

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 25, 2013

MEMBERS PRESENT: Erik Braun, John Brewer, Karen Bulman, Linda Marchand, Dennis Popp, Cody Raterman, Steve Rolinger, Tim R. Rose, Andrew Scull, and Jan Swank. Amanda Scott Council Liaison was also present.

MEMBERS ABSENT: Carlos Beatty Jr., Kay Rippentrop

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

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

Brewer welcomed Karen Bulman to the Planning Commission as Planning Commission Alternate 2.

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.

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

Motion by Rolinger seconded by Marchand and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations with the exception of Item 3. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Raterman, Rolinger, Rose, Scull and Swank voting yes and none voting no)

---CONSENT CALENDAR---

1. Planning Commission approved the July 3, 2013 Planning Commission Meeting Minutes.

*2. No. 13UR010 - Section 35, T2N, R7E

A request by Battista Design Group for Tom Schmanski to consider an application for a **Conditional Use Permit to allow a car wash in the General Commercial District** for the north 114.4 feet of Lot C of Lot G of Government Lot 4 Less Lot H1, located in Section 35, T2N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at 502 Mountain View Road.

Planning Commission approved the Conditional Use Permit to allow a car wash in the General Commercial District with the following stipulations:

- 1. Prior to issuance of a building permit, revised plans shall be submitted showing that the Kirkeby Lane right-of-way has been vacated, as well as revised site dimensions and setbacks;**
- 2. Prior to issuance of a building permit, final plans signed and sealed**

by a registered professional engineer shall be submitted for review and approval. In particular, plans shall show handicap accessibility is being provided throughout the site. In addition, plans shall include all details required for the equipment provided in the mechanical room. Plans shall be revised to include the location of a mop service sink to be located either within the vending area or within the mechanical room;

3. Prior to issuance of a building permit, revised plans shall be submitted to include a landscaping point calculation. A minimum of 20,609 points of landscaping shall be provided for the site. All landscaping shall be installed and maintained in compliance with the requirements of the Rapid City Municipal Code;
4. Prior to issuance of a building permit, revised plans shall be submitted showing that a minimum of 20 parking spaces are being provided, with a minimum of 18 spaces being stacked parking spaces. In particular, plans shall show that all stacked parking spaces are 9 feet wide by 23 feet long, and that the access aisle for the van accessible handicap parking space is located on the right side of the parking space. All parking shall comply with the requirements of the Rapid City Municipal Code and the revised site plan;
5. Prior to issuance of a building permit, plans shall be submitted showing the extended sanitary sewer main is being provided;
7. Prior to issuance of a building permit, a flood plain development permit shall be obtained;
8. A building permit shall be obtained prior to construction. A Certificate of Occupancy shall be obtained prior to commencement of the car wash use on the property;
9. All signage shall comply with the requirements of the Rapid City Sign Code and the submitted site plan. Changes to the signage which comply with the requirements of the Rapid City Sign Code shall be permitted. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Conditional Use Permit. The addition of electronic or LED signage shall require the review and approval of a Major Amendment to the Conditional Use Permit. A sign permit shall be obtained for each sign;
10. All provisions of the General Commercial District shall be continually maintained, and;
11. This Conditional Use Permit shall allow for the development of a car wash on the property. All permitted uses which do not increase parking requirements on the site shall be permitted. All conditional uses proposed on the site or uses which increase the required amount of parking shall require the review and approval of a Major Amendment to the Conditional Use Permit.

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

day following action by the Planning Commission.

*4. No. 13UR013 - South Park Subdivision

A request by Kent Kennedy for Daniel Hunt to consider an application for a **Major Amendment to a Conditional Use Permit to allow an oversized garage** for Lots 1 thru 5 and Lots 18 thru 22 and adjacent vacated alley of Block 24 of South Park Subdivision, located in Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 242 East Indiana Street.

Planning Commission approved the Major Amendment to a Conditional Use Permit to allow an oversized garage with the following stipulations:

1. **An Exception is hereby granted to allow a total of 3,264 square feet of private garage space in lieu of the maximum allowed private garage space of 1,500 square feet for the property;**
2. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
3. **Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
4. **All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Conditional Use Permit or a subsequent Major Amendment;**
5. **All applicable provisions of the adopted International Fire Code shall continually be met; and,**
6. **The Major Amendment to the Conditional Use Permit shall allow for an oversized garage to be constructed on the property in conjunction with the previously approved Major Home Occupation. The garage shall not be used for commercial purposes or a second residence. The orientation of the garage doors shall face south as shown on the applicants site plan. Any change in use that is a permitted use in the Medium Density Residential District shall require a building permit. 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 Conditional Use Permit.**

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

5. No. 13PL066 - Plateau Subdivision

A request by Fisk Land Surveying & Consulting Engineering, Inc for David & Maxine Heinrich to consider an application for a **Preliminary Subdivision Plan** for Lots 14A, 14B and 14C of Plateau Subdivision, legally described as Lot 14 of Plateau Subdivision, located in Section 10, T1N, R8E, BHM, Pennington County,

South Dakota, more generally described as being located at 2281 Plateau Lane.

