

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 7, 2005

MEMBERS PRESENT: Peter Anderson, Doug Andrews, Gary Brown, Mike LeMay, Scott Nash, and Ethan Schmidt. Karen Olsen, Council Liaison was also present.

STAFF PRESENT: Vicki Fisher, Todd Tucker, Karen Bulman, Michelle Horkey, Dave Johnson, Tim Behlings, 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.

A member of the audience requested that Items 9, 17 and 22 be removed for separate consideration.

Andrews moved, LeMay seconded and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 22 in accordance with the staff recommendations with the exception of Items 9, 17 and 22.

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

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the June 16, 2005 Planning Commission Meeting Minutes.
2. Approval of the June 23, 2005 Planning Commission Meeting Minutes.
3. 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 SammisTrail.

Planning Commission recommended that the Petition for Annexation be continued to the July 21, 2005 Planning Commission meeting at the applicant's request.

4. 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 July 21, 2005 Planning Commission meeting at the applicant's request.

5. No. 05AN006 - Freeland Meadow Subdivision

A request by Dream Design International to consider an application for a **Petition for Annexation** on the 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 21, 2005 Planning Commission meeting at the applicant's request.

6. No. 05AN007 - Section 13, T2N, R7E

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Petition for Annexation** on the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5230 Haines Avenue.

Planning Commission recommended s that the Petition for Annexation be continued to the July 21, 2005 Planning Commission meeting at the applicant's request.

7. 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 August 4, 2005 Planning Commission meeting.

8. No. 05PL048 - Black Hills Estates

A request by Dream Design International to consider an application for a **Layout Plat** on Lots 1-25, 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 July 21, 2005 Planning Commission meeting to allow the applicant to submit additional information.

10. No. 05PL090 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, L.L.C. to consider an application for a **Preliminary Plat** on Lots 1 through 8 and Lots 24 through 61 of Block 1, and Lots 1 through 10 of Block 2, Brookfield Subdivision, located in the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to West Nike Road.

Planning Commission recommended that the Preliminary Plat be continued to the July 21, 2005 Planning Commission meeting.

11. No. 05PL109 - Auburn Hills Subdivision

A request by D.C.Scott Co. for Muth Homes, Inc. to consider an application for a **Preliminary Plat** on Lot 1A and Lot 1B, Block 1, Auburn Hills Subdivision, located in the NW1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 1, Auburn Hills Subdivision, located in the NW1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 730 Auburn Drive.

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

1. **An Exception is hereby granted to reduce the separation from 50 feet to 45 feet between the intersection of Chalkstone Drive and Auburn Drive and a driveway to proposed Lot 1A as per the Street Design Criteria Manual;**
2. **Prior to Preliminary Plat approval by the City Council, a Vacation of Non-access Easement shall be approved to vacate five foot of the previously platted non-access easement located along Chalkstone Drive as it abuts proposed Lot 1A or the plat document shall be revised to show the full 50 foot non-access easement.; and,**
3. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page of the vacated non-access easement as recorded at the Register of Deed's Office.**

12. No. 05PL110 - Morrison Subdivision

A request by D.C. Scott Co. for William Morrison to consider an application for a **Preliminary Plat** on Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5, Morrison Subdivision, located in the SW1/4 SW1/4, Section 14, T1N, R8E, BHM, Pennington County,

South Dakota, legally described as Parcel B, Lot 3, located in the SW1/4 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Green Valley Drive between Reservoir Road and Green Field Drive.

Planning Commission recommended that the Preliminary Plat be denied without prejudice.

13. No. 05PL111 - Robbinsdale Addition No. 10

A request by Sperlich Consulting, Inc. for Walgar Development Corp. to consider an application for a **Preliminary Plat** on Lot 1, Block 2, Minnesota Park Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the N1/2 SE1/4, and a portion of tract B, Robbinsdale Addition No. 10 all located Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of Minnesota Street and Fifth Street.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval demonstrating that post development storm drainage shall not exceed predevelopment flows or on-site detention shall be provided. In addition, the drainage plan shall identify erosion and sediment control measures. The plat document shall also be revised to provide drainage easements as needed;**
3. **Prior to Preliminary Plat approval by the City Council, the water plans shall be revised to show any on-site distribution service lines, fire hydrants and valves. In addition, calculations demonstrating adequate water flows for fire and domestic use shall be provided;**
4. **Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised to show any on-site collection lines and manholes;**
5. **Prior to Preliminary Plat approval by the City Council, a grading plan with appropriate contours shall be submitted for review and approval. In addition, a geotechnical report addressing grading and pavement design for any on-site street and parking areas and corrosivity of soils for water line design shall be submitted for review and approval;**
6. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of ten additional feet of right-of-way along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained;**
7. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along the**

west 230 feet of Lot 1 as it abuts Minnesota Street or an Exception shall be obtained to reduce the driveway distance from the intersection of Fifth Street and Minnesota Street to 50 feet in lieu of 230 feet as per the Street Design Criteria Manual;

8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
9. 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.

