

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
July 8, 2004

MEMBERS PRESENT: Gary Brown, Ida Fast Wolf, Debra Hadcock, Scott Nash, Ethan Schmidt and Martha Rodriguez

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Renee Catron-Blair, Todd Tucker, Karen Bulman, Tim Behlings, Joel Landeen, Curt Huus, Sig Zvejnieks, Patsy Horton and Deb Radomski

Chairperson Schmidt called the meeting to order at 7:16 a.m. with the arrival of Gary Brown

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

**Staff requested that Item 6 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Rodriguez moved, seconded by Nash and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 through 13 in accordance with the staff recommendations with the exception of Item 6. (6 to 0 with Brown, Fast Wolf, Schmidt, Nash, Hadcock and Rodriguez voting yes and none voting no)**

**---NON HEARING ITEMS CONSENT CALENDAR---**

**Items 1 thru 13 have been placed on the Non-Hearing Consent Calendar and may be approved as a group. Action will be taken on all Non-Hearing Consent items in accordance with staff's recommendation by a single vote. Any item may be removed from the Non-Hearing Consent Calendar by any Planning Commissioner, staff member, or audience member for separate consideration at this time. The findings of this Planning Commission are recommendations to the City Council; the City Council will make the final decision.**

1. Approval of the June 24, 2004 Planning Commission Meeting Minutes.
2. No. 04PL082 - Horizon Subdivision  
A request by Centerline, Inc. for Horizon Properties, Inc. to consider an application for a **Preliminary Plat** on Lot 1 of Horizon Subdivision located in NE1/4 NW1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of Outlot B less Lots A, B & C of Merchen's First Addition located in NE1/4 NW1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 701 East St. Patrick Street.

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

1. **Prior to Preliminary Plat approval by the City Council, construction**

- plans providing a sewer main along the west 200 feet of East St. Patrick Street as it abuts the subject property shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a drainage easement along the south lot line to accommodate the Meade Hawthorne drainage channel;
  3. Prior to submittal of a Final Plat application, the plat document shall be revised to provide a non-access easement along East St. Patrick Street as per the Street Design Criteria Manual; and,
  4. Prior to submittal of a Final Plat application, the plat title shall be revised to include "of Tracts 1" after Lot a, B and C.
3. No. 04PL083 - Brookfield Subdivision  
A request by Sperlich Consulting Inc. for Doeck LLC to consider an application for a **Layout Plat** on Brookfield Subdivision located in the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as the W1/2 NE1/4; balance of the SE1/4 NW1/4; the balance of the NE1/4 SW1/4; and, the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located northwest of the intersection of West Nike Road and Viking Drive.

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

1. Upon submittal of the Preliminary Plat application, a pavement design with supporting geotechnical information shall be submitted for review and approval;
2. Upon submittal of the Preliminary Plat application, a topographical drawing of the property and grading plan including existing and proposed grades and sediment and erosion control plans for all improved areas, shall be submitted for review and approval;
3. Upon submittal of the Preliminary Plat application, a drainage plan per the Rapid City Drainage Criteria Manual shall be submitted for review and approval. The plan shall demonstrate that post-development storm water discharges shall not exceed pre-development flow rates or on-site detention shall be provided for review and approval. The plan shall also identify all floodplain areas and any development in these areas shall comply with Chapter 15.32 and 16.12.210.C of the Rapid City Municipal Code;
4. Upon submittal of the Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of the Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains and lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;

6. Upon submittal of the Preliminary Plat application, road construction plans for streets #1, #2 and #3 shall be submitted for review and approval. In particular, the road construction plans shall show a subcollector street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water per the City Street Design Criteria Manual or a Variance to the Subdivision Regulations shall be obtained;
7. Prior to submittal of a Final Plat, the plat document shall be revised to show the dedication of right-of-way on the adjacent property for portions of streets #2 and #3 or "H" Lots shall be recorded;
8. Upon submittal of the Preliminary Plat application, road construction plans for the balance of the streets shall be submitted for review and approval. In particular, the streets shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water per the City Street Criteria Manual or a Variance to the Subdivision Regulations shall be obtained. The proposed cul-de-sac turnaround bulbs shall be located in a minimum 110 foot wide diameter right-of-way with a minimum 90 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
9. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
10. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City;
11. Prior to Preliminary Plat approval by the City Council, the section line highway shall be constructed to City Street Design Standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated. The adjacent property owner shall participate in the platting of the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way. In particular, the road shall be located in a minimum 66 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
12. Upon submittal of the Preliminary Plat application, all Uniform Fire Codes shall be continually met;
13. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review;
14. Upon submittal of the Preliminary Plat application, a phasing plan shall be submitted for review and approval to demonstrate that a second street access shall be provided at all times to any area of more than forty (40) dwelling units or a Special Exception shall be obtained;
15. Prior to submittal of a Final Plat, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show

- the approved street names;
16. Upon submittal of a Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
  17. Prior to submittal of a Final Plat, the property shall be rezoned to allow the minimum lot size requested or a zoning variance shall be obtained.
4. No. 04PL085 - Collins Estates  
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 3, Block 1, Collins Estates, located in the N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, legally described as N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located along 237th Street.

