

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 26, 2012

MEMBERS PRESENT: Sandra Beshara, Patrick Fink, Linda Marchand, Dennis Popp, Kay Rippentrop, Tim R. Rose, Andrew Scull, Josh Snyder and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: John Brewer, Steve Rolinger and Heather Knox.

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Tim Behlings, Ted Johnson and Risë Ficken.

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

Marchand 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.

Motion by Fink, seconded by Snyder and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 10 in accordance with the staff recommendations. (9 to 0 with Beshara, Fink, Marchand, Popp, Rippentrop, Rose, Scull, Snyder and Swank voting yes and none voting no)

Consent Calendar

The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar by any Planning Commissioner, staff member, or audience member, for separate consideration:

---CONSENT CALENDAR---

1. Planning Commission approved the July 5, 2012 Planning Commission Meeting Minutes.
2. No. 12PL028 - Century Subdivision
A request by Fisk Land Surveying & Consulting Engineers for Wayne A. Kummer and Gloria Steele, Personal Representative for the Estate of Robert M. Steele to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 1 and 2 of Century Subdivision, legally described as Lot A of Lot 1 of the NW1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 645 Century Road.

Planning Commission recommended approval of the Preliminary Subdivision Plan with the following stipulations:

1. **Upon submittal of a Development Engineering Plan application, construction plans for the existing 50 foot wide access and utility easement shall be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk and street light conduit or an Exception shall be obtained prior to**

- submittal of a Development Engineering Plan application;
2. Upon submittal of a Development Engineering Plan application, construction plans for Century Road shall be submitted for review and approval. In particular, the construction plans shall show the construction of curb and gutter along the east side of the street, sidewalk and street light conduit or an Exception shall be obtained prior to submittal of a Development Engineering Plan application;
3. Upon submittal of a Development Engineering Plan application, construction plans for E. North Street shall be submitted for review and approval showing the construction of sidewalk along the street as it abuts the property or an Exception shall be obtained prior to submittal of a Development Engineering Plan application;
4. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to provide access to adjacent Lot D. In addition, construction plans shall be submitted for review and approval showing the access secured within a minimum 70 foot wide easement or right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained prior to submittal of a Development Engineering Plan application;
5. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to ensure that the minimum required landscape points are located on both lots or a Variance shall be obtained to reduce the minimum required landscape points on proposed Lot 1;
6. Prior to submittal of a Development Engineering Plan application, the existing off-premise sign and/or off-premise message shall be removed or the applicant shall obtain approval of a conversion application from the City Council;
7. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to provide non-access easements in compliance with the Infrastructure Development Criteria Manual or an Exception shall be obtained;
8. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to provide a minimum 25 foot wide utility easement along the north lot line to the west boundary of proposed Lot 1 in order to allow future looping of the high level water pressure zone;
9. Upon submittal of a Development Engineering Plan application, water plans prepared by a Registered Professional Engineer showing existing and/or proposed water mains and service lines shall be submitted for review and approval or an Exception shall be obtained. In addition, the water plan shall demonstrate that adequate water capacity exists to provide domestic and fire flows. The plat document shall also be revised to show utility easements as needed;
10. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer showing existing and/or proposed sanitary sewer mains and service lines shall be submitted for review and approval or an Exception shall be obtained;

11. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria 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;
12. Upon submittal of a Development Engineering Plan application, a cost estimate shall be submitted for review and approval;
13. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;
14. Prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement shall be entered into with the City for all public improvements if applicable;
15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

3. No. 12PL029 - Elks Crossing

A request by Dream Design International, Inc. for SSST, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 16-19 of Block 5, and Lots 23-34 of Block 4, Fieldstone Drive right-of-way, and Saint Bury Court right-of-way of Elks Crossing, legally described as a portion of the SE1/4 of the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the north side of East Minnesota Street at the current southern terminus of Fieldstone Drive.

Planning Commission recommended approval of the Preliminary Subdivision Plan with the following stipulations:

1. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications, as applicable, shall be obtained. The redlined comments and/or copies of the approved Exceptions shall be submitted with the Development Engineering Plan application;
2. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;
3. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show Saint Bury Court with a

- minimum right-of-way width of 50 feet in lieu of 49 feet or an Exception shall be obtained;
4. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to provide non-access easements in compliance with the Infrastructure Development Criteria Manual or an Exception shall be obtained;
 5. Upon submittal of a Development Engineering Plan application, a written summary for the drainage report shall be submitted for review and approval;
 6. Upon submittal of a Development Engineering Plan application, a Design Report shall be submitted for review and approval demonstrating that the water service is adequate to meet estimated domestic flows and required fire flows. In addition, prior to submittal of a Final Plat application, the water main improvements along Marlin Drive and E. Minnesota Street through the Fieldstone Drive intersection shall be completed and accepted by the City to provide adequate fire flow to the proposed development;
 7. Upon submittal of a Development Engineering Plan application, information shall be submitted for review and approval confirming that the Jolly Lane Lift Station has capacity to serve the proposed development and if an agreement exists noting the maximum dwelling units the lift station can serve before additional upgrades are required. In addition, the sanitary sewer data shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity;
 8. Upon submittal of a Development Engineering Plan application, a final Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
 9. Upon submittal of a Development Engineering Plan application, a cost estimate shall be submitted for review and approval;
 10. Upon submittal of a Final Plat application, E. Minnesota Street shall be constructed and accepted through the Fieldstone Drive intersection to allow two points of access to the proposed development or surety shall be posted for the improvement or an Exception shall be obtained;
 11. Prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement shall be entered into with the City for all public improvements as applicable;
 12. Prior to submittal of a Final Plat application, all Infrastructure Development Partnership Fund payments shall be made and a copy of the receipt submitted with the application;
 13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

