

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 20, 2013

MEMBERS PRESENT: Carlos Beatty Jr., Erik Braun, John Brewer, Linda Marchand, Dennis Popp, Cody Raterman, Kay Rippentrop, Tim R. Rose, and Jan Swank. John Roberts, Council Liaison was also present.

MEMBERS ABSENT: Sandra Beshera, Steve Rolinger, Andrew Scull,

STAFF PRESENT: Brett Limbaugh, Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

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

Brewer reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

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

Motion by Rose seconded by Popp and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations with the exception of Item 3. (8 to 0 with Beatty, Brewer, Marchand, Popp, Raterman, Rippentrop, Rose and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the June 6, 2013 Planning Commission Meeting Minutes.
2. No. 13PL048 - Red Rock Meadows Subdivision
A request by Renner and Associates, LLC for DKEA, LLC to consider an application for a **Preliminary Subdivision Plan** for Drainage Lot 1, Lots 1 thru 8 of Block 14 of Red Rock Meadows Subdivision, a portion of the NW1/4 of the NW1/4 of Section 28, located in the NW1/4 of the NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, South Dakota, more generally described as being located east of the current northern terminus of Dunsmore Road.

Planning Commission recommended that the Preliminary Subdivision Plan be approved 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. 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, water system analysis, calculations and design reports in accordance with the Infrastructure Design Criteria Manual shall be submitted for review and approval;
 3. Upon submittal of a Development Engineering Plan application, wastewater system analysis, calculations and design reports in accordance with the Infrastructure Design Criteria Manual shall be submitted for review and approval;
 4. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 5. Upon submittal of a Development Engineering Plan application, geotechnical analysis and pavement design shall be submitted for review and approval or the minimum required pavement section as per the Infrastructure Design Criteria Manual shall be provided;
 6. 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;
 7. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with Chapter 6 of the Infrastructure Design Criteria Manual Storm Water Drainage and Storm Water Quality Manual Post-Construction water quality requirements shall be submitted for review and approval;
 8. Upon submittal of a Development Engineering Plan application, agreements securing maintenance and ownership of the Drainage Lot shall be submitted for review and approval. Prior to submittal of a Final Plat application, the approved agreement shall be recorded at the Register of Deed's Office and a copy of the recorded agreement shall be submitted with the Final Plat application;
 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
 10. Prior to submittal of a Final Plat application, street names for the proposed north-south interior street and the proposed utility and access easement shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the Final Plat document shall show the approved street names;
 11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,

12. Prior to City's acceptance for the public improvements for this phase of development, all other phases of Red Rock Meadows shall be accepted. In addition, warranty surety shall be submitted for review and approval.

4. No. 13RZ012 - Wesleyan Christian Center

A request by Wind River LLC and Rojas Trimming to consider an application for a **Rezoning from General Agricultural District to Office Commercial District** for Tract F of Wesleyan Christian Center, located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2020 Wesleyan Boulevard.

Planning Commission recommended that the Rezoning from General Agricultural District to Office Commercial District be approved.

*5. No. 13PD017 - Hamilton Subdivision

A request by Renner and Associates, LLC for Bies Highway 79 LLP to consider an application for a **Final Planned Development to allow Multi-Family Housing** for Lot B of Hamilton Subdivision, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1220 East Minnesota Street.

Planning Commission approved the Final Planned Development to allow multifamily housing with the following stipulations:

1. **A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;**
2. **An air quality permit shall be obtained for any surface disturbance greater than one acre;**
3. **Prior to issuance of a building permit, all redlined comments shall be addressed and all redlined plans shall returned to Community Planning and Development Services;**
4. **Prior to issuance of a building permit, final stamped and signed construction plans shall be submitted for review and approval. In particular, plans shall show that all ground floor units are Type B accessible units;**
5. **Prior to issuance of a building permit, plans shall be revised to show the location of the 100 Year Federally Designated Floodplain. A Floodplain Development Permit shall be obtained for all construction located within the 100 Year Federally Designated Floodplain;**
6. **Prior to a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;**
7. **A minimum of 36 parking spaces shall be provided. A minimum of two of the provided off-street parking spaces shall be handicap accessible. A minimum of one of the handicap accessible parking spaces shall be van accessible. All parking shall comply with the approved site plan and the requirements of the Rapid City Parking Ordinance;**
8. **A minimum of 35,975 points of landscaping shall be provided. All**

