

Draft

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
April 21, 2005

MEMBERS PRESENT: Doug Andrews, Gary Brown, Debra Hadcock, Mike LeMay, Scott Nash, Mel Prairie Chicken and Ethan Schmidt. Karen Olson, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Todd Tucker, Renee Catron-Blair, Rod Johnson, Karen Bulman, Michelle Horkey, Bob Dominicak, Dave Johnson, Tim Behlings, Joel Landeen, Risë Ficken and Carol Bjornstad.

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

**Nash 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 Items 11, 12, 13 and 16 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**A member of the audience requested that Item 10 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Motion by Andrews, Seconded by Brown and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 18 in accordance with the staff recommendations with the exception of Items 10, 11, 12, 13 and 16. (6 to 0 with Andrews, Brown, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)**

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

1. Approval of the April 7, 2005 Planning Commission Meeting Minutes.
2. No. 05AN001 - Section 18, T2N, R8E (Freeland Meadows Subdivision)  
A request by Dream Design International for SPF, LLC to consider an application for a **Petition for Annexation** on Government Lot 4, the unplatted portion of the SE1/4 SW1/4, and the unplatted portion of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Country Road east of West Nike Road.

**Planning Commission recommended that the Petition for Annexation be continued to the May 5, 2005 Planning Commission meeting at the applicant's request.**

3. No. 05CA008 - Auburn Hills Subdivision  
**A Summary of Adoption Action for an Amendment to the Comprehensive Plan to change the future land use designation on an approximate 7.02 acre parcel from Agriculture to Medium Density Residential on a portion of the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington**

County, South Dakota more fully described as follows: commencing at the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of Haines Avenue, and the Point of Beginning; Thence, first course:  $S70^{\circ}51'20''W$ , along the northerly boundary of said Lot 1 of Block 4, a distance of 108.45 feet, to the northwesterly corner of said Lot 1 of Block 4, common to the easterly edge of the right-of-way of Chalkstone Court; Thence, second course: northwesterly, along the easterly edge of the right-of-way of said Chalkstone Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of  $07^{\circ}44'19''$ , an arc length of 43.83 feet, a chord bearing of  $N23^{\circ}00'50''W$ , and a chord distance of 43.79 feet, to the northeasterly corner of the right-of-way of said Chalkstone Court; Thence third course:  $S63^{\circ}07'01''W$ , along the northerly end of the right-of-way of said Chalkstone Court, a distance of 49.00 feet, to the northeasterly corner of Lot 2 of Block 4 of Auburn Hills Subdivision, common with the northwesterly corner of the right-of-way of said Chalkstone Court; Thence, fourth course:  $S63^{\circ}07'01''W$  along the northerly boundary of said Lot 2 of Block 4, a distance of 124.45 feet to the northwesterly corner of said Lot 2 of Block 4, common to a point on the easterly boundary of Lot 3 of Block 4 of Auburn Hills Subdivision; Thence, fifth course:  $N18^{\circ}05'54''W$ , along the easterly boundary of said Lot 3 of Block 4, a distance of 86.55 feet, to the northeasterly corner of said Lot 3 of Block 4; Thence, sixth course:  $S67^{\circ}34'38''W$ , along the northerly boundary of said Lot 3 of Block 4, a distance of 110.00 feet, to the northwesterly corner of said Lot 3 of Block 4, common with a point on the easterly edge of the right-of-way of Coal Bank Court; Thence, seventh course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of  $06^{\circ}10'47''$ , an arc length of 35.00 feet, a chord bearing of  $N25^{\circ}30'46''W$ , and a chord distance of 34.98 feet, to a point of tangent; Thence, eighth course:  $N28^{\circ}36'09''W$ , along the easterly edge of the right-of-way of said Coal Bank Court, a distance of 28.62 feet, to a point of curve; Thence, ninth course: northwesterly, along the easterly edge of the right-of-way of said Coal Bank Court, curving to the left on a curve with a radius of 324.50 feet, a delta angle of  $03^{\circ}24'07''$ , a arc length of 19.27 feet, a chord bearing of  $N49^{\circ}39'37''W$ , and chord distance of 19.26 feet, to the northeasterly corner of the right-of-way of said Coal Bank Court; Thence, tenth course:  $S57^{\circ}59'43''W$ , along the northerly edge of the right-of-way of said Coal Bank Court, a distance of 49.00 feet, to the northeasterly corner of Lot 4 of Block 4; Thence, eleventh course:  $S89^{\circ}52'29''W$ , a distance of 173.34 feet to the northwesterly corner of Lot 5 of Block 4; Thence, twelfth course:  $S89^{\circ}52'29''W$ , along the westerly edge of Lots 6 thru 11 and future Lot 12 of Block 4, a distance of 603.16 feet; Thence, thirteenth course:  $N00^{\circ}00'00''E$ , a distance of 405.96 feet to a point on the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, T2N, R7E, BHM; Thence, fourteenth course:  $N89^{\circ}52'25''E$ , along the 1/16 section line and the northerly boundary of said SW1/4 of the NW1/4 of Section 13, a distance of 1079.49 feet to a point of intersection of the SW1/4 of the NW1/4 of Section 13, and the westerly edge of the right-of-way of said Haines Avenue; Thence, fifteenth course:  $S23^{\circ}09'20''E$ , along the westerly edge of the right-of-way of said Haines Avenue, a distance of 457.48 feet to the northeasterly corner of Lot 1 of Block 4 of Auburn Hills Subdivision, common to a point on the westerly edge of the right-of-way of said Haines Avenue, and the Point of Beginning; said parcel contains 488,619 square feet of 11.217 acres more or

less, more generally described as being located in Auburn Hills Subdivision.

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

4. No. 05CA016 - Sections 27 and 34, T2N, R8E

**A Summary of Adoption Action for an Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan by including additional property and designating the property as General Commercial land use** on the S1/2SW1/4 lying south of the RR ROW and the west 130 feet adjacent to RR ROW and the RR ROW, all located in Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the E1/2NE1/4NW1/4 and the NW1/4NE1/4NW1/4, all of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

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

5. No. 05CA017 - Section 34, T2N, R8E

**A Summary of Adoption Action for an Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximate 20.3 acre parcel from Light Industrial to General Commercial** on the eastern most 340 feet of the NW1/4NW1/4 and the SW1/4NE1/4NW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

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

6. No. 05PL022 - Section 18, T2N, R8E (Freeland Meadows Subdivision)

A request by Dream Design International for SPF, LLC to consider an application for a **Layout Plat** on Freeland Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Government Lot 4 less right-of-way; the unplatted portion of the SE1/4 SW1/4, the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Country Road east of West Nike Road.