4. No. 12RZ013 - Section 14, T1N, R7E
A request by Fisk Land Surveying & Consulting Engineers for Cathy J. Koch Living Trust to consider an application for a **Rezoning from General Agriculture District to Park Forest District** for that portion of Lot 1 of Lot C of the NW1/4 of Section 14, T1N, R7E lying north of Thompson Tower Subdivision, less right-of-way, less Lots A and B, and less Lot 1 of Thompson Tower Subdivision all located in BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3500 Tower Road.

Planning Commission recommended approval of the Rezoning from General Agriculture District to Park Forest District.

5. No. 12PL031 - Menard Subdivision
A request by Sperlich Consulting, Inc. for Century Resources, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 8 of Block 1 of Menard Subdivision and dedicated East Anamosa Street right-of-way, legally described as a portion of the NE1/4 of the SW1/4 of Section 32 and a portion of the NW1/4 of the SE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current southern terminus of East Anamosa Street.

Planning Commission recommended approval of the Preliminary Subdivision Plan with stipulations:

1. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications, as applicable, shall be obtained. The redlined comments and/or copies of the approved Exceptions shall be submitted with the Development Engineering Plan application;
2. Prior to submittal of a Development Engineering Plan application, the proposed 8 inch sanitary sewer main and manhole located at the southern terminus of E. Anamosa Street shall be secured with a sanitary sewer easement or the plat document shall be revised extending E. Anamosa Street right-of-way to include this area;
3. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;
4. Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to show bike lanes along E. Anamosa Street in compliance with the Bicycle and Pedestrian Master Plan or an Exception shall be obtained;
5. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval. In addition, an

Erosion and Sediment Control Permit shall be obtained prior to any construction;

- 6. Upon submittal of a Development Engineering Plan application, a cost estimate shall be submitted for review and approval;**
- 7. Prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement shall be entered into with the City for all public improvements if applicable;**
- 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
- 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

6. No. 12PL032 - Menard Subdivision

A request by Sperlich Consulting, Inc. for Century Resources, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 2R and Lot 3 of Block 2 of Menard Subdivision, legally described as Lot 2 of Block 2 of Menard Subdivision, and a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of East North Street and East Anamosa Street.

Planning Commission recommended approval of the Preliminary Subdivision Plan with the following stipulations:

- 1. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications, as applicable, shall be obtained. The redlined comments and/or copies of the approved Exceptions shall be submitted with the Development Engineering Plan application;**
- 2. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;**
- 3. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show North Creek Drive with a minimum right-of-way width of 100 feet in lieu of 80 feet or an Exception shall be obtained;**
- 4. Prior to submittal of a Development Engineering Plan application, construction plans shall be submitted showing the construction of sewer and sidewalk along E. North Street or an Exception shall be obtained;**
- 5. Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to show a side path along E. North Street in compliance with the Bicycle and Pedestrian Master Plan or an Exception shall be obtained;**
- 6. Upon submittal of a Development Engineering Plan application,**

revised water distribution calculations shall be submitted for review and approval which include only existing and proposed water infrastructure in the model to confirm that adequate domestic and fire flow is available;

7. Upon submittal of a Development Engineering Plan application, an updated report of Hydrologic and Hydraulic Calculations shall be submitted for review and approval;
8. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
9. Upon submittal of a Development Engineering Plan application, a geotechnical report for the proposed public improvements, including pavement design and soil corrosive potential, shall be submitted for review and approval;
10. Upon submittal of a Development Engineering Plan application, a cost estimate shall be submitted for review and approval;
11. Prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement shall be entered into with the City for all public improvements if applicable;
12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

7. No. 12AN003 - Sections 20 and 21, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** for the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 lying north of railroad right-of-way located in Section 20, T1N, R8E, and the W1/2 of the W1/2 of the SW1/4 less railroad right-of-way and less Old Folsom Road right-of-way located in Section 21, T1N, R8E, all located in BHM, Pennington County, South Dakota, more generally described as being located north of Old Folsom road and south of Elk Vale Road.

Planning Commission recommended approval of the Petition for Annexation contingent upon any payment due to the Rapid Valley Fire Protection District being made by the City of Rapid City.