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

1. Prior to Preliminary Plat approval by the City Council, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
3. Prior to Preliminary Plat approval by the City Council, 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 or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, data to confirm that proposed on-site well(s) have sufficient flows and water quality shall be submitted for review and approval. If a shared well is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;
5. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Engineering Division;
6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
7. A Special Exception is hereby granted to allow a street with a 15% grade in lieu of a maximum 12% grade as per the Street Design Criteria Manual;
8. A Special Exception is hereby granted to allow 237<sup>th</sup> Street to be located off center line of the right-of-way as per the Street Design Criteria Manual;

9. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
  10. Prior to submittal of a Final Plat application, the plat document shall be revised to provide a minimum lot size of ten acres per parcel or a Variance to waive the requirement to provide the minimum ten acre lot size in the Limited Agriculture District shall be obtained from the Pennington County Zoning Board of Adjustment;
  11. Prior to submittal of a Final Plat application, the plat document shall be revised to show the street name for "237<sup>th</sup> Street";
  12. Upon submittal of a Final Plat application, a road maintenance agreement for 237<sup>th</sup> Street shall be submitted for review and approval;
  13. Upon submittal of a Final Plat application, the plat title shall be revised to eliminate the comma from the "N1/2N1/2NE1/4";
  14. Upon submittal of a Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit is applied for, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided; and,
  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.
5. No. 04PL086 - Rainbow Ridge Subdivision  
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 8 and Lots 33 thru 38 of Block 1, Lots 27 thru 32 of Block 2 and Lots 1 thru 9 of Block 3, Rainbow Ridge Subdivision, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, legally described as SW1/4 NE1/4 and SE1/4 NE1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located west of Chet Street.

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

1. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a Phasing Plan demonstrating that no more than 40 dwelling units shall be served with one point of access or a Special Exception to the Street Design Criteria Manual shall be obtained as needed;
2. Prior to Preliminary Plat approval by the City Council, a revised Master Plan for the balance of the property shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, geotechnical information addressing pavement design as well as cuts, fills and slope stability shall be submitted for review and approval;
4. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Engineering Division;

5. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that agreements necessary to insure wastewater connection fees for upgrades, improvements or replacement to the sanitary sewer lift station serving this area, are in effect and that the appropriate fees shall be paid. In addition, sewer sizing calculations shall be submitted for review and approval as per South Dakota Department of Environment and Natural Resources rules;
  6. Prior to Preliminary Plat approval by the City Council, a revised cost estimate of the subdivision improvements shall be submitted for review and approval;
  7. Prior to Preliminary Plat approval by the City Council, additional grading and drainage information shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;
  8. Prior to Preliminary Plat approval by the City Council, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to the adjacent properties;
  9. The Uniform Fire Codes shall be continually met;
  10. Prior to submittal of a Final Plat, the plat document shall be revised to show "Chet Street" as "Bunker Drive"; and,
  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.
7. No. 04VR002 - Original Townsite of Rapid City  
A request by Alliance of Architects and Engineers for the Rapid City Journal to consider an application for a **Vacation of Right-of-Way** on Lots 1 thru 32, Block 79, Original Townsite of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 507 Main Street.
- Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulations:**
1. Prior to City Council approval, the proposed vacated portion of the right-of-way shall be recorded at the Register of Deed's office as a utility easement with a note on a miscellaneous document that the City and utility companies retain the right to access the fenced utility easement;
  2. A Knox Lock Box shall be installed in an accessible location as determined by the Fire Department;
  3. Any future approach locations provided to the affected properties shall comply with all applicable provisions of the Street Design Criteria Manual; and,
  4. Prior to City Council approval, written documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation.
8. No. 04VR003 - North 80 Subdivision

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for a **Vacation of Section Line Highway** on property described by metes and bounds as commencing from the northwest corner of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence S0°07'54.5"W a distance of 1141.567 feet along the section line to a point at which the section line intersects the eastern right of way of proposed Parkview Drive alignment, thence northeasterly along a chord with a bearing of N12°22'24"E a distance of 155.636 feet to the true point of beginning at the intersection of the eastern section line right of way with the proposed Parkview Drive right of way. Thence S0°07'54.5"W, 957.876 feet to the intersection of the east section line right of way and Sidewinder Blvd right of way, thence S78°54'16"W, 4.39 feet, to the southwest corner of Lot 1 of South Gate Subdivision, thence northwesterly along a curve with a delta of 10°26'33.5", a radius of 1021.00 feet, and a length of 186.085 feet with a chord bearing of N19°15'29.3"W and a chord distance of 185.828 feet to the intersection of the western section line right of way and eastern Fifth Street right of way, thence N0°07'54.5"E, 553.742 feet to the intersection of the western section line right of way and proposed eastern Parkview Drive right of way, thence northeasterly along a curve with a delta of 7°34'43.2", a radius of 638.00 feet, and a length of 84.39 feet with a chord bearing of N23°10'06.9"E and a chord length of 84.328 feet to the point of beginning, more generally described as being located east of 5th Street along Sidewinder Boulevard.