**Planning Commission recommended that the Layout Plat be continued to the May 5, 2005 Planning Commission meeting to allow the applicant to submit additional information.**

7. No. 05AN004 - Section 18, T2N, R8E

A request by Pennington County to consider an application for a **Petition for Annexation** on the Fifty (50) foot West Nike Road right-of-way located north of Government Lot 4 and west of Lot 4, Four-M Subdivision, and south of Tract 2, 3, 4, & 5 of Sletten Addition, all located in the SW1/4 of Section 18, T2N, R8E,

BHM, Pennington County, South Dakota, as shown on the "Plat of a portion of Sletten Addition, which includes: Lot B revised; Tract 3; Tracts 1,2, 4, and 5; dedicated public right-of-way, all located in Government Lot 3 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota"; located in Book 13, Page 255, more generally described as being located north of Country Road, east of Haines Avenue.

**Planning Commission recommended that the Petition for Annexation be continued to the May 5, 2005 Planning Commission meeting.**

8. No. 05PL036 - Elks Country Estates

A request by Sperlich Consulting for Triple Z Real Estate Development to consider an application for a **Layout Plat** on Lots 8-12 of Block 8, Lots 5-9 of Block 9, Lots 17-30 of Block 10, Lots 4-18 of Block 11, Lots 1-10 of Block 12, Lots 1-14 of Block 13, Lots 1-8 of Block 14, Lots 1-6 of Block 15, Lots 1-3 of Block 16 and Lots 1-3 of Block 17 all located in Elks Country Estates, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current southern terminus of Jolly Lane.

**Planning Commission recommended that the Layout Plat be continued to the May 5, 2005, Planning Commission meeting.**

9. No. 05PL041 - Gravatt Subdivision

A request by D.C. Scott Co. Land Surveyors for Wayne Householder to consider an application for a **Preliminary Plat** on Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Anderson Road and Dunn Road.

**Planning Commission recommended that the Preliminary Plat be continued to the May 5, 2005 Planning Commission meeting.**

14. No. 05PL057 - Springbrook Acres Addition

A request by Fisk Land Surveying & Consulting Engineers for Hagg Development Corporation to consider an application for a **Layout and Preliminary Plat** on Lots 1-17 and Lot A of Tuscany At The Cliffs Subdivision and dedicated right-of-way, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Parcel A of Tract SB of Springbrook Acres Addition, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sandstone Ridge Apartments and east of Holiday Estates.

**Planning Commission recommended that the Layout and Preliminary Plat**

be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. The International Fire Code shall be continually met;
3. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a sidewalk on both sides of Holiday Lane and Tuscany Place in lieu of one side or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
5. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the first fifty feet of all corner lots; and,
6. 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.

15. No. 05SR006 - Par Subdivision

A request by Renner & Associates, LLC for Black Hills Power to consider an application for a **SDCL 11-6-19 Review to allow the construction of a utility hub structure** on Utility Lot 1 of Par Subdivision located in the E1/2 of the SE1/4 Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 770 Catron Boulevard.

**Planning Commission recommended that the SDCL 11-6-19 Review to allow the construction of a utility hub structure be continued to the May 26, 2005 Planning Commission meeting.**

17. No. 05SR013 - Section 34, T2N, R7E

A request by Williston Basin Interstate Pipeline Company to consider an application for a **SDCL 11-6-19 Review to allow the construction of a building for public utility use** on Lot S SW1/4 NE1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County. South Dakota, more generally described as being located east of Cement Plant Road and north of Krebs Drive.

**Planning Commission recommended that the SDCL 11-6-19 Review to allow the construction of a building for public utility use be continued to the May 5, 2005 Planning Commission meeting.**

18. No. 05SR014 - Rapid City Greenway Tract

A request by Girl Scouts of the Black Hills to consider an application for a **SDCL 11-6-19 Review to allow a bicycle rally on public property** on Tract 20 less Lot H-1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Memorial Park.

**Planning Commission recommended that the SDCL 11-6-19 Review to allow a bicycle rally on public property be approved with the following stipulations:**

- 1. Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;**
- 2. No camping shall be permitted within the floodway or floodplain at any time;**
- 3. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;**
- 4. All requirements of the Floodplain Development Ordinance shall be met at all times;**
- 5. No banners shall be allowed within the public right-of-way or on fences;**
- 6. A Temporary Use Permit shall be obtained prior to initiation of the event;**
- 7. All electrical wiring shall comply with the applicable Uniform Building and Electrical Codes;**
- 8. The park grounds shall be cleaned and shall be continually kept clear of debris and trash;**
- 9. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested;**
- 10. The proposed event shall be allowed to operate for no more than one day; and,**
- 11. The SDCL 11-6-19 Review for a Bicycle Rally for Fitness shall be valid for May 21, 2005.**

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

10. No. 05PL054 - Salamun Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Russell and Dalaina Salamun to consider an application for a **Layout Plat** on Lot 1 and Lot 2 of Salamun Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 68.5 feet of Lot H, less the East 33 feet, Block 1 of Lot 3, Schamber Subdivision, NE1/4 NW1/4 Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2016 Elmhurst Drive.

Schmidt entered the meeting at this time.

Connie Thomas, 2115 38<sup>th</sup> Street, requested that the Layout Plat be denied. Thomas expressed concern regarding an increase in traffic issues with the construction of a multi-plex on the subject property. Thomas discussed access to the subject property by the applicant and their tenants via 38<sup>th</sup> Street.

Al Lloyd, 1936 Elmhurst Drive, asked that the Layout Plat application be denied.

Lloyd expressed concern that Elmhurst Drive is narrow and does not accommodate traffic generated by the existing multi-family development in the area. Lloyd expressed opposition to the construction of apartments in an area with predominately single family dwellings. Lloyd noted his preference for the property to remain a single family dwelling. Lloyd stated opposition to Item 35, the Subdivision Variance application associated with this request.

Janelle Finck with Fisk Land Surveying advised that a similar Layout Plat was approved for this property last year. Finck noted that because additional property could not be acquired the Layout Plat has been revised.