8. No. 12RZ014 - Sections 20 and 21, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Light Industrial District** for the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 lying north of railroad right-of-way located in Section 20, T1N, R8E, and the W1/2 of the W1/2 of the SW1/4 less railroad right-of-way and less Old Folsom Road right-of-way located in Section 21, T1N, R8E, all located in BHM, Pennington County, South Dakota, more generally described as being located north of Old Folsom road and south of Elk Vale Road.

Planning Commission recommended approval of the Rezoning from No Use District to Light Industrial District contingent upon the annexation of the property by the City of Rapid City.

9. No. 12CA004 - Sections 20 and 21, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Comprehensive Plan to revise the Major Street Plan** for the SE1/4 of the NE1/4 and the E1/2 of the SE1/4 lying north of railroad right-of-way located in Section 20, T1N, R8E, and the NW1/4 less the N1/2 of the N1/2 of the NE1/4 of the NW1/4 and the W1/2 NE1/4 less the N1/2 of the N1/2 of the NW1/4 NE1/4 located in Section 21, T1N, R8E, and the W1/2 of the SW1/4 less railroad right-of-way and less Old Folsom Road right-of-way located in Section 21, T1N, R8E, all located in BHM, Pennington County, South Dakota, more generally described as being located north of Old Folsom road and south of Elk Vale Road.

Planning Commission recommended approval of the Amendment to the Comprehensive Plan to revise the Major Street Plan by realigning two proposed minor arterial streets and one proposed collector street.

10. No. 12CA003 - Rushmore Center

Summary of Adoption Action on a request by Renner & Associates, LLC for HDRK Properties, LLC for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to Commercial** for vacated Lots 22-28 of Block 11 of Plain View 2nd Addition to the City of Rapid City, and Vacated Alley Adjacent to Lots 22-28 of Block 11 of Plainview 2nd Addition to the City of Rapid City located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County South Dakota, more fully described as follows: Commencing at the southeasterly corner of Tract C of Rushmore Center, and the point of beginning; Thence, first course: N00°04'53"E, along the easterly boundary of said Tract C, a distance of 140.32 feet; Thence, second course: N00°08'40"E, along the easterly boundary of said Tract C, a distance of 20.00 feet; Thence, third course: S89°52'39"E, along the easterly boundary of said Tract C, a distance of 179.64 feet; Thence, fourth course: S00°04'10"W, a distance of 19.95 feet; Thence, fifth course: S00°01'07"W, a distance of 140.13 feet; Thence, sixth course: N89°57'35"W, a distance of 54.85 feet; Thence, seventh course: N89°56'53"W, a distance of 124.97 feet to the said point of beginning, more generally described as being located on the north side of East Anamosa Street east of the intersection of East Anamosa Street and Luna Avenue.

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

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*11. No. 12PD023 - Section 29, T2N, R7E

A request by Koch Hazard Architects to consider an application for a **Final**

Development Plan for an unplatted parcel of land located in the SE1/4 SW1/4 and the SW1/4 SE1/4 and the NE1/4 SE1/4 and the NW1/4 SE1/4 and the SW1/4 NE1/4 and less Lot A of the W1/2 SE1/4 all located in Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 (Sturgis Road) and south of St. Martins Drive.

Lacock presented the request and reviewed the slides. Lacock advised that staff recommends approval of the Final Development Plan with stipulations.

Fink moved, Snyder seconded and unanimously carried to approve the Final Planned Development Overlay with the following stipulations:

1. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **Prior to issuance of a building permit, a revised parking plan shall be submitted for review and approval showing that the 51 underground parking spaces are in compliance with the Building Code and Fire Code. A minimum of 67 parking spaces shall be provided. In addition, three of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;**
3. **Prior to issuance of a building permit, a Floodplain Development Permit shall be obtained for any work located within the floodplain;**
4. **Prior to issuance of a building permit, the applicant shall submit plans showing property line sidewalk along St. Martins Drive and City Springs Road or obtain a variance from Chapter 12.08.060 of the Rapid City Municipal Code;**
5. **Prior to issuance of a building permit, the applicant shall demonstrate adequate pipe sizing for the local stormwater collection system;**
6. **Prior to issuance of a building permit, the applicant shall submit water and sewer design reports in accordance with the Infrastructure Design Criteria Manual for review and approval;**
7. **Prior to issuance of a building permit, the applicant shall address redline comments and return the plans to the Community Planning and Development Services Department;**
8. **Upon submittal of a building permit, the plans shall be revised to show one manhole in an easement or obtain an Exception from Chapter 3.5.2.3 of the Infrastructure Design Criteria Manual;**
9. **Upon submittal of a building permit, the applicant shall delineate the service area for the sanitary sewer stubbed to St. Martins Drive and demonstrate that maximizing sewer depth will not significantly increase the future service area;**
10. **Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
11. **Prior to issuance of a Certificate of Occupancy for Phase II, temporary or permanent site stabilization shall be achieved;**
12. **Prior to obtaining a Certificate of Occupancy for Phase II, all public infrastructure shall be accepted by the City;**
13. **Prior to issuance of a Certificate of Occupancy for Phase II, the**