14. No. 05PL112 - Mann Subdivision

A request by Renner & Associates for BB&R Properties to consider an application for a **Preliminary Plat** 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 Vacated 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 Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. Prior to Preliminary Plat approval by the City Council, additional drainage information in compliance with the Rapid City Drainage Basin Criteria Manual shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, the water plans shall be revised to show a water service line to proposed Lot 6R. In addition, the plat document shall be revised to provide utility easements as needed;
4. Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised to show a sewer service line to proposed Lot 6R. In addition, the plat document shall be revised to provide utility easements as needed;
5. Prior to Preliminary Plat approval by the City Council, a grading plan and erosion and sediment control plan shall be submitted for review and approval;
6. Prior to Preliminary Plat approval by the City Council, an Approach Permit from the South Dakota Department of Transportation shall be obtained for the proposed approach along West Chicago Street to Lot 6R. In addition, the plat document shall be revised to show a non-access easement along West Chicago Street except for the approved approach location(s);
7. Prior to Preliminary Plat approval by the City Council, road

construction plans for the section line highway located along the east line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway 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 or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;

8. Prior to Preliminary Plat approval by the City Council, road construction plans for the private access easement shall be submitted for review and approval. In particular, the street shall be located in a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 9. Prior to Preliminary Plat approval by the City Council, road construction plans for West Chicago Street shall be submitted for review and approval. In particular, the construction plans shall show a sidewalk along West Chicago Street or a Variance to the Subdivision Regulations shall be obtained;
 10. The International Fire Code shall be continually met;
 11. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
15. No. 05PL113 - Elks Meadows Subdivision
A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4511 Jolly Lane.

Planning Commission recommended that the Layout Plat be continued to the July 21, 2005 Planning Commission meeting at the applicant's request.

16. No. 05PL116 - PLM Subdivision
A request by Centerline for PLM Land Development, LLC to consider an application for a **Preliminary Plat** on Lots 5 through 15, Block 2, located in the NE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as E1/2 N1/2 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Enchantment Road.

Planning Commission recommended that the Preliminary Plat be approved

with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
 2. Prior to Preliminary Plat approval by the City Council, a Utility Layout Plan shall be submitted for review and approval;
 3. Prior to Preliminary Plat approval by the City Council, verification of the serviceability of the sewer main to lots located along the east side of Enchantment Road shall be submitted for review and approval;
 4. Prior to Preliminary Plat approval by the City Council, road construction plans for Enchantment Road as it abuts proposed Lot 12 shall be submitted for review and approval. In particular, the construction plans shall show Enchantment Road constructed with a minimum 32 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or Lot 12 shall be eliminated from the plat document;
 5. Prior to Preliminary Plat approval by the City Council, a revised grading and drainage plan shall be submitted for review and approval addressing the lots to be developed east of Enchantment Road and north of Enchanted Pines Drive. In addition, the plat document shall be revised to show drainage easements as needed;
 6. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to provide property line sidewalks in lieu of curb side sidewalks or an Exception to the Street Design Criteria Manual shall be obtained;
 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the right-of-way dimension for "First Light Lane";
 9. Prior to submittal of a Final Plat application, a different street name for "First Light Lane" shall be submitted for review and approval to the Emergency Services Communication Center. 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.
18. No. 05PL118 - Trailwood Village
A request by Sperlich Consulting for Gordon Howie to consider an application for a **Preliminary Plat** on Lots 8A, 8B, 8C, 9A, 9B, 10A, 10B, Block 22, Trailwood Village, SE1/4 SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of tract T, Trailwood Village, located in the SE1/4 SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Long View Road and 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, road construction plans shall be submitted for review and approval for Reservoir Road and Long View Road. In particular, the road construction plans shall show the street(s) constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained;**
 - 2. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for the access and utility easements as shown on the plat. In particular, the road construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;**
 - 3. Prior to Preliminary Plat approval by the Planning Commission, a Master Plan for the unplatted balance located north of the proposed plat shall be submitted for review and approval;**
 - 4. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval;**
 - 5. 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;**
 - 6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
 - 7. Prior to Preliminary Plat approval by the City Council, the applicant shall submit documentation for review and approval demonstrating the legal entity responsible for providing street maintenance and snow removal on the proposed access easements;**
 - 8. Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Reservoir Road and Long View Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s);**
 - 9. Upon submittal of the Final Plat application, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way in lieu of seven additional feet of right-of-way Long View Road or a Variance to the Subdivision Regulations shall be obtained; and,**
 - 10. Upon submittal of the 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.**
19. No. 05RD004 - Redrock Meadows Subdivision
A request by DKEA, LLC and Redrock Development Co. LLC to consider an

application for a **Resolution for Road Name from Muirfield Drive to Portrush Road for that portion of Muirfield Drive located in Section 28 and most eastern 83.25 foot of Muirfield Drive located in Section 29** on a portion of Muirfield Drive located in Section 28; and the most eastern 83.25 foot of Muirfield Drive located in Section 29, all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on a portion of Muirfield Drive located in Section 28 and 29.