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 on the plat document shall be addressed. The redlined comments shall be returned to the Community Planning & Development Services Department with the Development Engineering Plan application;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Serenity Court shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 26 foot wide paved surface, sewer and sidewalk along the south side of the street or an Exception shall be obtained. In addition, the plat document shall be revised to show the dedication of one additional foot of right-of-way or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;**
- 3. Upon submittal of a Development Engineering Plan application, the applicant shall demonstrate that adequate fire flows are being provided for the proposed residential lots and any structures to be located on the west side of proposed Lot 14C;**
- 4. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required;**
- 5. Prior to approval of the Development Engineering Plan application, the utility construction plans shall be reviewed and approved by Rapid Valley Sanitary District;**
- 6. Prior to approval of the Development Engineering Plan application, 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;**
- 7. 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;**
- 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. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).**

6. No. 13CA010 - Section 27, T2N, R7E

A request by Ferber Engineering Company, Inc. for Kevin L. Randall to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Commercial to Industrial** for Lot A of Lot 2 of the NW1/4 of the SW1/4 and the SW1/4 of the NW1/4, less lot H2 and less right-of-way, located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2090 Deadwood Avenue.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from Commercial to Industrial be approved.

7. No. 13RZ017 - Section 27, T2N, R7E

A request by Ferber Engineering Company, Inc. for Kevin L. Randall to consider an application for a **Rezoning from General Commercial District to Light Industrial District** for Lot A of Lot 2 of the NW1/4 of the SW1/4 and the SW1/4 of the NW1/4, less lot H2 and less right-of-way, located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2090 Deadwood Avenue.

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

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

3. No. 13PL060 - Prairie Meadows Subdivision

A request by Sperlich Consulting for Prairie Meadows Properties, Inc. to consider an application for a **Preliminary Subdivision Plan** for Lots 16 through 19 of Block 1, Lots 14 through 15 of Block 2 and Lots 8 through 13 of Block 4 of Prairie Meadows Subdivision, legally described as Tract A of Prairie Meadows Subdivision and a portion of Government Lot 4, located in Section 18, T2N, R8E, BHM, Rapid City, Pennington County, more generally described as being located west of the current terminus of Bengal Drive and Eli Drive.

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

Marchand moved, Popp seconded and unanimously carried to recommend 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 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 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, 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;**
- 6. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with Chapter 4 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. The drainage plan shall address rear lot storm drainage routing, conveyance and improvements along the common rear lot lines of the proposed lots. In addition, an agreement securing maintenance and ownership of the drainage easements shall also be recorded and a copy submitted with the Final Plat application;**
- 7. Upon submittal of a Development Engineering Plan application, a final grading plan shall be submitted for review and approval addressing potential issues with drainage routing and conveyance along rear lot lines;**
- 8. 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;**
- 9. 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;**
10. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
 11. **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). (9 to 0 to 1 with Braun, Brewer, Bulman, Marchand, Popp, Raterman, Rolinger, Rose and Swank voting yes and none voting no and Scull abstaining)**
8. No. 13RZ016 - Robbinsdale Addition No. 10
A request by Sperlich Consulting, Inc. for WALGAR Development Corporation to consider an application for a **Rezoning from Low Density Residential District I to Medium Density Residential District** for a portion of Tract A of Block 19, Robbinsdale Addition No. 10, located in the W1/2 of the NW1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at a point on the westerly boundary said Tract A of Block 19 of Robbinsdale Addition No. 10, common to the southwesterly corner of Lot 3 of Block 20 of Robbinsdale Addition No. 10, Thence, S00°12'37"E, along the westerly boundary of said Tract A of Block 20 of Robbinsdale Addition No. 10, a distance of 145.84 feet, to the Point of Beginning; Thence, first course: N89°33'01"E, a distance of 165.79 feet, to a point of curvature; Thence, second course: northeasterly, curving to the left on a curve with a radius of 1495.38 feet, a delta angle of 07°26'28", an arc length of 194.21 feet, a chord bearing of N85°49'47"E, and a chord distance of 194.07 feet, to a point on the westerly boundary of Tract C of Block 9 of Robbinsdale Addition No. 10; Thence, third course: S01°01'03"E, along the westerly boundary of said Tract C of Block 9 of Robbinsdale Addition No. 10, a distance of 156.89 feet, to the southwesterly corner of said Tract C of Block 9 of Robbinsdale Addition No. 10; Thence, fifth course: S01°01'03"E, along the prolongation of the westerly boundary of said Tract C of Block 9 of Robbinsdale Addition No. 10, a distance of 230.11 feet, to the intersection with the prolongation of the southerly edge of the dedicated right-of-way of Hanover Drive, as shown in the subdivision of Lots 5 through 14 of Tract A of Block 9 of Robbinsdale Addition No. 10; Thence, sixth course: N88°50'16"W, along the prolongation of the southerly edge of the dedicated right-of-way of said Hanover Drive, as shown in the subdivision of Lots 5 through 14 of Tract A of Block 9 of Robbinsdale Addition No. 10, a distance of 76.00 feet; Thence, seventh course: S01°09'44"E, a distance of 125.19 feet, to a point on the southerly boundary of said Tract A of Block 19 of Robbinsdale Addition No. 10, common with a point on the northerly boundary of Lot A Revised of the N1/2 of 'Government' Lot 4 of Section 18; Thence, eighth course: N89°15'22"W, along the southerly boundary of said Tract A of Block 19 of Robbinsdale Addition No. 10, common with the northerly boundary of said Lot A Revised of the N1/2 of 'Government' Lot 4 of Section 18, a distance of 285.91 feet, to the southwesterly corner of Said Tract A of Block 19 of Robbinsdale Addition No. 10, common to a point on the northerly boundary of said Lot A Revised of the N1/2 of 'Government' Lot 4 of Section 18; Thence, ninth course: N00°12'37"W, along the westerly boundary

said Tract A of Block 19 of Robbinsdale Addition No. 10, a distance of 491.43 feet, to a point on the westerly boundary said Tract A of Block 19 of Robbinsdale Addition No. 10, and the Point of Beginning, more generally described as being located at the current southern terminus of Winfield Street.

