

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 23, 2005

MEMBERS PRESENT: Peter Anderson, Doug Andrews, Gary Brown, Debra Hadcock, Mike LeMay, Scott Nash, and Ethan Schmidt. Malcolm Chapman, Council Liaison, was also present.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Todd Tucker, Karen Bulman, Michelle Horkey, Bob Dominicak, Dave Johnson, Bill Knight, Joel Landeen, and Carol Bjornstad.

Nash called the meeting to order at 7:01 a.m.

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

Planning Commission requested that Item 12 be removed for separate consideration.

Andrews moved, LeMay seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 15 in accordance with the staff recommendations with the exception of Item 12.

(7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Nash, and Schmidt voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the June 9, 2005, Planning Commission Meeting Minutes.
2. 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 August 4, 2005 Planning Commission meeting to allow the applicant time to submit additional information.
3. No. 05AN006 - Freeland Meadow Subdivision
A request by Dream Design International to consider an application for a **Petition for Annexation** on NE1/4 NW1/4, Section 19, T2N, R8E, BHM, Pennington

County, South Dakota, more generally described as being located east of West Nike Road and Country Road.

Planning Commission recommended that the Petition for Annexation be continued to the July 7, 2005 Planning Commission meeting at the applicant's request.

4. No. 05CA011 - Section 18, T2N, R8E (Freeland Meadows Subdivision)

A request by Dream Design International for SPF, LLC to consider an application for a **Summary of Adoption action 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 and east of West Nike Road.

Planning Commission approved the Summary of Adoption Action and authorized publication in the Rapid City Journal.

5. No. 05CA025 - Stoney Creek Subdivision Phase 1

A request by Boschee Engineering to consider an application for a **Summary of Adoption action 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 4.67 acre parcel from General Commercial with a Planned Commercial Development to a maximum density of 4.8 dwelling units per acre 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, less a parcel of land located in NW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the found corner No. 6119 of the NE corner of Catron Boulevard and Sheridan Lake Road along a none visual line, N21°36'26"E 733.63 feet to the true point of beginning; Thence S89°57'27"E 260.81 feet; Thence N34°09'47"E 162.11 feet; Thence S59°24'49"E 24.85 feet; concave Northerly having a radius of 174.50 feet 95.15 feet along said curve through a central angle of 31°14'25"; Thence N89°20'46"E 11.22 feet; Thence S46°00'18"E 14.23 feet; concave Easterly having a radius of 326.00 feet 70.99 feet along said curve through a central angle of 12°23'34"; Thence S14°42'04"E 192.18 feet; concave Westerly having a radius of 470.00 feet 269.39 feet along

said curve through a central angle of 32°50'26"; Thence S18°08'22"W 132.82 feet; Thence S25°52'25"W 44.58 feet; Thence S17°55'27"W 114.95 feet; Thence N79°10'12"W 15.14 feet; Thence N09°36'36"E 92.64 feet; Thence N01°06'37"E 204.68 feet; Thence N09°33'46"W 78.14 feet; Thence N27°38'08"W 286.69 feet; Thence S88°24'01"W 281.64 feet; Thence N11°18'01"W 89.74 feet; to the point of beginning, more generally described as being located at 5225 Bendt Drive.

Planning Commission approved the Summary of Adoption Action and authorized publication in the Rapid City Journal.

6. No. 05PL096 - Trailwood Village Subdivision

A request by Sperlich Consulting for Lifestyle Homes to consider an application for a **Preliminary Plat** on Lots 7A and 7B of Block 18, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Block 18, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located between the east side of Savannah Street and the west side of Reservoir Road.

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

1. **Prior to Preliminary Plat approval by the City Council, construction plans for Reservoir Road shall be submitted for review and approval. In particular, the construction plans shall show the construction of curb, gutter, sidewalk and street light conduit along Reservoir Road or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the City Council, elevations of the existing building pad, foundation and lowest openings on the structure(s) shall be submitted for review and approval to insure that the elevation(s) are above 3130.25. In addition, a note shall be placed on the plat document identifying that the lowest opening of any structure shall be above the elevation of 3130.25;**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
4. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

7. No. 05PL097 - Park Hill Subdivision

A request by Greg Wierenga for Bruce Kulpaca to consider an application for a **Layout Plat** on Lots 8, 9, 10, 11 and 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East Oakland Street and adjacent to the east side of Merlot Drive.

Planning Commission recommended that the Layout Plat be approved with

the following stipulations:

1. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that the run-off is managed consistently with the Drainage Design Criteria Manual standards with no adverse impact on adjacent properties. In addition, the drainage plan shall demonstrate that discharge is directed to existing or proposed easements or rights-of-way. The plat document shall be revised to provide drainage easements as needed;
 2. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval;
 3. Upon submittal of a Preliminary Plat application, sewer utility plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 4. Upon submittal of a Preliminary Plat application, water utility plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 5. Upon submittal of a Preliminary Plat application, road construction plans for the interior street shall be submitted for review and approval. In particular, the street shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 6. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Merlot Drive and the first fifty feet of the interior street;
 7. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval;
 8. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;
 9. Prior to submittal of a Final Plat application, a street name for the interior street shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; and,
 10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
8. No. 05PL098 - Fifth Street Office Plaza
A request by Dream Design International, Inc. to consider an application for a