- applicant shall enter into a Right-of-Entry Agreement to allow the City access to the water service valves located on private property;
14. Prior to City acceptance of infrastructure, a 30 foot public sewer and water easement shall be dedicated;
 15. Prior to City acceptance of the regional stormwater infrastructure located on the property, the revised floodplain boundary shall be accepted by Federal Emergency Management Agency;
 16. Prior to issuance of a sign permit, a revised sign package shall be submitted identifying the location of the proposed signage in relation to the property lines. All signage shall continually conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Final Planned Development Overlay. Changes to the proposed sign package, which the Community Planning and Development Services Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Final Planned Development Overlay. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Final Planned Development Overlay. 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;
 17. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
 18. A minimum of 399,802 landscaping points shall be provided. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 19. All applicable provisions of the adopted International Fire Code shall continually be met;
 20. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;
 21. 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 motorist or constitute a nuisance of any kind; and,
 22. The Final Planned Development Overlay shall allow the construction of 42 apartments, 32 assisted living units and a free-standing garage and bicycle storage facility. Any change in use that is a permitted use in the Medium Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Planned Development Overlay. (9 to 0 with Beshara, Fink, Marchand, Popp, Rippentrop, Rose, Scull, Snyder and Swank 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 Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

Fisher requested that Items 12 and 13 be considered concurrently.

*12. No. 12PD024 - Copperhill Ridge Subdivision

A request by Davis Engineering, Inc. for Chapel Lane Water Company, Inc. to consider an application for an **Initial Development Plan** for Lot A of Copperhill Ridge Subdivision located in the SE1/4 of the SW1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current western terminus of Copperhill Drive.

13. No. 12PL033 - Copperhill Ridge Subdivision

A request by Davis Engineering, Inc. for Chapel Lane Water Company, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lot 1 of Lot A and Lot 2 of Lot A of Copperhill Ridge Subdivision, legally described as Lot A of Copperhill Ridge Subdivision located in the SE1/4 of the SW1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current western terminus of Copperhill Drive.

Fisher presented the requests and reviewed the slides. Fisher provided a brief review of similar requests that were denied by the City Council in 2000. Fisher identified the various committees that were formed since that time in an effort to address concerns with infrastructure and life-safety issues in the Chapel Valley neighborhood. Fisher addressed the staff's support of the exceptions requested noting that the applicant will be required to bring forward plans to build an all weather service road to provide access to the proposed water reservoir.

Ron Davis stated their agreement with staff's recommendations and clarified that the existing access easement is paved. Davis displayed a chart outlining the improvement to the existing fire flows anticipated to be realized after the installation of the water reservoir.

Richard Hanson, President of Chapel Lane Water Company, advised that preliminary elevation work indicated that the reservoir elevation will be below the tree tops and ridge line noting that the structure will be painted to blend with the trees.

Davis presented a petition signed by approximately 100 neighborhood residents indicating support for the construction of the water reservoir.

Dean Nelson, 3540 Red Rock Canyon Road, advised that the proposed 50 foot tall water reservoir will be located immediately adjacent to his property. Nelson expressed concern the proposed tower will be visible from inside his home and from the deck of his home. Nelson advised that he has never been permitted to use Chapel Valley Water and the proposed reservoir will be of no benefit to him.

Nelson expressed concern that the location was selected as it was the least expensive option and he expressed concern that the proposed subdivision of property does meet existing minimum code requirements.

Bruce Blankley, 3413 Idlewild Court, advised that he lives in a group of townhouses located immediately below the location proposed for the construction of the water reservoir. Blankley stated his support for the new reservoir noting the potential for a fire incident in Chapel Valley similar to the recent Colorado Springs fire. Blankley expressed concern that there is currently insufficient water pressure in the area noting that improving that pressure may help firefighters save homes.

Brent Moline, 3520 Red Rock Canyon Road, advised that his property is located directly to the south of the lot where the water reservoir is proposed to be constructed. Moline stated that he shares a well with the existing residence on that property. Moline expressed concern regarding how the proposed water reservoir will look and suggested that an artist's rendering identifying the elevation of the proposed tower would be helpful. Moline added that consideration must be given concerning the removal of trees in association with implementation of the fire mitigation plan. Moline stated that trees can help to visually buffer the reservoir from neighboring properties.

Marchand advised that the Planning Commission has received two emails in support of the proposed reservoir.

In response to a question from Scull, Davis indicated that the proposed reservoir will hold approximately 165-170,000 gallons of water.

In response to a question from Scull, Davis advised that the Loftus property is not an option as it does not match the base elevation of the existing reservoir.

In response to a question from Scull, Davis indicated that the applicant would be willing to consider a lower profile, larger diameter reservoir. Davis stated that they are willing to consider input from the neighborhood concerning the design of the proposed structure.

In response to a question from Scull, Davis stated that the Chapel Valley Water Association will fund the water reservoir construction.

