

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 6, 2011

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

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Jim Flaaen, Tim Behlings, Mike Schad, Dale Tech, Ted Johnson and Risë Ficken.

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

Kinniburgh 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. No items were removed from the Consent Agenda.

Motion by Wyss, Seconded by Rolinger and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 18 in accordance with the staff recommendations. (10 to 0 with Braun, Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger, Scull and Wyss voting yes and none voting no)

1. **Planning Commission approved the December 9, 2010 Planning Commission Meeting Minutes.**

2. No. 10CA044 - Fravel Tract
Summary of Adoption Action for an Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential for Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4 and the south 20 feet of Garden Lane right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4, Lot 3E of Lot 3 of the SW1/4NW1/4, Lots 1 through 7, Fravel Tract, and the east 33 feet of S Valley Drive right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4, and the north 15 feet of Orchard Lane right-of-way located adjacent to Lots 3 through 7 of Fravel Tract, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast corner of South Valley Drive and Orchard Lane.

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

3. No. 10CA045 - Section 9, T1N, R8E
Summary of Adoption Action 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 approved the summary and authorized publication in the Rapid City Journal.

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

Summary of Adoption Action 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 approved the summary and authorized publication in the Rapid City Journal.

*5. 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.

Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the January 27, 2011 Planning Commission meeting.

6. No. 10PL061 - Gateway Business Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** for Lots 1 and 2 of Block 1 of Gateway Business Park Subdivision located in the W1/2 of the SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, 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 January 27, 2011 Planning Commission meeting.

7. No. 10RZ058 - Section 23, T2N, R7E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Park Forest District to Low Density Residential District** for the SW1/4 of the NE1/4 of Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the current western terminus of Alma Street and Sagewood Street.

Planning Commission recommended that the Rezoning from Park Forest District to Low Density Residential District be approved.

*8. No. 10PD069 - Section 23, T2N, R7E

A request by Dream Design International, Inc. to consider an application for a **Initial and Final Planned Residential Development to allow a municipal facility** for a parcel of land located in the SW1/4 NE1/4 of Section 23, T2N, R7E of the Black Hills Meridian, Pennington County, South Dakota, being more particularly described by metes and bounds as follows; COMMENCING, for location purposes only, at the east quarter corner of Section 23 within the Right-of-Way of Bunker Drive from which an iron rod with three-inch aluminum cap marked "L.S. 2652" bears South 89°53'29" West a distance of 5283.70 feet and a 4" x 8" sandstone marked "1/4" bears North 89°27'46" West a distance of 5257.07 feet; Thence, North 89°27'46" West a distance of 1913.20 feet to the POINT OF BEGINNING of the herein described tract, said POINT OF

BEGINNING lying on-line between said east quarter corner of Section 23 and said 4" x 8" sandstone marked "1/4", approximately 25 feet south of the centerline of a 50-foot wide power line easement as described in document recorded on January 23, 1979 in Book 11, Page 1180 in the office of the Pennington County Register of Deeds; Thence, North 89°27'46" West, parallel to and approximately 25 feet south of said centerline of 50-foot wide power line easement, a distance of 238.75 feet to a point for corner; Thence, North 00°30'00" East, a distance of 186.30 feet to a point for corner; Thence, North 39°30'00" East, a distance of 97.40 feet to a point for corner; Thence, South 89°30'00" East, a distance of 144.40 feet to a point for corner; Thence, South 29°00'00" East, a distance of 76.90 feet to a point for corner on the west line of a 52-foot wide access and utility easement as described in document recorded on April 20, 2010 in Book 198, Page 4215 in the office of the Pennington County Register of Deeds; Thence, South 16°59'52" West, along said west line of 52-foot wide access and utility easement, a distance of 40.78 feet to a point of curvature; Thence in a southwesterly direction, continuing along said west line of access and utility easement, following a curve to the right having a central angle of 48°47'23", a radius of 30.00 feet, and an arc length of 25.55 feet to a point of reverse curvature; Thence in a southerly direction, continuing along said west line of access and utility easement, following a curve to the left having a central angle of 155°17'15", a radius of 55.00 feet, and an arc length of 149.07 feet to a point for corner; Thence, South 00°30'00" West, a distance of 32.42 feet to the POINT OF BEGINNING, more generally described as being located west of the current western terminus of Alma Street and Sagewood Street.

