumer 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, construction plans for Shelby Avenue shall be submitted for review and approval showing the construction of a sewer main along the entire street or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, the plat**

document shall be revised to provide temporary access easements at the terminus of Stumer Road for Phase One and Phase Two. The temporary access easement(s) shall be a minimum 110 feet in diameter;

4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the book and page of the recorded 50 foot wide Major Drainage Easement located north of Lot 3;
 5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show Stumer Road as "E. Stumer Road";
 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, 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.
16. No. 10SV025 - North 80 Subdivision
A request by Centerline for Lazy P-6 Land Co., Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Shelby Avenue as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 3 of North 80 Subdivision and dedicated public right-of-way, all located in Section 19, T1N, R8E, legally described as unplatted Government Lot 1 less Gemstone Subdivision, less Lot H-1 and less right-of-way; Government Lot 2 less North 80 Subdivision, less Lot H2 and less right-of-way, all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of 5th Street at the current eastern terminus of East Stumer Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Shelby Avenue as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. **Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessment for the improvement.**
17. No. 10RZ055 - Burson Subdivision
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** for Lot 2 of Lot M of Burson Subdivision, located in the E1/2 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3887 E. Highway 44.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved.

*18. No. 10UR036 - South Boulevard Addition

A request by Janice and Roger Knutsen to consider an application for a **Conditional Use Permit to allow a Group Home in the General Commercial District** for Lots 1-6, Lots 27-32 and vacated alley adjacent to Lots 1-6 and Lots 27-32, all located in Block 25, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 717 Meade Street.

Planning Commission approved the Conditional Use Permit to allow a group home in the General Commercial District 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 of the group home;**
2. **The currently adopted International Fire Code and Building Code shall be continually met. A fire sprinkler and fire alarm system shall continually be provided within the commercial structure;**
3. **A minimum of 37,357 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
4. **A minimum of 39 parking spaces shall be provided. In addition, three of the spaces shall be handicap accessible with one of the handicap spaces being "van" accessible;**
5. **All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment; and,**
6. **The property shall be used as a medical facility and as a group home as defined by Chapter 17.04.350 of the Zoning Ordinance. This shall not include missions, detoxification centers or detention centers. In particular, the group home shall consist of a maximum of four clients and one staff member. However, 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 two years. In addition, any change and/or expansion in use will require that a Major Amendment to the Conditional Use Permit.**

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

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

3. No. 10CA043 - Melody Acres
Summary of Adoption Action for an Amendment to the Comprehensive Plan to change the land use designation from Mobile Home Residential with a Planned Residential Development to Low Density Residential for the east 33 feet of South Valley Drive right-of-way located adjacent to Lot 3M and Lot 5 of Melody Acres, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to 2990 South Valley Drive.

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

Braun moved, Marchand seconded and carried to recommend that the City Council approve the summary and authorize publication in the Rapid City Journal. (6 to 0 to 1 with Braun, Brewer, Christianson, Gregg, Marchand and Rippentrop, voting yes and none voting no and Kinniburgh abstaining)

Fisher requested that items 13 and 14 be taken concurrently.

13. No. 10PL087 - Una Del Acres No. 2
A request by Fisk Land Surveying & Consulting Engineers for Joseph Hecker to consider an application for a **Layout Plat** for proposed Lots 19R and 22RA of Una Del Acres No. 2, legally described as Lots 19 and 22R of Una Del Acres No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6030 Una Del Acres.
14. No. 10SV024 - Una Del Acres No. 2
A request by Fisk Land Surveying & Consulting Engineers for Joseph Hecker to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 19R and 22RA of Una Del Acres No. 2, legally described as Lots 19 and 22R of Una Del Acres No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6030 Una Del Acres.

Fisher presented the request noting that the Variance request to waive the requirement to install to sewer and/or dry sewer have been granted previously for similar applications with the applicant signing a Waiver of Right to Protest of any future assessment for the improvement.

Janelle Fink, Fisk Land Surveying, reviewed the history of the development and explained why she feels the variance to sewer and sidewalk should be granted.

In response to a question from Kinniburgh regarding drainage, Fink said she prefers not having curbs and sidewalks as it allows runoff water to be filtered naturally into the ground. Discussion on central storm sewer followed.

In response to a question from Braun, Elkins stated that applicant would need to submit plans for sidewalks prior to submission of the final plat.