**Planning Commission recommended that the Vacation of Section Line Highway be approved with the following stipulations:**

1. **Prior to City Council approval, a 20 foot wide utility easement shall be recorded at the Register of Deed's Office; and,**
  2. **Prior to City Council approval, written documentation from U S West Communications concurring with the proposed Vacation of Section Line Highway request shall be submitted.**
9. No. 916 - Section 3, T1N, R7E  
A request by the City of Rapid City to consider the **Dissolution of Tax Increment District #24** on Lot B of the SE1/4 SE1/4 and adjacent public rights-of-way, all located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, more generally described as being located at 1600 Mt. View Road.

**Planning Commission recommended that the Dissolution of Tax Increment District #24 be approved.**

10. Approval of the US Highway 16 Corridor Study - Final Report

**Planning Commission recommended that the US Highway 16 Corridor Study be approved.**

11. Approval of the Jackson Boulevard Extension Study - Final Report

**Planning Commission recommended that the Jackson Boulevard Extension Study be approved.**

12. Approval of the Travel Demand Modeling Update - Final Report

**Planning Commission recommended that the Travel Demand Modeling Update be approved.**

13. Approval of the 2005-2009 Rapid City Area Transportation Improvement Program

**Planning Commission recommended that the 2005-2009 Rapid City Area Transportation Improvement Program be approved.**

**---END OF NON HEARING ITEMS CONSENT CALENDAR---**

6. No. 04SR037 - Spring Ranchettes #2 Subdivision

A request by Paul Wozniak for Western Wireless Corp. to consider an application for an **11-6-19 SDCL Review to allow three antennas to be attached to an existing 150 foot monopole** on Lot 1 of Hidden Valley Ranchettes #2 Subdivision, Section 31, T2N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 14885 Morningview Drive.

Elkins stated that the stipulations of approval have not been met and recommended this item be continued until the July 22, 2004 Planning Commission. Elkins stated that Staff had visited with Talbot Wieczorek, who represents Western Wireless, and he was not aware of any reason continuation would cause a problem.

**Rodriguez moved, Nash seconded and unanimously carried continue the 11-6-19 SDCL Review to allow three antennas to be attached to an existing 150 foot monopole to the July 22, 2004 Planning Commission meeting.**

**HEARING ITEMS CONSENT CALENDAR---**

**Schmidt opened the Public Hearings on Items 14 thru 26 and reviewed the Hearing Consent Calendar Items 14 – 26.**

**Elkins requested the Item #22 be removed from the Consent Agenda. No other items were requested to be removed from the Agenda.**

**Schmidt closed the public hearings on Items 14 thru 26 with the exception of Item 22.**

**Rodriguez moved, seconded by Nash and unanimously carried to approve the Hearing Consent Agenda Items 14 thru 26 in accordance with staff recommendations with the exception of Item 22.**

14. No. 04CA020 - Skyline Pines East Subdivision

**Summary of Adoption Action - Amendment to the Comprehensive Plan to**



**change the future land use designation on a 1.22 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota: thence travel 550.60 feet at a bearing S89°27'22" East to a point; Thence travel 1.39 feet at a bearing N00°32'38" East to the Point of Beginning; travel 384.90 feet at a bearing N45°54'33" East to a point; thence travel 216.00 feet at a bearing N67°49'27" East to a point; thence travel 42.13 feet at a bearing N24°43'12" East to a point; thence travel 155.08 feet at a bearing South to a point; thence travel 504.33 feet at a bearing S62°30'29" West to a point; thence travel 46.71 feet at a bearing N89°39'00" West to the Point of Beginning; said area described contains approximately 1.22 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

**Planning Commission recommended approval of the Summary of Adoption Action and authorized publication in the Rapid City Journal.**

15. No. 04CA021 - Skyline Pines East Subdivision  
**Summary of Adoption Action - Amendment to the Comprehensive Plan to change the future land use designation on an 11.22 acre parcel from Medium Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota: thence travel 597.31 feet at a bearing S89°27'22" East to a point; Thence travel 2.02 feet at a bearing N00°32'38" East the Point of Beginning; travel 504.33 feet at a bearing N 62°30'29" East to a point; thence travel 154.61 feet at a bearing North to a point; thence travel 78.60 feet at a bearing N24°43'12" East to a point; thence travel 117.84 feet at a bearing N07°03'57" West to a point; thence travel 11.61 feet at a bearing N30°35'10" West to a point; thence travel 303.21 feet at a bearing N50°52'56" East to a point; thence travel 129.80 feet at a bearing North to a point; thence travel 424.41 feet at a bearing S45°00'00" East to a point on a curve; thence travel 258.58 feet along a 190.00 foot radius Concave Southeasterly curve with a chord bearing S05°49'05" East to a point; thence travel 61.40 feet at a bearing S44°48'23" East to a point; thence travel 340.35 feet at a bearing S22°02'42" East to a point; thence travel 1192.20 feet at a bearing N89°38'58" West to the Point of Beginning; said area described contains approximately 11.22 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