Planning Commission recommended that the Resolution changing the name of that portion of Muirfield Drive located in Section 28 and the easternmost 83.25 foot of Muirfield Drive located in Section 29 to Portrush Road be approved.

20. No. 05SE007 - Skyview North Subdivision

A request by Jul-Mar Development, Inc. to consider an application for a **Exception to the Street Design Criteria Manual to allow curb side sidewalks in lieu of property line sidewalks** on Lots 5, 6 and 7, Block 1, Skyview North Subdivision, SE1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Minnewasta Road.

Planning Commission recommended that the Exception to the Street Design Criteria Manual to allow curb side sidewalks in lieu of property line sidewalks be approved with the following stipulation:

1. **A smooth transition between the curb side sidewalk and property line sidewalk shall be provided.**

21. No. 05SR033 - Section 12, T1N, R7E

A request by Rowe, Buell Consulting, Inc. for Cellular Inc. Network Corporation d/b/a Verizon Wireless to consider an application for a **11-6-19 SDCL Review to allow the construction of a Public Utility on Private Property** on Tract A, Lot 2, NW1/4 SW1/4, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 636 Cathedral Drive.

Planning Commission recommended that the 11-6-19 SDCL Review to allow the construction of a public utility on private property be approved with the following stipulations:

1. **The antennas shall be no more than eight feet in length and one foot in width;**
2. **Prior to Planning Commission approval, the applicant shall submit a revised plan showing that all proposed antennas will not project more than 18 inches from the side of the building;**
3. **The color of the antenna panels shall match the existing color of the building at all times so as to be inconspicuous as possible;**
4. **Any additional cellular communication antennas will require that a subsequent SDCL 11-6-19 Review be approved by the Planning Commission prior to installation of the antennas;**
5. **The equipment room shall have a 2ABC rated fire extinguisher provided;**

6. **A sign shall be placed on the exterior of the equipment room clearly identifying the room; and,**
 7. **A key for the equipment room shall be placed in a knox box for Fire Department access.**
9. No. 05PL085 - Rushmore Crossing
A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Parcels 1 through 17, Rushmore Crossing, located in the SW1/4, Section 30 and a portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as unplatted portion of the SW1/4, lying south of I-90 and north of the Railroad Right-of-Way, less Tract C, Section 30 and a portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Eglin Street between Lacrosse Street and East North Street.

Hani Shafi with Dream Design commented that the traffic study required by staff as part of the stipulations had been submitted and requested that the Layout Plat be approved with stipulations.

In response to Nash's question, Fisher advised that the traffic information was submitted on July 1, 2005 and staff has not had sufficient time to review the information. In addition, the applicant submitted a revised Layout Plat reconfiguring the Lots. Fisher commented that staff would review the traffic study and would bring forward a recommendation at the July 21, 2005 Planning Commission meeting.

Schmidt moved, Andrews seconded and unanimously carried to recommend that the Layout Plat be continued to the July 21, 2005 Planning Commission meeting to allow the applicant to submit additional information. (6 to 0 with Andrews, Anderson Brown, LeMay, Nash and Schmidt voting yes and none voting no)

17. No. 05PL117 - Stoney Creek Subdivision
A request by Boschee Engineering to consider an application for a **Preliminary Plat** on Lots 1A through 8A, Lots 1B through 8B, Block 5; Lots 1A through 4A, Lots 1B through 4B, Block 7, Stoney Creek Subdivision, dedicated streets located in the SW1/4 NW1/4 and the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1A and 1B, Block 5, Stoney Creek Subdivision, dedicated streets located in the SW1/4 NW1/4 and the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Bendt Drive between Catron Boulevard and Winterset Drive.

Prairie Chicken and Fast Wolf arrived at this time.

August Bakeberg, area resident, expressed concern with increased traffic congestion at the intersection located near the subject property. Bakeberg expressed his opinion with alternative solutions for turning lanes.

Fisher presented slides on the subject property indicating the intersection of Bendt Drive and Winterset Street that is of concern to Mr. Bakeberg. Fisher advised that additional traffic control measures, such as signalization and or turning lanes, may be implemented if warrants are met along Catron Boulevard. Discussion followed.