Lacock presented the application noting that the application had been continued to allow the applicant to correct the legal description to include only the Low Density Residential District I portion of the property. Lacock stated that staff has identified that the street connections for Winfield Street and Hanover Drive need to be provided to allow access to this property and minimize the impact on the single family residential properties to the south and east of the property. The applicant has submitted a Planned Development Designation application that will be approved in conjunction with the Rezoning application and should the rezone not be approved the Planned Development Designation would not be in effect either. Lacock presented staff's recommendation that the **Rezoning from Low Density Residential District I to Medium Density Residential District** be approved in conjunction with a Planned Development Designation.

In response to a question from Commissioner Braun regarding the Planned Development Designation on the section of land located along Parkview Drive, Fisher stated that the Planned Development Designation should help the property to be developed in a harmonious manner with the surrounding properties.

Rolinger moved, Rose seconded and unanimously carried to recommend that the Rezoning from Low Density Residential District I to Medium Density Residential District be approved in conjunction with a Planned Development Designation. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Raterman, Rolinger, Rose, Scull and Swank voting yes and none voting no)

*9. No. 13UR012 - Original Town of Rapid City

A request by Patrick D Roseland to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment** for Lots 27 and 28 of Block 71 of Original Town of Rapid City, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 Main Street, Suite 120.

Lacock presented the application. Lacock noted that the Conditional Use Permit is to be operated in conjunction with an art gallery which is located on the main floor of the property. Lacock presented staff's recommendation that the **Conditional Use Permit to allow an On-Sale Liquor Establishment** be approved with stipulations.

Rolinger moved, Swank seconded, and unanimously carried to recommend that the Conditional Use Permit to allow an on-sale liquor establishment be approved with the following stipulations:

- 1. The on-sale liquor establishment shall operate in conjunction with an art gallery for the property;**

2. **All provisions of the Central Business Zoning District shall continually be met;**
3. **All applicable provisions of the adopted International Fire Code shall continually be met;**
4. **All outdoor lighting shall continually 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;**
5. **All signage shall continually conform to the Sign Code. No electronic signs are being approved as a part of this Conditional Use Permit to allow an on-sale liquor establishment in conjunction with an art gallery. 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 Conditional Use Permit. All signage not in conformance with the Sign Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. 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; and,**
6. **The Conditional Use Permit shall allow an on-sale liquor establishment in conjunction with an art gallery for the property. Any expansion to the on-sale liquor use shall require a Major Amendment to the Conditional Use Permit. Any change in use that is a permitted use in the Central Business District shall require a building permit. Any change in use that is a Conditional Use in the Central Business District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Raterman, Rolinger, 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.

*10. No. 13PD023 - Original Town of Rapid City

A request by Hay Camp Brewing Company (K&P, LLC) to consider an application for a **Major Amendment to Planned Development to allow a Microbrewery with an On-Sale Liquor Use** for Lots 1-5 of Block 88 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 201 Main Street, Suite 109.

Laroco presented the application. The property is a contributing structure listed on the National Register of Historic Places and the applicant is working with the Historic Preservation Commission to submit a Historic 11.1 application. Laroco

noted that the microbrewery is located in the same facility as a church, which was recently approved by the Planning Commission at which time the previously approved on-sale liquor use for a restaurant was eliminated. Laroco noted that generally an on-sale liquor use would not be compatible with a place of worship, but noted that the church has provided a letter of support for the proposed use. As such, Laroco noted that Planning Commission recommended approval of the **Major Amendment to Planned Development to allow a Microbrewery with an On-Sale Liquor Use** with stipulations.

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

In response to question from Commissioner Scull, Laroco stated that in this particular instance, in contrast to the general process, this Major Amendment to a Planned Development is tied to the applicant and not the building thus any change to the operational plan or ownership would require a subsequent Major Amendment to the Planned Development.