In response to a question from Scull, Bob Powles stated that in the 1980's an inter-tie was made between Chapel Lane water and a City water line that provided an alternate source of water. Powles indicated that the well has been improved since that time and no City water has been used for a number of years. In response to a question from Scull, Powles stated that significant improvements to the City water infrastructure in this area would be required in order to accommodate the needs of the Chapel Valley neighborhood.

Discussion followed concerning the elevation of existing homes in the immediate area of the proposed reservoir, the anticipated elevation of the proposed reservoir and the potential to design the reservoir in a manner so that it will be

less obtrusive to existing residential properties in the area.

Scull stated that before Final Planned Development approval the applicant should work with the neighborhood on the design of proposed water reservoir and look into whether there may be a more suitable location.

Scull moved and Popp seconded to approve the Initial Planned Development Overlay (12PD024) with the following stipulations:

- 1. An exception is hereby granted to allow proposed Lot 1 of Lot A to abut an access easement in lieu of a public street for a minimum distance of 25 feet as per Chapter 17.10.050(E) of the Rapid City Municipal Code;**
- 2. An exception is hereby granted to allow a 16,462 square foot lot in lieu of the required minimum lot size requirement of 20,000 square feet for a lot with a private well as per Chapter 17.10.050(F)b of the Rapid City Municipal Code;**
- 3. Prior to submittal of a Final Planned Development Overlay, an Exception shall be obtained to allow more than 40 dwelling units with one point of access or a second point of access shall be provided in compliance with the Infrastructure Design Criteria Manual;**
- 4. Upon submittal of a Final Planned Development Overlay, that portion of the existing driveway serving as access to proposed Lot 1 of Lot A which is located on adjacent "Lot B" shall be secured within an easement or an alternate access shall be provided to Lot 1 of Lot A in compliance with the Infrastructure Design Criteria Manual;**
- 5. Upon submittal of a Final Planned Development Overlay, a revised site plan shall be submitted showing a minimum 12 foot wide all-weather surfaced driveway on proposed Lot 2 of Lot A;**
- 6. Upon to submittal of a Final Planned Development Overlay, an approved Fuel Mitigations Plan shall be submitted with the application. Prior to issuance of a building permit, the Fuel Mitigation Plan shall be approved and implemented. All applicable provisions of the adopted International Fire Code shall continually be met;**
- 7. Upon submittal of a Final Planned Development Overlay, a revised site plan shall be submitted showing that the proposed water reservoir is not located within any required setbacks or the applicant shall obtain an exception to reduce the setback requirements;**
- 8. Upon submittal of a Final Planned Development Overlay, a landscaping plan for the proposed utility lot shall be submitted for review and approval. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 9. Upon submittal of a Final Planned Development Overlay, a sign package shall be submitted for review and approval, if applicable;**
- 10. Upon submittal of a Final Planned Development Overlay, a revised site plan shall be submitted to show the location of the existing well serving proposed Lot 1 of Lot A. In addition, the well and service line, as applicable, shall be secured within an easement;**
- 11. Upon submittal of a Final Planned Development Overlay, a site plan**

shall be submitted identifying the drainage path for overflow from the proposed reservoir;

12. Upon submittal of a Final Planned Development Overlay, a site plan shall be submitted identifying the location of the proposed light fixture on proposed Lot 2 of Lot A. 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 motorist or constitute a nuisance of any kind;
13. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
14. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
15. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
16. A minimum of two parking spaces shall be provided. In addition, one of the parking spaces shall be handicap "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
17. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Final Planned Development Overlay;
18. The Initial Planned Development Overlay shall allow a water reservoir and an existing single family structure. Amendments shall be allowed in conformance with Chapter 17.50.070 of the Rapid City Municipal Code; and,
19. Prior to submittal of a Final Planned Development Overlay application, the applicant shall meet with the neighborhood to discuss the design of the proposed water reservoir; and,

To recommend approval of the Preliminary Subdivision Plan (12PL033) with the following stipulations:

1. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;
2. Upon submittal of a Development Engineering Plan application, construction plans the existing 40 foot wide access easement shall be submitted for review and approval showing the easement with a minimum width of 50 feet and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained prior to submittal of a Development Engineering Plan application;
3. Upon submittal of a Development Engineering Plan application, that portion of the existing driveway serving as access to proposed Lot 1 of Lot A which is located on adjacent "Lot B" shall be secured within an access easement or the plat document shall be revised to provide