- landscaping shall be installed and maintained as shown on the approved site plan. All landscaping shall comply with the requirements of the Rapid City Landscaping Ordinance;
9. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;
 10. All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;
 11. All applicable provisions of the International Fire Code shall be maintained;
 12. All provisions of the Office Commercial District shall be maintained unless specifically authorized as a stipulation of a subsequent Major Amendment to this Final Planned Development, and;
 13. The Final Planned Development shall allow for the construction of Phase 1 of a two phase multifamily housing development. A Major Amendment to the Planned Development shall be required for each subsequent phase of development. Any change in use permitted in the Office Commercial District shall require the review and approval of a building permit. Any change in use that is Conditional Use in the Office Commercial District shall require the review and approval of a Major Amendment to the Final Planned Development.

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.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

- *3. No. 13PD014 - Dubois Subdivision
A request by Melissa Stanton to consider an application for a **Major Amendment to a Planned Development to reduce the amount of previously identified green space to allow for the construction of a single family residence** for Lot 1 and 2 of Lot B of Dubois Subdivision, legally described as Lot B of Dubois Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current eastern terminus of Woodridge Court.

Lacock presented the application and reviewed slides. Lacock stated that the

applicant proposes to split the lot and build a single family home on the east lot. Lacock presented staff's recommendation that the **Major Amendment to a Planned Development to reduce the amount of previously identified green space to allow for the construction of a single family residence** be approved with stipulations.

Mike Hermanson, 949 Woodridge Drive, stated that he lives in the home adjacent to the property and noted that drainage due to the natural springs in the area is an issue and asked if it had been considered in the review of this application. Brewer stated that one of the stipulations required that "Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy".

Scull entered the meeting at this time.

Beatty moved, Rose seconded and unanimously approved the Major Amendment to a Planned Development to reduce the amount of previously identified green space to allow for the construction of a single family residence 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 Minor Plat shall be submitted for review and approval and shall be recorded at the Register of Deeds;
3. Prior to issuance of a building permit, written documentation shall be submitted to Community Planning and Development Services from the Woodridge Homeowners Association approving the installation of water across the Woodridge Drive street pavement;
4. Upon submittal of a building permit, the applicant shall provide erosion and sediment control for all construction and shall obtain tapping permits for water and sewer services;
5. Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A. Engineered plans shall be submitted for any portion of the footings and foundation that is placed on fill dirt;
6. Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;
7. All applicable provisions of the adopted International Fire Code shall continually be met;
8. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Development or a subsequent Major Amendment; and,
9. The Major Amendment to the Planned Development shall allow the construction of a single family residence. Any change in use that is a permitted use in the Low Density Residential District shall require the review and approval of a building permit. Any change in use that is a Conditional Use in the Low Density Residential District shall require

the review and approval of a Major Amendment to the Planned Development. (9 to 0 with Beatty, Brewer, Marchand, Popp, Raterman, Rippentrop, Rose, Scull 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.

*6. No. 13PD015 - Rushmore Crossing

A request by Canada Lytle to consider an application for a **Major Amendment to a Planned Development to allow an On-Sale Liquor Establishment** for Lot 9 of Block 2, located in Section 32, T1N, R8E and Section 29, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1745 Eglin Street, Suite 770.

Laroco presented the application and reviewed the slides. Laroco presented staff's recommendation that the **Major Amendment to a Planned Development to allow an On-Sale Liquor Establishment** be approved with stipulations

In response to an inquiry from Beatty regarding the hours of operation, Fisher noted that the property is located in a Commercial Planned Development and as such, the hours are not typically policed.

