

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 5, 2005

MEMBERS PRESENT: Peter Anderson, Doug Andrews, Gary Brown, Ida Marie Fast Wolf, Debra Hadcock, Mike LeMay, Scott Nash and Mel Prairie Chicken. Karen Olson, Council Liaison was also present

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

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

1. No. 05SV023 - Brentwood Subdivision

A request by Brent Pushing to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to pave and to reduce the surface width from 24 feet to 16 feet for Sunridge Road 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.

Elkins stated that Variance to the Subdivision Regulations to waive the requirement to pave and to reduce the surface width from 24 feet to 16 feet for Sunridge Road as per Chapter 16.16 of the Rapid City Municipal Code Elkins advised that this item was presented to Council previously and has been denied by both Planning Commission and Council. Elkins stated that staff's recommendation is to deny the request. She advised that this item was previously continued from the April 21, 2005 Planning Commission meeting. Elkins advised that these roads have been identified and are on the Major Street Plan and as such need to be constructed as part of the proposed development project.

Rod Schlager, attorney for petitioner requested on behalf of his client's that the Variance be approved.

In response to Hadcock's request for information regarding chip seal surfacing and locations of chip seal application, Johnson advised that chip seal is a surface treatment for asphalt pavement. Discussion continued on the existing road surface.

Janelle Finck, stated that Fisk Land Surveying and Consulting Engineers had prepared a preliminary engineering estimate for road improvement costs at the property location. Finck requested that the property's rural nature be taken into consideration. Finck stated she has no reasonable expectation of the area receiving city services for the next 20 years. Finck commented the property is currently not part of the Future Land Use Plan and there are no projection studies available. Finck requested that consideration be given allowing a gravel

road built to County standards.

Hadcock moved, Andrews seconded to continue to the May 26, 2005 Planning Commission meeting.

Andrews commented on the remoteness and ruggedness of the site location and stated that it would be difficult to connect Sun Ridge Road and Nemo road to create a major connector. Andrews expressed that more information would be required to make a reasonable decision and supports the motion to continue the request.

Elkins advised that Banner and Associates did a design for an extension of the road to relocate Nemo Road to another route along this area that has been reflected in the Major Street Plan. Elkins commented that if the Planning Committee wishes to continue this item then the owner should submit a proposed alternative plan to the typical City standard requirement to be reviewed by City and Pennington County Highway Department staff.

Schlager stated that property owners' would pursue options for road surfacing consistent with Sun Ridge Road.

Discussion followed regarding road width and surface options. Schlager stated that the property owner's would prefer road with be 16 feet rather than 24 feet.

Tim Behlings, Fire Department, stated that minimum road standard that the Fire Department requires an access to be 20 feet wide.

In response to Hadcock's request for study information, Elkins responded that the original engineers are unable to find the preliminary design route.

Hadcock stated that for safety purposes the 20 foot wide road requirement for Fire Department should be in place.

Finck commented that the property owner is in agreement with providing an underlying right-of-way, noting that they are opposed to extending the road way itself. Finck stated that the property owners would be willing to provide the means to meet the Comprehensive Plan in terms of the right-of-way but not to pave the road to City standards.

In response to Hadcock's request for information and photos regarding the road and the access, Finck stated that additional information will be provided regarding surfacing by the next Planning Commission meeting.

Discussion continued on the road surface, finding options and County requirements.

Hadcock moved, Andrews seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to pave and to reduce the surface width from 24 feet to 16 feet for Sun Ridge Road as per Chapter 16.16 of the Rapid City Municipal Code

be continued to the May 26, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

2. No. 05TI003 - Section 25, T2N, R7E

A request by City of Rapid City to consider an application for a **Tax Increment District No. 36 Revised Project Plan** on Lot 1 of Block 1, & Dedicated right-of-way, of Tires Plus Addition, located in the NE1/4 of the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 1R and 2R of Five Star Subdivision and dedicated public right-of-way shown as Disk Drive, located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tracts 4-C of Parcel #4, and Tracts 4-A, C and D, all located in the SE1/4 NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots A, B & C of Lot 1 of Block 1 of Geld Subdivision and Lots 2 & 3 of Geld Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Parcel #3 in SW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Parcel #7 in SW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, described by metes and bounds as follows: Beginning on the West Section Line at the Northwest corner of the SW1/4 NW1/4 of said Section 25; thence East along the one-sixteenth line a distance of 350 feet to the TRUE POINT OF BEGINNING, thence due South a distance of 145 feet; thence North 76 degrees 15 feet East a distance of 610 feet to the East-West one-sixteenth line; thence West along the one-sixteenth line a distance of 592.6 feet to the true point of beginning; Lot 18 (except that portion of Lot 18 platted as Lot C of Pine View Subdivision, as shown on the plat filed in Plat Book 17, page 144), and all of Lots 19-22 together with the vacated Street abutting said lots as recorded in Miscellaneous Book 115, page 678, all located in Block 4, Pine View Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 8R of Block 3 as recorded on Plat of Tract CR and Lot 8R of Block 3 formerly Tract C and Lot 8 of Block 3 located in the NW1/4 NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2 of Lowe's Subdivision, formerly Tract 1 of Martley Subdivision and Tract CR of the NW1/4 of the NE1/4 located in the NW1/4 of NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Balance of Parcel No. 8 in the NW1/4 NW1/4 of Section 25, T2N, R7E, BHM, Pennington County, South Dakota; Unplatted portion of NW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted Balance of NE1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot H-1 in the S1/2 NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Plat of dedicated public right-of-way shown as Disk Drive, formerly a portion of Parcel 5 of NE1/4NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; All of dedicated Public right-of-way of Disk Drive located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; A portion of Lot A of Howard Street/I-90 right-of-way located adjacent to Tracts 4-C of Parcel #4 and Tracts 4-A, C & D of the SE1/4NW1/4 and adjacent to Parcel #3 and Parcel #7 in the SW1/4NW1/4 and Lot 1R of Five Star Subdivision in the NW1/4 and Disk Drive right-of-way, all located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; The 100 foot Haines Avenue right-of-way beginning at the southern

boundary of the Haines Avenue/Disk Drive intersection located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, then traveling northward and ending at the intersection of the North/South and East/West quarter section lines of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2, The New Park Subdivision, located in the NW1/4SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; SW1/4SW1/4, NE1/4SW1/4, N1/2SE1/4SW1/4, all located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Dakota Subdivision #1, located in the S1/2SE1/4SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lakota Subdivision #1, Lakota Subdivision #2, and Lakota Subdivision #3, all located in the N1/2NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located extending north from Interstate 90 to Northridge Subdivision and from the east property boundary of Lowe's Subdivision to Bunker Drive.