- an alternate access to proposed Lot 1 of Lot A. The access shall be secured within a minimum 50 foot wide easement and/or right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained prior to submittal of a Development Engineering Plan application;
4. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway shall be submitted for review and approval showing the street located within a minimum 52 foot wide dedicated right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained prior to submittal of a Development Engineering Plan application;
 5. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to provide non-access easements in compliance with the Infrastructure Development Criteria Manual or an Exception shall be obtained;
 6. Prior to submittal of a Development Engineering Plan application, the applicant's site plan shall be revised to show the location of the existing well serving proposed Lot 1 of Lot A. In addition, the plat document shall be revised to secure the well and service lines, as applicable, within a utility easement;
 7. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show Lot 1 of Lot A with a minimum lot size of 20,000 square feet or an Exception shall be obtained to reduce the minimum lot size from 20,000 square feet to 16,462 square feet for a lot with a private well;
 8. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow more than 40 dwelling units with one point of access or a second point of access shall be provided in compliance with the Infrastructure Design Criteria Manual;
 9. Upon submittal of a Development Engineering Plan application, water plans prepared by a Registered Professional Engineer showing existing and/or proposed water mains and service lines shall be submitted for review and approval or an Exception shall be obtained. In addition, the water plan shall demonstrate that adequate water capacity exists to provide domestic and fire flows. The plat document shall also be revised to show utility easements as needed;
 10. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer showing existing and/or proposed sanitary sewer mains and service lines shall be submitted for review and approval or an Exception 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. In addition, the applicant's site plan shall be revised to show the location of the existing and/or proposed on-site wastewater system(s);
 11. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted

Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;

- 12. Upon submittal of a Development Engineering Plan application, a Fuels Mitigation Plan shall be submitted for review and approval. In addition, prior to submittal of a Final Plat application, the Fuels Mitigation Plan shall be implemented;**
- 13. Upon submittal of a Development Engineering Plan application, a cost estimate shall be submitted for review and approval;**
- 14. Prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement shall be entered into with the City for all public improvements if applicable;**
- 15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
- 16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

In response to a question from Swank, Behlings stated that the Fire Department feels that improvements for access, water flows and fuel mitigation within the Chapel Valley area are a high priority.

Marchand identified a letter of opposition to the proposed project that was received by the Planning Commission.

The motion unanimously carried to approve the Initial Planned Development Overlay (12PD024) with the following stipulations:

- 1. An exception is hereby granted to allow proposed Lot 1 of Lot A to abut an access easement in lieu of a public street for a minimum distance of 25 feet as per Chapter 17.10.050(E) of the Rapid City Municipal Code;**
- 2. An exception is hereby granted to allow a 16,462 square foot lot in lieu of the required minimum lot size requirement of 20,000 square feet for a lot with a private well as per Chapter 17.10.050(F)b of the Rapid City Municipal Code;**
- 3. Prior to submittal of a Final Planned Development Overlay, an Exception shall be obtained to allow more than 40 dwelling units with one point of access or a second point of access shall be provided in compliance with the Infrastructure Design Criteria Manual;**
- 4. Upon submittal of a Final Planned Development Overlay, that portion of the existing driveway serving as access to proposed Lot 1 of Lot A which is located on adjacent "Lot B" shall be secured within an easement or an alternate access shall be provided to Lot 1 of Lot A in compliance with the Infrastructure Design Criteria Manual;**
- 5. Upon submittal of a Final Planned Development Overlay, a revised site plan shall be submitted showing a minimum 12 foot wide all-weather surfaced driveway on proposed Lot 2 of Lot A;**
- 6. Upon to submittal of a Final Planned Development Overlay, an approved Fuel Mitigations Plan shall be submitted with the**

- application. Prior to issuance of a building permit, the Fuel Mitigation Plan shall be approved and implemented. All applicable provisions of the adopted International Fire Code shall continually be met;
7. Upon submittal of a Final Planned Development Overlay, a revised site plan shall be submitted showing that the proposed water reservoir is not located within any required setbacks or the applicant shall obtain an exception to reduce the setback requirements;
 8. Upon submittal of a Final Planned Development Overlay, a landscaping plan for the proposed utility lot shall be submitted for review and approval. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code, shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 9. Upon submittal of a Final Planned Development Overlay, a sign package shall be submitted for review and approval, if applicable;
 10. Upon submittal of a Final Planned Development Overlay, a revised site plan shall be submitted to show the location of the existing well serving proposed Lot 1 of Lot A. In addition, the well and service line, as applicable, shall be secured within an easement;
 11. Upon submittal of a Final Planned Development Overlay, a site plan shall be submitted identifying the drainage path for overflow from the proposed reservoir;
 12. Upon submittal of a Final Planned Development Overlay, a site plan shall be submitted identifying the location of the proposed light fixture on proposed Lot 2 of Lot A. 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 motorist or constitute a nuisance of any kind;
 13. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 14. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;
 15. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
 16. A minimum of two parking spaces shall be provided. In addition, one of the parking spaces shall be handicap "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
 17. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial Planned Development Overlay or a subsequent Final Planned Development Overlay;
 18. The Initial Planned Development Overlay shall allow a water reservoir and an existing single family structure. Amendments shall be allowed in conformance with Chapter 17.50.070 of the Rapid City Municipal Code; and,
 19. Prior to submittal of a Final Planned Development Overlay application, the applicant shall meet with the neighborhood to discuss the design of the proposed water reservoir; and,

To recommend approval of the Preliminary Subdivision Plan (12PL033) with the following stipulations:

- 1. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans the existing 40 foot wide access easement shall be submitted for review and approval showing the easement with a minimum width of 50 feet and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained prior to submittal of a Development Engineering Plan application;**
- 3. Upon submittal of a Development Engineering Plan application, that portion of the existing driveway serving as access to proposed Lot 1 of Lot A which is located on adjacent "Lot B" shall be secured within an access easement or the plat document shall be revised to provide an alternate access to proposed Lot 1 of Lot A. The access shall be secured within a minimum 50 foot wide easement and/or right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained prior to submittal of a Development Engineering Plan application;**
- 4. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway shall be submitted for review and approval showing the street located within a minimum 52 foot wide dedicated right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained prior to submittal of a Development Engineering Plan application;**
- 5. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to provide non-access easements in compliance with the Infrastructure Development Criteria Manual or an Exception shall be obtained;**
- 6. Prior to submittal of a Development Engineering Plan application, the applicant's site plan shall be revised to show the location of the existing well serving proposed Lot 1 of Lot A. In addition, the plat document shall be revised to secure the well and service lines, as applicable, within a utility easement;**
- 7. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show Lot 1 of Lot A with a minimum lot size of 20,000 square feet or an Exception shall be obtained to reduce the minimum lot size from 20,000 square feet to 16,462 square feet for a lot with a private well;**
- 8. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow more than 40 dwelling units with one point of access or a second point of access shall be provided in**

- compliance with the Infrastructure Design Criteria Manual;
9. Upon submittal of a Development Engineering Plan application, water plans prepared by a Registered Professional Engineer showing existing and/or proposed water mains and service lines shall be submitted for review and approval or an Exception shall be obtained. In addition, the water plan shall demonstrate that adequate water capacity exists to provide domestic and fire flows. The plat document shall also be revised to show utility easements as needed;
10. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer showing existing and/or proposed sanitary sewer mains and service lines shall be submitted for review and approval or an Exception 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. In addition, the applicant's site plan shall be revised to show the location of the existing and/or proposed on-site wastewater system(s);
11. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
12. Upon submittal of a Development Engineering Plan application, a Fuels Mitigation Plan shall be submitted for review and approval. In addition, prior to submittal of a Final Plat application, the Fuels Mitigation Plan shall be implemented;
13. Upon submittal of a Development Engineering Plan application, a cost estimate shall be submitted for review and approval;
14. Prior to submittal of a Final Plat application or prior to commencing construction, whichever occurs first, a Development Agreement shall be entered into with the City for all public improvements if applicable;
15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (9 to 0 with Beshara, Fink, Marchand, Popp, Rippentrop, Rose, Scull, Snyder and Swank voting yes and none voting no)

The Rapid City Planning Commission's action on 12PD024 is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

- *14. No. 12PD025 - Gateway Business Park Subdivision
A request by Dream Design International, Inc. to consider an application for a **Final Development Plan to allow an On-Sale Liquor Establishment** for Lot 3

of Block 1 of Gateway Business Park Subdivision located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Mall Drive and west of Outfitter Road.

Laroco presented the request and reviewed the slides. Laroco stated staff's recommendation for approval of the Final Development Plan with stipulations.

Swank moved, Rose seconded and unanimously carried to approve that the Final Development Plan to allow an On-Sale Liquor Establishment with the following stipulations:

- 1. A Building Permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a Building Permit, an Air Quality Construction Permit shall be obtained prior to any disturbance of earth greater than one acre;**
- 3. Prior to issuance of a Building Permit, all redline comments shall be addressed and all comments shall be returned to Community Planning and Development Services;**
- 4. Prior to issuance of a Building Permit, final construction plans signed and stamped by a professional engineer shall be submitted for review and approval;**
- 5. Prior to issuance of a Building Permit, plans signed and stamped by a professional engineer shall be submitted for review and approval for any retaining wall over 4 feet tall;**
- 6. Prior to issuance of a Building Permit, the applicant shall submit a drainage report signed and stamped by a professional engineer, illustrating that the regional detention facility was designed assuming the impervious percentage for the site and verifying that no quantity control of stormwater is necessary. In addition, the report shall show sizing calculations to verify that the water quality manhole will treat the first 0.5 inches of rainfall;**
- 7. Prior to issuance of a Building Permit, a lighting plan shall be submitted to Community Planning and Development Services for review and approval. All lighting shall be reflected within the property boundaries so as to not shine on adjoining properties and rights-of-way and not to be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 8. Prior to issuance of a Building Permit, revised plans shall be submitted showing that the storm sewer has been removed or relocated outside of the City's utility easement;**
- 9. Prior to issuance of a Building Permit, detail plans for tapping the large diameter sanitary sewer shall be provided;**
- 10. A minimum of 166 parking spaces with 6 of the spaces being handicap accessible shall be provided. One of the handicap spaces shall be "van" handicap accessible;**
- 11. A minimum of 87,610 landscaping points shall be provided and installed to comply with the July 17, 2012 landscaping plan. All landscaping shall be maintained in a live, vegetative state and replaced as required in compliance with the City's adopted Landscape Ordinance;**