Rose moved, Swank seconded and unanimously carried to approve the Major Amendment to a Planned Development to allow an on-sale liquor establishment with the following stipulations:

- 1. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be required prior to occupancy;**
- 2. Prior to issuance of a sign permit, revised plans shall be submitted showing the dimension of all signage. All signage shall comply with the submitted sign package and the Rapid City Municipal Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic or LED signage shall require a Major Amendment to the Planned Development. A sign permit is required for each sign;**
- 3. All parking shall continue to comply with the previously approved Major Amendment to the Planned Development;**
- 4. All landscaping shall continue to comply with the previously approved Major Amendment to the Planned Development;**
- 5. All outdoor lighting shall be designed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 6. All applicable provisions of the International Fire Code shall be continually maintained;**

7. **All provisions of the General Commercial District shall be continually maintained unless specifically authorized as a stipulation of a subsequent Major Amendment to the Planned Development, and;**
8. **The Major Amendment to the Planned Development shall allow an on-sale liquor establishment to be developed in conjunction with a salon and spa. All permitted uses in the General Commercial District shall be permitted. All conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. . (9 to 0 with Beatty, Brewer, Marchand, Popp, Raterman, Rippentrop, Rose, Scull 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.

*7. No. 13PD016 - East Mall Business Center Subdivision and Marshall Heights Subdivision #2

A request by Renner and Associates, LLC for Robert W. Akers to consider an application for a **Initial Planned Development to allow a Water Park** for Lots 1R2 and 2R2 of Block 1 of East Mall Business Center Subdivision and Tract H of Marshall Heights Subdivision #2, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 East Mall Drive and 620 East Disk Drive.

Laroco presented the application and reviewed the slides. Laroco stated that the applicant is proposing a water park on the property. Laroco noted that the applicant is requesting an exception to allow a 76 foot structure in exception to the maximum 45 foot height restriction. Laroco reviewed photos showing current grading on the site and noted that the steep topography of the site in conjunction with the ongoing grading will help mitigate the height of the structures. Laroco noted that no expansion is being requested for the Conditional Use Permit currently held by Boston's and that it is up to the applicant to request any changes to the On-Sale Liquor Use as part of the Final Planned Development. Laroco presented staff's recommendation that the **Initial Planned Development to allow a Water Park** be approved with stipulations.

Scull stated that he would be abstaining from this item due to a conflict of interest.

In response to a question from Raterman regarding parking, Laroco noted that the parking is shared by the complex as a whole and that the uses have been factored in for the complex.

Planning Commission approved the Initial Planned Development to allow a water park complex with the following stipulations:

1. **An Exception to allow the building height to be increased from 45 feet**

to 76 feet is hereby granted contingent upon construction being completed with the materials and color palette identified on the submitted plans;

2. Prior to issuance of a building permit, a Final Planned Development shall be approved for the property;
3. Prior to issuance of a building permit, including a footings and foundation permit, an Air Quality Construction Permit shall be obtained;
4. Prior to issuance of a building permit, all redlined comments must be addressed and all redlined comments shall be returned to Community Planning and Development Services;
5. Prior to issuance of a building permit, final signed and sealed construction plans shall be submitted for review and approval. All construction work shall be completed by contractors licensed by the City per the requirements of Rapid City Municipal Code Chapter 15.04. Final plans shall include the location and size of all proposed retaining walls. All retaining walls over 4 feet in height shall be designed by a registered professional engineer. Final plans shall show that the structure is accessible per the requirements of the American National Standard Institute Section 117.1. Final plans shall show the location for storage of snow removal. Storage of construction materials is not permitted in the General Commercial District. Tracking of mud from the construction site onto City streets is not permitted. Earth materials deposited on City streets shall be removed at the conclusion of each work day;
6. Prior to submittal of a Final Planned Development, all easements located within areas designated for construction shall be vacated;
7. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to occupancy;
8. Prior to issuance of a building permit, a Developmental Lot Agreement shall be recorded for the properties. A copy of the recorded Developmental Lot Agreement shall be submitted to Community Planning and Development Services;
9. Prior to issuance of a building permit, the applicant shall coordinate with the Rapid City Fire Department to identify proper fire hydrant and fire apparatus placement locations. Plans shall be revised to include the location of all required fire hydrants and the locations of fire apparatus. All requirements of the International Fire Code shall be continually maintained;
10. Prior to issuance of a Certificate of Occupancy, temporary or permanent site stabilization shall be achieved;
11. Prior to issuance of a Certificate of Occupancy, all parking and landscaping shall be completed;
12. Upon submittal of a Final Planned Development the applicant shall submit a Traffic Impact Study signed and sealed by a professional engineer which addresses the impacts of the proposed development on area traffic;