Preliminary Plat on Lot 3, Block 1, Fifth Street Office Plaza, located in the S1/2 N1/2 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as located in the S1/2 N1/2 NE1/4, 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 Preliminary Plat be approved with the following stipulations:

1. **An Air Quality Permit shall be obtained;**
2. **Prior to Planning Commission approval; a grading and drainage plan shall be submitted for review and approval;**
3. **Prior to Planning Commission approval; a water distribution plan including source, service lines, fire hydrants and analysis indicating adequacy of flows for fire and domestic water flows shall be submitted for review and approval;**
4. **Prior to Planning Commission approval; a sanitary sewer plan shall be submitted for review and approval;**
5. **Prior to Planning Commission approval; a pavement design section for the shared access approach shall be submitted for review and approval;**
6. **All applicable provisions of the International Fire Code shall be continually met; and,**
7. **Prior to Planning Commission approval, the red line comments shall be addressed and the red lined drawings shall be returned.**

9. No. 05PL099 - Village on the Green No. 2 Subdivision

A request by FMG, Inc. for Hart Ranch Development Co. to consider an application for a **Preliminary Plat** on Lots 42A, 42B, 43A, 43B, 44A, 44B, 45A, 45b, 46A and 46B, Village on the Green No. 2 Subdivision, located in the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 42 through 46, Village on the Green No. 2 Subdivision, located in the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located located north and adjacent to Mulligan Mile.

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

1. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing a sidewalk along both sides of Mulligan Mile or a Variance to the Subdivision Regulations shall be approved;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional 3.5 feet of right-of-way for Mulligan Mile or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
4. **Upon submittal of a Final Plat application, surety for any required**

subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

10. No. 05PL101 - Ridge Park Addition No. 3

A request by Fisk Land Surveying for Stanford Adelstein to consider an application for a **Preliminary Plat** on Lots 3R and 5R, Ridge Park Addition No. 3, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3, 4, 6 and the north 81 feet of Lot 5, Ridge Park Addition No. 3, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Roosevelt Avenue and West Boulevard, north of Saint Anne Street and South of Saint Patrick Street.

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

1. **Prior to Preliminary Plat approval by the City Council, construction plans for West Boulevard shall be submitted for review and approval. In particular, the construction plans shall show the construction of sidewalk and street light conduit along West Boulevard as it abuts the subject property or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to Preliminary Plat approval by the City Council, construction plans for Roosevelt Avenue shall be submitted for review and approval. In particular, the construction plans shall show the construction of sidewalk, street light conduit, sewer and water along Roosevelt Boulevard as it abuts the subject property or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, a copy of the "Permanent Encroachment Easement" shall be submitted for review and approval;**
4. **An Exception is hereby granted to reduce the side yard utility and drainage easement from eight feet to four feet along the common lot line;**
5. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
6. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

11. No. 05SR024 - Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 Review to allow for construction of a public park in Low Density Residential District zoning and to authorize the City of Rapid City to accept park property** on an unplatted balance of the NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast (end) corner of the intersection of Cog Hill Lane and Sahalee Drive.

Planning Commission approved the SDCL 11-6-19 Review to allow for construction of a Public Park in Low Density Residential Zoning District and to authorize the City of Rapid City to accept park property with the following stipulations:

- 1. A building permit shall be obtained prior to any construction;**
- 2. An occupancy permit shall be obtained prior to any occupancy;**
- 3. A sign permit shall be obtained prior to installation of proposed sign;**
- 4. Prior to obtaining a building permit, obtain a storm water discharge permit from South Dakota Department of Environmental and Natural Resources if more than one acre of land is to be disturbed;**
- 5. Prior to obtaining a building permit, provide plans indicating the storm water improvements;**
- 6. Prior to obtaining a building permit, provide plans showing the location of irrigation improvements; and,**
- 7. A variance is hereby granted to allow the driveway approach on Sahalee Drive to be 46 feet from the intersection rather than 50 feet as per the Street Design Criteria Manual.**

13. No. 05SR026 - Dairyland Subdivision

A request by Jena McNabb for the Rapid City Softball Association to consider an application for an **SDCL 11-6-19 Review to allow the construction of a structure 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 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; and,**
- 3. The proposed shelter must be handicapped accessible as per the International Building Code.**

14. No. 05SR028 - Section 6, T1N, R8E

A request by Central States Fair to consider an application for an **SDCL 11-6-19 Review to allow a drainage improvement on public land** on the unplatted portion of the SW1/4 NE1/4, and the west 10 acres of SE1/4 NE1/4, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 801 San Francisco Street.

Planning Commission approved the 11-6-19 SDCL Review to allow a drainage improvement on public land with the following stipulations:

- 1. Prior to the start of construction, a hydraulic analysis shall be provided addressing discharge and the capacity of the existing 18 inch storm sewer line; and,**
- 2. Prior to the start of construction, a Floodplain Development Permit**

shall be obtained. In particular, the Floodplain Development Permit shall address all requirements specific to "Zone OA" as per Chapter 15.32 of the Rapid City Municipal Code.