Elkins requested that this Tax Increment District No. 36 Revised Project Plan and attached resolution be continued to the May 26, 2005 Planning Commission meeting as the applicant is looking at additional project costs.

Andrews moved, Hadcock seconded and unanimously carried to recommend that the Tax Increment District No. 36 Revised Project Plan and attached resolution to be continued to the May 26, 2005 meeting to allow the applicant to submit revisions to the cost estimates. (8 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

*3. No. 05UR004 - Madison's Subdivision

A request by Don Douma for Atonement Lutheran Church to consider an application for a **Major Amendment to a Conditional Use Permit to allow a church in Medium Density Residential District** on Lot 5 of Madison's Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 602 Auburn Drive.

Tucker stated that the applicant is requesting a Major Amendment to a Conditional Use Permit to eliminate landscaping islands located in a parking lot for a church in a Medium Density Residential Zoning District. Tucker advised that initial staff recommendation was that the Major Amendment be denied. Tucker advised that the applicants presented a revised landscape plan showing compliance with Zoning and landscape regulations. Tucker advised that staff recommends approval of the Major Amendment to a Conditional Use Permit with stipulations as distributed on the dais.

Brown moved, Hadcock seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit to eliminate landscaping islands located within the parking lot for a church in a Medium Density Residential District with the following stipulations:

- 1. A Certificate of Occupancy shall be obtained prior to occupancy of the existing building;**

2. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
3. A minimum of 144,161 landscaping points shall be provided. In addition, the landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary; and,
4. 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. (8 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken 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.

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 12 and 22 be removed from the Non-Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 15 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 4 thru 25 in accordance with the staff recommendations with the exception of Items 12, 15 and 22. (8 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

4. Approval of the April 21, 2005 Planning Commission Meeting Minutes.
5. No. 04AN009 - Hyland Park Subdivision
A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on the W1/2 SE1/4 and SE1/4 SE1/4 and N1/2 NW1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Petition for Annexation be continued to the May 26, 2005 Planning Commission meeting at the Applicant's Request.

6. No. 04PL097 - Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Layout Plat be continued to the May 26, 2005 Planning Commission meeting at the applicant's request.

7. No. 04AN010 - Section 35, T1N, R7E

A request by Dream Design International Inc. to consider an application for a **Petition for Annexation** on the S1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Petition for Annexation be continued to the May 26, 2005 Planning Commission meeting at the applicant's request.

8. No. 04PL185 - Owen Hibbard Subdivision

A request by Black Hills Surveying to consider an application for a **Preliminary Plat** on Lots 4 and 5 of Owen Hibbard Subdivision, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, legally described as the unplatted portion of Tract A of Tract 1, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at the intersection of Promise Road and Golden Eagle Drive.

Planning Commission recommended that the Preliminary Plat be continued to the June 23, 2005 Planning Commission meeting to allow the applicant time to submit additional information.

9. 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 26, 2005 Planning Commission meeting at the applicant's request.

10. 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 26, 2005 Planning Commission meeting to allow the applicant to submit additional information.

11. 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 26, 2005 Planning Commission meeting.

13. 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 June 9, 2005 Planning Commission meeting.

14. No. 05PL048 - Black Hills Estates

A request by Dream Design International to consider an application for a **Layout Plat** on Lots 1-25 and greenway, Black Hills Estates located in the NE1/4 and SW1/4 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 and SW1/4 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Catron Boulevard and Fifth Street.

Planning Commission recommended that the Layout Plat be continued to

the May 26, 2005 Planning Commission meeting to allow the applicant to submit additional information.

16. No. 05PL064 - Stoney Creek Subdivision Phase 1

A request by Boschee Engineering to consider an application for a **Layout Plat** on Lots 1-12, Block 5, Stoney Creek Subdivision Phase 1, W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1A and 1B, Block 5, Stoney Creek Subdivision Phase 1, W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5225 Bendt Drive.

Planning Commission recommended that the Layout Plat be continued to the May 26, 2005 Planning Commission meeting to allow the applicant to submit additional information.

17. No. 05PL065 - Trailwood Village

A request by Gordon Howie to consider an application for a **Layout and Preliminary Plat** on Lots 3A, 3B and 3C of Block 22 of Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 3 of Block 22 of Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Williams Street and Reservoir Road.

Planning Commission recommended that the Layout and Preliminary Plat be continued to the May 26, 2005 Planning Commission Meeting to allow the applicant to submit a required Variance to the Subdivision Regulations.

18. No. 05PL066 - Trailwood Village

A request by Lifestyle Homes, Inc. to consider an application for a **Layout and Preliminary Plat** on Lots 4A and 4B of Block 18 of Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 of Block 18 of Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 5482 Savannah Street.

Planning Commission recommended that the Layout and Preliminary Plat be approved with the following stipulation:

1. **Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for Reservoir Road. In particular, the road construction plans shall show curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained.**

19. No. 05RD002 – Rapid City Greenway Tracts

A request by City of Rapid City to consider an application for a **Resolution renaming West Philadelphia Street to Philadelphia Street** on West Philadelphia Street Right-of-Way located along the north side of Tract 18 of the Rapid City Greenway Tracts located in the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described

as being located on West Philadelphia Street, West Philadelphia Street Right-of-Way between West Street to West Boulevard North.

Planning Commission recommended that the Resolution renaming West Philadelphia Street to Philadelphia Street be approved.