13. Upon submittal of a Final Planned Development, a full and complete landscaping plan including a minimum 510,044 points of landscaping shall be submitted for review and approval. All landscaping shall be installed and maintained in compliance with the requirements of the Rapid City Municipal Code and the approved landscaping plan;
14. Upon submittal of a Final Planned Development, a sign package shall be submitted for review and approval. All signage shall comply with the Rapid City Municipal Code;
15. Upon submittal of a Final Planned Development, a lighting plan shall be submitted for review and approval. All lighting shall be designed and installed to reflect within the property boundaries so as to not shine on adjoining properties and rights-of-way and not be a hazard to traffic or constitute a nuisance of any kind;
16. A minimum of 695 parking spaces shall be provided for the proposed complex. A minimum of 14 of the proposed parking space shall be handicap accessible, with two of the handicap accessible stalls being "van accessible". All parking shall comply with the requirements of the Rapid City Municipal Code and the approved parking plan;
17. All provisions of the General Commercial District shall be continually met unless specifically authorized as a stipulation of this Initial Planned Development, the Final Planned Development or a subsequent Major Amendment, and;
18. This Initial Planned Development shall allow the development of a hotel and water park complex. Any change in use permitted in the General Commercial District shall require a Minimal Amendment to the Planned Development. Any change in use that is a Conditional Use in the General Commercial District shall require the review and approval of a Major Amendment to the Final Planned Development. . (9 to 0 with Beatty, Brewer, Marchand, Popp, Raterman, Rippentrop, Rose, Scull and Swank voting yes and none voting no and Scull abstaining)

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

Staff requested that items 8, 9, 10, 11 & 12 be considered concurrently.

8. No. 13PL049 - Orchard Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for Lots 1 thru 3 of Orchard Meadows Subdivision, legally described as that part of the N1/2 of the SW1/4 of the NE1/4 less Lot H2, Section 9, T1N, R8E; the S1/2 of the SW1/4 of the NE1/4 Less Lot H1; the S1/2 of the SE1/4 of the NW1/4 of the SW1/4; and the W1/2 of the SE1/4, Less Tract A of the E1/2 of the SW1/4 and the W1/2 of the SE1/4 of Section 9, T1N, R8E, Less Lot H1 in the NE1/4 of the SW1/4 of Section 9, Less

Lot H1 in the S1/2 of the SE1/4 of the NW1/4 of Section 9, Less Lot H2 in the SE1/4 of the SW1/4 of the NE1/4 of Section 9, Less Lot 1 of Wally Byam Addition, located in Section 9, T1N, R8E; and Lot 1, Wally Byam Addition, located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of SD Highway 44 and east of Elk Vale Road.

9. No. 13CA008 - Orchard Meadows

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Public to Residential** for a portion of the W1/2 of the SE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the E1/16th corner, common to Sections 9 and 16, T1N, R8E, BHM, and the point of beginning. Thence, first course: N 89°58'30" W, along the Section line common to said Sections 9 and 16, a distance of 345.13', to the easterly most corner of Lot H1 of W1/2 SE1/4; Thence, second course: N 52°21'37" W, along the northerly boundary of said Lot H1, a distance of 52.29'; Thence, third course: N 80°17'33" W, along the northerly boundary of said Lot H1, a distance of 88.04'; Thence, fourth course N 65°53'11" W, along the northerly boundary of said Lot H1, a distance of 33.25'; Thence, fifth course: N 40°12'59" W, along the northerly boundary of said Lot H1, a distance of 55.98'; Thence, sixth course: N 26°43'45" W, along the northerly boundary of said Lot H1, a distance of 85.86'; Thence, seventh course: N 41°35'51" W, along the northerly boundary of said Lot H1, a distance of 30.81'; Thence, eighth course: N 60°06'38" W, along the northerly boundary of said Lot H1, a distance of 40.41'; Thence, ninth course: N 04°34'19" W, a distance of 342.02'; Thence, tenth course: N 00°00'00" E, a distance of 600.00'; Thence, eleventh course: N 90°00'00" W, a distance of 152.00'; Thence, twelfth course: N 00°00'00" E, a distance of 99.00'; Thence, thirteenth course: N 90°00'00" W, a distance of 176.00'; Thence, fourteenth course: N 01°01'01" E, a distance of 169.03'; Thence, fifteenth course: N 90°00'00" E a distance of 516.00'; Thence, sixteenth course: N 00°00'00" W a distance of 784.32'; Thence, seventeenth course: S 89°53'48" E a distance of 474.18', to a point on the easterly north-south section 1/16th line.; Thence, eighteenth course: S 00°06'12" W, along the said section 1/16th line, a distance of 2215.53', to the said point of beginning, more generally described as being located south of SD Highway 44 and east of Elk Vale Road.