12. Prior to issuance of a Sign Permit, revised plans shall be submitted showing that the ground sign is located a minimum of ten feet from all property lines. In addition, the applicant shall provide stamped engineered plans for all ground signs. All signage shall comply with Chapter 15.28 of the Rapid City Municipal Code. Any changes to the original sign package which the Director of Community Planning and Development Services determines is consistent with the original approved sign package shall be allowed as a Minimal Amendment to the Planned Development. No electronic signage is being approved as a part of this Planned Development. The addition of electronic signage shall require a Major Amendment to the Planned Commercial Development. A sign permit is required for each sign;
13. Prior to issuance of a Building Permit, revised plans shall be submitted showing an on-site fire hydrant located on the west island located on the south side of the building. In addition, prior to a Certificate of Occupancy, remote address signage near the access point off Outfitter Road shall be provided. Address numbers shall be a minimum of 12 inches high and in contrasting colors. All applicable provisions of the currently adopted International Fire Code shall be continually met;
14. Prior to a Certificate of Occupancy, the private access road shall be constructed according to the plans submitted and approved by the Public Works Department;
15. Prior to issuance of a Certificate of Occupancy, access to the water shut-off valve shall be secured through either a dedicated easement or a blanket ingress/egress easement;
16. The on-sale alcohol use on the property shall comply with the hours/days/holiday restrictions that apply for the type of license secured;
17. All other provisions of the General Commercial District shall be met unless specifically authorized as a stipulation of the original Planned Commercial Development or a subsequent Major Amendment to the Planned Development;
18. This Planned Development shall allow for the construction of an on-sale alcohol establishment in conjunction with a full service restaurant. Uses permitted in the General Commercial District shall be permitted. Conditional Uses in the General Commercial District shall be permitted as a Major Amendment to the Planned Development. (9 to 0 with Beshara, Fink, Marchand, Popp, Rippentrop, Rose, Scull, Snyder and Swank 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 Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

- *15. No. 12PD026 - Settlers Creek Townhomes
A request by Rushmore Properties, LLC to consider an application for a **Major Amendment to a Development Plan** for Lots 1-6 and Lots 10-27 of Block 1 and

Lots 1-7, Lot 13, Lot 14, and Lots 18-23 of Block 2 all of Settlers Creek Townhomes located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the north and south sides of Settlers Creek Place.

Laroco presented the request and reviewed the staff report and slides noting that the requested setback reductions as proposed will require the structures to be fire sprinklered. Laroco stated that staff recommends approval of the Major Amendment to a Development Plan with stipulations.

Behlings explained that the separation of structures is key to reducing the spread of fire from structure to structure. Behlings advised that the existing setback requirements are 8 feet for single story structures and 12 feet for two story structures. Behlings advised that the installation of residential fire sprinkler systems can help to off-set fire concerns created by a reduction in setbacks.

Scull moved and Fink seconded to approve the Major Amendment to a Development Plan with the following stipulations:

- 1. Prior to issuance of a Building Permit, the lots shall be platted to reflect the lot lines shown on the submitted Master Plan;**
- 2. Prior to issuance of a Building Permit, the applicant shall coordinate with the Rapid City Fire Department to ensure all requirements of the International Fire Code are continually maintained;**
- 3. Prior to issuance of a Building Permit, existing utility services that will not be used shall be abandoned at the main, or the Exception to waive the requirement to abandon the services at the main shall be appealed to the City Council and obtained at that level;**
- 4. Prior to a Certificate of Occupancy for each residential dwelling, existing curb cuts shall be adjusted to accommodate lot line adjustments as needed;**
- 5. A Building Permit shall be required prior to any construction. A Certificate of Occupancy shall be required prior to occupancy;**
- 6. The Exception to reduce the side yard setback on Lot 13 from 8 feet to 4 feet is hereby granted contingent upon the installation of an approved fire sprinkler system in each primary structure. The Exception to reduce the side yard setback from 8 feet to 7 feet on the west side of proposed lot 18R and the east side of proposed Lot 20R is hereby granted contingent upon the installation of an approved fire sprinkler system in each primary structure;**
- 7. The Exception to reduce the rear yard setback from 25 feet to 16.5 feet on all lots is hereby granted;**
- 8. The Exception to allow a deck to encroach 8.5 in lieu of the maximum allowable 19 feet in the rear yard of all lots south of Settler's Creek Place is hereby granted;**
- 9. This Major Amendment to the Planned Development shall allow single-family residences and two unit attached townhomes as approved uses in the Planned Development. Any other uses shall require a Major Amendment to the Planned Development; and,**
- 10. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major**

Amendment to the Planned Development or a subsequent Major Amendment. (9 to 0 with Beshara, Fink, Marchand, Popp, Rippentrop, Rose, Scull, Snyder and Swank 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 Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

16. Discussion Items
None.
17. Staff Items
None.
18. Planning Commission Items
None.
19. Committee Reports
None.

There being no further business, Snyder moved, Fink seconded and unanimously carried to adjourn the meeting at 7:52 a.m. (9 to 0 with Beshara, Fink, Marchand, Popp, Rippentrop, Rose, Scull, Snyder and Swank voting yes and none voting no)