15. No. 05SR036 - Par Subdivision

A request by Steve and Trisha Nolan to consider an application for an **11-6-19 SDCL Review to allow the construction of a public street on public property** on Lot 2, Tract 1, Par Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of Catron Boulevard and Tartan Court.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of a public street in a public right-of-way with the following stipulations:

1. **Tartan Court shall be constructed with a minimum pavement width of 24 feet with sidewalk and street light conduit on the west side of Tartan Court;**
2. **The requirement to install curb, gutter, water and sewer on both sides of Tartan Court, and sidewalks and street light conduit along the east side of Tartan Court is hereby waived. In addition, the applicant shall sign a Waiver of Right to Protest any future assessment for the improvement;**

15A. **Preliminary Rapid City Area Transportation Improvement Program (Fiscal Years 2006-2010)** The Rapid City Area Metropolitan Planning Organization is required to develop the Transportation Improvement Program (TIP). This is a five year priority list and financial plan for highway, transit and intermodal projects. The TIP is intended to serve as a fiscal management tool to assist state and local agencies in matching transportation needs with resources.

Planning Commission recommended that the Preliminary 2006-2010 Rapid City Area Transportation Improvement be approved.

12. No. 05SR025 - Rapid City Greenway Tract

A request by Mark Parett for Black Hills Corporation to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on Tracts 1 through 3, Lot A and B of Tract 3, Rapid City Greenway Tract District, Section 8 and 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

In response to Anderson's question regarding the type of structure proposed, Elkins advised that the structure is a temporary tent utilized for a one day event.

Anderson moved, Brown seconded to approve the SDCL 11-6-19 Review to allow temporary structures on public property with the following stipulations:

1. **A Temporary Use Permit shall be obtained prior to initiation of the event;**

2. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by Fire Code;
3. Adequate access for Fire Department apparatus must be continually maintained for the duration of the special event;
4. Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;
5. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;
6. All requirements of the Floodplain Development Ordinance shall be met at all times;
7. No alcoholic beverages shall be allowed in the park;
8. Prior to Planning Commission approval, a copy of the lease agreement for the leased parking shall be submitted for review and approval;
9. The applicant shall be responsible for the management and disposal of all animal waste produced by the petting zoo provided;
10. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Inspections Division at the time a Temporary Use Permit is requested. In addition, if temporary restrooms are provided and located within the 100 Year Flood Plain, they must be removed the same day as the event;
11. The temporary structures shall be erected in the location shown on the submitted site plan to insure they do not encroach into the hydraulic floodway; and,
12. The SDCL 11-6-19 Review to allow temporary structures on public property for use during the Black Hills Corporation employee appreciation picnic shall be valid for three years. More specifically, for one day each year between the hours of 7:00 AM and 3:00 PM.

(7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Nash, and Schmidt voting yes and none voting no)

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

Nash announced that the Public Hearings on Items 16 through 24 were opened.

Staff requested that Item 18 be removed for separate consideration.

A member of the audience requested that Items 17 and 23 be removed for separate consideration.

Motion by Brown, Seconded by Andrews and unanimously carried to recommend approval of the Hearing Consent Agenda Items 16 through 24 in accordance with the staff recommendations with the exception of Items 17, 18 and 23.

(7 to 0 with Anderson, Andrews, Brown, Hadcock, LeMay, Nash, and Schmidt voting yes and none voting no)

The Public Hearings for Items 16 through 24 were closed.

---HEARING ITEMS CONSENT CALENDAR---

***16. 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 approved the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:

- 1. Prior to any construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. An Air Quality Permit shall be obtained;**
- 3. The use allowed within the Planned Commercial Development shall be limited to an office building. Alternative uses may be approved through the Major Amendment processes;**
- 4. The proposed structure shall conform architecturally to the plans and elevations submitted;**
- 5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 6. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 7. All site lighting shall be directed away from the adjacent rights-of-way and adjacent properties;**
- 8. The signage shall comply with the submitted sign package or an amendment to the Planned Commercial Development shall be obtained;**
- 9. The requirement to install a five to six foot high opaque screening fence along the east property line is hereby waived;**
- 10. The proposed structure shall be fully fire sprinkled and fire alarmed as per the International Fire Code;**
- 11. All applicable provisions of the International Fire Code shall be continually met;**
- 12. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission or if the use as approved has ceased for a period of two years.**

The Rapid City Planning Commission's action on this item is final unless

any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

19. No. 05RZ020 - Kensington Heights Subdivision

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

Planning Commission recommended that the Rezoning from Low Density Residential District to Low Density Residential - II District be continued to the July 21, 2005 Planning Commission meeting to allow this item to be heard in conjunction with the Comprehensive Plan Amendment and Planned Development Designation request.

20. No. 05SV035 - Trailwood Village Subdivision

A request by Sperlich Consulting for Lifestyle Homes, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 7A and 7B of Block 18, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Block 18, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located between the east side of Savannah Street and the west side of Reservoir Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow a lot twice as long as wide be tabled, and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved.

21. No. 05SV036 - Village on the Green No. 2 Subdivision

A request by FMG, Inc. for Hart Ranch Development Co. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to waive the requirement to install sidewalks as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 42 through 46, Village on the Green No. 2 Subdivision, located in the NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 42A, 42B, 43A, 43B, 44A, 44B, 45A, 45b, 46A and 46B, Village on the Green No. 2 Subdivision, located in the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located located north of Mulligan Mile.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved with the stipulation that a five foot access easement shall be provided along Mulligan Mile as it abuts the subject property; and, That the Variance to the Subdivision Regulations to waive the requirement to install sidewalks along both sides of Mulligan Mile be approved with the stipulation that an eight foot wide asphalt walking trail shall be provided along the north side of the northern tier of lots located along the golf course.