Glenn Bryant, area resident, expressed concerns with drainage overflow and increased traffic flow at the subject property.

In response to Brown's questions, Vicki advised that staff is aware of drainage and traffic concerns. Fisher commented that a specific drainage plan is required as part of the stipulations of approval. Fisher stated that staff will recommend site specific requirements at the time of Final Development Plan. Discussion followed.

Andrews moved, Anderson 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, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, a drainage plan, prepared and stamped by a Professional Engineer shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that run-off from the subject property located along the northern portion of the property does not affect the adjacent properties;**
- 3. Prior to Preliminary Plat approval by the City Council, the water plans shall be revised to provide corrosion protection for water fittings. In addition, the water plans shall be submitted for review and approval;**
- 4. Prior to Preliminary Plat approval by the City Council a Utility Master Plan showing private and public utilities shall be submitted for review and approval;**
- 5. Prior to Preliminary Plat approval by the City Council, a revised cost estimate of the subdivision improvements utilizing City standard unit rates shall be submitted for review and approval;**
- 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Catron Boulevard and Bendt Drive;**
- 7. Prior to submittal of a Final Plat application, a different street name for "Knowledge Loop Drive" shall be submitted for review and approval to the Emergency Services Communication Center. In particular, the proposed street name shall avoid using a double suffix. In addition, the plat document shall be revised to show the approved street name; 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.

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

22. No. 05SR035 - Section 32, T2N, R8E

A request by Buell Consulting for Cellular, Inc. Network Corporation d/b/a Verizon Wireless to consider an application for a **11-6-19 SDCL Review to allow the construction of an emergency generator for a public utility on private property** on Lot D of Lot 1, NW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of East Boulevard north and East of Campbell Street.

John Rowe, Buell Consulting, requested that item number three of the stipulations be waived.

In response to Nash's comment, Fisher stated that staff has not had enough time to review information submitted by the applicant. Fisher commented that staff recommends the application be continued to the August 4, 2005 Planning Commission to allow staff ample time for review. Discussion followed.

Rowe requested that the application be set for July 21, 2005 Planning Commission meeting. Discussion followed.

In response to Prairie Chicken's question, Rowe explained the location of the tower in question.

Andrews moved, Brown seconded and unanimously carried to recommend that the 11-6-19 SDCL Review to allow the construction of an emergency generator for a public utility on private property be continued to the July 21, 2005 Planning Commission meeting.

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

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

Nash announced that the Public Hearings on Items 23 through 39 were opened.

Staff requested that Items 28, 30, 35 and 37 be removed for separate consideration.

Prairie Chicken moved, LeMay seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 23 through 39 in accordance with the staff recommendations with the exception of Items 28, 30, 35 and 37.

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

The Public Hearings for Items 23 through 39 were closed.

---HEARING ITEMS CONSENT CALENDAR---

23. 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 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 July 21, 2005 Planning Commission meeting to allow the applicant to submit additional information.

24. 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 July 21, 2005 Planning Commission meeting at the applicant's request.

25. 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; that 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, that the Variance to the Subdivision Regulations to allow lots twice as long as wide be continued to the July 21, 2005 Planning Commission meeting.

26. No. 05CA027 - Section 16, 20 and 21, T1N, R8E

A request by Dream Design International, Inc. to consider an application for an

Amendment to the Comprehensive Plan to revise the Major Street Plan on Section 16, 20 and 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the east and west sides of Old Folsom Road and South of existing Jolly Lane.

Planning Commission recommended that the Amendment to the Comprehensive Plan to revise the Major Street Plan be continued to the July 21, 2005 Planning Commission meeting at the applicant's request.

*27. 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.

Planning Commission recommended that the Planned Residential Development - Initial and Final Development Plan be approved 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 construction plans shall be revised and submitted for review and approval demonstrating measures to stabilize slope surface between the parking lot and the storm sewer inlet. In addition, the water plans shall be revised to provide box to grade on the topping tee valve;**
3. **Prior to Planning Commission approval, elevations of the proposed retaining wall located along the west lot line shall be submitted for review and approval;**
4. **Prior to issuance of a building permit, the applicant shall submit a temporary construction permit for review and approval from the adjacent property owner to construct the retaining walls along the west lot line, if needed;**
5. **Prior to Planning Commission approval, revised elevations shall be submitted for review and approval providing additional architectural features along the exterior of the proposed structure. In addition, the proposed structure shall conform architecturally to the approved plans and elevations and color palette. The proposed decks located along the west side of the apartment building shall not be enclosed and/or covered;**
6. **A minimum of eleven parking spaces shall be provided with one "van" accessible handicap space. In addition, a wheel guard or curb not less than six inches in height, securely installed and maintained, shall be provided between the parking spaces located along the east lot line and the proposed sidewalk. All provisions of the Off-Street Parking Ordinance shall be continually met;**
7. **A minimum of 16,725 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;
8. **The dumpster(s) shall be screened with an opaque screening fence;**
 9. **All International Fire Codes shall be met. In particular, the proposed building shall be sprinklered;**
 10. **The subject property shall be used as a seven unit apartment complex. Any other use shall require a Major Amendment to the Planned Residential Development Plan; and,**
 11. **The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.**

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

29. No. 05RZ042 - Section 13, T2N, R7E

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5230 Haines Avenue.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the July 21, 2005 Planning Commission meeting at the applicant's request.