Mary Alice Noble, area resident, described discussions she had with the applicant concerning the development of the property. Noble expressed concern that the subject property is located on the old Cleghorn drainage ditch noting that her home incurred damages totaling \$21,000 from flooding caused by construction on the subject property last year. Noble identified a drainage easement near the subject property and expressed concerns with the proposed plat. Nobel stated her opinion that the Subdivision Variances requested by the applicant should be denied. Noble objected to the proposed construction of a four-plex on this property citing potential negative impact to the neighborhood and conflicts with the proposed Canyon Lake overlay district.

Cathy Ostwald, 2109 Twin Elms Drive, stated her understanding that the subject property is located in a single-family neighborhood. Ostwald expressed concern with law enforcement issues associated with existing multi-family dwellings in the area. Ostwald indicated that she feels the development of the subject property would compound the problem. Ostwald stated her opposition to the proposed Layout Plat.

Finck requested that the Layout Plat be continued to the May 5, 2005 Planning Commission meeting to allow the applicant to attend the meeting and answer the neighbors questions and to be heard in conjunction with the associated Subdivision Variance.

**Hadcock moved, Lemay seconded and unanimously carried to recommend that the Layout Plat be continued to the May 5, 2005 Planning Commission meeting. (7 to 0 with Andrews, Brown, Hadcock, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

Nash suggested that the applicant meet with the neighbors prior to the next Planning Commission meeting.

Elkins requested that Items 11 and 12 be considered concurrently.

11. No. 05PL055 - McMahan Subdivision

A request by Dream Design International to consider an application for a **Preliminary Plat** on Tract 1 and 2 and dedicated right-of-way, McMahan Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as unplatted land located in the NE1/4 SW1/4 of

Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Kyle Street.

12. No. 05SR015 - McMahon Subdivision

A request by Dream Design International to consider an application for a **SDCL 11-6-19 Review to allow the construction of a public street on public property** on Tract 1 and 2 and dedicated right-of-way, McMahon Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as unplatted land located in the NE1/4 SW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Kyle Street.

Elkins advised that the applicant has requested that these items be continued to the May 5, 2005 Planning Commission meeting.

**Hadcock moved, Andrews seconded and unanimously carried to recommend that the Preliminary Plat (05PL055) and the SDCL 11-6-19 Review (05SR015) be continued to the May 5, 2005 Planning Commission meeting at the applicant's request. (7 to 0 with Andrews, Brown, Hadcock, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

13. No. 05PL056 - Stoney Creek Plaza

A request by Centerline for Bank West to consider an application for a **Layout Plat** on Lots 1-2, Block 1, and Lots 1-7, Block 2, Stoney Creek Plaza, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and Lot 7 of Block 1 of Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Catron Boulevard and Sheridan Lake Road.

Elkins indicated that the applicant has requested that the Layout Plat be continued to the May 26, 2005 Planning Commission meeting.

**Andrews moved, Hadcock seconded and unanimously carried to recommend that the Layout Plat be continued to the May 26, 2005 Planning Commission meeting. (7 to 0 with Andrews, Brown, Hadcock, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

16. No. 05SR012 - Wise's Addition

A request by Faulk & Foster for WWC License LLC to consider an application for a **SDCL 11-6-19 Review to allow the construction of a cellular tower** on a tract of land that is located in a portion of Lot 1 Rev in a replat of a portion of Wise's Addition including Lot 1 Rev, Lot 2 Rev, Lot 3 Rev, Lot 4 Rev and Lot 5 Rev of Block 6 (formerly Lots 18-21 of Block 4, Lots 19-36 of Block 5, Lots 1-36 of Block 6, Lots 14-21 of Block 7 and the previously vacated portions of East Jackson Street and the previously vacated portions of Herman Street) located in the SW1/4 of the NW1/4 of Section 31, T2N, R8E of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, being more particularly described

as follows: Commencing at the Northeast corner of said Lot 1 Rev as recorded in Book 20 of Plats, Page 62 of records of the Pennington County Register of Deeds; thence S00°05'51"W along the east line of Lot 1 Rev, 61.84 feet to the point of beginning; thence continuing S00°05'51"W along the said east line of Lot 1 Rev, 50.00 feet; thence S89°52'25"W, 14.86 feet to the southeast corner of the Food Bank Building; thence N00°01'04"E along the east line of the said Food Bank Building, 50.00 feet to the northeast corner of the said Food Bank Building; thence N89°52'28"E, 14.93 feet to the point of beginning. Said parcel contains 0.02 acres, more or less, more generally described as being located at 814 North Maple Avenue.

Elkins stated that the applicant has submitted a request to withdraw this application.

**Brown moved, Andrews seconded and unanimously carried to acknowledge the applicant's request to withdraw the SDCL 11-6-19 Review. (7 to 0 with Andrews, Brown, Hadcock, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

**Nash announced that the Public Hearings on Items 19 through 36 were opened.**

**Staff requested that Items 27, 28, 34 and 36 be removed for separate consideration.**

**Brown moved, LeMay seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 19 through 36 in accordance with the staff recommendations with the exception of Items 27, 28, 34 and 36. (7 to 0 with Andrews, Brown, Hadcock, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

**The Public Hearings for Items 19 through 36 were closed.**

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

19. No. 05CA011 - Section 18, T2N, R8E (Freeland Meadows Subdivision)  
A request by Dream Design International for SPF, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximate 39.6 acre parcel from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development** on land located in the S1/2 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N45°00'00"E a distance of 46.67 feet to the point of beginning; thence north a distance of 1199.09 feet; thence along the arc of a curve to the right whose radius points bears N89°57'07"E, having a radius of 67.30 feet, a central angle of 89°49'12" and an arc length of 105.51 feet; thence N89°46'19"E a distance of 508.42 feet; thence S56°29'58"E a distance of 1920.16 feet; thence

west a distance of 888.13 feet; thence south a distance of 208.66 feet; thence west a distance of 1288.50 feet to the point of beginning, containing an area of 39.6 acres, more generally described as being located north of Country Road east of West Nike Road.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on an approximate 39.6 acre parcel from Planned Residential Development with a maximum density of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development be continued to the May 5, 2005 Planning Commission meeting.**

20. No. 05SV012 - Section 18, T2N, R8E (Freeland Meadows Subdivision)  
A request by Dream Design International for SPF, LLC to consider an application for a **Variance to the Subdivision Regulations 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 Freeland Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Government Lot 4 less right-of-way; the unplatted portion of the SE1/4 SW1/4, the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Country Road east of West Nike Road.