Planning Commission approved the Initial and Final Planned Residential Development to allow a municipal facility with the following stipulations:

- 1. The Initial and Final Planned Residential Development to allow a municipal facility shall not be effective until the associated Rezone request (#10RZ058) to rezone the property from Park Forest District to Low Density Residential District has become effective. In addition, no Building Permits or Sign Permits shall be issued prior to the effective date of the Initial and Final Planned Residential Development;**
- 2. A Building Permit shall be obtained prior to construction of the municipal water storage reservoir and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. Prior to issuance of a Building Permit for the proposed water reservoir a Fence Height Exception shall be approved by City Council or the fence height must be reduced to 6 feet in height or removed from the proposed plan;**
- 4. Prior to installation or painting of the sign on the water reservoir, City Council shall approved the sign as an exempt sign from the requirements of the Sign Code or the City Council shall declare the sign a public purpose sign, or the sign shall be revised to meet the requirements of the Sign Code, or the sign shall be removed from the sign package. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Residential Development. Changes to the proposed sign package, which the Growth Management Director determines to be**

consistent with the original approved sign package and in compliance with the Sign Ordinance, shall be allowed as a Minimal Amendment to the Planned Residential Development. The addition of electronic signs shall require a Major Amendment to the Planned Residential 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);

5. A minimum of two off-street parking spaces shall be continually provided. In addition, a minimum of one “van” handicap accessible space shall be provided at all times. The parking shall be installed and striped as per the approved parking plan and all provisions of the Off-Street Parking Ordinance shall be continually met;
6. A minimum of 12,000 landscaping points shall continually be provided. 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;
7. The proposed structure shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Planned Residential Development. Modifications in the building elevations and design that are consistent with the approved elevations and structural development may be approved as a Minimal Amendment to the Planned Residential Development;
8. All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;
9. The exception request to allow access to the site via a gravel road shall be allowed;
10. An Air Quality Permit shall be obtained prior to the disturbance of one acre or more of surface area; and,
11. The Planned Residential Development 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.

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

9. No. 10PL028 - White Eagle Ranch

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** 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 continued the Preliminary Plat to the January 27, 2011 Planning Commission meeting.

10. 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 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 January 27, 2011 Planning Commission meeting.

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 approved with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, the design of the proposed mound system to serve Lot 2 shall be reviewed and approved by the South Dakota Department of Environment and Natural Resources. In addition, a Variance shall be obtained from the South Dakota Department of Environment and Natural Resources for that portion of the drainfield serving Lot 1R that is located on Lot 2;**
2. **Prior to Preliminary Plat approval by the City Council, road construction plans for South Airport Road shall be submitted for review and approval showing the street constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval showing the section line highway located along the east lot line constructed within a minimum 26 foot wide paved surface, curb,**

- gutter, sidewalk, street light conduit, water and sewer. In addition, the construction plans shall show the street located within a minimum 59 foot wide right-of-way or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;**
- 4. Prior to Preliminary Plat approval by the City Council, a grading plan and a drainage plan shall be submitted for review and approval if subdivision improvements are required;**
 - 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 if subdivision improvements are required;**
 - 6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
 - 7. Prior to submittal of a Final Plat application, the 20 foot wide private access easement located directly north of the north lot line shall be vacated. In addition, the plat document shall be revised to show the vacation of the easement;**
 - 9. Prior to submittal of a Final Plat application, the plat document must be revised to show the "8 foot by 80 foot drainfield" as a "drainfield easement". In addition, the recording information showing the book and page of the vacated east-west section line highway shall be identified on the plat document;**
 - 10. 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,**
 - 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,**
 - 12. 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.**
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 acknowledged the applicant's withdrawal of the Variance to the Subdivision Regulations request to waive the requirement to install sidewalk; and,

Recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along South Airport Road and the Section Line Highway 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 improvements; and,**
- 2. Prior to City Council approval, the design of the proposed mound system to serve Lot 2 shall be reviewed and approved by the South Dakota Department of Environment and Natural Resources. In addition, a Variance shall be obtained from the South Dakota Department of Environment and Natural Resources for that portion of the drainfield serving Lot 1R that is located on Lot 2.**

13. No. 10PL094 - Western Heights Subdivision

A request by Davis Engineering, Inc. for David and Valerie Simpson to consider an application for a **Layout and Preliminary Plat** for proposed Lot A Revised of Lot 14 of Block 4 of Western Heights Subdivision, legally described as Lots A and B of Lot 14 of Block 4 of Western Heights Subdivision located in NE1/4 SW1/4 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1216 and 1220 38th Street.