31. No. 05RZ044 - Johnson School Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Lot C, NE1/4 NW1/4, and Lot X of Lot B, NE1/4 NW1/4, all of Johnson School Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of School Drive and Elk Vale Road and adjacent to East Highway 44.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved.

32. 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 August 4, 2005 Planning Commission meeting.

33. No. 05SV033 - Brookfield Subdivision

A request by Sperlich Consulting Inc. for Doeck LLC to consider an application for a **Variance to the Subdivision regulations to allow a lot twice as long as it is wide and to waive the requirement to install sidewalk and street light conduit along Cobalt Drive and to waive the requirement to install street light conduit on Adonia Lane, Wisteria Court and Three Rivers Drive as per Section 16.16 of the Rapid City Municipal Code** on Lots 1 through 8 and Lots 24 through 61 of Block 1, and Lots 1 through 10 of Block 2, Brookfield Subdivision, located in the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to West Nike Road.

Planning Commission recommended that the Variance to the Subdivision regulations to allow a lot twice as long as it is wide and to waive the requirement to install sidewalk and street light conduit along Cobalt Drive and to waive the requirement to install street light conduit on Adonia Lane, Wisteria Court and Three Rivers Drive as per Section 16.16 of the Rapid City Municipal Code be continued to the July 21, 2005 Planning Commission meeting.

34. No. 05SV040 - Morrison Subdivision

A request by D.C. Scott Co. for William Morrison 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 pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1, Lot 2, Lot 3, Lot 4 and Lot 5, Morrison Subdivision, located in the SW1/4 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Parcel B, Lot 3, located in the SW1/4 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Green Valley Drive between Reservoir Road and Green Field Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalks, water, sewer and pavement as per Chapter 16.16 of the

Rapid City Municipal Code be denied without prejudice.

36. No. 05SV042 - Mann Subdivision

A request by Renner & Associates for BB&R Properties 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 the section line and access easement, and to waive requirements to install street light conduit and sidewalks along West Chicago Street 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 Vacated Section Line Right-of-Way, and Lot A of NE1/4 of the SE1/4 of Section 33, located in the N1/2 of the 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 requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, and pavement along the section line highway and access easement, and to waive requirements to install street light conduit and sidewalks along West Chicago Street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements along West Chicago Street and the section line highway as they abut the subject property.**

38. No. 05VE007 - Auburn Hills Subdivision

A request by D. C. Scott Co. for Muth Homes, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 1A and Lot 1B, Block 1, Auburn Hills Subdivision, located in the NE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 1, Auburn Hills Subdivision, located in the NE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 730 Auburn Drive.

Planning Commission recommended that the Vacation of Non-Access Easement be approved.

39. 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 July 21, 2005 Planning Commission meeting.

*28. No. 05PD040 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Plan to allow the construction of 20 dwelling units** on tract J, a subdivision of tract BD, Big Sky Subdivision, located in the SE1/4 NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the east 105 feet of Tract BD, Big Sky Subdivision, located in the SE1/4 NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Degeest Street, between Homestead Street and Bernice Street.

Tucker stated that the stipulations of approval have not been met. Tucker advised that staff is recommending that this item be continued to the July 21, 2005 Planning Commission meeting.

Schmidt moved, Prairie Chicken seconded and unanimously carried to recommend that the Planned Residential Development - Initial and Final Plan to allow the construction of eight duplexes and one four plex be continued to the July 21, 2005 Planning Commission meeting.

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

30. No. 05RZ043 - Fifth Street Office Plaza

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on Lot 3, Block 1, Fifth Street Office Plaza, legally described as a tract of land located in the S1/2 N1/2 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at a point from which the northeast corner of said Section 24, bears N31°57'16"E, a distance of 1105.84 feet; thence N61°16'15"W, a distance of 192.54 feet; thence S27°33'31"W, a distance of 286.44 feet; thence S62°26'29"E, a distance of 192.50 feet; thence N27°33'31"E, a distance of 282.51 feet, to the point of beginning; said tract containing 1.26 acres more or less, more generally described as being located on the north side of 5th Street approximately 1000 feet north of the intersection of Catron Boulevard and 5th Street.