20. No. 05SR018 - Rapid City Greenway Tract

A request by Parks & Recreation Department to consider an application for a **SDCL 11-6-19 Review to allow the installation of two light poles on public property** on a portion of Tract 8, Rapid City Greenway Tracts located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2915 Canyon Lake Drive.

Planning Commission approved the SDCL 11-6-19 Review to allow the installation of two light poles on public property with the following stipulation:

1. **Prior to the construction of the new light poles, an Electrical Permit shall be obtained and wiring done by a licensed electrician.**

21. 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 approved the SDCL 11-6-19 Review to allow the construction of a building for public utility use with the following stipulations:

1. **Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the new structure;**
2. **The structure that is constructed must match the submitted elevation photograph submitted with the application;**
3. **Prior to issuance of a Building Permit, the applicant must submit the manufacturer's specifications and the drawings must be stamped by a professional engineer if the proposed structure is prefabricated;**
4. **The east property line building setback is hereby reduced from 25 feet to six feet;**
5. **The applicant must ensure erosion control is addressed during construction; and,**
6. **The proposed structure shall be posted with 12 inch high numbers that are plainly visible from the street or the vehicular access point.**

23. No. 05SR017 – D.D.E. Subdivision

A request by Sperlich Consulting Inc. for Green Star Camper Sales to consider an application for a **SDCL 11-6-19 Review to extend a public utility** on a portion of Tract C located in the SW1/4 of the SW1/4 and Lot 1 of Lot A of D.D.E. Subdivision all located in Section 32, T2N, R8E, BHM, Rapid City,

Pennington County, South Dakota, more generally described as being located at 120 North Campbell Street.

Planning Commission approved the SDCL 11-6-19 Review to extend a public utility be approved with the following stipulations:

- 1. Prior to construction, provide the original plan sheet for the City of Rapid City to update their approval signature block; and,**
- 2. Prior to construction, a right-of-way permit from the South Dakota Department of Transportation shall be obtained for the construction in the Campbell Street right-of-way.**

24. No. 05SR019 – Dairyland Subdivision

A request by Jena McNabb for Rapid City Softball Association to consider an application for a **SDCL 11-6-19 Review to allow the construction of a structure and fencing on public property** on Lot 4, Dairyland Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1625 Sedivy Lane.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of a structure and fencing on public property with the following stipulations:

- 1. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structure;**
- 2. Upon submittal of a Building Permit, the plans for the shelter shall be stamped by a professional engineer;**
- 3. The proposed shelter must be handicapped accessible as per the International Building Code;**
- 4. The proposed fencing shall have a maximum height of six feet or an exception to the fence height requirements shall be obtained;**
- 5. A minimum access width of 20 feet shall be provided to the area near the concession stand; and,**
- 6. Prior to Planning Commission approval, the applicant shall submit an elevation certificate indicating that the proposed shelter and fencing are not located within the 100 year federally designated flood plain.**

25. No. 05VE003 – Old Rodeo Subdivision

A request by Sperlich Consulting for Childrens Care Hospital and School, D&V LLC, SIGBjornson Limited Partnership to consider an application for a **Vacation of Non-access Easement** on Lots 2, 3 and 4 of Old Rodeo Subdivision, located in 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 eastern terminus of Addison Avenue.

Planning Commission recommended that the Vacation of a Non-Access Easement be approved in conjunction with the vacation of Physician's Drive.

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

12. No. 05CA020 - Section 9, T1N, R7E

A Summary of Adoption Action for an Amendment to the Comprehensive Plan to change the Future Land Use Designation on an approximate 6.71 acre parcel from Flood to Park Forest on a tract of land that is located in a portion of the NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the Southeast corner of Lot 3 as recorded in Page 62 of the Schambers records of the Pennington County Register of Deeds; thence North along the east line of said Lot 3, 789.81 feet to the south line of Tract 4 of the Greenway tracts as recorded in Book 17 of Plats on Page 106 of the records of the Pennington County Register of Deeds; thence S74°32'00"W along the said south line of Tract 4 of the Greenway tracts, 194.76 feet; thence S36°00'00"W along the said south line of Tract 4 of the Greenway tracts, 459.84 feet; thence South, 363.83 feet to the south line of said Lot 3; thence S89°44'48"E along the said south line of Lot 3, 458.00 feet to the point of beginning; all located in NE1/4 of the SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Player Drive.

In response to a question, Elkins stated that the State statutes require that once the Council approves an Amendment to the Comprehensive Plan, the Planning Commission must prepare a summary for publication and becomes effective 20 days after that publication. Elkins commented that these items appear on the agenda after a Comprehensive Plan Amendment has been adopted.

Motion by Anderson, Seconded by LeMay and unanimously carried to approve the Summary of Adoption for an Amendment to the Comprehensive Plan to change the Future Land Use Designation on an approximate 6.71 acre parcel from Flood to Park Forest and authorized publication in the Rapid City Journal. (8 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

15. 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.

Connie Thomas, 2115 38th Street, requested that the Planning Commission deny the proposed Layout Plat. Thomas expressed concerns for increased traffic volume from the proposed development. Thomas requested that the application be denied along with the accompanying Variance request.

Janelle Finck, Fisk Land Surveying and consulting, advised that the requirement

to notify to surround property owners from the last commission meeting had been accomplished. Finck stated that none of the neighbors responded to the mailing or attended the open house. Finck further commented that a similar Layout Plat was approved last year. Finck stated that the proposed lot is unusually large for the area. Finck stated her opinion that it would be unfair to deny the applicant the opportunity to develop the lot. Finck also noted that the staff supports the request.

In response to Anderson's questions concerning the Canyon Lake Overlay, Elkins stated that the property is currently a single family property; and the overlay primarily addresses the multi-family issues.

Discussion followed on the action the action on the previous request for this property.

Mary Alice Noble, 2023 Twin Elms Drive stated that the letter sent by the applicant contained date discrepancies. Noble expressed concern with the applicant's proposed development plans. Noble presented her footage of flood damage on her property. Noble expressed concern for possible negative effects by increasing residential density.