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

- 1. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow two driveways to serve one lot or one driveway shall be closed;**
- 2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the vacation of the previously platted note which reads "Access and Maintenance Easement: Six foot wide on each side of all common lot lines between Lot A and Lot B";**
- 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval if subdivision improvements are required;**
- 4. 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,**
- 5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval if subdivision improvements are required; and,**
- 6. 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.**

14. No. 10PL095 - Trailwood Village

A request by Sperlich Consulting, Inc. for LICH Enterprises to consider an application for a **Preliminary Plat** for proposed Lot 1R and Lot 2R of Lot B of

Block 16 of Trailwood Village, legally described as Lot 1 and Lot 2 of Lot B of Block 16 of Trailwood Village located in the SE1/4 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of SD State Highway 44 and Covington Street.

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 site plan 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 S.D. Highway 44 shall be submitted for review and approval showing the construction of a sidewalk or an Exception shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, construction plans for the 26 foot wide access easement shall be submitted for review and approval showing the easement with a minimum width of 59 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the plat document shall be revised to show the vacation of the access easement;**
- 4. Prior to Preliminary Plat approval by the City Council, a drainage analysis and report in compliance with the County Heights Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;**
- 5. Prior to Preliminary Plat approval by the City Council, a geotechnical report including pavement design shall be submitted for review and approval if subdivision improvements are required. 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;**
- 6. 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;**
- 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 8. Prior to submittal of a Final Plat application, the plat title shall be revised to read "Trailwood Village Subdivision" in lieu of "Trailwood Subdivision";**
- 9. Prior to submittal of a Final Plat application, the outstanding**

improvements for the previously approved plat creating Lots 1 and 2 of Lot B of Block 16 shall be completed or surety posted for these improvements;

10. 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,
 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
 12. 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.
15. No. 10TI004 - Elk Vale Road/Homestead

A request by City of Rapid City to consider an application for a **Second Revised Project Plan for Tax Increment District No. 42 - Elk Vale Water** for the NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E,

BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Twilight Drive.

Planning Commission recommended that the Second Revised Project Plan for Tax Increment District No. 42 - Elk Vale Water be approved.

*16. 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.

Planning Commission approved the Major Amendment to a Conditional Use Permit to construct an addition to the existing maintenance shop with the following stipulations:

1. **Prior to issuance of a Building Permit, an industrial pretreatment plan shall be submitted for review and approval;**
2. **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;**
3. **All plans submitted for a Building Permit shall be stamped by a licensed architect or professional engineer as per SDCL 36-18A;**
4. **A minimum of five off-street parking spaces shall be continually provided. In addition, a minimum of one "van" handicap accessible space shall be provided at all times. The parking shall be installed and striped as per the approved parking plan and all provisions of the Off-Street Parking Ordinance shall be continually met;**
5. **A minimum of 37,419 landscaping points shall be provided. 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;**
6. **All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorists;**
7. **All altered portions of the building shall be made handicap accessible;**
8. **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;
9. The proposed structure shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Conditional Use Permit. Modifications in the building elevations and design that are consistent with the approved elevations and structural development may be approved as a Minimal Amendment to the Conditional Use Permit;
 10. All provisions of the Park Forest Zoning District shall be continually met within the project boundary;
 11. All applicable provisions of the currently adopted International Fire Code shall be continually met. In addition, prior to issuance of a Building Permit, the applicant shall demonstrate that adequate fire flows are available to the proposed building, or the building shall be fire sprinkler protected.
 12. The Major Amendment to 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.

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.

17. No. 10VR007 - Scott's Addition
A request by Fisk Land Surveying & Consulting Engineers for Marilou Yarber to consider an application for a **Vacation of Right-of-Way** for a portion of the Van Buren Street Right-of-way lying adjacent to the S1/2 of Lot 8 and the S1/2 S1/2 of Lots 9-11 of Block 20, Scott's Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 902 Silver Street.

Planning Commission continued the Vacation of Right-of-Way to the January 27, 2011 Planning Commission meeting.

18. 10TP033 – 2011-2015 Transportation Improvement Program Amendment #11-001R

Planning Commission recommended approval of the 2011-2015 Transportation Improvement Program Amendment #11-001R.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Flaaen requested that Items 19 and 20 be considered concurrently.