Tucker stated that the Comprehensive Plan identifies the subject property as Office Commercial with a Planned Commercial Development. The applicant is requesting that the property be rezoned from General Agriculture to Office Commercial. Staff is recommending that a Planned Development Designation be in place prior to approval of the Rezoning request. Tucker also stated that the Planned Development Designation application has not been submitted. Tucker

stated that Staff is recommending that this item be continued to the July 21, 2005 Planning Commission meeting to allow the applicant submit a Planned Development Designation.

Andrews moved, Brown seconded and unanimously carried to recommend that the Rezoning from General Agriculture District to Office Commercial District be approved with the condition that a Planned Development Designation be continued to the July 21, 2005 Planning Commission meeting.

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

35. No. 05SV041 - Robbinsdale Addition No. 10

A request by Sperlich Consulting, Inc. for Walgar Development Corp. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to install street light conduit along Minnesota Street and Fifth Street and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1, Block 2, Minnesota Park Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the N1/2 SE1/4, and a portion of tract B, Robbinsdale Addition No. 10 all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of Minnesota Street and Fifth Street.

Doug Sperlich expressed his opinion that similar prior applications have been approved by the Planning Commission and requested that the pedestrian easement and the utility easement be waived. Sperlich stated his opinion that the required stipulation would inhibit parking within this area of the subject property. Sperlich advised that pedestrian traffic is accommodated on the north side of the street adjacent to the subject property.

Fisher stated that the Street Design Criteria Manual identifies the requirement to provide access within the right-of-way along an arterial street. Fisher commented that the Major Street Plan was amended reclassifying Minnesota Street from a Collector Street to an arterial street. Fisher stated that an agreement was entered into with the applicant to reduce the right-of-way width, however; staff does not support waiving the 10 foot pedestrian access and utility easement. Fisher explained that the future expansion of the street may require that an easement and/or right-of-way be acquired for additional sidewalks and utilities as needed. Discussion followed.

Schmidt moved to approve per staff recommendations, died for lack of second.

Andrews moved, Anderson seconded to recommend that the Variance to the Subdivision Regulations to allow a lot twice as long as wide be tabled; That the Variance to the Subdivision Regulations to waive the requirement

**to provide street light conduit along Fifth Street and Minnesota Street be tabled; and,
That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Minnesota Street be approved.**

(6 to 2 with Anderson, Andrews, Brown, Fast Wolf, LeMay, Nash and voting yes and Schmidt, and Prairie Chicken voting no)

*37. No. 05UR011 - Original Town of Rapid City

A request by Catered Two Productions and Piece of Cake, LLC to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District** on the north 103 feet of Lots 1 and 2, Original Town of Rapid City, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 901 Mount Rushmore Road.

Debra Jensen, Black Hills Bagels, expressed her objection to the on-sale liquor establishment, stating her opinion that increased parking difficulties would result from the proposed use. Jensen also expressed concern with handicapped access, garbage pickup and the type of liquor served in the proposed establishment.

In response to Schmidt's question, Landeen reviewed the criteria for issuing liquor licenses as identified in State Statute. Discussion followed with regard to location of subject property related to the proposed use and the amount of permitted uses within a specified area.

In response to Nash's question, Elizabeth Frederick, applicant, advised that the business will be serving beer and wine.

Andrews stated that he would abstain from voting on this item due to a conflict of interest. Andrews expressed his opinion that complications would arise from the on-sale liquor use.

Debbie Micory, expressed her opinion that parking problems would be an issue regardless of the type of business on the subject property. Micory stated on-sale liquor would be made available to clientele for a convenience. Micory also commented that limited capacity of the building will minimize parking complications.

Frederick expressed her opinion that alternate on-street parking is available to customers. She stated that liquor sales would be available in the evening hours as a convenience for private gatherings.

Micory expressed her opinion that access for garbage pickup is difficult because the garbage containers are located behind the building. She stated that there would be no liquor deliveries as she would be picking up the alcohol.

Schmidt moved to recommend denial of the Conditional Use Permit to

allow an on-sale liquor use in the General Commercial Zoning District. The motion failed for lack of a second.

Discussion followed regarding surrounding liquor licenses in the area.