Rolinger moved, Marchand seconded and carried to approve the Major Amendment to a Planned Development to allow a microbrewery with an on-sale liquor use within Suite 109 with the following stipulations:

- 1. An Exception to reduce the required off-street parking spaces from 128 spaces to 0 spaces is hereby approved;**
- 2. Prior to issuance of a building permit, an 11.1 Historic Review shall be obtained;**
- 3. A building permit shall be obtained prior to construction;**
- 4. Prior to issuance of a building permit, final plans signed and sealed by a registered professional engineer shall be submitted. In particular, plans shall show any new utility service lines being installed as a part of construction;**
- 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. Prior to issuance of a sign permit, all signage shall obtain the review and approval of the Historic Sign Board. A copy of the approved sign package shall be submitted to Community Planning and Development Services. All signage shall comply with Chapter 17.50.080 of the Rapid City Municipal Code. Future changes to the sign package shall require the review and approval of the Historic Sign Board. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Major Amendment to the Planned Development. A sign permit shall be required for each sign;**
- 7. All applicable provisions of the International Fire Code shall be maintained;**
- 8. Prior to commencement of any brewing or on-sale liquor use, the applicant shall obtain all required state and local licensing. All required licensing shall be continually maintained as required;**

9. The proposed microbrewery and on-sale liquor establishment shall operate in compliance with the submitted operations plan and the requirements of Chapter 17.18.030.31 of the Rapid City Municipal Code. All provisions of the General Commercial District shall be continually maintained unless specifically stipulated as a part of this Major Amendment or a subsequent Major Amendment to the Planned Development. Any uses permitted in the General Commercial District shall require the review and approval of a Minimal Amendment to the Planned Development. Any conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development, and;
10. This Major Amendment to the Planned Development shall allow for a microbrewery in conjunction with an on-sale liquor establishment to be located within Suite 109 and operated by Hay Camp Brewing Company. Changes in the ownership or operations plan of the business shall require a Major Amendment to the Planned Development. All permitted uses in the General Commercial District that do not require additional parking shall require the review and approval of a Minimal Amendment to the Planned Development. All permitted uses that require additional parking or conditional uses in the General Commercial District shall require a Major Amendment to the Planned Development. (9 to 0 to 1 with Braun, Brewer, Bulman, Marchand, Popp, Raterman, Rolinger, Rose and Scull voting yes and none voting no and Swank 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.

11. No. 13PL062 - Orchard Meadows
A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for Tract D; Tracts 1 thru 2, Lots 1 thru 33 of Block 12, Lots 1 through 11 of Block 2 of Orchard Meadows Subdivision, legally described as the S1/2 of the SW1/4 of the NE1/4 Less Lot H1; of 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, Section 9, T1N, R8E, Less Lot 1 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 Wally Byam Addition, Section 9, T1N, R8E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located south of SD Highway 44 and east of Elk Vale Road.

Fisher presented the application. Fisher noted that the Preliminary Subdivision Plan is to create 44 residential lots and 3 larger tracts to be known as Phase II of the Orchard Meadows Subdivision. In addition, Fisher noted that Planning Commission had recently approved a Preliminary Subdivision Plan to create

three lots as Phase I of the Orchard Meadows Subdivision Master Plan previously known as the Wally Byam site. Fisher noted that the stipulations require a Traffic Impact Study be provided upon submittal of the Development Engineering Plan application. The Traffic Impact Study will identify any additional requirements for improvements beyond those required by the Infrastructure Design Criteria Manual. It was also noted that this property is located within the Rapid Valley Sanitation District area as well as the City of Rapid City Sanitary District and that an ongoing agreement is in operation. These will be reviewed as a part of the Development Engineering Plan application.

Commissioner Braun noted that he would be abstaining from this item due to a conflict of interest.

In response to a question from Commissioner Brewer regarding water and sewer services, Johnson noted that Rapid Valley Sanitary District is the primary provider, but that Rapid City does receive sewage from the Rapid Valley Sanitary District.

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

- 1. If construction plans for that portion of Orchard Meadows Drive located in Phase One have not been submitted for review and approval prior to submittal of a Development Engineering Plan application for Phase Two, then the construction plans shall be submitted as a part of the Development Engineering Plan application for Phase Two of the development. In addition, construction plans for that portion of Orchard Meadows Drive located in Phase Two of the development shall be submitted for review and approval showing the street located within a minimum 52 foot wide right-of-way and constructed with a minimum 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;**
- 2. If written approval for the proposed railroad crossing required as a part of Phase One of the development has not been obtained prior to submittal of a Development Engineering Plan application for Phase Two, then the written approval from the South Dakota Department of Transportation's Railroad Office shall be submitted prior to approval of the Development Engineering Plan application for Phase Two;**
- 3. Upon submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval;**
- 4. Upon submittal of a Development Engineering Plan application, construction plans for Chestnut Place shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 52 foot wide 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. In addition, the cul-de-sac bulb shall be located within a minimum 118 diameter right-of-way and constructed with a minimum 96 diameter paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. The construction plans shall also show an intermediate turnaround along Chestnut Place as per Chapter 2.13.1 of the Infrastructure Design Criteria Manual or an Exception shall be obtained to waive the requirement. An Exception shall also be obtained to allow 22 dwelling units in lieu of a maximum of 20 dwelling units along a cul-de-sac street or the plat document shall be revised accordingly. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application;

5. Upon submittal of a Development Engineering Plan application, construction plans for Walnut Circle shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 52 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, 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;
7. 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;
8. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
9. 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;
10. 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;

11. **Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Unnamed Tributary Drainage Basin Plan and the Perrine Drainage Basin Plan shall be submitted for review and approval. In addition, the drainage plan shall be in compliance with Chapter 4 of the Infrastructure Design Criteria Manual Storm Water Drainage and Storm Water Quality Manual Post-Construction water quality requirements. An agreement securing maintenance and ownership of the drainage easements shall also be recorded and a copy submitted with the Final Plat application;**
 12. **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;**
 13. **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;**
 14. **Prior to submittal of a Final Plat application, alternate street names shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall reflect the approved street names;**
 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 addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). (9 to 0 to 1 with Brewer, Bulman, Marchand, Popp, Raterman, Rolinger, Rose, Scull and Swank voting yes and none voting no and Braun abstaining)**
12. No. 13PL063 - Safeway Shopping Center Subdivision