10. No. 13RZ015 - Orchard Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agricultural District to Low Density Residential District** for a portion of the W1/2 of the SE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the E1/16th corner, common to Sections 9 and 16, T1N, R8E, BHM, and the point of beginning. Thence, first course: N 89°58'30" W, along the Section line common to said Sections 9 and 16, a distance of 345.13', to the easterly most corner of Lot H1 of W1/2 SE1/4; Thence, second course: N 52°21'37" W, along the northerly boundary of said Lot H1, a distance of 52.29'; Thence, third course: N 80°17'33" W, along the northerly boundary of said Lot

H1, a distance of 88.04'; Thence, fourth course N 65°53'11" W, along the northerly boundary of said Lot H1, a distance of 33.25'; Thence, fifth course: N 40°12'59" W, along the northerly boundary of said Lot H1, a distance of 55.98'; Thence, sixth course: N 26°43'45" W, along the northerly boundary of said Lot H1, a distance of 85.86'; Thence, seventh course: N 41°35'51" W, along the northerly boundary of said Lot H1, a distance of 30.81'; Thence, eighth course: N 60°06'38" W, along the northerly boundary of said Lot H1, a distance of 40.41'; Thence, ninth course: N 04°34'19" W, a distance of 342.02'; Thence, tenth course: N 00°00'00" E, a distance of 600.00'; Thence, eleventh course: N 90°00'00" W, a distance of 152.00'; Thence, twelfth course: N 00°00'00" E, a distance of 99.00'; Thence, thirteenth course: N 90°00'00" W, a distance of 176.00'; Thence, fourteenth course: N 01°01'01" E, a distance of 169.03'; Thence, fifteenth course: N 90°00'00" E a distance of 516.00'; Thence, sixteenth course: N 00°00'00" W a distance of 784.32'; Thence, seventeenth course: S 89°53'48" E a distance of 474.18', to a point on the easterly north-south section 1/16th line,; Thence, eighteenth course: S 00°06'12" W, along the said section 1/16th line, a distance of 2215.53', to the said point of beginning, more generally described as being located south of SD Highway 44 and east of Elk Vale Road.

11. No. 13CA009 - Orchard Meadows Subdivision

A request by Dream Design International, Inc to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Public to Residential** for a portion of the NW1/4 of the SE1/4, Section 9, T1N, R8E, BHM Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Tract A of the E1/2 of the SW1/4 and W1/2 of the SE1/4, thence, S 00°21'28" W, a distance of 214.98' to a point on the easterly boundary of said Tract A, and the point of beginning. Thence, first course: S 89°53'48" E a distance of 113.90', Thence, second course: S 89°53'48" E a distance of 620.00'; Thence, third course: S 00°00'00" E a distance of 784.32'; Thence, fourth course: N 90°00'00" W a distance of 620'; Thence, fifth course: N 00°00'00" E, a distance of 785.44'; Thence, sixth course N 89°53'48" W, a distance of 113.90', to the said point of beginning, more generally described as being located south of SD Highway 44 and east of Elk Vale Road.

12. No. 13RZ014 - Orchard Meadows Subdivision

A request by Dream Design International, Inc to consider an application for a **Rezoning from General Agricultural District to Medium Density Residential District** for a portion of the NW1/4 of the SE1/4, Section 9, T1N, R8E, BHM Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Tract A of the E1/2 of the SW1/4 and W1/2 of the SE1/4, thence, S 00°21'28" W, a distance of 214.98' to a point on the easterly boundary of said Tract A, and the point of beginning. Thence, first course: S 89°53'48" E a distance of 113.90', Thence, second course: S 89°53'48" E a distance of 620.00'; Thence, third course: S 00°00'00" E a distance of 784.32'; Thence, fourth course: N 90°00'00" W a distance of 620'; Thence, fifth course: N 00°00'00" E, a distance of 785.44'; Thence, sixth course N 89°53'48" W, a distance of 113.90', to the said point of beginning, more generally described as being located south of SD Highway 44 and east of Elk

Vale Road.