LeMay moved, Anderson seconded to recommend that the Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District be approved with the following stipulations:

- 1. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant and/or catering activities;**
- 2. All applicable provisions of the International Fire Codes shall be continually met;**
- 3. The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
- 4. The landscaping plan shall continually comply with all provisions of the Zoning Ordinance and be maintained in a live vegetative state and replaced as necessary; and,**
- 5. 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. The Conditional Use Permit will be reviewed in six months or when a complaint is received.**
- 7. No Video Lottery shall be allowed on site.**

(5 to 2 to 1 with Anderson, Brown, Fast Wolf, LeMay, Prairie Chicken and voting yes and Nash and Schmidt voting no and Andrews abstaining)

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

---END OF HEARING CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

***40. No. 05PD039 - Big Sky Business Park**

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan to allow the construction of a grocery store with an on-sale liquor establishment** on Lot 2 and Lot 4, Block 1, Big Sky Business Park, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, legally described as located in S1/2 NW1/4 S1/2, Government Lot 3, and the S1/2, Government Lot 4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Homestead Street between Elk Vale Road and Timmons Boulevard.

Tucker stated that several stipulations have not been met and staff is recommending that this item be continued to the July 21, 2005 Planning Commission meeting.

Schmidt moved, Prairie Chicken seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to allow the construction of a grocery store with an on-sale liquor establishment to the July 21, 2005 Planning Commission meeting.

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

41. No. 05PL114 - Eastridge Estates Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lot 3R and Lot 4R, Block 1, Eastridge Estates Subdivision, NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and Lot 4, Block 1, Eastridge Estates Subdivision, NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Enchantment Road and Stumer Road.

Brown left the meeting at this time.

Fisher stated that the structural site plan has not been submitted. As such, staff is recommending that the stipulation be amended to read "Prior to Planning Commission approval by the City Council, the structural site plan shall be submitted for review and approval".

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

- 1. Prior to Preliminary Plat approval by the City Council, a structural site plan showing the existing residence located on proposed Lot 4R shall be submitted for review and approval;**
- 2. Prior to Preliminary Plat approval by the City Council, the applicant shall submit written documentation from all of the affected utility companies concurring with the proposed vacation of utility easement located along the existing common lot line or the plat document shall be revised to show the utility easement;**
- 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 to 0 with Andrews, Anderson, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

42. No. 05SR030 - Rapid City Greenway Tract

A request by Dennis Hanken for R. C. Church Softball League to consider an application for a **11-6-19 SDCL Review to allow the construction of four dugout roofs on public property** on Tract 8, Rapid City Greenway Tract, Sections 3, 4 and 10, all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2900 Jackson Boulevard.

Brown returned at this time.

Tucker stated that staff is recommending that this item be denied due to the fact that the construction of the dugout roofs do not comply with the Building Code standards. Tucker stated that if the applicant wishes to construct the dugout roofs in compliance with the International Building Code, a new 11-6-19 Review would be required.

Schmidt moved, LeMay seconded and unanimously carried to deny the 11-6-19 SDCL Review to allow the construction of four dugout roofs on public property.

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

43. No. 05SR031 - Section 19, T2N, R8E

A request by CETEC Engineering Services, Inc. for City of Rapid City to consider an application for a **11-6-19 SDCL Review to allow the construction of a public lift station** on the NE1/4 NW1/4, Section 19, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the south side of Country Road and east of West Nike Road.

Fisher stated that the City staff has been working with the developers and advised that additional information needs to be brought forward prior to approval by the Planning Commission. Fisher advised that staff is recommending that this item be continued to the July 21, 2005 Planning Commission meeting.

Andrews moved, Schmidt seconded and unanimously carried to recommend that the 11-6-19 SDCL Review to allow the construction of a public building on public land be continued to the July 21, 2005 Planning Commission meeting.

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

44. No. 05SR032 - Section 6, T1N, R8E

A request by Central States Fair to consider an application for a **11-6-19 SDCL Review to allow the construction of a parking lot on public property** on the unplatted portion of the SW1/4 NE1/4, and the west 10 acres of SE1/4 NE1/4, and the unplatted north 1080' of east 30 acres of SE1/4 NE1/4, all located in

Section 6, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 801 San Francisco Street.

Fisher stated that staff is recommending approval with stipulation number 1. being revised to read that "prior to issuance of a building permit, a site plan showing the layout of the parking lot be submitted for review and approval."

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

- 1. Prior to an issuance of a building permit, a complete site plan showing the layout of the proposed parking area shall be submitted for review and approval. In particular, the parking plan shall be designed in compliance with Chapter 17.50.270 of the Rapid City Municipal Code; and,**
- 2. Prior to issuance of a building permit or the start of construction, drainage and grading plan shall be submitted for review and approval.**

(8 to 0 with Andrews, Anderson, Brown, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

45. No. 05SR037 - Rapid City Greenway Tracts

A request by City of Rapid City to consider an application for a **11-6-19 SDCL Review to allow temporary signs** on Tract 20, less Lot 1H, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 301 North Fifth Street.

LeMay left the meeting at this time.