Kinniburgh moved, Brewer seconded and carried that the Layout Plat be approved with the following stipulations:

- 1. Prior to Layout Plat approval by the City Council, a revised site plan shall be submitted for review and approval showing the location of the existing septic tank and drainfield located on proposed Lot 22RA;**
- 2. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Upon submittal of a Preliminary Plat application, construction plans shall be submitted for review and approval for Una Del Drive showing the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Upon submittal of a Preliminary Plat application, the location of the proposed driveway to Lot 19R shall be identified to insure compliance with the Street Design Criteria Manual. In addition, one of the two driveways currently serving as access to Lot 22RA shall be closed or an Exception shall be obtained to allow two driveways to serve a residential lot;**
- 6. Upon submittal of a Preliminary Plat application, a grading plan shall be submitted for review and approval if any subdivision improvements are required;**
- 7. Upon submittal of a Preliminary Plat application, a drainage report demonstrating whether a Major Drainage Easement is required for the drainage ditch running north-south through the property. In addition, the plat document shall be revised to show drainage easement(s) as needed;**
- 8. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if any subdivision improvements are required;**
- 9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;**

10. **Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;**
11. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;**
12. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
13. **The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council; and**

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code 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. **Prior to City Council approval, a Wild Fire Mitigation Plan shall be submitted for review and approval.**

That the Variance waiving the requirement to install sewer, including dry sewer with the following stipulation;

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

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be denied. (6 to 1 with Brewer, Christianson, Gregg, Kinniburgh, Marchand and Rippentrop, voting yes and Braun voting no)

*19. No. 10UR037 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **Major Amendment to a Conditional Use Permit to construct an addition to the existing maintenance shop** for a portion of Tract 4 of Rapid City Greenway Tract located in Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2330 Arrowhead Drive.

Flaaen advised that the applicant has requested that the item be continued to the January 6, 2011 Planning Commission meeting.

Kinniburgh moved, Marchand seconded and unanimously carried to continue the Major Amendment to a Conditional Use Permit to construct an addition to the existing maintenance shop to the January 6, 2011 Planning Commission meeting. (7 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand and Rippentrop, voting yes and none voting no)

The Rapid City Planning Commission's action on this item is final unless

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

*20. No. 10UR038 - Rapid City Greenway Tract

A request by CETEC Engineering Services, Inc. for the City of Rapid City to consider an application for a **Conditional Use Permit to allow structures in the Flood Hazard Zoning District** for a portion of Tract 17 less Lot H1 of Rapid City Greenway Tract located in Section 34 and Section 35, T2N, R7E, a portion of the E1/2 W1/2 NE1/4 SW1/4 and a portion of the E1/2 NE1/4 SW1/4 of Section 35, T2N, R7E, a portion of Lot 2 of Founders Park Subdivision and a portion of the Founders Park Drive right-of-way located in Section 35, T2N, R7E, a portion of Tract 18 of Rapid City Greenway Tract and vacated West Street adjacent to said Tract 18 and vacated West Philadelphia Street adjacent to said Tract 18, located in Section 35, T2N, R7E, all located in BHM, Rapid City, Pennington County, South Dakota; and, a portion of the East Main Street right-of-way, a portion of the East Saint Joseph Street right-of-way, a portion of the Steele Avenue right-of-way, a portion of the LaCrosse Street right-of-way, a portion of the San Francisco Street right-of-way, a portion of the Cherry Avenue right-of-way, a portion of Lot 1 of MDU Subdivision, a portion of Lot A and Lot B Revised of Tract 32 of Rapid City Greenway Tract, a portion of the SW1/4 NE1/4 and a portion of the West 10 acres of the SE1/4 NE1/4, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being portions of the Rapid City Greenway, Founder's Park, Founder's Rock, Executive Golf Course, Pennington County Fairgrounds and along Steele Avenue.

Flaen presented the request and reviewed photos and plans outlining the project. Flaen noted that all stipulations have been met except for the issue addressing sustainable surface in the area north of the parking lot in Founders Park which is used by the Framers Market. Flaen noted that previous heavy pedestrian and vehicle use of grass areas has been harmful to the grass surfaces, creating dust and mud issues.

In response to question from Kinniburgh, Flaen confirmed the new San Francisco Street section of the bike path will be located south of the traffic lane.

Ted Schultz, CETEC Engineering Services addressed options that have been discussed for a sustainable surface in the Founders Park area including proposed parking and entrance area for vehicles. However, as the sustainable surface would benefit only a single user who may not continue to use the area, along with the associated cost, there are no plans to install sustainable surface.

Randy Lyons, of the Rapid City Parks Department, said the Parks Department plans to watch the area over the next year to determine the best option, but currently they believe that grass cover is a viable option. He did state that additional attention may need to be paid to this area to avoid the over compaction of the ground and deterioration of the grass, but that it could be

done.

In response to a question by Braun, Elkins stated that the area is currently considered grass; but that the compacted state of the dirt is causing dust and mud issues.

Dale Tech, City Engineer, identified what qualifies as a sustainable surface, but said it was up to the Parks Department to make the decision. Discussion followed regarding how to achieve and sustain surface for the area.

In response to a question from Kinniburgh regarding permits for the Farmers Market's use of the area, Schad stated that he does not believe there is a permit for the market and was not sure that trying to tie to a permit would be a viable solution. Elkins confirmed there is no requirement for a permit.

Braun stated he does not support paving any additional area and stated that he would like to have the Farmers Market move to the paved area to save the grass area. Elkins noted that Farmers Market group has specifically stated previously that they do not want to be on pavement.