**Planning Commission recommended approval of the Summary of Adoption Action and authorized publication in the Rapid City Journal.**

16. No. 04CA022 - Skyline Pines East Subdivision  
**Summary of Adoption Action - Amendment to the Comprehensive Plan to change the future land use designation on a 0.48 acre parcel from General Commercial with a Planned Commercial Development to Office Commercial**

**with a Planned Commercial Development** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota: thence travel 1795.11 feet at a bearing S89°27'22" East to a point; Thence travel 6.07 feet at a bearing N00°32'38" East the Point of Beginning; travel 359.39 feet at a bearing N22°02'42" West to a point; travel 104.66 feet at a bearing S44°48'23" East to a point on a curve; thence travel 38.11 feet along a 210.00 foot radius Convex Southwesterly curve with a chord bearing S39°36'26" East to a point; thence travel 211.05 feet at a bearing S34°24'28" East to a point; thence travel 78.59 feet at a bearing S45°00'00" West to a point; thence travel 26.81 feet at a bearing N89°39'00" West to the Point of Beginning; said area described contains approximately 0.48 Acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

**Planning Commission recommended approval of the Summary of Adoption Action and authorized publication in the Rapid City Journal.**

17. No. 04CA023 - Skyline Pines East Subdivision  
**Summary of Adoption Action - Amendment to the Comprehensive Plan to change the future land use designation on a 0.27 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota: thence travel 1657.07 feet at a bearing S89°27'22" East to a point; thence travel 337.88 feet at a bearing N00°32'38" East the Point of Beginning; travel 61.40 feet at a bearing N44°48'23" West to a point on a curve; thence travel 258.58 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N05°49'05" West to a point; thence travel 47.91 feet at a bearing S45°00'00" East to a point on a curve; thence travel 178.19 feet along a 230.00 foot radius Concave Southeasterly curve with a chord bearing S00°08'58" West to a point; thence travel 95.96 feet at a bearing S22°02'42" East to the Point of Beginning; said area described contains approximately 0.27 Acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

**Planning Commission recommended approval of the Summary of Adoption Action and authorized publication in the Rapid City Journal.**

18. No. 04CA024 - Skyline Pines East Subdivision  
**Summary of Adoption Action - Amendment to the Comprehensive Plan to change the future land use designation on a 0.26 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota: thence travel 1586.89 feet at a bearing S89°27'22" East to a point; Thence travel 618.64 feet at a bearing N00°32'38" East the Point of Beginning; thence travel 75.39 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N44°32'12" East to a point; thence travel 219.73 feet at a

bearing N55°19'07" East to a point; thence travel 33.94 feet at a bearing S34°35'20" East to a point; thence travel 157.68 feet at a bearing S55°19'17" West to a point on a curve; thence travel 132.38 feet along a 230.00 foot radius Concave Southeasterly curve with a chord bearing S38°49'48" West to a point; thence travel 57.91 feet at a bearing N45°00'00" West to the Point of Beginning; said area described contains approximately 0.26 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

**Planning Commission recommended approval of the Summary of Adoption Action and authorized publication in the Rapid City Journal.**

19. No. 04CA025 - Skyline Pines East Subdivision  
**Summary of Adoption Action - Amendment to the Comprehensive Plan to change the future land use designation on a 0.63 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; Thence travel 854.51 feet at a bearing S89°27'22"E to a point; Thence travel 692.17 feet at a bearing N00°32'38"E to the Point of Beginning; travel 205.11 feet at a bearing N35°12'36"E to a point; thence travel 70.11 feet at a bearing N00°21'00"E to a point; thence travel 65.15 feet at a bearing N90°00'00"E to a point; thence travel 318.07 feet at a bearing S00°00'00"E to a point; thence travel 93.37 feet at a bearing N30°35'10"W to a point; thence travel 136.33 feet at a bearing S90°00'00"W to a point to the Point of Beginning; said parcel contains approximately 0.63 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

**Planning Commission recommended approval of the Summary of Adoption Action and authorized publication in the Rapid City Journal.**

20. No. 04CA026 - Skyline Pines East Subdivision  
**Summary of Adoption Action - Amendment to the Comprehensive Plan to change the future land use designation on a 0.78 acre parcel from Park Forest to Low Density Residential II with a Planned Residential Development** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota: thence travel 588.52 feet at a bearing N00°21'00" East to the Point of Beginning; travel 330.47 feet at a bearing N00°21'00" East to a point; thence travel 151.09 feet at a bearing S41°05'15" East to a point; thence travel 14.84 feet at a bearing S00°21'00" West to a point; thence travel 239.65 feet at a bearing S10°42'07" East to a point on a curve; thence travel 65.70 feet along a 74.00 foot radius Concave Northerly curve with a chord bearing N80°16'49" West to a point on a curve; thence travel 77.31 feet along a 126.00 foot radius Concave Southerly curve with a chord bearing N72°25'20" West to a point; thence travel 7.41 feet at a bearing N89°51'16" West to the Point of Beginning; said area described contains approximately 0.78 Acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard along Tower Road.