A request by Dream Design International, Inc to consider an application for a **Preliminary Subdivision Plan** for Lots 1 through 6 and Tract A of Safeway Shopping Center Subdivision, legally described as a portion of the S ½ of the SE ¼ Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly intersection of Elk Vale Road right-of-way and Concourse Drive right-of-way, and the point of beginning; Thence, first course: northeasterly, along the southerly edge of said Elk Vale Road right-of-way, curving to the right, on a curve with a radius of 1512.02 feet, a delta angle of 15°10'36", a length of 400.51 feet, a chord bearing of N52°12'17"E, and chord distance of 399.34 feet; Thence, second course: N59°47'38"E, along the southerly edge of said Elk Vale Road right-of-way, a distance of 634.18 feet; Thence, third course: northeasterly, along the southerly edge of said Elk Vale Road right-of-way, curving to the left, on a curve with a

radius of 2034.86 feet, a delta angle of 04°07'20", a length of 146.40 feet, a chord bearing of N57°34'36"E, and chord distance of 146.37 feet, to the westerly edge of Jubilee Lane right-of-way; Thence, fourth course: S29°05'05"E, along the westerly edge of said Jubilee Lane right-of-way, a distance of 600.00 feet; Thence, fifth course: S60°54'55"W, a distance of 751.31 feet, to a point on the easterly edge of said Concourse Drive right-of-way; Thence, sixth course: northwesterly, along the easterly edge of said Concourse Drive right-of-way, curving to the left, on a curve with a radius of 377.00 feet, a delta angle of 51°00'17", a length of 335.61 feet, a chord bearing of N60°51'25"W, and chord distance of 324.64 feet; Thence, seventh course: N86°21'29"W, along the easterly edge of said Concourse Drive right-of-way, a distance of 139.42 feet; Thence, eighth course: northwesterly, along the easterly edge of said Concourse Drive right-of-way, curving to the right, on a curve with a radius of 343.00 feet, a delta angle of 36°33'26", a length of 218.85 feet, a chord bearing of N68°04'44"W, and chord distance of 215.16 feet to the point of beginning, more generally described as being located south of Elk Vale Road between Concourse Drive and Jubilee Lane.

Fisher presented the application noting that part of the proposed use of the property includes both a Safeway store and a fueling center on two of the seven lots being created. Fisher noted that due to the anticipated increase in traffic, this project will require a Traffic Impact Study. The Traffic Impact Study will identify additional improvements that will be required beyond those required by the Infrastructure Design Criteria Manual such as turning lanes and acceleration and deceleration lanes. Fisher presented staff's recommendation that the **Preliminary Subdivision Plan** be approved with stipulations.

Commissioner Braun noted that he would be abstaining from this item due to a conflict of interest.

Marchand moved, Rolinger seconded and carried to recommend 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 submitted for review and approval. The redlined comments and/or copies of the approved Exceptions shall be submitted with the Development Engineering Plan application;**
- 2. Prior to approval of the Development Engineering Plan application, 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. Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road showing the installation of a parallel water main on the south side of the street and curb and gutter**

as well as any improvements identified within the Traffic Impact Study shall be submitted for review and approval 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 Jubilee Lane shall be submitted for review and approval showing the installation of curb, gutter, sidewalk, street light conduit, water, sewer, and a minimum pavement width of 34 feet 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;
5. Upon submittal of a Development Engineering Plan application, construction plans for Concourse Drive shall be submitted for review and approval showing the installation of 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 water and access easement shall be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed with a minimum pavement width of 26 feet, 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;
7. Upon submittal of a Development Engineering Plan application, access to proposed Tract A shall be identified and construction plans shall be submitted showing the access constructed in compliance with the Infrastructure Design Criteria Manual 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;
8. Upon submittal of a Development Engineering Plan application, construction plans for the access aisle shown across the northern portion of proposed Lot 5 shall be submitted for review and approval. In particular, the construction plans shall show the access aisle located within a minimum 70 foot wide easement and/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 or the access aisle shall be removed from the plat document. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;

9. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show ingress and egress in compliance with the Infrastructure Design Criteria Manual to the proposed loading dock area shown on proposed Lot 1. In addition, construction plans shall be submitted for review and approval showing the access aisle located within a minimum 70 foot wide easement and/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 or the loading dock area and/or lot layout shall be designed to eliminate the need to provide access across adjacent lots. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application;
10. Upon submittal of a Development Engineering Plan application, a Traffic Impact Study shall be submitted for review and approval;
11. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted identifying a non-access easement along Elk Vale Road and all corner lots in compliance with the Infrastructure Design Criteria Manual 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;
12. Upon submittal of a Development Engineering Plan application, water and sewer plans prepared by a Registered Professional Engineer showing the extension of mains and service lines shall be submitted for review and approval. The water and sewer plans shall be designed in compliance with the Rapid Valley Sanitary District Design Criteria and the City's Infrastructure Design Criteria Manual or Exception(s) shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application. The water plans shall demonstrate that fire flows can be achieved at all proposed lots;
13. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Racetrack Draw Drainage Basin and the Western Pennington Flood Management Commission adopted policy shall be submitted for review and approval. The drainage plan shall also address the proposed stormwater collection system crossing multiple property lines. In addition, the drainage plan shall be in compliance with Chapter 4 of the Infrastructure Design Criteria Manual Storm Water Drainage and Storm Water Quality Manual Post-Construction water quality requirements. An agreement securing maintenance and ownership of the stormwater facility located on proposed Tract A shall also be recorded and a copy submitted with the Final Plat application;
14. Upon submittal of a Development Engineering Plan application, geotechnical analysis signed and stamped by a Professional Engineer for public roadways and pavement design shall be submitted for