22. No. 05SV038 - Eastridge Estates Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 10 through 27, Block 4 and Lots 1 through 12, Block 5, Eastridge Estates Subdivision, located in the NE1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as unplatted portion located in the NE1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the south side of Enchanted Pines Drive and the west side of Fifth Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code be approved.

24. No. 05VR004 - Keller Subdivision

A request by Scott Landguth for Pete Lien and Sons to consider an application for a **Vacation of Section Line Highway** on the west 857.64 feet of the Section Line Highway lying between the SW1/4 SE1/4 of Section 17, T2N, R7E and the NW1/4 NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of Universal Drive and North Highway 79.

Planning Commission acknowledged the applicant's request that the Vacation of Section Line Highway be withdrawn.

*17. No. 05PD031 - Harter Subdivision

A request by Johnny Sundby to consider an application for a **Planned Unit Development - Initial and Final Development Plan to allow the construction of a commercial building and a four plex in the Medium Density Residential Zoning District** on Lot 1 of Lot H Revised, Harter Subdivision, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Sheridan Lake Road and Canyon Lake Road.

Steve Brenden, 3310 Harmony Lane, expressed concern with volume of traffic created by a commercial development integrated into the neighborhood. Brenden requested that Planning Commission consider appropriate property

usage within the neighborhood. Brended reiterated his opinion that complications with increased traffic would result from the proposed commercial development in the neighborhood.

Hadcock stated that the Future Land Use Committee is aware of traffic concerns in the area and has recommended approval petitioner's proposed uses.

Elkins stated that as a condition of the Planned Commercial Development that the building setbacks accommodate the street if it is widened. Staff is recommending that this item be continued to allow the applicant to address the potential rezoning.

In response to Anderson's question regarding the Planned Unit Development process, Elkins stated that there would be limitations on the Planned Development regarding the use and would specify the approved uses. Elkins advised that a Major Amendment including a public hearing would be required if the use is changed.

Andrews moved, Brown seconded and unanimously carried to continue the Planned Unit Development - Initial and Final Development Plan to allow the construction of a commercial building and a four plex in the Medium Density Residential Zoning District to the July 21, 2005 Planning Commission meeting.

(7 to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)

*18. No. 05PD036 - Auburn Hills Subdivision

A request by Sperlich Consulting for Glenn Barber & Associates to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 1, Block 5, Auburn Hills Subdivision, NW1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus and adjacent to the east side of Chalkstone Drive and south of Auburn Drive.

Fisher noted that the stipulations require that structural elevations be submitted prior to Planning Commission approval. She stated that the elevations have not been received and staff is recommending that this item be continued to the July 21, 2005 Planning Commission meeting.

Andrews moved, Hadcock seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan be continued to the July 7, 2005 Planning Commission meeting.

(7 to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)

23. No. 05SV039 - Ridge Park Addition No. 3

A request by Fisk Land Surveying for Stanford Adelstein to consider an

application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalks, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on proposed Lots 3R and 5R, Ridge Park Addition No. 3, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3, 4, 6 and the north 81 feet of Lot 5, Ridge Park Addition No. 3, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Roosevelt Avenue and West Boulevard, north of Saint Anne Street and south of Saint Patrick Street.

Anderson indicated that he would abstain from the discussion and vote on this item due to a conflict of interest.

Janelle Finck, Fisk Land Surveying, requested that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be approved. Finck stated the lack of sidewalk in the area is due to the type of topography and an increased grade on the lot. Finck expressed her opinion that the installation of a sidewalk on this property would create safety issues. Finck stated that ample sidewalks are available for pedestrian traffic on the opposite side of the street from the property owner's lot.

In response to Schmidt's question regarding other properties with sidewalks, Finck stated that no sidewalk exists on the north or south side of the property location. Finck stated that significant alterations to the property would need to be accomplished to install a sidewalk. Discussion followed.

LeMay expressed his support for approving the variance and noted his opinion that the construction of a sidewalk on the property would be difficult.

In response to Nash's questions regarding the type of sidewalk to be constructed, Finck expressed her opinion that a special exception would be required to install curbside sidewalk on the property.

In response to Nash's question regarding the City of Rapid City requiring installation of sidewalks, Dominak stated it would be difficult but advised that sidewalk could be installed.

Andrews expressed his opposition to the requirement to install sidewalk.

Brown expressed opposition to the requirement that sidewalk be installed at this location and not along the balance of the street.

Adelstein requested that the variance be approved. Adelstein advised that the sidewalk is available for pedestrian traffic on the opposite side of the street.

In response to Nash's question regarding similar sidewalk variance applications in Rapid City, Elkins advised that in the past variances have been approved to allow sidewalks on one side.

Motion by Hadcock, second by Andrews and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along West Boulevard be approved with the stipulation that the applicant sign a waiver of right to protest any future assessments of the improvements.