Braun moved, Kinniburgh seconded and carried unanimously to approve the Conditional Use Permit to allow structures in the Flood Hazard Zoning District with the following stipulations:

- 1. Prior to Planning Commission approval, a Floodplain Development Permit shall be obtained;**
- 2. Prior to Planning Commission approval, all redline comments made on the construction plans shall be addressed and resubmitted for review and approval. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 3. Prior to Planning Commission approval, a revised site plan shall be submitted eliminating the parking lot located in the section line right-of-way, or the section line right-of-way shall be vacated;**
- 4. Prior to Planning Commission approval a revised site plan shall be submitted identifying a vehicle turnaround from the north parking area to the south parking area at the midpoint of the median in the proposed Founders Park parking lot;**
- 5. Prior to Planning Commission approval, a copy of the approved Department of Transportation Access Permit shall be submitted to the Growth Management office;**
- 6. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the building;**
- 7. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;**
- 8. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorists;**
- 9. All areas shall be made handicap accessible;**

10. 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;
11. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of 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 Conditional Use Permit. The addition of electronic signs shall require a Major Amendment to the Conditional Use Permit. 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;
12. That the parking be installed and maintained as per the approved parking plan. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
13. That the landscaping be installed as per the approved landscape plan. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
14. All applicable provisions of the currently adopted International Fire Code shall be continually met; 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. (7 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand and Rippentrop, voting yes and none voting no)

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

Fisher requested items 21 and 22 be taken concurrently.

21. 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.

*22. No. 10PD052 - Section 8, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** for a portion of the NW ¼ of the SE ¼, and a portion of Lot E of the S ½ of the SE ¼ of Section 8, 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, and the point of beginning; Thence, first course: N00°02'40"W, along the easterly boundary of said Lot 3, a distance of 359.70 feet; Thence, second course: N89°56'14"E, a distance of 86.82 feet; Thence, third course: S00°10'04"E, a distance of 190.75 feet; Thence, fourth course: S25°39'15"E, a distance of 9.14 feet; Thence, fifth course: S56°22'25"E, a distance of 10.96 feet; Thence, sixth course: N89°46'53"E, a distance of 73.64 feet; Thence, seventh course: N00°00'00"E, a distance of 94.80feet; Thence, eighth course: N90°00'00"E, a distance of 8.23 feet; Thence, ninth course: N00°00'00"E, a distance of 77.18 feet; Thence, tenth course: S89°23'24"E, a distance of 44.24 feet; Thence, eleventh course: N19°08'40"E, a distance of 32.41 feet; Thence, twelfth course: northwesterly, curving to the right, on a curve with a radius of 23.54 feet, a delta angle of 63°55'08", a length of 26.26 feet, a chord bearing of N36°17'51"W, and chord distance of 24.92 feet; Thence, thirteenth course: N02°40'34"E, a distance of 25.63feet; Thence, fourteenth course: N90°00'00"E, a distance of 241.53 feet; Thence, fifteenth course: N00°00'00"E, a distance of 192.44 feet; Thence, sixteenth course: N36°20'19"W, a distance of 3.75 feet; Thence, seventeenth course: N06°05'08"W, a distance of 41.12 feet; Thence, eighteenth course: N00°00'00"E, a distance of 1.34 feet; Thence, nineteenth course: N90°00'00"E, a distance of 3.69 feet; Thence, twentieth course: N45°00'00"E, a distance of 28.28 feet; Thence, twenty-first course: S00°00'00"E, a distance of 115.69 feet; Thence, twenty-second course: southeasterly, curving to the left, on a curve with a radius of 160.00 feet, a delta angle of 62°30'13", a length of 174.54 feet, a chord bearing of S31°15'06"E, and chord distance of 166.02 feet; Thence, twenty-third course: S60°32'23"W, a distance of 19.67 feet; Thence, twenty-fourth course: S00°00'00"E, a distance of 390.94 feet, to a point on the northerly edge of said Interstate 90 right-of-way; Thence, twenty-fifth course: S79°07'35"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 20.25 feet; Thence, twenty-sixth course: N89°50'05"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 531.10 feet, to the southeasterly corner of said Lot 3, and 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.

Fisher requested that the items be continued to the January 6, 2011 Planning Commission meeting to allow additional information to be submitted.

Kinniburgh moved, Marchand seconded and carried unanimously to continue the Preliminary Plat and the Planned Commercial Development - Initial and Final Development Plan to the January 6, 2011 Planning Commission meeting. (7 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand and Rippentrop, voting yes and none voting no)

23. Discussion Items

Elkins thanked the Planning Commission for their hard work and dedication throughout the year, acknowledging their support of staff, all the effort they put in reviewing the projects and issues and for serving the community so effectively. She also thanked staff for their hard work this past year.

Elkins announced Monica Heller's resignation thanking her for all her contributions and the positive attitude put forth and wished her well in her future endeavors.

There being no further business, Kinniburgh moved, Marchand seconded and unanimously carried to adjourn the meeting at 7:58 a.m. (7 to 0 with Braun, Brewer, Christianson, Gregg, Kinniburgh, Marchand and Rippentrop, voting yes and none voting no)