**Planning Commission recommended approval of the Summary of Adoption Action and authorized publication in the Rapid City Journal.**

21. No. 04CA027 - Nowlin and Wood Addition

**Summary of Adoption Action - Amendment to the Comprehensive Plan to change the North Rapid Neighborhood Future Land Use Map from Medium Density Residential to General Commercial with a Planned Development Designation** on the north 319 feet of Lot 16, a replat of Block 31 of a replat of Blocks 4, 5, 6, 11, 12, 13, 19, 20, 21, 26, 27 and 28 of the Nowlin and Wood Addition in the N1/2 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; less Lot H1, H2 and H3, Lot 16 of Block 31 of the Nowlin and Wood Addition in the N1/2 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1125 North Lacrosse Street.

**Planning Commission recommended approval of the Summary of Adoption Action and authorized publication in the Rapid City Journal.**

23. No. 04SV031 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1878.59 feet at a bearing S89°27'22"E to a point; thence travel 59.93 feet at a bearing N00°32'38"E to the Point of Beginning; travel 213.89 feet at a bearing N34°24'28"W to a point on a curve; thence travel 38.11 feet along a 210.00 foot radius Concave Northwesterly curve with a chord bearing N39°36'25"W to a point; thence travel 166.06 feet at a bearing N44°48'23"W to a point on a curve; thence travel 333.97 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N05°32'55"E to a point; thence travel 219.73 feet at a bearing N55°19'07"E to a point; thence travel 267.59 feet at a bearing S34°35'20"E to a point; thence travel 300.18 feet at a bearing S45°00'00"W to a point; thence travel 303.00 feet at a bearing S34°24'28"E to a point; thence travel 108.34 feet at a bearing of S45°10'38"W the Point of Beginning; said parcel contains approximately 3.23 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 22, 2004 Planning Commission meeting.**

24. No. 04SV032 - Skyline Pines East Subdivision

A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. to consider an application for a **Variance to the Subdivision Regulations to**

**waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on property described by metes and bounds as commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1819.43 feet at a bearing S89°27'22"E to a point to the Point of Beginning; travel 164.96 feet at a bearing N45°10'32"E to a point; thence travel 301.36 feet at a bearing N45°24'39"E to a point; thence travel 210.28 feet at a bearing N54°45'23"E to a point; thence travel 48.86 feet at a bearing S15°57'26"W to a point; thence travel 406.85 feet at a bearing S00°46'13"W to a point; thence travel 484.47 feet at a bearing N89°27'22"W to the Point of Beginning; and, commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1819.43 feet at a bearing S89°27'22"E to a point to the Point of Beginning; travel 484.47 feet at a bearing S89°27'22"E to a point; thence travel 121.99 feet at a bearing S00°46'13"W to a point; thence travel 282.52 feet at a bearing S75°51'59"W to a point on a curve; thence travel 420.51 feet along a 437.22 foot radius Concave Southwesterly curve with a chord bearing S65°50'38"W to a point; thence travel 27.01 feet at a bearing N54°20'05"W to a point on a curve; thence travel 173.71 feet along a 100.00 foot radius Convex Northwesterly curve with a chord bearing N04°34'14"W to a point; thence travel 273.99 feet at a bearing N45°10'32"E to the Point of Beginning; said parcel contains approximately 5.60 acres more or less, more generally described as being located west of the western terminus of Fairmont Boulevard and north of Tower Road.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 22, 2004 Planning Commission meeting.**

25. No. 04SV038 - Skyline Pines Subdivision

A request by Sperlich Consulting Inc. for Tom Gagliano to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 8A, 8B and 9B, Block 2, Skyline Pines Subdivision, located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 8 and 9, Block 2, Skyline Pines Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1501 Pevans Parkway and 3289 Sandstone Lane.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Sandstone Lane be denied; that the Variance to the Subdivision Regulations to dedicate right-of-way for the existing access easement and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the access easement be denied; that the Variance to the Subdivision Regulations to waive the requirement to extend a sewer main from Pevans Parkway to proposed Lot 8B be approved; that the Variance to**

**the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sandstone Lane be approved; and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along Skyline Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:**

- 1. Prior to City Council approval, the applicants shall sign a waiver of right to protest any future assessments for the improvements along Sandstone Lane and Skyline Drive.**

26. No. 04SV039 - Kennsington Heights Subdivision

A request by Sperlich Consulting, Inc. for Jim Scull to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 14 of Block 1, Lots 1 thru 6 of Block 2, and Lot 1 of Block 3, Kennsington Heights Subdivision, located in "Government" Lot 4, , Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of "Government" Lot 4 , Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the future intersection to Elm Avenue and Field View Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:**

- 1. That a ten foot wide public utility and pedestrian access easement shall be provided along the east lot line of the subject property.**

**---END OF HEARING CONSENT CALENDAR---**

\*22. No. 04PD035 - R&L Subdivision

A request by Sturgis Motorcycles Inc. dba B.H. Harley Davidson to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 1 thru 3 less Lot H1 of Lot 1, R&L Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3030 Lange Road.

Elkins presented the request and reviewed the revised stipulations of approval.