(5 to 0 with Andrews, Brown, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no and Anderson Abstaining)

---END OF HEARING CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

25. No. 05OA005 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance to establish the Canyon Lake Overlay Zoning District by adding Chapter 17.58 to Title 17 of the Rapid City Municipal Code.**

Bulman stated that staff recommends approval of the Ordinance creating the Canyon Lake Zoning District Overlay. Bulman reviewed the proposed Ordinance Amendment.

Elkins advised that the Rapid City Council had briefly discussed the proposed ordinance amendment as it related to a development application considered at the previous City Council meeting.

Chapman elaborated on City Council's discussion and interest in the proposed Overlay regulations.

Brown noted the overwhelming public response in favor of this Ordinance Amendment.

Schmidt stated his support of the Ordinance Amendment.

Motion by Andrews, Seconded by Brown and unanimously carried to recommend that the the Ordinance to establish the Canyon Lake Overlay Zoning District by adding Chapter 17.58 to Title 17 of the Rapid City Municipal Code be approved.

(7 to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)

26. No. 05PL100 - Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 through 13, Block 11; Lots 1, Block 12; Lots 3 through 8, Block 7; Lots 3 through 9, Block 6; Lots 10 through 19, Block 5, Section 28, T1N, R7E, and Section 29, T1N, R7E, Red Rock Subdivision, BHM, Rapid City, Pennington County, South Dakota, legally described as being located in the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 28, T1N, R7E, and the NW1/4

NW1/4 and the SW1/4 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and west of the northern terminus of Dunsmore Road.

Fisher advised that the adjacent property owner was opposed to the vacation of section line highway and as a result a revised plat application was submitted addressing adjacent property owner's request for direct access his property.

Fisher identified that Stipulation No. 4 as shown in the staff report recommended denial of an exception request to allow 139 dwelling units with one point of access.

In response to Hadcock's question, Fisher stated that local traffic would utilize the proposed street located in the section line highway.

Motion by Andrews, second by Brown to approve the Preliminary Plat with the following stipulations:

1. **Prior to Preliminary Plat approval by the Planning Commission, design plans for the construction of Detention Cell #101 shall be submitted for review and approval and completed as a part of the subdivision improvements or the Red Rock Drainage Basin Plan shall be amended accordingly and alternative storm water management facilities shall be provided;**
2. **Prior to Preliminary Plat approval by the City Council, construction plans for the east-west collector street from Muirfield Drive to Dunsmore Road shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the intersection of Muirfield Drive and the east-west collector street shall be reconstructed to create Muirfield Drive in a "T" design with the east-west collector street. The reconstruction of the intersection shall be at the sole expense of the applicant as per a stipulation of approval for Phase One of the Red Rock Estates Subdivision;**
3. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
4. **The Exception request to allow 139 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual is hereby denied. In addition, prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a second point of access and/or the previously approved "H Lot" and related deed shall be recorded at the Register of Deed's Office. The street shall also be constructed as a part of the subdivision improvements for the subject property;**
5. **Prior to submittal of a Final Plat application, the plat title shall be**

- revised to read “NE1/4 NE1/4 and the SE1/4 NE1/4 of Section 29, and the NW1/4 NW1/4 and the SW1/4 NW1/4 of Section 28”;
6. Prior to submittal of a Final Plat application, the plat document shall be revised to show the street names as approved by the Emergency Services Communication Center;
 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Muirfield Drive and the first fifty feet of all corner lots; and,
 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

Discussion followed.

The motion carried 4 to 3 on a roll call vote.

(4 to 3 with Anderson, Brown, LeMay and Nash voting yes and Andrews, Hadcock, and Schmidt voting no.)

Bob Borgmeir, adjacent property owner, expressed concern with proposed development and requested that the Preliminary Plat be continued to the July 7, 2005 Planning Commission Meeting.

Motion by Schmidt, second by Hadcock to continue the Preliminary Plat to the July 7, 2005 Planning Commission meeting. Discussion followed

Elkins left at 7:51

Fisher stated that the Preliminary Plat provides street connections and classifications as identified on the City's Major Street Plan and staff recommends approval of the Preliminary Plat.

In response to Hadcock's question regarding meeting with the applicant prior to City Council action, Borgmeir stated his preference for the Preliminary Plat application to be continued by the Planning Commission.

The Motion to continue the Preliminary Plat application to the July 7, 2005 meeting failed 3 to 4 on a roll call vote.

(3 to 4 with Andrews, Hadcock, and Schmidt voting yes and Anderson, Brown, LeMay and Nash voting no.)

Motion by LeMay, second by Brown to recommend that the Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the Planning Commission, design plans for the construction of Detention Cell #101 shall be submitted for review and approval and completed as a part of the subdivision improvements or the Red Rock Drainage Basin Plan shall

be amended accordingly and alternative storm water management facilities shall be provided;

2. Prior to Preliminary Plat approval by the City Council, construction plans for the east-west collector street from Muirfield Drive to Dunsmore Road shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the intersection of Muirfield Drive and the east-west collector street shall be reconstructed to create Muirfield Drive in a "T" design with the east-west collector street. The reconstruction of the intersection shall be at the sole expense of the applicant as per a stipulation of approval for Phase One of the Red Rock Estates Subdivision;
3. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
4. The Exception request to allow 139 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual is hereby denied. In addition, prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a second point of access and/or the previously approved "H Lot" and related deed shall be recorded at the Register of Deed's Office. The street shall also be constructed as a part of the subdivision improvements for the subject property;
5. Prior to submittal of a Final Plat application, the plat title shall be revised to read "NE1/4 NE1/4 and the SE1/4 NE1/4 of Section 29, and the NW1/4 NW1/4 and the SW1/4 NW1/4 of Section 28";
6. Prior to submittal of a Final Plat application, the plat document shall be revised to show the street names as approved by the Emergency Services Communication Center;
7. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Muirfield Drive and the first fifty feet of all corner lots; and,
8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

The motion carried 4 to 3 on a roll call vote.