Finck apologized for the date error in the letter sent to area property owners and advised that the applicant's phone number was on the letter in question. Finck advised that a permanent drainage easement has been obtained by the applicant and stated her opinion that the property does not significantly contribute to area drainage issues.

Discussion followed on the drainage issues.

Andrews expressed his opinion that the proposed development would create a hazard in the neighborhood unless drainage issues are addressed. Andrews commented that these issues can be addressed as part of the Final Plat review.

Motion by Andrews, Seconded by Anderson carried to recommend the Layout Plat be approved with the following stipulations:

1. Upon submittal of the Preliminary Plat application, road construction plans shall be submitted for review and approval for 38th Street. In particular, the road construction plans from Cottonwood Street to the north property line shall show the street constructed with a minimum 47 foot right-of-way and a 22 foot paved surface with curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;
2. Upon submittal of the Preliminary Plat application, road construction plans shall be submitted for review and approval for Elmhurst Drive. In particular, the road construction plans shall show the street constructed with a minimum 47 foot right-of-way and a 22 foot paved surface and sidewalk or a Variance to the Subdivision Regulations shall be obtained;
3. Upon submittal of the Preliminary Plat application, a drainage plan

shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;

4. Upon submittal of the Preliminary Plat application, a cost estimate for 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 the dedication of 14.5 additional feet of right-of-way along Elmhurst Drive and seven additional feet of right-of-way along 38th Street;
6. Prior to submittal of the Final Plat application, a Subdivision Variance shall be obtained to allow lots twice as wide as they are long;
7. Prior to submittal of the Final Plat, the applicant shall obtain a Variance to reduce the front yard setback on Elmhurst Drive from 26 feet to 11.5 feet;
8. Prior to submittal of the Final Plat, the applicant shall obtain a Variance to reduce the side yard setback on the intermediate property line to allow the existing garage to be to 0.5 feet in lieu of eight feet;
9. 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,
10. Prior to submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates. (5 to 3 with Anderson, Andrews, LeMay, Nash and Prairie Chicken voting yes and Brown, Fast Wolf, and Hadcock voting no)

22. No. 05SR016 - Rapps Addition

A request by Fisk Land Surveying & Consulting Engineers for Verizon Wireless to consider an application for a **SDCL 11-6-19 Review to allow the removal of an existing cell tower and allow the construction of a new cell tower on private property** on Lot 2, Block 2, Rapps Addition and South half of the vacated alley adjacent to and North of Lot 2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 640 Farnwood Street.

Tucker stated that the applicant has provided that additional required information and staff is recommending approval of the 11-6-19 SDCL Review to allow construction of a cell tower with revised stipulations.

In response to Andrew's question, Tucker advised that a certificate of occupancy is a requirement of the Building Code. Tucker also stated that there has been no response from surrounding property owners.

Motion by LeMay, Seconded by Andrews and unanimously carried to approve the SDCL 11-6-19 Review to allow the removal of an existing cell tower and allow the construction of a new cell tower on private property with the following stipulations:

1. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structure;

2. Prior to issuance of a Building Permit, a copy of a third party inspection of the prefabricated structure shall be submitted for review and approval;
3. A United States of America flag shall be continually displayed on the proposed stealth flag pole cellular tower and the flag appropriately lit or removed at sunset each day;
4. The parking lot expansion shall be constructed as per the City's Minimum Standards for Construction of Parking Lots;
5. The proposed structure shall be addressed with 12 inch numbers that are readily seen from the street;
6. All Uniform Fire Codes shall be continually met;
7. The tower shall be designed to allow for the co-location of a minimum of two additional antennas (for a total of three antennae) except where the additional antennas would interfere or impact the applicant's proposed antenna(s); and,
8. The tower shall be constructed according to the design plans submitted with the tower appearing as a flag pole. (8 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

Nash announced that the Public Hearings on Items 26 through 50 were opened.

Staff requested that Items 36, 37, 38, and 45 be removed for separate consideration.

Elkins requested that Items 34 and 35 be removed for separate consideration.

A member of the audience requested that Item 44 be removed for separate consideration.

LeMay moved, Brown seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 26 through 50 in accordance with the staff recommendations with the exception of Items 34, 35, 36, 37, 38, 44, and 45, (8 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

26. No. 04CA029 – Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan be continued to the May 26, 2005 Planning

Commission meeting at the applicant's request.

27. No. 04RZ037 – Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the W1/2 SE1/4 and the SE1/4SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the May 26, 2005 Planning Commission meeting at the applicant's request.

28. No. 04SV042 – Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit; to waive the requirement to dedicate additional right-of-way; and, to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Special Exception to allow 80 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual; the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit and to dedicate additional right-of-way; and, the Variance to the Subdivision Regulations to allow lots twice as long as wide be continued to the May 26, 2005 Planning Commission meeting at the applicant's request.

29. 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 26, 2005 Planning Commission meeting.

30. 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 26, 2005 Planning Commission meeting at the applicant's request.

31. 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 26, 2005 Planning Commission meeting.

32. 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 26, 2005 Planning Commission meeting to be heard in conjunction with the associated Layout Plat.

33. 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 26, 2005 Planning Commission meeting at the applicant's request.

- *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.

Planning Commission acknowledged the applicant's request to withdraw the Planned Residential Development – Initial and Final Development Plan. (7to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Prairie Chicken 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.

*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 at 160 Disk Road.

Planning Commission approved the Planned Commercial Development – Initial and Final Development Plan with the following stipulations:

1. **Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structure;**
2. **Upon submittal of a Building Permit, the plans for the shelter shall be stamped by a professional engineer;**
3. **The proposed shelter must be handicapped accessible as per the International Building Code;**
4. **The proposed fencing shall have a maximum height of six feet or an exception to the fence height requirements shall be obtained;**
5. **A minimum access width of 20 feet shall be provided to the area near the concession stand; and,**
6. **Prior to Planning Commission approval, the applicant shall submit an elevation certificate indicating that the proposed shelter and fencing are not located within the 100 year federally designated flood plain. (7 to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Prairie Chicken 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.