**Rodriguez moved, Nash seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the revised stipulations:**

- 1. A Temporary Use Permit shall be obtained prior to each event held on the subject property;**
- 2. The Fire Department shall approve all set up and tent inspection checklists and tent inspection plans prior to each event;**
- 3. Access to the Fire Department connection on the west side of the building shall be maintained at all times;**

4. A 20 foot un-obscured access along the front of the structure to allow emergency access shall be maintained;
5. All applicable provisions of the Uniform Fire Code shall be continually met;
6. The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with the events held on the subject property;
7. All individuals served alcoholic beverages shall be carded and shall wear a wristband;
8. Adequate security shall be provided at all times including monitoring of incoming and outgoing vehicular traffic while alcohol is being sold on the premises;
9. There shall be no organized concerts;
10. The Temporary On-sale Liquor Establishment use shall be approved for the dates of the Sturgis Rally and Races and 12 additional dates throughout the year; and,
11. The events shall begin no earlier than 11:00am and cease no later than 11:00pm. (6 to 0 with Rodriguez, Hadcock, Nash, Schmidt, Brown and Fast Wolf voting yes and none voting no).

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

**---BEGINNING OF REGULAR AGENDA ITEMS---**

Staff requested that Items #27 and #28 be considered concurrently.

27. No. 04PL084 - Brentwood Subdivision  
A request by Brent Pushing to consider an application for a **Layout Plat** on Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the end of Sunridge Road.
28. No. 04SV037 - Brentwood Subdivision  
A request by Brent Pushing to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway and the interior street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the end of Sunridge Road.

Catron-Blair reviewed the request and presented the Staff recommendation for approval with stipulations.

Brent Pushing asked if the Planning Commission would support waiving the requirement for paving the road if the property were split into two 20 acre lots.

Catron-Blair reviewed the request noting the road is designated as a collector road on the Major Street Plan. Catron-Blair stated that the area is a high wild fire area and due to the length of this cul-de-sac, that they would like to see the road paved so that they could have adequate fire apparatus access through this site.

Discussion continued on the road width and surfacing requirements and the applicant's option of resubmitting an alternative plan.

Nash stated that regardless of whether it goes to two pieces or four pieces, the applicant will still have to have a Variance or build the street.

Discussion continued.

**Nash moved, Brown seconded and unanimously carried to recommend approval of the Layout Plat with stipulations:**

- 1. Upon submittal of the Preliminary Plat application, the road construction plans for the extension of Sun Ridge Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 60 foot right-of-way and a 24 foot paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. In addition, a design showing a minimum 96 foot wide diameter right-of-way with a minimum 76 foot wide diameter paved cul-de-sac bulb at the end of the proposed right-of-way shall be submitted for review and approval;**
- 2. Upon submittal of the Preliminary Plat application, road construction plans shall be submitted for review and approval for the section of street that is unnamed located north of Lot 2. In particular, the road construction plans shall show the street constructed with a minimum 45 foot right-of-way and a 20 foot paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. In addition, a design showing a minimum 96 foot wide diameter right-of-way with a minimum 76 foot wide diameter paved cul-de-sac bulb at the end of the proposed right-of-way shall be submitted for review and approval;**
- 3. Prior to submittal of a Final Plat, the plat document shall include the dedication of the right-of-way for the east 660 feet of Sun Ridge Road located directly east of the subject property or an "H" Lot shall be recorded dedicating the right-of-way or a Variance to the Subdivision Regulations shall be approved waiving the requirement to dedicate the right-of-way;**
- 4. A Special Exception is hereby granted to allow 43 lots with one exclusive point of access in lieu of 40 dwelling units with one point of**



access as per the Street Design Criteria Manual;

5. Upon submittal of the Preliminary Plat application, a Special Exception to allow an approximate 5,700 foot long cul-de-sac without any intermediate turnarounds in lieu of a maximum 1,200 foot long cul-de-sac with intermediate turnarounds at intervals not exceeding 600 feet shall be obtained;
6. Prior to Preliminary Plat approval by the City Council, the section line highway shall be constructed to City Street Design Standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated. The adjacent property owner shall participate in the platting or vacation of the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way. In particular, the road shall be located in a minimum 66 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
7. Prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan to relocate the Collector Street shall be obtained or adjust the preliminary plat to comply with the Major Street Plan;
8. Upon submittal of the Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed;
9. Upon submittal of the Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water lines shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;
10. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;
11. Upon submittal of the Preliminary Plat application, a topographical drawing showing any proposed grading and a sediment and erosion control plan for all improved areas shall be submitted for review and approval;
12. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
13. Upon submittal of the Preliminary Plat application, all Uniform Fire Codes shall be continually met;
14. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan

shall be submitted for review and approval and the plan shall be implemented;

15. Prior to submittal of the Final Plat, the property shall be rezoned to a zoning district as required to allow a minimum 10 acre lot or a Variance from the Pennington County Zoning Board of Adjustment shall be obtained;
16. Prior to submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
17. Prior to submittal of the Final Plat, a note shall be placed on the plat document stating that "An alternate drainfield area for each lot shall be identified upon submittal of a building permit."