**Planning Commission recommended that the Variance to the Subdivision Regulations 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 be continued to the May 5, 2005 Planning Commission meeting to be heard in conjunction with the associated Layout Plat.**

21. No. 05RZ008 - Section 18, T2N, R8E (Freeland Meadows Subdivision)  
A request by Dream Design International for SPF, LLC to consider an application for a **Rezoning from No Use District to Low Density Residential District** on land located in the S1/2 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N45°00'00"E a distance of 46.67 feet to the point of beginning; thence north a distance of 1199.09 feet; thence along the arc of a curve to the right whose radius points bears N89°57'07"E, having a radius of 67.30 feet, a central angle of 89°49'12" and an arc length of 105.51 feet; thence N89°46'19"E a distance of 508.42 feet; thence S56°29'58"E a distance of 1920.16 feet; thence west a distance of 888.13 feet; thence south a distance of 208.66 feet; thence west a distance of 1288.50 feet to the point of beginning, containing an area of 39.6 acres, more generally described as being located north of Country Road east of West Nike Road.

**Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the May 5, 2005 Planning Commission meeting at the applicant's request.**

22. No. 05RZ014 - Section 18, T2N, R8E (Freeland Meadows Subdivision)  
A request by Dream Design International for SPF, LLC to consider an application for a **Rezoning from No Use District to Low Density Residential District** on land located in the S1/2 S1/2, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N25°03'23"E a distance of 1436.68 feet to the point of beginning; thence N89°46'19"E a distance of 433.15 feet; thence along the arc of a curve to the left whose radius point bears N0°13'41"W, having a radius of 310.16 feet, a central angle of 18°42'55" and an arc length of 101.31 feet; thence east a distance of 3805.95 feet; thence south a distance of 1287.00 feet; thence west a distance of 1680.16 feet; thence north a distance of 208.66 feet; thence west a distance of 835.80 feet; thence south a distance of 208.66 feet; thence west a distance of 66.00 feet; thence north a distance of 208.66 feet; thence west a distance of 155.42 feet; thence N56°29'58"W a distance of 1920.16 feet to the point of beginning, containing an area of 96.1 acres, more generally described as being located north of Country Road east of West Nike Road.

**Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the May 5, 2005 Planning Commission meeting at the applicant's request.**

23. No. 05RZ015 - Section 18, T2N, R8E (Freeland Meadows Subdivision)  
A request by Dream Design International for SPF, LLC to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on land located in the SE1/4 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, described by metes and bounds commencing at the southwest corner of Section 18, T2N, R8E, BHM, Pennington County, South Dakota; thence N75°03'36"E a distance of 5120.08 feet to the point of beginning; thence east a distance of 300.00 feet; thence south a distance of 970.00 feet; thence west a distance of 300.00 feet; thence north a distance of 970.00 feet to the point of beginning, containing an area of 6.7 acres, more generally described as being located north of Country Road east of West Nike Road.

**Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be continued to the May 5, 2005 Planning Commission meeting.**

24. No. 05CA014 - Kensington Heights Subdivision  
A request by Sperlich Consulting for Kensington Heights LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.276 acre parcel from Low Density Residential to Low Density Residential - II** on Lots 1 through 5, Block 3, Kensington Heights Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Davin Drive and Field View Drive.

**Planning Commission recommended that the Comprehensive Plan Amendment to the South Robbinsdale Neighborhood Area Future Land**

**Use Plan for a 1.276 acre parcel of land from Low Density Residential to Low Density Residential - II be denied without prejudice.**

25. No. 05RZ020 - Kensington Heights Subdivision

A request by Sperlich Consulting for Kensington Heights LLC to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential - II District** on Lots 1 through 5, Block 3, Kensington Heights Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Davin Drive and Field View Drive.

**Planning Commission recommended that the Rezoning from Low Density Residential District to Low Density Residential - II District be continued to the May 26, 2005 Planning Commission meeting to allow this item to be heard in conjunction with the Comprehensive Plan Amendment and Planned Development Designation request.**

26. No. 05VR002 - Sections 18 and 19, T1N, R8E

A request by Sperlich Consulting for Kensington Heights LLC to consider an application for a **Vacation of Section Line Highway** on the Section Line Highway located in the unplatted balance of the W1/2 of the S1/2 of Government Lot 4 and the E1/2 of the S1/2 of Government Lot 4 all in Section 18, T1N, R8E and Government Lots 1 and 2 Less Lot 1 of North 80 Subdivision, less Lot H2 of Government Lot 2 and less right-of-way, all in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as extending east from the intersection of Enchanted Pines Drive and Park View Drive.

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

1. **Prior to City Council approval, the "Petition to Vacate Public Right-of-way" document shall be revised eliminating Government Lot 2 from the document; and,**
2. **Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation.**

\*29. No. 05PD022 - Springbrook Acres Addition

A request by Fisk Land Surveying & Consulting Engineers for Hagg Development Corporation to consider an application for a **Major Amendment to an Initial Planned Residential Development and a Final Planned Residential Development** on Lots 1-17 and Lot A of Tuscany At The Cliffs Subdivision and dedicated right-of-way, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Parcel A of Tract SB of Springbrook Acres Addition, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sandstone Ridge Apartments and east of Holiday Estates.

**Planning Commission approved the Major Amendment to an Initial Planned**

**Residential Development and a Final Planned Residential 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. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. All other provisions of the Low Density Residential District shall be met unless exceptions have been specifically authorized;
3. All of the residences shall be sprinklered and the highest floor elevation shall not exceed 3,680 feet;
4. All International Fire Codes shall be continually met;
5. The proposed single family and townhome residences shall conform architecturally to the plans, elevations and color palette submitted as part of this Major Amendment to the Initial Planned Residential Development and the Final Planned Residential Development;
6. Prior to issuance of a building permit, a Final Plat shall be reviewed and approved for the subject property creating 17 individual lots;
7. A maximum lot area coverage of 33% on Lot 6, 31.3% on Lot 14, 31.8% on Lot 15, 31.7% on Lot 16 and 32.3% on Lot 17 shall be allowed. In addition, a maximum lot area coverage of 30% shall be allowed on the balance of the lots;
8. Prior to Planning Commission approval, the proposed covenants securing maintenance of the common area and the yard lights shall be recorded at the Register of Deed's Office;
9. Prior to issuance of a Building Permit, the approved Fire Mitigation Plan shall be implemented;
10. An Exception is hereby granted by Fire Department staff to allow a maximum 11.8% street grade in lieu of a 10% street grade as per the International Fire Code;
11. The yard lights shall be constructed in compliance with the elevations submitted with this Major Amendment to the Initial Planned Residential Development and the Final Planned Residential Development;
12. All signage shall comply with Section 15.28 of the Rapid City Municipal Code;
13. An Air Quality Permit shall be obtained prior to any disturbance of any soils in excess of one acre;
14. Any retaining walls in excess of four feet in height shall be designed by a Professional Engineer; and,
15. The Planned Residential Development shall allow for the construction of a single family residence on proposed Lot 9 and townhome residence(s) on the balance of the proposed lots. 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 Planning Commission, or if the use as approved has ceased for 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.***