13. No. 13RZ013 - Orchard Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agricultural District to General Commercial District** for a portion the S1/2 of the SW1/4 of the NE 1/4, and in the NW1/4 of the SE1/4, of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the westerly most corner of Lot 1 of Wally Byam Addition, and the point of beginning, Thence, first course: S 53°25'20" E, along the southerly boundary of said Lot 1, a distance of 403.36; to the southerly most corner of said Lot 1, common to the southwesterly corner of Lytle Lane right-of-way,; Thence, second course: N 25°42'51" E, along the easterly boundary of said, Lot 1, common to the westerly edge of said Lytle Lane right-of-way, a distance of 32.52,; Thence, third course: along the easterly boundary of said Lot 1, common to the westerly edge of said Lytle Lane right-of-way, curving to the right with an arc length of 169.04', with a radius of 230.00', with a chord bearing of N 46°50'50" E, with a chord length of 165.26';; Thence, fourth course N 67°53'28" E, along the easterly boundary of said Lot 1, common to the westerly edge of said Lytle Lane right-of-way, a distance of 126.21,; Thence, fifth course: along the easterly boundary of said Lot 1, common to the westerly edge of said Lytle Lane right-of-way, curving to the left with an arc length of 85.29', with a radius of 167.76', with a chord bearing of N 53°20'17" E, with a chord length of 84.38', the easterly most corner of said Lot 1, common to the northwesterly corner of said Lytle Lane right-of-way,; Thence, sixth course: N 89°46'36" E, along the northerly edge of said Lytle Lane right-of-way, a distance of 27.20', to a point on the southerly edge of Railroad right-of-way,; Thence, seventh course: S 51°14'16" E, along the northerly edge of said Lytle lane right-of-way, common to the southerly edge of said Railroad right-of-way, a distance of 38.84', to the northeasterly corner of said Lytle Lane right-of-way,; Thence, eighth course: S 51°15'39" E, along the southerly edge of said Railroad right-of-way, a distance of 442.23', to a point on the easterly north-south section 1/16th line,; Thence, ninth course: S 00°04'11" W, along said section 1/16th line, a distance of 356.96', to the CE section 1/16th corner,; Thence, tenth course: S 00°06'12" W, along said section 1/16th line a distance of 438.87',; Thence, eleventh course: N 89°53'48" W a distance of 1208.08', to a point on the easterly boundary of Tract A of the E1/2 of the SW1/4 and W1/2 of the SE1/4,; Thence, twelfth course: N 00°21'28" E, along the easterly boundary of said Tract A, a distance of 214.98' to the northeasterly corner of said Tract A,; Thence, thirteenth course: N 89°59'43" W, along the northerly boundary of said Tract A, a distance of 921.43, to a point on the easterly edge of Elk Vale Road Exit / Access Ramp right-of-way,; Thence, fourteenth course: along the easterly edge of said Elk Vale Road Exit / Access Ramp, curving to the right with an arc length of 24.53', with a radius of 2141.83', with a chord bearing of N 02°24'31" E, with a chord length of 24.52',; Thence, fifteenth course: along the easterly edge of said Elk Vale Road Exit / Access Ramp, on a compound curve, curving to the right with an arc length of 670.67', with a radius of 743.51', with a chord bearing of N 38°36'54" E, with a chord length of 648.16',; Thence, sixteenth course: along the easterly edge of said Elk Vale Road Exit / Access Ramp N64°28'44" E a distance of 370.76'; Thence, seventeenth course: along the easterly edge of said Elk Vale

Road Exit / Access Ramp, curving to the left with an arc length of 198.75', with a radius of 431.61', with a chord bearing of N 51°17'32" E, with a chord length of 197.00'; Thence, eighteenth course: N 38°11'20" E, along the easterly edge of said Elk Vale Road Exit / Access Ramp, a distance of 84.22'; Thence, nineteenth, course: S 89°50'45" E a distance of 137.86', to the said point of beginning, more generally described as being located south of SD Highway 44 and east of Elk Vale Road.