19. No. 10PL093 - Springbrook Acres
A request by Renner & Associates, LLC for Susan Lykken to consider an application for a **Layout Plat** for proposed Lots 27R and 28R of Block 2 of Springbrook Acres, legally described as Lots 27 and 28 of Block 2 of Springbrook Acres, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2727 & 2735 Jenny Gulch Road.

20. No. 10SV026 - Springbrook Acres
A request by Renner & Associates, LLC for Susan Lykken to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and additional pavement and waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots 27R and 28R of Block 2 of Springbrook Acres, legally described as Lots 27 and 28 of Block 2 of Springbrook Acres, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2727 & 2735 Jenny Gulch Road.

Flaen presented the requests and reviewed the slides noting that the stipulations for Layout Plat approval have been met. Flaen reviewed staff's recommendations for the Subdivision Variance for approval in part with stipulations and for the denial of the requested variance for the installation of sidewalks. Flaen stated that if the Planning Commission determines it is appropriate to grant the requested variance for dry sewer, a waiver of right to protest future assessment for the improvement will be required as a stipulation of approval. Flaen indicated that the stipulations of approval for the Subdivision Variance require the submission of a revised plat document showing access and utility easements dedicated as public right-of-way. Flaen stated that the applicant would like to discuss the stipulations with the Planning Commission.

Susan Lykken requested that the requirement to install sidewalk be waived noting that there are currently no sidewalks in the subdivision. Lykken indicated that she would sign a waiver of right to protest future assessment for the sidewalk improvement. Lykken requested that the stipulation requiring the dedication of public right-of-way be removed as it would cause a hardship.

In response to a question from Braun, Elkins indicated that staff supports waiving the requirement to construct the right-of-way improvements at this time. Elkins clarified that if the private road is not dedicated as public right-of-way the City cannot order in the improvements in the future. Elkins indicated that sidewalks are required to be shown on the subdivision improvement plans with no requirement to construct the sidewalk until a new building permit is issued. Discussion followed.

In response to a question from Scull, Elkins indicated that segments of the private road system in the Springbrook Acres subdivision have been dedicated as public right-of-way as platting occurred noting that one half of the right-of-way adjacent to these two lots is required to be dedicated upon platting.

In response to a question from Scull, Lykken expressed concern that the dedication of right-of-way would decrease the value of the property as it comprises approximately one quarter acre of the lot. Lykken described the current location of the fence on the property noting that once the property is designated as public right-of-way she can be forced to move the fence.

In response to a question from Scull, Flaaen advised that the existing private access easement is 66 feet wide and the public right-of-way width of a collector street is 60 feet wide. Discussion followed.

In response to a question from Jarrett Culverhouse, Elkins described differences between utility improvements and the construction of public improvements that can occur in a private access easement versus a public right-of-way. Discussion followed.

Scull spoke in support of waiving the requirement to install the sidewalk at this time noting that he does not feel the dedication of a private access easement as public right-of-way will decrease the value of the property.

Scull moved and Marchand seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be approved; and, That the Variance to the Subdivision Regulations to waive the requirement to provide additional right-of way be approved with the following stipulation: 1. Prior to Planning Commission approval, the applicant shall submit a revised plat document dedicating the portion of the private access and utility easement on their property as public right-of-way.

Culverhouse noted that Lykken owns both properties and is paying the application fees to plat the property. Culverhouse indicated that the requirement to dedicate right-of-way as part of the plat at this time does not allow them to negotiate for the sale of the property for right-of-way in the future. Culverhouse expressed concern that the fence on the property would have to be moved if the property is designated as right-of-way noting that once relocated the fence will cross the drain field. Discussion followed.

Kinniburgh spoke against waiving the requirement to install sidewalk noting the need for safe pedestrian walkways outside of the street. Kinniburgh spoke in support of requiring dedication of right-of-way as part of the plat application.

Rolinger left the meeting at this time.

Lykken requested that the applications be continued. Discussion followed.

Christianson offered a substitute motion, seconded by Braun and carried unanimously to continue the Layout Plat (10PL093) and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and additional pavement and waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code (10SV026) to the January 27, 2011 Planning Commission meeting. (9 to 0 with Braun, Christianson, Kinniburgh,

Landguth, Marchand, Popp, Rippentrop, Scull and Wyss voting yes and none voting no)

21. No. 10SV027 - Mahoney Addition

A request by William Peterson and Don Jiracek to consider an application for a **Variance to the Subdivision Regulations to dedicate additional right-of-way along Doolittle Street as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot A and Lot 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 SW1/4 of 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 Doolittle Street and Wood Avenue.