41. No. 05VR003 – Old Rodeo Subdivision

A request by Sperlich Consulting for Rushmore Waterslide, Childrens Care Hospital and School, D & V LLC, SIGBjornson Lmted. Pntshp., Orthopedic Land Co. LLC and SSDH, Inc. to consider an application for a **Vacation of Right-of-way** on the Right-of-way of Physician Drive, Old Rodeo Subdivision, located in 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 eastern terminus of Addison Avenue.

Planning Commission recommended that the Vacation of Right-of-way be approved with one stipulation:

- 1. Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation.**

***42. No. 05PD027 – Fifth Street Office Plaza**

A request by Dream Design International for Mandalay Homes to consider an application for a **Planned Commercial Development – Initial and Final Development Plan** on Lot 2, Block 1, Fifth Street Office Plaza, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4940 5th Street.

Planning Commission recommended that the Planned Commercial Development – Initial and Final Development Plan be continued to the May 26, 2005 Planning Commission meeting.

43. No. 05RZ032 – Fifth Street Office Plaza

A request by Dream Design International for Mandalay Homes to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on Lot 2, Block 1, Fifth Street Office Plaza, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4940 5th Street.

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

46. 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 26, 2005 Planning Commission meeting at the applicant's request.

47. 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.

Planning Commission recommended 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 June 9, 2005 Planning Commission meeting.

48. No. 05SV025 – Trailwood Village

A request by Sperlich Consulting for Gordon Howie to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 3A, 3B and 3C of Block 22 of Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 3 of Block 22 of Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located on the southwest corner of the intersection of Williams Street and Reservoir Road.

Planning Commission acknowledged the applicant's request to deny without prejudice the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement.

49. No. 05SV026 – Trailwood Subdivision

A request by Sperlich Consulting for Lifestyle Homes to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 4A and 4B of Block 18 of Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 of Block 18 of

Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5482 Savannah Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter and sidewalk along Reservoir Road.**

*50. No. 05UR006 – Par Subdivision

A request by Dave St. Pierre for Steve and Trisha Nolan to consider an application for a **Conditional Use Permit to allow a Child Care Center in the General Agriculture Zoning District** on Lot 2 of Tract 1 of Par Subdivision, Section 23, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 6047 Tartan Court.

The Planning Commission continued the Conditional Use Permit to allow a Child Care Center in the General Agriculture Zoning District to the June 9, 2005 Planning Commission meeting. (7 to 0 with Andrews, Anderson, Brown, Hadcock, Fast Wolf, LeMay, Nash and Prairie Chicken voting yes and none voting no)

---END OF HEARING CONSENT CALENDAR---

Elkins requested that Items 34 and 35 be taken concurrently.

34. No. 05CA019 - Northside Addition

A request by Marty Jacob for MJB 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.

35. 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.

Janelle Finck, Fisk Land Surveying & Consulting requested that the staff recommendation be amended to include the opportunity for the applicant to apply for a Subdivision Variance to the improvement of Monroe Street. Finck stated the applicant's request to allow the continued use of the property as a towing company, and have the option to request a variance at a later date.

Elkins stated that staff has no objection to adding language in the stipulation stating that the application be approved in conjunction with the associated Rezoning request and with the provision that the necessary street improvements for Monroe street be completed or a Subdivision Variance be obtained.

Discussion followed on the use of the site, the proposed light Industrial zoning the manner in which the property is utilized, fencing of the site, and the status of the right-of-way.

Finck commented that Mr. Jacobs contacted her with regard to preparing a vacation exhibit for that segment of right-of-way and he will address the fence requirement. Finck stated the applicant would agree to amend the motion to remove the requirement for the improvement of Monroe Street.

Nash expressed concern with the other uses allowed in a Light Industrial zoning district and the impact on the adjacent in Medium Density Residential neighborhood in the future.

Discussion followed on overlay zoning districts, the uses allowed in the Light Industrial Zoning District, the proximity to residential neighborhoods, possible ordinance amendments, and the Light Industrial uses currently located in the area.

Andrews moved, seconded by Hadcock to recommend approval, with the stipulation that the applicant obtain a vacation of right-of-way for Monroe Street to address the right-of-way and paving issues.

Discussion followed on the motion, conditional zoning, and the Medium Density Residential zoning surrounding the property.

Hadcock stated that the Future Land Use Committee's review of this property indicated that the area is primarily Light Industrial uses instead of Medium Density Residential uses. Hadcock commented that the property owner's current use of the property and expressed support for the applicant's request.

Fast Wolf objected to the zoning change in the neighborhood, stating that the neighborhood is primarily residential.

Discussion continued.

In response to Hadcock's question regarding use of the property by future property owners, Elkins stated that once the property is rezoned any light industrial use that is permitted in the district would be allowed.

Andrews requested that the record reflect that the paving and gate issues must be addressed.

Motion by Andrews, Seconded by Hadcock 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 be approved in conjunction with the associated Rezoning request (05RZ029) and to recommend that the Rezoning from Medium Density Residential District to Light Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment (05CA019). (6 to 2 with Anderson, Andrews, Brown, Hadcock, LeMay, and Prairie Chicken voting yes and Nash and Fast Wolf, voting no)

Elkins advised the applicant has requested that Items 36 and 37 be withdrawn.

36. No. 05CA022 – Stoney Creek Subdivision

A request by Boschee Engineering to consider an application for an **Amendment to the Comprehensive Plan by revising the Southwest Connector Neighborhood Area Future Land Use Plan to Change the land use designation on a 7.72 acre parcel from General Commercial with a Planned Commercial Development to Low Density Residential II with a Planned Residential Development** on Lots 1A and 1B, Block 5, Stoney Creek Subdivision Phase 1, W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5225 Bendt Drive.

37. No. 05RZ034 – Stoney Creek Subdivision Phase 1

A request by Boschee Engineering to consider an application for a **Rezoning from General Commercial District to Low Density Residential – II District** on Lots 1A and 1B, Block 5, Stoney Creek Subdivision Phase 1, W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5225 Bendt Drive.