Tucker reviewed location of the proposed temporary signs and that staff is recommending that a revised sign design be submitted for review and approval. Tucker stated that additional information has not been received and staff is recommending that this item be continued to the July 21, 2005 Planning Commission meeting. Discussion followed.

Schmidt moved, Andrews seconded and unanimously carried to recommend that the 11-6-19 SDCL Review to allow temporary signs be continued to the July 21, 2005 Planning Commission meeting.

(7 to 0 with Andrews, Anderson, Brown, Fast Wolf, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

46. No. 05SV044 - 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 street light conduit, curb, gutter and sidewalk along Long View Road, Reservoir Road and the access easements; and to waive the**

requirement to provide additional pavement and to dedicate a ten foot wide planting screen easement along Long View Road and Reservoir Road; and to dedicate additional Right-of-Way along Long View Road as per Chapter 16.16 of the Rapid City Municipal Code on Lot 8A, 8B and 8C and Lot 9A and 9B and 10A and 10B, Block 22, Trailwood Village, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 3 of Block 22, Trailwood Village, Thence, S00°03'09"W, a distance of 346.91 feet to the northeasterly corner of the boundary, and the Point of Beginning; Thence, first course: S00°05'47"W, a distance of 317.18 feet, to the southeasterly corner of said boundary; Thence, second course: S89°49'52"W, a distance of 227.28 feet, to the southwesterly corner of said boundary; Thence, third course: N00°04'24"W, a distance of 199.81 feet, to the northerly corner of said boundary; Thence, fourth course: N65°25'59"W, a distance of 24.18 feet, to the northwesterly corner of said boundary; Thence, fifth course: N00°04'24"E, a distance of 35.04 feet, to the northerly corner of said boundary; Thence, sixth course: S89°55'36"E, a distance of 40.00 feet, to the northeasterly corner of said boundary; Thence, seventh course: N00°04'24"E, a distance of 73.27 feet, to the northerly corner of said boundary; Thence, eighth course: S89°55'36"E, a distance of 209.43 feet, to the northeasterly corner of said boundary, and the Point of Beginning, said parcel contains 1.460 acres more or less, more generally described as being located at the northwest corner of the intersection of Long View Road and Reservoir Road.

Schmidt left meeting at this time.

Olsen left meeting at this time.

Fisher presented slides and stated that part of the proposed development has an internal access system and the applicant has requested that improvements along Longview Road and Reservoir Road not be required at this time. Fisher stated that staff is recommending approval.

In response to Nash's question, Fisher advised that Pennington County plans improvements for Reservoir Road and Long View road including a turning lane along Reservoir Road and at the intersection of the two streets.

Doug Sperlich expressed his opposition to the staff's recommendation for denial of the variances. Sperlich reviewed slides and the proposed development plans and the relation to the required improvements. Discussion followed.

In response to Anderson's questions, Sperlich advised that curb and gutter would not be constructed internally on the proposed development site. Discussion followed.

Andrews moved, Fast Wolf seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install a minimum 40 foot wide paved surface, street light conduit, curb, gutter and sidewalk along Long View Road be approved with the following stipulation:

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvement.**

That the Variance to the Subdivision Regulations to waive the requirement to install a minimum 40 foot wide paved surface, street light conduit, curb, gutter and sidewalk along Reservoir Road be approved with the following stipulations:

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvement; and,**
2. **Prior to submittal of a Final Plat application, the applicant shall submit surety for a portion of the Reservoir Road/Long View Road intersection improvement project as shown on the Pennington County Highway 2006/2007 street improvement plan(s);**

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit, curb, gutter and sidewalk along the access easement(s) be approved;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate a planting screen easement along Reservoir Road and Long View Road be approved; and,

That the Variance to the Subdivision Regulations to waive the requirement to dedicate 17 additional feet of right-of-way in lieu of seven additional feet of right-of way along Long View Road be approved with the stipulation that a ten foot wide pedestrian access and utility easement be provided.

(4 to 2 with Anderson, Andrews, Fast Wolf, Nash voting yes and Brown and Prairie Chicken voting no)

47. Staff Items

Future Land Use Notebook (revised)

Fisher presented updated Future Land Use Books for use by the Planning Commission members and requested that the old notebooks be returned.

48. Committee Appointment.

Nash stated that City Council reappointed Mel Prairie Chicken, Ethan Schmidt, Ida Marie Fast Wolf and Mike LeMay to the Planning Commission.

Nash stated that Doug Andrews will be replacing Gary Brown on the Capital Improvements Program.

Nash advised the Planning Commission members to apply for committee openings.

There being no further business, Prairie Chicken moved, Andrews seconded and unanimously carried to adjourn the meeting at 9:07a.m. (6 to 0 with Anderson, Andrews, Brown, Fast Wolf, Nash and Prairie Chicken

voting yes, and with none voting no)