\*30. No. 05PD026 - Springbrook Acres Addition

A request by Davis Engineering for Don and Cherril Brown to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 1 thru 5 of Tract SB revised of Springbrook Acres Addition located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract SB revised of Springbrook Acres Addition located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the end of Estates Drive.

**Planning Commission approved 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. Lot 2 and Lot 3 shall provide a minimum 1.692 acre and a 2.239 acre lot size. The balance of the lot(s) shall provide a minimum three acre lot size. All other provisions of the Park Forest District shall be met unless exceptions have been specifically authorized;**
- 3. All International Fire Codes shall be continually met;**
- 4. The proposed single family residences shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development;**
- 5. Prior to issuance of a building permit, a Final Plat shall be reviewed and approved for the subject property creating five individual lots; and,**
- 6. The Planned Residential Development shall allow for the construction of a single family residence 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 Planning Commission, or if the use as approved has ceased for 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. 05PD023 - Minnesota Ridge Heights Subdivision

A request by Centerline, Inc. for 3 T's Land Development LLC to consider an application for a **Major Amendment to a Planned Residential Development** on property described by metes and bounds as commencing from the Point of Beginning, the West 1/4 Corner of Section 13, T1N, R7E, BHM consisting of a 5/8" rebar with no cap. Thence S89°35'44"E – 625.58 feet along the south line of Robbinsdale Addition #10, thence S00°47'55"E – 390.31 feet to the north side of

Middle Valley Drive R.O.W., thence S16°26'30"W – 53.78 feet to the south side of Middle Valley Drive R.O.W., thence S00°47'55"E – 206.82 feet, thence N69°46'16"E – 106.04 feet, thence N89°12'05"E – 100.00 feet, thence S16°13'21"W – 247.92 feet, thence S20°58'09"W – 140.00 feet to the north side of Minnesota Street R.O.W., thence S00°15'02"E – 55.78 feet to the south side of Minnesota Street R.O.W., thence S20°58'09"W – 297.01 feet, thence S69°01'52"E – 262.70 feet, thence N89°16'59"W – 847.81 feet, thence N00°23'47"E – 1400.34 feet to the Point of Beginning, more generally described as being located approximately 0.75 miles west of the intersection of Fifth Street and Minnesota Avenue.

**Planning Commission approved the Major Amendment to a Planned Residential 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. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. All other provisions of the Low Density Residential District shall be met unless exceptions have been specifically authorized;**
- 3. All International Fire Codes shall be continually met;**
- 4. The proposed single family and townhome residences shall conform architecturally to the plans and elevations submitted as part of this Major Amendment to the Planned Residential Development;**
- 5. Prior to issuance of a building permit, a Final Plat shall be reviewed and approved for the subject property creating 17 individual lots; and,**
- 6. The Planned Residential Development shall allow for the construction of a single family or a townhome residence 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 Planning Commission, or if the use as approved has ceased for 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. 05PD025 - Old Rodeo Subdivision

A request by TSP Three, Inc. for Children's Care Rehabilitation and Development Center to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 4, Old Rodeo Subdivision, located in the NW1/4 of the SW1/4 of the NE1/4 of the SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Jordan Drive.

**Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the May 5, 2005 Planning Commission meeting at the applicant's request.**

33. No. 05SV015 - Shoenhard Subdivision and Mann Subdivision

A request by Renner Associates, LLC for BB&R Properties to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway, to waive the requirements to install street light conduit and sidewalks along E. Chicago Street, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate additional right of way along a private access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot BR of Shoenhard Subdivision and Lot 6R of Mann Subdivision located in the N1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Shoenhard Subdivision and Lot 6 of Mann Subdivision, a portion of Vacant Section Line Right-of-Way, and Lot A of NE1/4 of the SE1/4 of Section 33, located in the N1/2 of SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3400 West Chicago Street.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway and an access easement and to waive the requirements to install street light conduit and sidewalks along West Chicago Street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the May 5, 2005 Planning Commission meeting at the applicant's request.**

35. No. 05SV024 - Salamun Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Russell and Dalaina Salamun to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement and to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 and Lot 2 of Salamun Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 68.5 feet of Lot H, less the East 33 feet, Block 1 of Lot 3, Schamber Subdivision, NE1/4 NW1/4 Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2016 Elmhurst Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations continued to the May 5, 2005 Planning Commission meeting to allow the City of Rapid City Growth Management Department time to resend the legal notification.**

---END OF HEARING CONSENT CALENDAR---

Elkins requested that Items 27 and 28 be considered concurrently.

27. No. 05CA021 - Wise's Addition

A request by Faulk & Foster for WWC License LLC to consider an application for a **Comprehensive Plan Amendment to the North Rapid Neighborhood Area Future Land Use Plan by changing the designation on an approximate .913 acre parcel from Neighborhood Commercial to Public** on a tract of land that is located in a portion of Lot 1 Rev in a replat of a portion of Wise's Addition including Lot 1 Rev, Lot 2 Rev, Lot 3 Rev, Lot 4 Rev and Lot 5 Rev of Block 6 (formerly Lots 18-21 of Block 4, Lots 19-36 of Block 5, Lots 1-36 of Block 6, Lots 14-21 of Block 7 and the previously vacated portions of East Jackson Street and the previously vacated portions of Herman Street) located in the SW1/4 of the NW1/4 of Section 31, T2N, R8E of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Commencing at the Northeast corner of said Lot 1 Rev as recorded in Book 20 of Plats, Page 62 of records of the Pennington County Register of Deeds; thence S00°05'51"W along the east line of Lot 1 Rev, 61.84 feet to the point of beginning; thence continuing S00°05'51"W along the said east line of Lot 1 Rev, 50.00 feet; thence S89°52'25"W, 14.86 feet to the southeast corner of the Food Bank Building; thence N00°01'04"E along the east line of the said Food Bank Building, 50.00 feet to the northeast corner of the said Food Bank Building; thence N89°52'28"E, 14.93 feet to the point of beginning. Said parcel contains 0.02 acres, more or less, more generally described as being located at 814 North Maple Avenue.