Brown moved, Andrews seconded and unanimously carried to acknowledge the applicant's request to withdraw the Amendment to the Comprehensive Plan by revising the Southwest Connector Neighborhood Area Future Land Use Plan to Change the land use designation on a 7.72 acre parcel from General Commercial with a Planned Commercial Development to Low Density Residential II with a Planned Residential Development and the Rezoning from General Commercial District to Low Density Residential – II District. (8 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

38. No. 05OA002 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance**

adding Chapter 17.58 Airport Zoning District to Title 17 of the Rapid City Municipal Code.

Bulman stated that the Ordinance establishes the Airport Zoning District in the Rapid City Municipal Code. Bulman advised that the Airport was annexed in September, 2003 and at that time Temporary Zoning District regulations were put in place. Bulman stated that Future Land Use Plan has been approved therefore the City can go forward and adopt permanent zoning. Bulman advised that staff has reviewed the ordinance and recommends approval of the Airport Zoning District to Title 17 of the Rapid City Municipal Code.

Anderson moved, Prairie Chicken seconded and unanimously carried to recommend approval of the Ordinance adding Chapter 17.58 Airport Zoning District to Title 17 of the Rapid City Municipal Code. (8 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

45. No. 05RZ035 – Sections 5, 6, 7, 8, 9, 16, 17, 20, 21 and 28 T1N, R9E

A request by City of Rapid City to consider an application for a **Rezoning from Temporary Airport District to Airport District** on Lot 1 in SW1/4 Section 5 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 2 and 3 in S1/2 Section 6 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 4 and 5 in E1/2 Section 7 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 in the SE1/4 of Section 7, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in NW1/4 Section 8 of R.C. Airport Subdivision No. 4 in SW1/4 Section 5, S1/2 Section 6, E1/2 Section 7 and NW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 1, Lots 3, 4, 5 and 6 in the SW1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 1 and 2 of the SW1/4 Section 8 and Lot 1 of SW1/4SE1/4 Section 8, all located in T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 7 of R.C. Airport Subdivision No. 1 in SW1/4, Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 6 in SE1/4 Section 8 of R.C. Airport Subdivision No. 2 in SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 2, Lots 2, 3, 4 & 5 in the SE1/4 Section 8, T1N, R9E, BHM, Pennington County, South Dakota; and, R.C. Airport Subdivision No. 3, Lots 1 & 2 in the SW1/4, Section 9, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot H-1 of NW1/4, Section 16, T1N, R9E, BHM, Pennington County, South Dakota; and, All of Section 17, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 2 in SE1/4 Section 20 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, All of the N1/2 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot A and B of SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Section line right-of-way in the SW1/4 of Section 20 located north of Lot H-1 of Lot A in the SW1/4 of Section 20, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 3, 4, 5 & 6 in Section 21

of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, Lot 5A in SW1/4SW1/4 of Section 21 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota; and, W1/2NW1/4, NW1/4SW1/4, Pt. SW1/4SW1/4, Tracts G and H in the SE1/4NW1/4 and E1/2SW1/4, and Tract I in the SW1/4SW1/4, Section 21, T1N, R9E, BHM, Pennington County, South Dakota; and, Lots 7 and 8 in N1/2 of Section 28 of R.C. Airport Subdivision No. 5 in SW1/4 Section 16, SE1/4 Section 20, W1/2 and SE1/4 Section 21 and N1/2 Section 28, T1N, R9E, BHM, Pennington County, South Dakota, containing 1,719.78 acres, more or less, more generally described as being located at Rapid City Regional Airport.

Elkins stated that this item is the Rezoning of the Airport from Temporary Airport District to Airport District and is related to the previous item. Elkins stated that Staff's recommendation is for approval of this item.

Andrews moved, Hadcock seconded and unanimously carried to recommend approval of the Rezoning from Temporary Airport District to Airport District (8 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

Fast Wolf left the meeting at this time.

*44. No. 05PD029 – Red Rock Meadows Subdivision

A request by Dream Design International to consider an application for a **Planned Residential Development – Initial and Final Development Plan** on Lots 1-9, Block 5, Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of Murfield Drive and Coghill Lane.

Hani Shafi, Dream Design representing Red Rock Meadow Subdivision, stated that the staff report was received, all items have been addressed and plans have been resubmitted, with the exception of the 15 foot setbacks that were requested on Muirfield and Turnberry Road. Shafi stated his understanding that staff did not have an opportunity to review the setback items. Shafi also advised that all comments and concerns by the staff had been addressed with the exception of the set back items. He commented that the applicants would be unable to meet the 25 foot setbacks on those two streets with the proposed floor plans. Shafi requested that the application be approved with staff recommendations with the exception of the 15 foot setbacks requested.

Elkins advised that submittal information was received late and that a review had not been completed. Elkins stated staff's recommendation to continue this item to the May 26, 2005 Planning Commission meeting.

Discussion followed on the timing of the re-submittal of the information and the request for reduced setbacks.

Andrews moved, Hadcock seconded to continue this item to the May 26,

2005 Planning Commission meeting, discussion on the motion.

Shafi requested clarification of submittal procedures. Shafi stated that he disagreed with the application procedure.

Andrews moved, Hadcock seconded and unanimously carried to continue the Planned Residential Development – Initial and Final Development Plan to the May 26, 2005 Planning Commission meeting. (7 to 0 with Andrews, Anderson, Brown, Hadcock, Fast Wolf, LeMay, Nash and Prairie Chicken voting yes and none voting no)

The Public Hearings for Items 26 through 50 were closed.

---BEGINNING OF REGULAR AGENDA ITEMS---

51. 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.

Elkins stated that staff recommended that the Layout Plan be continued to the June 9, 2005 Planning Commission meeting as requested by the applicant.