- review and approval;
15. 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
 16. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Transportation shall be obtained for any modifications to Elk Vale Road;
 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. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 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). (9 to 0 to 1 with Brewer, Bulman, Marchand, Popp, Raterman, Rolinger, Rose, Scull and Swank voting yes and none voting no and Braun abstaining)
13. No. 13PL067 - Dunsmore Road Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for Lots 1 thru 7 of Dunsmore Road Subdivision, legally described as that part of the SW1/4 lying south of Sheridan Lake Road (Lot H2), less the east 480 feet, less Moon Meadows Subdivision and less ROW, located in Section 28, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sheridan Lake Road and Dunsmore Road, north of Moon Meadows Drive.

Fisher presented the application. Fisher noted that a prior application on this property had been submitted and that the applicant chose not to proceed with those plans but instead have submitted this revised Preliminary Subdivision Plan application. Fisher noted that this property is bordered by principal arterial streets on three of the four sides as well as a proposed arterial street extending through the eastern edge as per the Major Street Plan. Fisher stated that it is anticipated that there will be Exceptions and a possible Comprehensive Plan Amendment to the Major Street Plan. Fisher presented staff's recommends that the **Preliminary Subdivision Plan** application be approved with the stipulations as outlined the staff report.

In response to question from Commissioner Brewer, Fisher stated the property is one unplatted balance that is being subdivided into seven transferable lots

Commissioner Braun noted that he would be abstaining from this item due to a

conflict of interest.

In response to a question from Commissioner Brewer, Harrington presented the current Major Street Plan showing where the road through the property is anticipated to be located. Fisher noted that since the property is not adjacent to the Rapid City city limits, it would not be annexed.

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

- 1. Upon submittal of a Development Engineering Plan application, construction plans for Sheridan Lake Road shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and the dedication of ten additional feet of right-of-way 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;**
- 2. Upon submittal of a Development Engineering Plan application, construction plans for Moon Meadows Drive shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer, water and the dedication of 17 additional feet of right-of-way 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;**
- 3. Upon submittal of a Development Engineering Plan application, construction plans for Dunsmore Road shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer, water and the dedication of 17 additional feet of right-of-way 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, a plat document shall be submitted showing a principal arterial street extending through the property in compliance with the Major Street Plan. In addition, construction plans shall be submitted for review and approval showing the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or an Exception shall be obtained or a Comprehensive Plan Amendment to the Major Street Plan 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 “shared driveway 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 pavement, 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;
6. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted identifying a non-access easement along Sheridan Lake Road and all corner lots in compliance with the Infrastructure Design Criteria Manual 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 Development Engineering Plan application, water and sewer plans prepared by a Registered Professional Engineer showing the extension of mains and service lines shall be submitted for review and approval as per the Infrastructure Design Criteria Manual or Exception(s) shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided at all proposed lots. If individual on-site wastewater systems are utilized, 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;
 8. Upon submittal of a Development Engineering Plan application, the design of a sanitary sewer main to serve the gravity sewer basin identified in the "Sheridan Lake Road Sanitary Trunk Sewer Extension Project" shall be submitted for review and approval 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;
 9. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Arrowhead Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
 10. Upon submittal of a Development Engineering Plan application, geotechnical analysis and pavement design shall be submitted for review and approval;
 12. 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;
 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 approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable;
 15. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
 16. Prior to submittal of a Final Plat application, a reserve drainfield area for the proposed on-site wastewater system to be located on Lot 1B shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
 17. 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,
 18. 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). (9 to 0 to 1 with Brewer, Bulman, Marchand, Popp, Raterman, Rolinger, Rose, Scull and Swank voting yes and none voting no and Braun abstaining)
14. No. 13PL068 - Elks Crossing
A request by Dream Design International, Inc. to consider an application for a **Preliminary Subdivision Plan** for Lot 2 of Block 8 of Elks Crossing, legally described as the SW1/4 of the SW1/4, less Elks Crossing, Less Lot H3 and the NW1/4 of the SW1/4, less Plum Creek Subdivision less Elks Crossing, less Lot H1, less H3, Less right-of-way and the NE1/4 of the SW1/4, less Plum Creek Subdivision, less Elks Crossing, less right-of-way and the SE1/4 of the SW1/4 less Lot H3R, less Elks Crossing, less right-of-way, all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Marlin Drive, north of East Minnesota Street.
- Fisher presented the application noting that due to the requirement for Exceptions in relation to the allocation of an additional 2 feet of right-of-way for Marlin Drive, this application is being presented as a Preliminary Subdivision Plan rather than as a Minor Plat and presented staff's recommendation that the **Preliminary Subdivision Plan** be approve with stipulations.
- Commissioner Braun noted that he would be abstaining from this item due to a conflict of interest.