Rolinger returned to the meeting at this time.

Fisher provided a brief review of action previously taken on a Preliminary Plat and Subdivision Variance application for this property. Fisher indicated that the dedication of right-of-way as stipulated as part of the Plat approval would create a reduced setback causing the property to be out of compliance with the Zoning Ordinance. Fisher stated that the applicant could either apply for a Zoning Variance or a Subdivision Variance to address the issue. Fisher described staff's efforts to draft an ordinance amendment to address the issue noting that the proposed ordinance was denied at City Council. Fisher indicated that the applicant subsequently elected to submit an application to waive the requirement to dedicate the additional right-of-way.

Fisher reviewed the slides noting staff's recommendation for denial of the requested Subdivision Variance.

In response to a question from Scull, Fisher stated that the existing right-of-way width is 50 feet noting that a 52 foot wide right of way is required.

Bill Peterson requested approval of the requested Subdivision Variance. Peterson indicated that the street, curb and gutter are already constructed noting that the dedication of right-of-way creates the non-compliance issue. Discussion followed.

Don Jiracek thanked staff for working to address the issue. Discussion followed.

Scull moved, Christianson seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Doolittle Street be approved. (10 to 0 with Braun, Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger, Scull and Wyss voting yes and none voting no)

22. Discussion Items

A. Second Floor Review Committee Recommendations

Jim Mirehouse provided a brief review of the purpose of the Second Floor

Review Committee to review the Lehe Report, identify areas where processes could be made more efficient and to reduce the number of applications appearing on the Planning Commission and Council agendas. Mirehouse identified the members of the Committee noting that they are reviewing the application processes in individual segments and have provided options to address the platting process.

Janelle Finck indicated that the Committee evaluated and prioritized the recommendations contained in the Lehe Report. Finck noted that the Committee determined that the platting process resulted in the most agenda items. Finck presented a summary of the options proposed to address the various types of plats currently reviewed.

Finck noted that staff was interviewed for input and recommendations along with representatives from the development community.

Wyss suggested that open meetings be held to give the consultant community and the public an opportunity to review and comment on the proposed changes. Discussion followed.

Scull suggested that a comparison showing the existing and proposed processes be prepared. Scull indicated that a process to appeal administrative decisions to the Planning Commission should be incorporated. Discussion followed.

In response to a question from Braun, Elkins reviewed the steps to begin the process of drafting language and standards for consideration by the Planning Commission and the public noting that the Second Floor Review Committee would like an opportunity to present the proposed changes to the City Council.

Mayor Hanks thanked the Second Floor Review Committee for all of their work on the process revisions. Mayor Hanks encouraged the Planning Commission to approve the concept for revisions to the platting process to allow the City Attorney's staff to begin drafting language and to evaluate how the proposed changes align with State statutes. Mayor Hanks added that proposals for other second floor process revisions will be coming forward for review in the future. Mayor Hanks stated that once the language is drafted there will be meetings for public input. Discussion followed.

Rolinger moved and Wyss seconded to direct staff to draft ordinance amendments and hold public input meetings addressing the Second Floor Review Committee recommendations for changes to the Platting Process.

Scull suggested that an additional column be added to the proposed platting process chart showing who is responsible for approval of each type of request.

Finck stated that there will be provisions in the administrative approval process allowing appeal to both Planning Commission and Council.

The motion unanimously carried to direct staff to draft ordinance amendments and hold public input meetings addressing the Second Floor Review Committee recommendations for changes to the Platting Process. (10 to 0 with Braun, Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger, Scull and Wyss voting yes and none voting no)

23. Staff Items

Elkins advised that Mike Schad is leaving the City Attorney's Office to work in the private sector. She thanked Schad for all of his work and support of the Growth Management Department. Discussion followed.

24. Planning Commission Items

In response to a question from Rolinger, Elkins discussed the regulations relied upon by staff for preparation of recommendations to the Zoning Board of Adjustments for granting variances. Elkins indicated that staff would review how the existing ordinances are structured to determine if changes may be appropriate. Discussion followed.

There being no further business, Rolinger moved, Braun seconded and unanimously carried to adjourn the meeting at 8:01 a.m. (10 to 0 with Braun, Christianson, Kinniburgh, Landguth, Marchand, Popp, Rippentrop, Rolinger, Scull and Wyss voting yes and none voting no)