Andrews moved, Hadcock seconded and unanimously carried to continue the Layout Plat to the June 9, 2005 Planning Commission meeting. (7 to 0 with Andrews, Anderson, Brown, Hadcock, Fast Wolf, LeMay, Nash and Prairie Chicken voting yes and none voting no)

Tucker requested that Items 52 and 53 be considered concurrently.

52. No. 05PL055 - McMahon 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, 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.

Tucker advised that the applicant has submitted the revised Preliminary Layout Plat and has made corrections as the staff requested. Tucker stated that staff is recommending approval of the Preliminary Plat with stipulations.

Andrews moved, LeMay seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, a revised Preliminary Plat shall be submitted showing Champion Drive and Chief Drive right-of-way extended from McMahon Drive to the north to align with the southern terminus of Champion Drive and Chief Drive at the subject property's northern lot line;
2. Prior to Preliminary Plat approval by the City Council, the Preliminary Plat shall dedicate public right-of-way for a road connection extending from McMahon Drive to the south;
3. Prior to construction, construction plans for McMahon Drive shall be submitted for review and approval. In particular, the construction plans shall show McMahon Drive located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained;
4. The southern extension of the water main from the southern terminus of Kyle Street shall be coordinated with the location of the existing overhead transmission line pole;
5. The applicant shall include an analysis of the water main corrosion potential and appropriate protective measures to be taken;
6. Prior to construction, construction plans for Champion Drive and Chief Drive shall be submitted for review and approval. In particular, the construction plans shall show Champion Drive and Chief Drive located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained;
7. Prior to construction, a drainage plan shall be submitted for review and approval, including topography and a sediment and erosion control plan;
8. Prior to construction, a drainage plan shall be submitted for review and approval demonstrating that run-off from the property will not be discharged at rates that exceed the pre-developed flow rates. In addition, the drainage plan shall demonstrate that the drainage does not exceed the capacity of downstream facilities;
9. All applicable provisions of the International Fire Code shall be continually met;
10. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; and,
11. Upon submittal of the Final Plat application, surety for the design and construction of all required subdivision improvements shall be posted and the subdivision inspection fees shall be paid. (7to 0 with Andrews, Anderson, Brown, Fast Wolf Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

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.

Tucker advised that staff has reviewed the submitted documents and is recommending approval of the SDCL 11-6-19 Review to allow the construction of a public street on public property. Tucker commented that additional information is required regarding items nine and ten prior to Planning Commission approval.

Elkins suggested that items nine and ten be stricken because this is an 11-6-19 and not a Subdivision Plat.

Andrews moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the construction of a public street on public property with the following stipulations:

1. **Prior to construction, the street design plan shall be revised to show a future road connection extending from McMahon Drive to the south and the extension of McMahon Drive to the west;**
2. **Construction plans for McMahon Drive and Kyle Street shall be submitted for review and approval prior to construction. In particular, the construction plans shall show McMahon Drive located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained;**
3. **The construction plans for Kyle Street shall show Kyle Street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained;**
4. **The southern extension of the water main from the southern terminus of Kyle Street shall be coordinated with the location of the existing overhead transmission line pole;**
5. **The applicant shall include an analysis of the water main corrosion potential and appropriate protective measures to be taken with the construction plans;**
6. **A drainage plan shall be submitted for review and approval, including topography and a sediment and erosion control plan prior to construction;**
7. **A drainage plan shall be submitted for review and approval demonstrating that run-off from the property will not be discharged at rates that exceed the pre-developed flow rates prior to construction. In addition, the drainage plan shall demonstrate that**

the drainage does not exceed the capacity of downstream facilities;
and

8. All applicable provisions of the International Fire Code shall be continually met; (7to 0 with Andrews, Anderson, Brown, Fast Wolf Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

54. No. 05PL063 - Gemstone Subdivision

A request by Centerline for Lazy P-6 Land Company, Inc. to consider an application for a **Preliminary Plat** on Lots 1, 2, 3 and 6 of Block 1 and Lot 1 and Lots 11 thru 19 of Block 3 of Gemstone Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the N1/2 NW1/4 NW1/4 (Government Lot 1), Section 19 T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Catron Boulevard and Elk Vale Road.

Elkins stated that Item 54 is a Preliminary Plat that has been submitted; she directed the commission's attention to a memorandum that was received from Mr. Kostaneski and was forwarded to the Planning Commission. Staff recommends that the Preliminary Plat be continued to the May 26, 2005 Planning Commission meeting.

Elkins reviewed the stipulations of approval for the original Layout Plat. Elkins reviewed that staff's recommendation that the required a master plan show the entire property.

Discussion followed and Elkins clarified the boundary of the property.

Andrews moved, LeMay seconded and unanimously carried to continue Preliminary Plat to the May 26, 2005 Planning Commission meeting. (7to 0 with Andrews, Anderson, Brown, Fast Wolf Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

*55. No. 05PD024 - Autumn Hills Plaza Subdivision

A request by Lund Associates for GBA, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 1 & 2, Autumn Hills Subdivision, Section 22, T1N, R7E. BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5312 Sheridan Lake Road.

Elkins stated staff's recommendations that this item be continued to the May 26, 2005 Planning Commission meeting.

Bill Barber, Applicant, stated that additional information was received based on staff comments upon re-submittal. Barber requested that this item be continued to the May 26, 2005 Planning Commission meeting.

Anderson moved, Hadcock seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development

with the stipulations to the May 26, 2005 Planning Commission meeting. (7to 0 with Andrews, Anderson, Brown, Fast Wolf Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

*56. 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.

Elkins stated that this is an application for Planned Commercial Development - Initial and Final Development Plan. Elkins advised that the staff recommendation is for approval with stipulations as all of the required information has been submitted and reviewed.