In response to a request from Commissioner Brewer the photos of the property location were reviewed.

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

- 1. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of two additional feet of right-of-way along Marlin Drive or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Final Plat application;**
- 2. Prior to submittal of a Final Plat application, a note shall be placed on the plat document securing a minimum 8 foot wide minor drainage and utility easement along the interior of all lot lines;**
- 3. Prior to submittal of a Final Plat application, the plat document shall be revised to show E. Minnesota Avenue as E. Minnesota Street;**
- 4. Prior to submittal of a Final Plat application, the plat certificates(s) shall be revised to reflect a Final Plat in lieu of a Minor Plat; and,**
- 5. Prior to submittal of a Final Plat application, the applicant shall confirm that drainage easements have been dedicated for the drainage channel and detention basins located east and southeast of proposed Lot 2 or drainage easement(s) shall be recorded at the Register of Deed's Office and a copy submitted with the Final Plat application. In addition, the plat document shall be revised to show the recorded drainage easement(s). An agreement securing maintenance and ownership of the drainage easements shall also be recorded and a copy submitted with the Final Plat application. (9 to 0 to 1 with Brewer, Bulman, Marchand, Popp, Raterman, Rolinger, Rose, Scull and Swank voting yes and none voting no and Braun abstaining)**

*15. No. 13PD024 - Elks Crossing

A request by Dream Design International, Inc. to consider an application for a **Final Planned Development** for a portion of the E ½ of the SW ¼ of, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 1 of Block 7 of Elks Crossing, and the point of beginning; Thence, first course: S 24°46'42" E a distance 72.71'; Thence, second course: S 38°50'33" E a distance 118.01'; Thence third course: S 46°39'34" E a distance 125.86'; Thence, fourth course: S 50°23'06" W a distance of 179.19'; Thence, fifth course: S 39°36'54" E a distance of 5.29'; Thence, sixth course: S 50°23'06" W a distance of 81.45'; Thence, seventh course: S 00°06'48" W a distance of 1135.06'; Thence, eighth course: N 89°55'18" W a distance of 99.98'; Thence, ninth course: N 44°55'18" W a distance of 14.14'; Thence, tenth course: N 00°04'42" E a distance of 18.67'; Thence, eleventh course: N 89°55'18" W a distance of 52.00'; Thence, twelfth course: S 00°04'42" W a distance of 18.67'; Thence, thirteenth course: S 45°04'42" W a distance of 14.14'; Thence, fourteenth course: N 89°55'18" W a distance of 100.02'; Thence, fifteenth course: N 00°06'48" E a distance of 1135.26'; Thence, sixteenth course: N 15°32'37" E a distance of 191.10';

Thence, seventeenth course: N 38°04'13" W a distance of 70.85'; Thence, eighteenth course: N 56°50'47" E a distance of 133.87'; Thence, nineteenth course: N 56°44'59" E a distance of 52.00'; Thence, twentieth course: with a curve turning to the right with an arc length of 4.60', with a radius of 134.00', with a chord bearing of N 32°16'02" W, with a chord length of 4.60'; Thence, twenty-first course: N 58°43'01" E a distance of 131.94', to the point of beginning, more generally described as being located at the current southern terminus of Vine Cliff Drive.

Lacock presented the application and reviewed the zoning map showing the location of the property, noting that the applicant is not requesting any exceptions. Lacock presented staff's recommendation that the **Final Planned Development** be approved with stipulations.

Commissioner Braun noted that he would be abstaining from this item due to a conflict of interest.

Marchand moved, Rose seconded and carried to approve the Final Planned Development 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 Certificate of Occupancy, a Final Plat shall be approved;**
3. **Upon submittal of a building permit, an erosion and sediment control plan shall be submitted for review and approval;**
4. **Upon submittal of a building permit, plans shall be prepared and stamped by a licensed Architect or Professional Engineer as per SDCL 36-18A;**
5. **Temporary or permanent site stabilization shall be achieved prior to issuance of a Certificate of Occupancy;**
6. **All provisions of the underlying zoning districts shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Development Overlay or a subsequent Major Amendment;**
7. **All applicable provisions of the adopted International Fire Code shall continually be met; and,**
8. **The Final Planned Development shall allow a single-family residential development for the property. Any change in use that is a permitted use in the underlying zoning district shall require a building permit. Any change in use that is a Conditional Use in the underlying zoning district shall require the review and approval of a Major Amendment to the Planned Development. (9 to 0 to 1 with Brewer, Bulman, Marchand, Popp, Raterman, Rolinger, Rose, Scull and Swank voting yes and none voting no and Braun 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.

16. No. 13UR014 - Original Town of Rapid City

A request by The Potter Family, Inc. to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment in conjunction with a theater** for Lots 17 and 18 and the north 55 feet of Lots 19 and 21 of Block 84, located in the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 632 1/2 St. Joseph Street.

Laroco presented the application noting that the property is located in the Historic District and that the applicant has requested and received Historic Commission approval. Laroco presented staff's recommendation that the **Conditional Use Permit to allow an On-Sale Liquor Establishment in conjunction with a theater** application be approved with stipulations.