28. No. 05RZ031 - Wise's Addition

A request by Faulk & Foster for WWC License LLC to consider an application for a **Rezoning from Neighborhood Commercial District to Public District** on a tract of land that is located in a portion of Lot 1 Rev in a replat of a portion of Wise's Addition including Lot 1 Rev, Lot 2 Rev, Lot 3 Rev, Lot 4 Rev and Lot 5 Rev of Block 6 (formerly Lots 18-21 of Block 4, Lots 19-36 of Block 5, Lots 1-36 of Block 6, Lots 14-21 of Block 7 and the previously vacated portions of East Jackson Street and the previously vacated portions of Herman Street) located in the SW1/4 of the NW1/4 of Section 31, T2N, R8E of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Commencing at the Northeast corner of said Lot 1 Rev as recorded in Book 20 of Plats, Page 62 of records of the Pennington County Register of Deeds; thence S00°05'51"W along the east line of Lot 1 Rev, 61.84 feet to the point of beginning; thence continuing S00°05'51"W along the said east line of Lot 1 Rev, 50.00 feet; thence S89°52'25"W, 14.86 feet to the southeast corner of the Food Bank Building; thence N00°01'04"E along the east line of the said Food Bank Building, 50.00 feet to the northeast corner of the said Food Bank Building; thence N89°52'28"E, 14.93 feet to the point of beginning. Said parcel contains 0.02 acres, more or less, more generally described as being located at 814 North Maple Avenue.

Elkins advised that the applicant has requested that Items 27 and 28 be withdrawn.

**Brown moved, Andrews seconded and unanimously carried to**

**acknowledge the applicant's withdrawal of the Comprehensive Plan Amendment to the North Rapid Neighborhood Area Future Land Use Plan by changing the designation on an approximate .913 acre parcel from Neighborhood Commercial (05CA021) and the Rezoning from Neighborhood Commercial District to Public District (05RZ031). (7 to 0 with Andrews, Brown, Hadcock, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

34. No. 05SV021 - Gravatt Subdivision

A request by D.C. Scott Co. Land Surveyors for Wayne Householder to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water, and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Anderson Road and Dunn Road.

Elkins noted an error on the date for continuation for this item on the staff report. Elkins clarified that staff's recommendation is to continue the Variance to the Subdivision Regulations to the May 5, 2005 Planning Commission meeting.

**Brown moved, Andrews seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code be continued to the May 5, 2005 Planning Commission meeting. (7 to 0 with Andrews, Brown, Hadcock, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

\*36. No. 05UR005 - Section 34, T2N, R7E

A request by Ray and Delila Myers to consider an application for a **Conditional Use Permit to allow a garage in excess of 1,500 square feet and greater than the footprint of the dwelling unit** on Lot 2 Less Lots H1 & H2, Shade Tree Subdivision, located in the NW1/4 SE1/4 Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 102 Krebs Drive.

Elkins indicated that the applicant was unable to file the statement declaring that the garage cannot be used for commercial purposes with the Register of Deeds Office prior to the Planning Commission meeting. Elkins requested that Stipulation Seven be modified to read "Prior to issuance of a building permit, a copy of the statement declaring that the garage cannot be used for commercial purposes, signed by the applicant and filed at the Pennington County Courthouse with the Register of Deeds shall be provided;". Elkins stated that the

applicant must then record the document before a building permit can be issued.

**Andrews moved, Hadcock seconded and unanimously carried to approve the Conditional Use Permit to allow a garage in excess of 1,500 square feet and greater than the footprint of the dwelling unit with the following stipulations:**

- 1. Prior to initiation of construction, a Building Permit shall be obtained;**
- 2. Prior to Planning Commission approval, a photo of the existing house and attached garage shall be submitted for review to ensure that the proposed detached garage is consistent with the residential character of the existing residential structure;**
- 3. Prior to Planning Commission approval, the site plan shall be revised to show the driveway paved with a hard surface with a minimum length of 50 feet or a Zoning Variance must be obtained;**
- 4. If water or sewer service within the proposed detached garage is anticipated, a utility plan shall be submitted for review and approval;**
- 5. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval, showing a landscape buffer on the east and south sides of the proposed structure. In addition, the landscaping provided shall include large evergreen trees to ensure that a year round buffer is provided;**
- 6. Prior to issuance of a Building Permit, plans stamped by a registered professional engineer shall be submitted, as per Section 2304 of the International Building Code;**
- 7. Prior to issuance of a building permit, a copy of the statement declaring that the garage cannot be used for commercial purposes, signed by the applicant and filed at the Pennington County Courthouse with the Register of Deeds shall be provided; and,**
- 8. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit. (7 to 0 with Andrews, Brown, Hadcock, LeMay, Nash, Prairie Chicken and Schmidt 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---**

Tucker requested that Items 37 and 38 be considered concurrently.

37. No. 05CA019 - Northside Addition  
A request by Marty Jacob for MBJ Company, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 1.58 acre parcel of land from Medium Density Residential to Light Industrial** on Lots 1 thru 8 inclusive and Lots 21 thru 28 inclusive in

Block 7 and Lots 1 thru 7 inclusive in Block 12; all located in Northside Addition, NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 826 East Monroe Street.

38. No. 05RZ029 - Northside Addition

A request by Marty Jacob for MJB Company, Inc. to consider an application for a **Rezoning from Medium Density Residential District to Light Industrial District** on Lots 1 thru 8 inclusive and Lots 21 thru 28 inclusive in Block 7 and Lots 1 thru 7 inclusive in Block 12; all located in Northside Addition, NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 826 East Monroe Street.