(4 to 3 with Anderson, Brown, LeMay and Nash voting yes and Andrews, Hadcock, and Schmidt voting no.)

27. No. 05SR027 - Section 6, T1N, R8E
A request by the Central States Fair to consider an application for an **SDCL 11-6-19 Review to allow the construction of a public building on public land** on the unplatted portion of the SW1/4 NE1/4, and the west 10 acres of SE1/4

NE1/4, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 801 San Francisco Street.

Fisher presented the staff recommendation for approval with stipulations.

Ron Jeffries, Central States Fair Manager requested that the setback be reduced by four feet.

In response to Schmidt's request for clarification on the set back requirement, Fisher stated that staff would be opposed to reducing the minimum required setback. Fisher advised that the property is substantial in size and that staff would work with Fair personnel with regard to the fencing issues.

In response to Nash's question, Jeffries commented on the difficulties with maintenance and traffic issues.

Motion by LeMay, second by Brown to approve the SDCL 11-6-19 Review to allow the construction of a public building on public land with the following stipulations:

1. Prior to Planning Commission approval, the applicant shall submit a revised site plan for review and approval providing a minimum 25 foot front yard setback between the barn and the north lot line located along Centre Street;
2. Prior to Planning Commission approval, the applicant shall submit a site plan for review and approval showing a paved loading and unloading area adjacent to the barn or the site plan shall be revised to show curb stops precluding vehicular access across unpaved areas. In addition, the curb stops shall be constructed prior to occupancy of the building;
3. Prior to Planning Commission approval, the applicant shall submit a lighting and signage package, if proposed;
4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy or Pennington County shall exempt themselves from the building permit and Certificate of Occupancy requirement(s). In addition, the construction plans shall be stamped by a Professional Architect and/or Engineer per SDCL 36-18-A;
5. Prior to issuance of a building permit or the start of any construction, a utility plan shall be submitted identifying the location of service lines to the proposed barn;
6. Prior to issuance of a building permit or the start of any construction, a grading and drainage plan shall be submitted for review and approval;
7. Prior to issuance of a building permit or the start of any construction, a Floodplain Development Permit shall be obtained. In particular, the Floodplain Development Permit shall address all requirements specific to "Zone OA" as per Chapter 15.32 of the Rapid City Municipal Code;

8. **The International Fire Code shall be continually met. In particular, an additional on-site fire hydrant and/or sprinklering of the building shall be provided if required, based on available fire flows;**
9. **The proposed structure shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan; and,**
10. **The barn shall be used exclusively as an accessory structure to the Events Center. In particular, the barn shall be used to stall horses participating in events within the Events Center. Any other use of the barn shall require that an additional SDCL 11-6-19 Review be submitted for review and approval.**

(7 to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)

28. No. 05SR029 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for an **11-6-19 SDCL Review to allow the construction of a lift station** on NW1/4NW1/4 (GL1) Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the northeast corner of the intersection of Catron Boulevard and Fifth Street.

Fisher presented the staff recommendation to approve the 11-6-19 SDCL Review with stipulations.

Nash indicated that he would abstain from the discussion and vote on this item due to a conflict of interest.

Motion by Andrews, second by Hadcock to approve the 11-6-19 SDCL Review to allow the construction of a lift station with the following stipulations:

1. **Prior to the start of construction, 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;**
2. **Prior to the City's acceptance of the lift station, a utility easement and/or public right-of-way for the location of the lift station, associated sewer lines and forced main shall be recorded at the Register of Deed's Office;**
3. **Prior to the start of construction, the applicant shall sign a Lift Station Agreement between the City of Rapid City and Lazy P-6 Land Company, Inc. In addition, the agreement shall be recorded at the Register of Deed's Office.**

(6 to 1 with Andrews, Anderson, Brown, Hadcock, LeMay, and Schmidt voting yes and none voting no and Nash abstaining)

29. 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 proposed 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; and SW1/4 SE1/4 SE1/2 Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the end of Sunridge Road.

Fisher presented the application and reviewed the current road surface content. Fisher advised that Pennington County maintains the current road. Fisher noted that the proposed street extension must be maintained by the property owner until such time as the County Accepts this portion of the street onto their maintenance plan or until the property is annexed into the City. Fisher advised that a paved street typically requires 30 percent less maintenance than a chip seal street. Fisher stated that staff recommends that the Variance request to waive the requirement to pave the street be denied.

In response to Hadcock's question, Fisher stated that the requirement is for asphalt and that the petitioner is requesting approval a 16 foot for gravel road. Hadcock expressed concern with the Fire Department's ability to access the proposed development.