Fisher noted that the applications include a **Preliminary Subdivision Plan** to subdivide approximately 108 acres creating three lots with a total size of 10 acres leaving an unplatted balance. Fisher also noted that the applicant has submitted an **Amendment to the Comprehensive Plan to change the land use designation from Public to Residential** and corresponding **Rezoning from General Agricultural District to Low Density Residential District**, an **Amendment to the Comprehensive Plan to change the land use designation from Public to Residential** and corresponding **Rezoning from General Agricultural District to Medium Density Residential District** and a **Rezoning from General Agricultural District to General Commercial District**. The applicant has also submitted a Master Plan identifying the future use of the property as a commercial, multi-family and single family development. Fisher noted that the project is planned as a five-phased project.

Fisher noted that the existing Lytle Lane right-of-way is being moved further to the east to provide additional separation from Elk Vale Road and will provide access to the development. Fisher noted that only the very northern section of the property is zoned General Commercial District and included in a Planned Development with the balance of the property zoned General Agricultural District. Fisher noted that the application before the Planning Commission addresses phase one and that subsequent phases will be presented to the Planning Commission as future platting is addressed. Fisher noted that temporary drainage and holding facilities will be provided throughout the development.

Fisher noted that the area being rezoned Medium Density Residential will serve as a buffer between the Low Density Residential proposed to the south and the General Commercial located to the north.

Fisher stated that staff had met with the applicant to review the stipulations and that revisions had been made. Fisher noted a handout of the revised stipulations that had been distributed on the dais. Fisher reviewed the changes which, in part, secured alternate timing for the submittal of information.

Fisher stated that staff recommends that the **Preliminary Subdivision Plan** application be approved with revised stipulations and that the **Amendment to the Comprehensive Plan to change the land use designation from Public to Residential** and corresponding **Rezoning from General Agricultural District to Low Density Residential District**, an **Amendment to the Comprehensive Plan to change the land use designation from Public to Residential** and corresponding **Rezoning from General Agricultural District to Medium Density Residential District** and a **Rezoning from General Agricultural**

District to General Commercial District be approved as identified by staff.

In response to a question from Scull, Fisher noted that one of the stipulations requires that upon the submittal of a Development Engineering Plan application, a traffic plan be submitted for review and approval. Fisher also noted that the applicant has been in contact with the State regarding anticipated improvements and signalization of the intersection with South Dakota Highway 44 where the bulk of the traffic is anticipated. Scull stated that previous developments have shown the importance of properly addressing traffic issues for access into and out of large developments such as this one.

Discussion followed.

Hani Shafai, of Dream Design International, Inc, stated that they are hoping to provide quality development on the east side of town.

Rose moved, Marchand seconded and unanimously carried to recommend that the Preliminary Subdivision Plan be approved with the following stipulations:

- 1. Prior to approval of a Development Engineering Plan application, written approval for the proposed railroad crossing shall be obtained from the South Dakota Department of Transportation's Railroad Office and a copy of the written approval shall be submitted to the Community Planning & Development Services Department;**
- 2. Upon submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for S.D. Highway 44 shall be submitted for review and approval. In particular, the construction plans shall show the construction of curb, gutter, sidewalk in compliance with the City's adopted Bike Path Plan and street light conduit as well as any improvements identified within the Traffic Impact Study or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 4. Upon submittal of a Development Engineering Plan application, construction plans for the Elk Vale Road access ramp shall be submitted for review and approval. In particular, the construction plans shall show the construction of curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;**
- 5. Upon submittal of a Development Engineering Plan application, construction plans for the proposed north-south access street shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer**

as well as any improvements identified within the Traffic Impact Study or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;