Tucker stated that Items 37 and 38 were continued at the April 7, 2005 Planning Commission meeting to allow the Future Land Use Committee an opportunity to review and discuss the proposed Comprehensive Plan Amendment. Tucker indicated that Future Land Use Committee will meet tomorrow to continue discussions regarding the proposed land use. Tucker noted staff's recommendation to continue Items 37 and 38 to the May 5, 2005 Planning Commission meeting to allow the Future Land Use Committee time to discuss this property in more detail.

**Brown moved, Hadcock seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 1.58 acre parcel of land from Medium Density Residential to Light Industrial (05CA019) and the Rezoning from Medium Density Residential District to Light Industrial District (05RZ029) be continued to the May 5, 2005 Planning Commission meeting. (7 to 0 with Andrews, Brown, Hadcock, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

\*39. No. 05PD019 - Auburn Hills Subdivision

A request by Muth Homes, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 4, Block 5, Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Coal Bank Drive and Auburn Drive.

Tucker stated that this item was heard at the last Planning Commission meeting on April 7, 2005 and was continued at that meeting as stipulation number four of approval was not completed. Tucker has discussed this issue with the applicant and advises that the staff is recommending that this item be continued to the May 5, 2005 Planning Commission Meeting to allow the applicant to revise the elevation drawing.

**Brown moved, Hadcock seconded and unanimously carried to recommend that the Rezoning from Medium Density Residential District to Light Industrial District be continued to the May 5, 2005 Planning Commission meeting. (7 to 0 with Andrews, Brown, Hadcock, LeMay, Nash, Prairie**

**Chicken and Schmidt voting yes and none voting no)**

\*40. No. 05PD020 - Rushmore Mall Addition

A request by Steve Hale for The Olive Garden to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 12 and 13 of the Rushmore Mall Addition in portions of Lot 1 of Tract A of the Control Data Addition and Tract D in the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 160 Disk Road.

Tucker stated that Item 40 was continued at the last Planning Commission meeting to allow the applicant to make some revisions. The applicant has submitted the requested information with the exception of one of landscape plan replacing deciduous trees with evergreen trees. Tucker advises that there is also a requirement to install sidewalk along the south property line. Staff is recommending that this item be continued to the May 5, 2005 Planning Commission meeting to allow the applicant to provide a revised landscape plan.

**Brown moved, Andrews seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the May 5, 2005 Planning Commission meeting. (7 to 0 with Andrews, Brown, Hadcock, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

Elkins advised that the applicant has requested Item 41 be considered after Items 42 and 43.

Bulman requested that Items 42 and 43 be considered concurrently.

42. No. 05TI001 - Section 5, T1N, R8E

A request by Jim Letner to consider an application for a Resolution Creating Tax Increment District No. 52 on Tract 1, Shamrock Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract C, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot B of Lot 3 of Tract D, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The 60 foot East St. Charles Street right-of-way located between Cambell Street and Creek Drive, and the 66 foot Creek Drive right-of-way located between E. St. Patrick Street on the south and Rapid Creek on the north, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East Saint Patrick Street, East of Cambell Street and west of Creek Drive.

43. No. 05TI002 - Section 5, T1N, R8E

A request by Jim Letner to consider an application for a Tax Increment District No. 52 Project Plan on Tract 1, Shamrock Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract C, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot B of Lot 3 of Tract D, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The 60 foot East St. Charles Street right-of-way located between Cambell Street and Creek Drive, and the 66 foot Creek Drive right-of-way located

between E. St. Patrick Street on the south and Rapid Creek on the north, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East Saint Patrick Street, East of Cambell Street and west of Creek Drive.

Buhlman presented the request and reviewed the slides of the subject property and staff's recommendation.

Discussion followed concerning proposed reclamation project, specific concerns were voiced by panel regarding the snow removal dump-site and future use and alternatives for utilizing the reclamation site.

Elkins responded to a question from Olson clarifying that the relocation of the snow removal site is under discussion at Committee. Elkins advised that if the project plan is approved there would be a five year period in which the improvements could be made to the site. Elkins stated that by approving this project plan, the Planning Commission is not making a commitment in terms of what will happen with the snow storage site.

Mr. Sperlich, petitioner's representative responded to questions and concerns regarding the proposed reclamation project. Sperlich stated the applicant's intended goals for reclamation of the site with the proposed improvements. Sperlich also advised that the improvements would minimize vandalism and improve the commercial potential of the site. Sperlich stated that use of TIF District funds would assist in making improvements to the proposed reclamation project that would be of mutual benefit to the City and the applicant. Sperlich clarified that the north half of the construction of East Saint Charles Street would be funded by the TIF District and the applicant will pay for the south half of the improvements.

Discussion continued regarding the City's intended use of the snow removal site after reclamation.

In response to a question from Nash, Sperlich indicated that the property to the north of the proposed extension of East Saint Charles Street is already developed. Sperlich stated that he did not feel it is appropriate to require the owner of the property to the north to participate in an assessment project.

Discussion followed regarding the other area property owners responsibility to address drainage from their property, new development and access issues.

Nash expressed concern with regard to the use of TIF District funds for this project and the potential for other developers to request similar funding. Nash requested clarification concerning the criteria considered by the Tax Increment Financing Committee to evaluate this request.

Discussion continued regarding the proposed project and existing drainage issues. Sperlich stated that the applicant would pay for the drainage improvements associated with their development and funds from the TIF District would be used to construct improvements to convey storm water from

surrounding properties.

Discussion followed concerning the use of TIF District funds for reclamation of the snow removal site.

Letner stated that using TIF District funds would be an inexpensive solution to construct the proposed improvements and would increase area property values.

Discussion followed regarding the potential to require the surrounding property owners to address issues related to drainage from their property.

**Andrews moved to approve the Resolution Creating Tax Increment District No. 52 and the Tax Increment District No. 52 Project Plan. The motion died due to the lack of a second.**

Schmidt left meeting @ 8:42

Discussion followed concerning the Tax Increment Financing Committee's review of the proposed District.

Nash expressed concern that the reclamation project for the snow removal site would not be successful if the City continued to use the site to dump snow. Nash stated that the cost for the proposed improvements should be the developer's responsibility.

Jim Letner clarified that the additional improvements not related to his development will not occur without the TIF funding.

Sperlich stated that TIF District is not necessary for the applicant to develop his property. Sperlich noted that the proposed TIF District provides an opportunity to improve the neighborhood.

Discussion followed concerning the criteria used to evaluate TIF Districts and the pending discussions before the Public Works Committee concerning the City's snow removal site.