Finck, stated that four lots would be affected and that the applicant would be responsible for maintenance of the road surface in the area. Finck expressed her opinion that the chip seal surface would be preferable, further commenting that there is a significant cost difference between asphalt and chip seal. Finck expressed her opinion that the requirement would not be fair to the applicant.

Discussion followed.

Andrews expressed his opinion that chip seal surface with a 24 foot width would be appropriate at this time.

Motion by Andrews, second by Hadcock to recommend that the Variance to the Subdivision Regulations to waive the requirement to pave Sunridge Road be approved with the stipulations that a 24 foot wide chip seal road be provided that a waiver of right to protest the improvements signed prior City Council approval.

(7 to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)

Bulman requested that Items 30 and 31 be taken concurrently.

30. No. 05TI006 - Stoney Creek South Subdivision

A request by Centerline to consider an application for a **Resolution Creating Tax Increment District No. 53** on Lots 1 through 4, Block 1 and Lots 3 through 7, Block 2, all located in Stoney Creek South Subdivision, Section 22, T1N, R7E,

BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the southeast corner of Catron Boulevard and Sheridan Lake Road.

31. No. 05TI007 - Stoney Creek South Subdivision

A request by Centerline to consider an application for a **Tax Increment District No. 53 Project Plan** on Lots 1 through 4, Block 1 and Lots 3 through 7, Block 2, all located in Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the southeast corner of Catron Boulevard and Sheridan Lake Road.

Bulman presented Items 30 and 31 including the Tax Increment Financing Committee's recommendation to approve the creation of Tax Increment District No. 53 Project Plan.

Brown indicated he would abstain from voting due to a conflict of interest.

Schmidt advised that he met with the applicant and supported development and concept but he disagrees with the blighted area determination.

In response to Schmidt's concerns about competition with current businesses, Bulman stated that the Tax Increment District would create a level playing field by addressing excess infrastructure costs for drainage.

Joel Landeen responded that the opinion of the Attorney's Office is that the proposed District does not meet the blighted area criteria.

Andrews expressed his opinion that he does not support using public funds for development on this Tax Increment District. Discussion followed.

In response to a question, Lawrence Kostaneski, the applicant's engineer, stated that he had no comment regarding the requests.

Motion by Andrews, Seconded by LeMay to recommend that the attached resolution creating Tax Increment District #53 and the Project Plan for Tax Increment District #53 be denied.

(4 to 2 to 1 with Andrews, LeMay, Nash and Schmidt voting yes and Anderson and Hadcock voting no and Brown abstaining)

*32. 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.

Tucker advised that applicant has provided the additional required information and staff is recommending that this item be approved with stipulations.

Motion by Schmidt, second by Andrews to approve the Conditional Use Permit to allow a Child Care Center in the General Agriculture Zoning District with the following stipulations:

- 1. Prior to any construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. An Air Quality Permit shall be obtained;**
- 3. The use allowed with the Conditional Use Permit shall be limited to a child care center. Other uses may be allowed as a Major Amendment to the Conditional Use Permit;**
- 4. The proposed structure shall conform architecturally to the plans and elevations submitted;**
- 5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 6. The indoor and outdoor play areas shall continually meet the minimum standards for a child care center as per Section 17.50.150 of the Rapid City Municipal Code;**
- 7. All site lighting shall be directed away from the adjacent rights-of-way and adjacent properties;**
- 8. The signage shall comply with the submitted sign package or an amendment to the Planned Commercial Development shall be obtained;**
- 9. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 10. The septic tank and drainfield locations shall be confirmed during construction and relocated if necessary;**
- 11. Prior to occupancy of the structure, Tartan Court shall be paved to City minimum construction standards or a variance through the SDCL 11-6-19 Review process shall be granted;**
- 12. The proposed structure shall be fully fire sprinkled and fire alarmed as per the International Fire Code;**
- 13. All applicable provisions of the International Fire Code shall be continually met; and,**
- 16. 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.**

(7 to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)

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

***33. No. 05UR007 - Happy Hill Subdivision**

A request by Clay Cline to consider an application for a Conditional Use Permit to allow the Construction of a Garage in excess of 1,500 square feet and in

excess of the footprint of the dwelling on Lot 1, Happy Hill Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3350 Sunshine Trail.

Tucker stated that the applicant has complied with Zoning Regulations and staff's recommendation is for approval of the Conditional Use Permit. Tucker stated that public comment was received opposing the application and is available for review by the Planning Commission.

Brown left meeting at this time.

Motion by Andrews, second by Hadcock to approve the Conditional Use Permit to allow the construction of a garage in excess of 1,500 square feet and in excess of the footprint of the dwelling with the following stipulations:

1. **Prior to initiation of construction, a Building Permit shall be obtained;**
2. **The existing gravel driveway shall be paved with a hard surface for a minimum length of 50 feet from the right-of-way line of Sunshine Trail or a Zoning Variance shall be obtained;**
3. **The landscaping provided shall be large evergreen trees to ensure that a year round buffer is provided; and,**
4. **Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit.**

(6 to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)

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

*34. No. 05UR009 - Bradsky Subdivision

A request by Fisk Land Surveying for Mike Paulson on behalf of Dairy Farmers of America to consider an application for a **Conditional Use Permit to allow a wholesale and distribution facility in excess of 5,000 square feet in the General Commercial District** on Lots 22 and 23, Block 5, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1130 East Saint James Street.