Commissioner Swank stated he would be abstaining from this item due to a conflict of interest.

Rolinger moved, Marchand seconded and carried to approve the Conditional Use Permit to allow an On-Sale Liquor Establishment in conjunction with a theater with the following stipulations:

- 1. Prior to issuance of a building permit, all proposed changes to the suite shall require the review and approval of the Historic Preservation Committee;**
- 2. A building permit shall be obtained prior to any construction. A Certificate of Occupancy shall be obtained prior to Occupancy;**
- 3. 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;**
- 4. All additional signage will require the review and approval of the Historic Sign Board. All signage must comply with Chapter 17.50.080 of the Rapid City Municipal Code. No electronic or Light Emitting Diode (LED) signage is being approved as a part of this Planned Development. The addition of electronic signage will require a Major Amendment to the Planned Development. A sign permit is required for each sign;**
- 5. All provisions of the adopted International Fire Code shall be continually maintained;**
- 6. All provisions of the Central Business District shall continually be met, and;**
- 7. This Conditional Use Permit shall allow for an on-sale liquor establishment to be operated in conjunction with a theater by The Potter Family, Incorporated. Any change in ownership of the on-sale liquor establishment shall require a Major Amendment to the Conditional Use Permit. Changes in the operation of the theater which comply with the requirements of the Rapid City Municipal Code shall**

be permitted. Changes to the on-sale liquor portion of the establishment shall require a Major Amendment to the Conditional Use Permit. (9 to 0 to 1 with Brewer, Bulman, Marchand, Popp, Raterman, Rolinger and Rose, Scull voting yes and none voting no and Swank abstaining)

*17. No. 13PD025 - Walpole Heights Subdivision

A request by Conrad Big C Signs for Ruby Tuesday to consider an application for a **Major Amendment to a Planned Development to allow an electronic message center** for Lot 1 of Block 1 of Walpole Heights Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 821 Fairmont Boulevard.

Laroco presented the application. Laroco noted that this is a request to replace an existing marquee sign with a reader board sign within a Planned Development. Planning Commission has previously requested that message centers within Planned Developments or associated with Conditional Use Permits be reviewed by Planning Commission due to the safety issues associated with signs along high traffic streets. Laroco noted that Planning Commission has recently approved a similar request to exchange a marquee sign with a message center sign in a Planned Development located across the street from this location. Laroco stated that staff has identified the intersection as highly congested and lacks adequate pedestrian access. In addition, Laroco noted that blinking or scrolling signs create distractions for travelers using the street and that staff is therefore unable to support the application. However, staff leaves the decision to the Planning Commission to determine if they find that the placement and design of the proposed sign is acceptable.

Vicky Fenhaus, Conrad Big D Signs, stated that she is available to answer questions. In response to a question from Commissioner Braun, Fenhaus stated the sign will be limited to onsite advisement for Ruby Tuesday.

In response to question from Commissioner Scull, Fisher stated the current sign code identifies the time delay required for message centers. Commissioner Bulman noted that her concern is that the time delays and requirements for reader signs be enforced.

Discussion followed.

In response to a question from Commissioner Raterman, Fisher stated that the Department of Transportation does not support any reader board signs along State Highways, but do not feel that the replacement of this sign creates an adverse effect.

Josh Mulder, General Manager of Ruby Tuesday, stated that the reader board would be a strong tool in the implementation of the new programs that the restaurant plans to initiate. Mulder stated that they would work with Conrad's signs to operate within the guidelines.

Discussion followed.

Rolinger moved to approve with revised stipulations to include an 8 second delay, Rose seconded.

Fisher clarified that the Sign Code identifies a minimum of an 8 second delay on a reader board sign and therefore the recommended stipulations do not need to be revised.

Rolinger modified his motion to approve with stipulations as recommended, Rose seconded.

Roll call vote was called.

Rolinger moved, Rose seconded and carried to determine that the design and location of the proposed message center sign is appropriate for the property, and approved the Major Amendment to a Planned Development to allow an electronic message center shall with the following stipulations:

- 1 The stipulations of approval of all previous Planned Developments on the property are hereby acknowledged;**
- 2. A sign permit shall be required prior to installation of the sign;**
- 3. Upon installation of the sign and three months after installation of the sign, documentation shall be provided showing that the sign does not exceed the brightness limitations set forth by the Rapid City Sign Code, and;**
- 4. All signage shall comply with the submitted sign package and the requirements of the Rapid City Sign Code. Changes to the signage which comply with the Rapid City Sign Code shall be permitted. Additional electronic or Light Emitting Diode (LED) signage shall require a Major Amendment to the Planned Development. (8 to 2 with Braun, Brewer, Marchand, Popp, Raterman, Rolinger, Rose, Scull voting yes and Bulman and Swank 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.

18. Discussion Items
None

19. Staff Items
Fisher stated that the Plat Procedure Training will follow after the Planning Commission in the First Floor Community Room.

20. Planning Commission Items
None

There being no further business, Rose moved, Marchand seconded and unanimously carried to adjourn the meeting at 8:04 a.m. (10 to 0 with Braun, Brewer, Bulman, Marchand, Popp, Raterman, Rolinger, Rose, Scull and Swank voting yes and none voting no)