Elkins noted that the Planning Commission could add a stipulation of approval to the Project Plan recommending that no TIF District funds would be expended for improvements to the snow removal site until such time as an alternative snow removal site has been identified.

Nash restated concerns regarding use of taxpayer monies to subsidize private development.

Rod Johnson clarified that a determination has not been made as to the ultimate use of the snow removal site. Johnson indicated that the site may possibly be used for storage or other light industrial uses.

Discussion followed concerning a portion of the snow removal site that is zoned Flood Hazard.

Andrews suggested that these items be continued to the May 5, 2005 Planning Commission meeting.

Sperlich requested that the Planning Commission deny the requests at this time and they would address their concerns to City Council.

In response to a question from Brown, Elkins explained that State statute requires that all TIF funds must be expended within five years. Elkins noted that the five year period would give the City time to work through the issues related to the snow removal site.

In response to a question from Brown, Sperlich stated that the delay of improvements to the City's snow removal site would not have a negative impact on the proposed development project.

**Brown moved, Hadcock seconded and unanimously carried to recommend approval of the resolution creating Tax Increment District #52 and to recommend approval of the Tax Increment District #52 Project Plan with the stipulation that the improvements to the snow removal area not occur until such time as a determination has been made as to the future use of that area. (4 to 2 with Andrews, Brown, Hadcock and Prairie Chicken voting yes and with LeMay and Nash voting no)**

41. No. 05SV019 - Section 5, T1N, R8E

A request by Sperlich Consulting, Inc. for Jim Letner 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 along Creek Drive and East Saint Charles Street and to waive the requirement to dedicate additional right-of-way along Creek Drive and East Saint Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code** on the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1720 East St. Patrick Street.

Fisher presented the request addressing staff recommendations per item. Fisher identified that water currently exists in the East Saint Charles Street Right-of-Way and as such, the Variance to the Subdivision Regulations to waive the requirement to install water along East Saint Charles Street be tabled.

Fisher requested that the applicant's request for a variance to waive the requirement to install pavement and sewer be denied.

Fisher identified Creek Drive is a minor arterial street requiring that it be located in a 100' right-of-way and constructed with a 40' paved surface and improvements. Fisher stated that sewer and water are currently present in Creek Drive and, as such, the variance to waive sewer and water may be tabled. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk and street light

conduit along Creek Drive be approved. Fisher recommended that the request for the requirement to dedicate the 17' of right-of-way of Creek Drive be denied. Fisher suggested that the right-of-way should be obtained now from adjacent property owners rather than acquire the additional property at tax the payer's expense at a later date.

Fisher identified that East Saint Patrick Street is located in an 80' right-of-way and constructed with a 48' wide curb, gutter, sidewalk, street light conduit, water and sewer. Fisher stated that the applicant has requested a variance to waive the requirement to dedicate the ten additional feet for East Saint Patrick Street along the subject property. Staff recommends that the variance be denied as the dedication of right-of-way must be obtained now for any future development of the street.

Fisher addressed the applicant's request for exceptions to the separations between approaches and intersection, specifically between the intersection and the first approach. Fisher expressed staff concerns with traffic flow if the applicant's request for separation between existing approaches and the south section of Ash Street was granted. Fisher specifically identified issues with turning, lanes, and stacking lanes and ingress and egress from the adjacent properties. Fisher advised that staff identified that the applicant could combine the two approaches and aligning them with Ash Street, precluding the need to request any of the exceptions. Fisher stated that if the approaches were shifted to the west, the separation requirements would be met. Staff recommends that the Exception to reduce the separation from 75 feet to 50 feet between a driveway and Ash Street be denied; that the Exception to reduce the separation from 230 feet to 200 between a driveway and the intersection of East Saint Patrick Street and Creek Drive be denied; and that the Variance to the Subdivision Regulations to waive the requirement to dedicate 10 additional feet of right-of-way along East Saint Patrick Street be denied. Also, that the Variance to the Subdivision Regulations to waive the requirement to install sewer and water along Creek Drive be table

Doug Sperlich responded by stating that the request is a proposed layout of a subdivision, they have already submitted a layout showing it as being platted, the proposed project wouldn't require a plat at this time. Sperlich addressed the petitioner's objections to staff recommendations regarding the approaches. Sperlich stated the approach plan they would prefer may not meet the street criteria codes. Sperlich addressed Fisher's comments regarding approach alignment, noting that their request is similar to other developments in Rapid and would be conducive to their project plan. Sperlich stated his objection to two approaches on East Saint Patrick to move to the west, stating a preference to current spacing. Sperlich commented that the proposed large commercial development will have a very large parking lot and requested one access to the north, one access to the east, and two to the south to accommodate the volume of traffic generated. Sperlich expressed concerns that restricting access would create stacking problems. Sperlich reiterated his concern with the staff report exceptions regarding access points and the dedication of additional right-of-way and requested those items be separated.

Nash commented that his understanding of Sperlich's request was that he wanted a motion to exclude the denial.

Lemay moved to approve in part and deny in part per staff recommendations. Motion died due to lack of a second.

Sperlich requested that this items be continued to the next Planning Commission meeting.

**Andrews moved, Brown seconded and unanimously carried to continue the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Creek Drive and East Saint Charles Street and to waive the requirement to dedicate additional right-of-way along Creek Drive and East Saint Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code to the May 5, 2005 Planning Commission meeting. (6 to 0 with Andrews, Brown, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)**

47. Discussion Items

Nash reported that Schmidt has advised that due to other obligations he can no longer serve on the Tax Increment District Committee.

In response to a question, Elkins indicated that appointments to the TIF Committee are made by the Mayor. Nash volunteered to serve on the TIF Committee. Elkins stated that she would forward Nash's name to the Mayor for consideration for appointment to the TIF Committee.

Discussion followed concerning the disposition of the remainder of the Items on the Agenda.

**Brown moved, Prairie Chicken seconded and unanimously carried to continue the remaining Agenda Items 44, 45 and 46 to the beginning of the May 5, 2005 Planning Commission meeting. (4 to 0 with Brown, Hadcock, Nash, and Prairie Chicken voting yes and none voting no)**

**There being no further business, Brown moved, Prairie Chicken seconded and unanimously carried to adjourn the meeting at 8:50 a.m. (4 to 0 with Brown, Hadcock, Nash and Prairie Chicken voting yes and none voting no)**