Fisher advised that the existing building is legal non-conforming and that the Zoning Board of Adjustment has granted a Variance to reduce the parking requirements from 15 spaces to zero spaces. Fisher commented that this is a viable re-use of a structure that has been in existence and staff recommends that the proposed Conditional Use Permit be approved with stipulations.

Motion by Andrews, second by Hadcock to approve the Conditional Use

Permit to allow a wholesale and distribution facility in excess of 5000 square feet in the General Commercial District 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. Upon submittal of a building permit application, water utility plans shall be submitted for review and approval showing the extension of a water main to the subject property. In particular, the water utility plans shall demonstrate that adequate fire flows are being provided. In addition, the building shall be sprinklered;**
- 3. The loading bay area shall remain within the building as currently existing;**
- 4. A minimum of 3,088 landscaping points shall be provided. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 5. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit;**
- 6. The existing 22,000 square foot structure shall be used as an office and distribution facility. In particular, a maximum 2,000 square foot area shall be used as office(s) with the balance of the building used as a distribution facility. Any change in use shall require approval as a Major Amendment to the Conditional Use Permit; and,**
- 7. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.**

(6 to 0 with Andrews, Anderson, Brown, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)

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

***35. No. 05UR010 - Hiway 79 Industrial Park**

A request by James and Melissa Foxworth to consider an application for a **Conditional Use Permit to allow an animal kennel in the Light Industrial Zoning District** on Lot 19, Hiway 79 Industrial Park, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3401 South Highway 79.

Tucker stated that staff is recommending approval with stipulations of the request for a Conditional Use Permit to allow an animal kennel in the Light Industrial Zoning District.

In response to Hadcock's concern, Tucker advised that no negative response

has been received from surrounding neighbors and that animals will be housed inside during the night to mitigate barking concerns.

Motion by LeMay, second by Andrews to approve the Conditional Use Permit to allow an animal kennel in the Light Industrial Zoning District 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 building;**
- 2. The existing building shall be brought into compliance with all ADA handicapped accessibility requirements;**
- 3. All animals cared for must be housed inside overnight;**
- 4. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 5. If animal behavior courses are held on site as an accessory use, than additional parking may be required. In addition, the increase in parking will require a Major Amendment to the Conditional Use Permit;**
- 6. Prior to Planning Commission approval, a revised site plan shall be submitted showing a minimum of 17,454 landscaping points with a minimum of 8,727 points located either in or within 20 feet of the parking lot as per Section 17.50.300 of the Rapid City Municipal Code;**
- 7. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 8. A Sign Permit shall be obtained prior to installation of any signage;**
- 9. Any additional signage will require an amendment to the Conditional Use Permit;**
- 10. The structure shall be adequately addressed with 12 inch numbers on a contrasting background and readily visible from the street;**
- 11. All applicable provisions of the International Fire Code shall be continually met; and,**
- 12. 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.**

(6 to 0 with Andrews, Anderson, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)

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

36. Discussion Items

- A. **Omaha Street Corridor – Enhancement Project Master Plan.**

Rod Johnson, Public Works Department, presented the Master Plan information. Johnson advised that partial funding has been provided by Department of Transportation and the City has also received Intermodal Transportation Enhancement Grant from the State of South Dakota. Johnson advised that the individual projects in the Master Plan will be prioritized and constructed as funding allows. Johnson commented that traffic issues and storm water runoff will be addressed with funding. Johnson stated that the Plan has been reviewed by various committees and their concerns and suggestions have been addressed.

In response to Anderson's expressed concern with the possibility of the Greenway Tract diminishing, Tucker advised that prior to construction of any project, a request would need to be presented to Planning Commission for approval. Tucker stated that this is presented as a discussion item to allow the Public Works staff to get feedback from the Planning Commission regarding concerns before a Final Plan is presented. Discussion followed

Andrews expressed support for the Plan as presented.

Discussion followed.

Motion by Andrews, second by Hadcock to recommend that the Omaha Street Corridor – Enhancement Project Master Plan be approved.

(6 to 0 with Andrews, Anderson, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)

38. Planning Commission Items
Election of Officers.

Chairman Nash opened the election for the position of Chairperson of the Planning Commission.

Motion by Hadcock, Seconded by Andrews and unanimously approved to elect Scott Nash as Chairperson of the Planning Commission.

(6 to 0 with Andrews, Anderson, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)

Chairman Nash opened the election for the position of Vice-Chairperson of the Planning Commission.

Motion by Hadcock, Seconded by Anderson and unanimously approved to elect Doug Andrews as Vice-Chairperson of the Planning Commission.

(6 to 0 with Andrews, Anderson, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)

Chairman Nash opened the election for the position of Secretary of the Planning Commission.

Motion by Hadcock, Seconded by Andrews and unanimously approved to elect Peter Anderson as Secretary of the Planning Commission.

(6 to 0 with Andrews, Anderson, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)

There being no further business, Andrews moved, Schmidt seconded and unanimously carried to adjourn the meeting at 8:59 a.m.

(6 to 0 with Andrews, Anderson, Hadcock, LeMay, Nash and Schmidt voting yes and none voting no)