Nash moved, Brown seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to construct pavement along the east 660 feet of the east-west section line highway located in the SE1/4 of Section 25, T2N, R7E be denied; that the Variance to the Subdivision Regulations to waive the requirement to construct pavement along Sun Ridge Road and the unnamed street along the north lot line of Lot 2 be denied; that the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water and sewer for the western 1,980 feet of the east-west section line highway located in the SE1/4 of Section 25, T2N, R7E be approved; and, that the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water and sewer along the east 660 feet of the section line highway located in the SE1/4 of Section 25, T2N, R7E be approved with the following stipulations:

1. Upon submittal of a Preliminary Plat, road construction plans for the east 660 feet of the section line highway and Sun Ridge Road shall be submitted for review and approval. In particular, the road construction plans shall identify that the street(s) are located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface. In addition, the road construction plans shall show a cul-de-sac bulb at the end of Sun Ridge Road with a minimum 96 diameter right-of-way and a minimum 76 foot diameter paved surface;
2. Upon submittal of a Preliminary Plat, road construction plans for the unnamed street located along the north lot line of Lot 2 shall be submitted for review and approval. In particular, the road construction plans shall identify that the street is located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface; and,
3. Prior to City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements along the section line highway, the unnamed street and Sun Ridge Road. (6 to 0 with Hadcock, Rodriguez, Nash, Schmidt, Fast Wolf and Brown voting yes and none voting no).

A request by Our Redeemer Lutheran Church to consider an application for an **11-6-19 SDCL Review to allow use of public right-of-way for parking** on Lots 24 thru 38 of Block 9, Millard Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 Wood Avenue.

Elkins recommended that the 11-6-19 SDCL Review to allow use of public right-of-way for parking be continued to July 22, 2004 Planning Commission to allow the Church to take the parking plan to the Council for approval of parking in the Right-of-Way.

**Brown moved, Nash seconded and unanimously carried to recommend that the 11-6-19 SDCL Review to allow use of public right-of-way for parking be continued to the July 22, 2004 Planning Commission meeting. (6 to 0 with Hadcock, Rodriguez, Nash, Schmidt, Fast Wolf and Brown voting yes and none voting no).**

\*30. No. 04PD033 - Auburn Hills Subdivision

A request by Triple J Construction for Doeck, LLC to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 2 of Block 5, Auburn Hills Subdivision, located in the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Auburn Drive.

Fisher reviewed the application details and recommended that the request be approved with stipulations as outlined in the Staff Report.

**Rodriguez moved, Nash seconded and unanimously carried to approve the Planned Residential Development – Initial and Final Development Plan 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 Planning Commission approval, the site plan shall be revised eliminating the proposed sign or a complete sign package shall be submitted for review and approval;**
3. **Prior to Planning Commission approval, a grading and drainage plan shall be submitted for review and approval;**
4. **Prior to Planning Commission approval, the size, location and material proposed for the sewer and water service lines from the mains to the building shall be submitted for review and approval;**
5. **Prior to issuance of a building permit, the applicant shall demonstrate that the approach is being constructed with reinforced concrete to the property line as per the adopted City standard detail. In addition, the applicant shall confirm that the approach shall align with any existing approach located on the opposite side of the street or adequate separation between approaches shall be provided as per the Street Design Criteria Manual;**
6. **Prior to Planning Commission approval, a landscaping plan shall be submitted for review and approval. In particular, the landscaping plan**

shall provide a minimum of 16,182 points. In addition, a minimum of 50% of the landscaping points shall be located within the parking lot or within 20 feet of the parking lot;

7. Prior to Planning Commission approval, the site plan shall be revised to show property line sidewalks in lieu of curb side sidewalks;
8. A minimum of six parking spaces shall be provided with one "van" handicapped accessible spaces. In addition, all provisions of the Off-street Parking Ordinance shall be continually met;
9. All Uniform Fire Codes shall be met;
10. The proposed structures shall conform architecturally to the elevations and color palette submitted as part of this Planned Residential Development Plan;
11. The Planned Residential Development shall allow a four unit apartment building to be constructed on the property. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.

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

\*31. No. 04PD034 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc. for Joe Muth to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 12, Block 6, Auburn Hills Subdivision. Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Auburn Drive.

Fisher indicated that the stipulations of approval necessary for Planning Commission action had been met and recommended that the Planned Residential Development – Initial and Final Development Plan be approved with the stipulations as outlined in the Staff Report.

Brown asked if there were any issues similar to those experienced in the Canyon Lake area noting the desire to avoid recreating the same problems.

Fisher reviewed the project noting the location, layout and landscaping associated with this project.