6. Upon submittal of a Development Engineering Plan application, construction plans for the proposed 40 foot wide utility and access easement shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 60 foot wide easement 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. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
7. Upon submittal of a Final Plat application, the plat document shall be revised to show the proposed utility and access easement located within the boundaries of the plat or a miscellaneous document shall be submitted to the Community Planning and Development Services Department for recording at the Register of Deeds Office;
8. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the existing 8 foot wide minor drainage and utility easement(s) located along the interior of the existing lot lines or the plat document shall show the vacation of the easement(s). If the easements are being vacated, then written documentation from all of the affected utility companies indicating concurrence with the proposed vacation shall be submitted with the Development Engineering Plan application;
9. Upon submittal of a Development Engineering Plan application, the applicant shall demonstrate that access is being maintained to the Winona Lytle and Joseph M Lytle (Life Estate).
10. Upon submittal of a Development Engineering Plan application, water system analysis, calculations and design in accordance with the Infrastructure Design Criteria Manual shall be submitted for review and approval. Per service agreements between Rapid Valley Sanitary District and the City, water service is to be provided by Rapid Valley Sanitary District unless other arrangements are mutually approved by Rapid Valley Sanitary District and the City;
11. Upon submittal of a Development Engineering Plan application, wastewater system analysis, calculations and design in accordance with the Infrastructure Design Criteria Manual shall be submitted for review and approval. Per service agreements between Rapid Valley Sanitary District and the City, sewer service is to be provided by Rapid Valley Sanitary District unless other arrangements are mutually approved by Rapid Valley Sanitary District and the City;
12. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
13. Upon submittal of a Development Engineering Plan application,

- geotechnical analysis and pavement design shall be submitted for review and approval or the minimum required pavement section as per the Infrastructure Design Criteria Manual shall be provided;
14. 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;
 15. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with Chapter 6 of the Infrastructure Design Criteria Manual Storm Water Drainage and Storm Water Quality Manual Post-Construction water quality requirements shall be submitted for review and approval. In addition, a miscellaneous document shall be recorded securing the proposed "Temporary Detention Pond" located south of the proposed platted lots prior to submittal of a Final Plat application. A copy of the recorded easement shall be submitted with the Final Plat application;
 16. 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;
 17. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
 18. Prior to submittal of a Final Plat application, street names for the proposed north-south interior street and the proposed utility and access easement shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the Final Plat document shall show the approved street names;
 19. 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,
 20. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s), and;
- that the Amendment to the Comprehensive Plan to change the land use designation from Public to Residential (13CA008) be approved; and, that the rezoning request from General Agricultural District to Low Density Residential District (13RZ015) be approved in conjunction with the associated Comprehensive Plan Amendment; and, that the Amendment to the Comprehensive Plan to change the land use designation from Public to Residential (13CA009) be approved; and, that the rezoning request from General Agricultural District to Medium Density Residential District (13RZ014) be approved in conjunction with the associated Comprehensive

Plan Amendment; and that the rezoning request from General Agricultural District to General Commercial District be approved (13RZ013). (9 to 0 with Beatty, Brewer, Marchand, Popp, Raterman, Rippentrop, Rose, Scull and Swank voting yes and none voting no

14. Discussion Items

15. Staff Items

A. Platting Training

Fisher reminded Planning Commission that training on platting procedures will be provided following the July 25, 2013 Planning Commission Meeting in the First Floor Community Room and that she would be sending out a reminder as the date draws closer.

In response to a requested from Brewer, Limbaugh stated that he will provide a schedule of Comprehensive Plan Consultants meeting dates and that they provide a presentation to the Planning Commission as they move forward.

16. Planning Commission Items

A. Election of Officers

Fisher reviewed the election process and requested nominations. Fisher noted that it is the Mayor's intent to reappoint John Brewer, Linda Marchand and Andrew Scull as Planning Commissioners, as well as Cody Raterman as alternate No. 1, all of whose current terms will expire July 1, 2013.

Marchand moved and Popp seconded to nominate John Brewer as Chairman. Discussion followed. Brewer suggested that another member be considered for the Office of Chairman.

Popp called the question.

Scull stated that although he feels Chairman Brewer has done a tremendous job during his tenure, he would be open to a change in the office.

Brewer requested a Roll Call Vote on calling the question: Scull voted - nay, Brewer – abstained; Marchand, Popp, Ratterman, Rippentrop, Rose and Swank voted - Yay.

Motion to nominate John Brewer as Chairman carried unanimously.

Popp moved, Swank seconded and unanimously carried to nominate Linda Marchand as Vice Chair.

Scull moved, Marchand seconded and unanimously carried to nominate Dennis Popp for Secretary.

17. Committee Reports
None

There being no further business, Beatty moved, Rose seconded and unanimously carried to adjourn the meeting at 7:47a.m. (9 to 0 with Beatty, Brewer, Marchand, Popp, Raterman, Rippentrop, Rose, Scull and Swank voting yes and none voting no)