Andrews moved, LeMay seconded and unanimously carried to approve the Planned Commercial 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 issuance of a building permit, the Vacation of Right-of-way for Physicians Drive shall be approved by the City Council;**
3. **Prior to issuance of a building permit, 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 Development Service Center Division;**
4. **Prior to Planning Commission approval, the site plan shall be revised to show access to the undeveloped area located in the northern portion of the subject property or the applicant shall demonstrate alternate access to this area of the property;**
5. **Prior to Planning Commission approval, the site plan shall be revised to show four handicap accessible spaces. One of the handicap spaces shall be "van" accessible. In addition, a minimum of 57 parking spaces shall be continually provided and all provisions of the Off-Street Parking Ordinance shall be continually met;**
6. **Prior to Planning Commission approval, the noise level(s) to be generated by the air handling equipment shall be submitted for review and approval. In addition, prior to issuance of a Certificate of Occupancy, the air handling equipment shall be located on the roof and screened behind the parapet encircling the roof as proposed;**
7. **Prior to issuance of a building permit, geotechnical information, including pavement design, shall be submitted for review and approval;**

8. Prior to issuance of a building permit, revisions to the water plans shall be submitted for review and approval. In addition, public utility easements shall be recorded at the Register of Deed's Office as needed;
9. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
10. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
11. The proposed commercial structure shall be used as a medical clinic and office as shown on the applicant's application. Any other use shall require a Major Amendment to the Planned Commercial Development;
12. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. In addition, a sign permit shall be obtained for each individual sign;
13. A minimum of 65,849 landscaping points shall be provided. The landscaping plan 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;
14. All International Fire Codes shall be met; and,
15. The Planned Commercial 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. (7 to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Prairie Chicken 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.

57. 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.

Elkins requested that this item be continued to the June 9, 2005 Planning Commission meeting at the applicant's request.

Anderson moved, Hadcock 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 to the June 09, 2005 Planning Commission meeting. (7 to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

58. 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 and a Variance to the Subdivision Regulations to allow a Lot length greater than twice the distance of the Lot width as per Chapter 16.12.190 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.

Catron-Blair presented the request for Subdivision Variance, stating that staff has recommended approval with stipulations.

Noble, area resident, requested that the Subdivision Variance be denied expressing concerns regarding drainage issues. In response to Noble's question regarding right-of-way location, Catron-Blair clarified the location of the right-of-way.

Finck stated that right-of-way or drainage easement has been obtained by the applicant for drainage issues. Finck expressed her opinion that the burden of rectifying drainage issues shouldn't be placed on the applicant.

Hadcock stated her objection to not addressing the drainage issues surrounding the development location.

In response to Anderson's questions regarding drainage issues, Catron-Blair advised that those would be addressed at the time of Preliminary Plat application.

Discussion followed regarding property elevations and drainage issues related to the proposed development.

Andrews moved, LeMay seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to allow a lot length greater than twice the distance of the lot width as per Chapter 16.12.190 of

the Rapid City Municipal Code be approved; That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Elmhurst Drive and 38th Street be denied; That the Variance to the Subdivision Regulations to waive the requirements to install sidewalk and pavement along Elmhurst Drive and the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and pavement along 38th Street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the improvements along 38th Street and Elmhurst Drive. In addition, 38th Street shall be constructed as a gravel road with a minimum 20 foot wide, four inches deep gravel surfacing extended to the north lot line of the subject property. (6 to 1 with Andrews, Anderson, Brown, LeMay, Nash and Prairie Chicken voting yes and Hadcock voting no)

59. No. 05RZ033 - Tittle Springs Subdivision

A request by Tracy Parris to consider an application for a **Rezoning from Flood Hazard District to Park Forest District** on a parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE¼ of the SW¼ of Section 18, TIN, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel bears N09°00'28"W a distance of 814.22 feet from the southeast corner of Lot 2 of Tittle Springs Subdivision commencing at the point of beginning: Thence First Course: along the line common with lots 4 and 5 of Tittle Springs Subdivision a bearing of N01°27'29"E and a distance of 35.58 feet; Thence Second Course: along the 100-Year Flood Plain Boundary delineated from F.I.R.M. Panel 465420-0011 F a bearing of N54°55'21"W, a distance of 14.13 feet; Thence Third course: along said 100-Year Flood Boundary Line a bearing of N87°37'55"W and distance of 4.24 feet; Thence Fourth Course: along said 100-year flood line a bearing of N70°03'43"W and distance of 5.26 feet; Thence Fifth Course: along said 100-Year Flood Line a bearing of N88°32'31"W and distance of 8.24 feet to the point of departure from said 100 year line; Thence continuing along a line with a bearing of N88°32'31"W and a distance of 20.76 feet to an intersection with the line common with lots 5 and 6 of Tittle Springs Subdivision; Thence Sixth Course: along the line common to the lots 5 and 6 of Tittle Springs Subdivision a bearing of S01°27'29"W and a distance of 45.05 feet; Thence Seventh Course: along a line with a bearing of S88°26'10"E, and a distance of 50.00 feet to the point of beginning. Said parcel of land contains 2,177.00 sq.ft/0.0500 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE¼ of the SW¼ of Section 18, TIN, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6201 Magic Canyon Road.

Elkins requested that the Planning Commission acknowledge the applicant's withdrawal of the request.

LeMay moved, Andrews seconded and unanimously carried to acknowledge the applicant's withdrawal of the Rezoning from Flood

Hazard District to Park Forest District. (7 to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

60. Discussion Items

- A. Request to have the City of Rapid City initiate a Comprehensive Plan Amendment to the Future Lane Use map and a Rezoning Request – Tracy Parris.

Elkins stated that this item relates to the Rezoning from Flood Hazard District to Park Forest District mentioned on Item 59. Elkins advised that the applicant is requesting that the City of Rapid City sponsor the Comprehensive Plan Amendment to the Future Lane Use map and the Rezoning Request. Elkins identified a letter submitted to Council from Tracy Parris with the background information on this request.

Tracy Parris presented his request to the Planning Commission.

Discussion followed on the request and the history of the Flood Hazard Zoning District.

Andrews moved, Brown seconded and unanimously carried to authorize the Rezoning and Comprehensive Plan Amendment applications. (7 to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)

There being no further business, Andrews moved, Brown seconded and unanimously carried to adjourn the meeting at 9:45 a.m. **(7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Nash and Prairie Chicken voting yes and none voting no)**