**Rodriguez moved, Nash seconded and unanimously carried to approve the Planned Residential Development – Initial and Final Development Plan 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. In addition a sign permit shall be obtained prior to the placement of a sign on the property;

2. Prior to Planning Commission approval, a revised sign package shall be submitted for review and approval. In particular, the sign shall be relocated outside of the sight distance triangle. In addition, the sign shall not exceed a maximum of 12 square feet in size;
3. Prior to Planning Commission approval, a grading and drainage plan shall be submitted for review and approval;
4. Prior to Planning Commission approval, the size, location and material proposed for the sewer and water service lines from the mains to the buildings shall be submitted for review and approval;
5. Prior to Planning Commission approval, the site plan shall be revised to provide a maximum 24 foot wide approach. In addition, the approach shall align with any existing approach located on the opposite side of the street or adequate separation between approaches shall be provided as per the Street Design Criteria Manual;
6. A minimum of 25,766 landscaping points shall be provided. The landscaping shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
7. A minimum of 18 parking spaces shall be provided with two handicapped accessible spaces. One of the handicapped spaces shall be "van" accessible. In addition, all provisions of the Off-street Parking Ordinance shall be continually met;
8. All Uniform Fire Codes shall be met;
9. The proposed structures shall conform architecturally to the elevations and color palette submitted as part of this Planned Residential Development Plan;
10. The Planned Residential Development shall allow twelve dwelling units to be constructed on the property. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.

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

\*32. No. 04UR007 - Marshall Heights Tract

A request by Tom Bradsky and Pat Vidal for Wal-East Development, Inc. to consider an application for a **Conditional Use Permit to allow an On-Sale Liquor Establishment in a General Commercial Zoning District** on Lot A of Lot 7 of Lot K-3 Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1415 North Lacrosse Street.

**Brown moved, Nash seconded and unanimously carried to approve the**

**Conditional Use Permit to allow an On-Sale Liquor Establishment in a General Commercial Zoning District with the following stipulations:**

1. Prior to issuance of a Building Permit, the site plan shall be revised to show the required screening fence in accordance with Section 17.18.080 of the Rapid City Municipal Code to minimize any adverse effects to the abutting residential areas;
2. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy of the suite;
3. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant;
4. All applicable provisions of the Uniform Fire Codes shall be continually met;
5. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
6. The landscaping plan shall continually be maintained in a live vegetative state and replaced as necessary; and,
7. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

Bulman requested Items 33 and 34 be considered concurrently.

33. No. 04TI003 - Mallow Subdivision

A request by Joe Muth and Chad Myers to consider an application for a **Resolution Creating Tax Increment District #45 - Mallow Drive** on Lots 11 thru 15, Block 5, Mallow Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 811 Mallow Drive.

34. No. 04TI004 - Mallow Subdivision

A request by Joe Muth and Chad Myers to consider an application for a **Project Plan for Tax Increment District #45 - Mallow Drive** on Lots 11 thru 15, Block 5, Mallow Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 811 Mallow Drive.

Bulman reviewed the proposed district and project plan to fund a sprinkler system in the building. She noted that the Tax Increment Financing Committee recommended denial of the proposed district. She explained that the Tax Increment Financing Committee reviewed the possibility of improving the entire infrastructure for that area, but due to the costs involved it was not feasible to

proceed with a larger project. She explained that the Tax Increment Financing Committee recommended denial due to the preference to fund public improvement instead of on-site improvements.

Rodriguez asked Assistant City Attorney, Joel Landeen, if the City was liable for the inadequate water pressure. He indicated that in his opinion the owner could not hold the City liable.

Rodriguez asked, if this were a single-unit house and not a multi-family dwelling, would the water pressure be adequate?

Tim Behlings, Rapid City Fire Department, stated that there was still insufficient water for a single-unit dwelling, but it was easier to accept than a multi-family dwelling.

Discussion continued on fire sprinkler requirements, alternative funding and the blighted condition of the area.

**Nash moved, Rodriguez seconded and unanimously carried to recommend denial of the creation of Tax Increment District #45 - Mallow Drive and the Project Plan for Tax Increment District #45 - Mallow Drive.**

35. Discussion Items  
None

36. Staff Items  
None

37. Planning Commission Items  
A. Election of Officers

**Rodriguez moved, Hadcock seconded and unanimously carried to elect Scott Nash Planning Commission Chairperson. Scott Nash accepted the nomination as Chairperson. (6 to 0 with Brown, Fast Wolf, Hadcock, Nash, Schmidt and Rodriguez voting yes and none voting no)**

**Rodriguez moved, Nash seconded and unanimously carried to elect Gary Brown Planning Commission Vice Chairperson. Gary Brown accepted the nomination as Vice Chairperson. (6 to 0 with Brown, Fast Wolf, Hadcock, Nash, Schmidt and Rodriguez voting yes and none voting no)**

**Brown moved, Nash seconded and unanimously carried to elect Martha Rodriguez Planning Commission Secretary. Martha Rodriguez accepted the nomination as Secretary. (6 to 0 with Brown, Fast Wolf, Hadcock, Nash, Schmidt and Rodriguez voting yes and none voting no)**

Elkins requested that the balance of any issues and reports be continued until the July 22, 2004 Planning Commission.

**Brown moved, Nash seconded and unanimously carried to adjourn the meeting at 7:47a.m. (6 to 0 with Brown, Fast Wolf, Hadcock, Nash, Schmidt and Rodriguez voting yes and none voting no)**