

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 1, 2005
(continued from August 25, 2005)

MEMBERS PRESENT: Peter Anderson, Doug Andrews, Gary Brown, Mike LeMay, Scott Nash, and Mel Prairie Chicken. Deb Hadcock, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Linda Foster, Michelle Horkey, Bob Dominicak, Bill Knight, Joel Landeen, Rise Ficken and Beate Hartwig-Stucke

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.

Staff requested that Item 9 be removed from the Non-Hearing Consent Agenda for separate consideration.

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

Motion by Prairie Chicken, Seconded by Brown and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 10 in accordance with the staff recommendations with the exception of Items 6 and 9 (6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the August 4, 2005 Planning Commission Meeting Minutes.
2. 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.

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

1. **Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval;**

2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. The plat document shall also be revised to provide drainage easements as necessary;
4. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;
5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. The plat document shall also be revised to provide utility easements as needed;
6. Upon submittal of a Preliminary Plat application, water 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. In particular, the water plans shall provide an analysis with calculations demonstrating that required fire and domestic flows are being provided as well as fire hydrants, system looping and plan and profile(s). In addition, a water system model and report of the water distribution system shall be submitted for review and approval demonstrating that adequate flows and pressures are being provided to serve the development. The plat document shall also be revised to provide utility easements as needed;
7. Upon submittal of a Preliminary Plat application, road construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained;
8. Upon submittal of a Preliminary Plat application, road construction plans for Black Hills Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 59 foot wide right-of-way 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 must be obtained. In addition, the road construction plans shall show the three egress lanes and one ingress lane as per the Traffic Impact Analysis and additional right-of-way shall be dedicated to accommodate the lane(s) with adequate staking distance(s) as needed;
9. Upon submittal of a Preliminary Plat application, road construction plans for Stumer Road shall be submitted for review and approval. In particular, the road construction plans shall show Stumer Road located in a minimum 60 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. In addition, the road construction plans shall show three egress lanes and one ingress lane as per the Traffic Impact Analysis and additional right-of-way shall be dedicated to accommodate the ingress/egress lane(s) with adequate staking distance(s) as needed;
10. Upon submittal of a Preliminary Plat application, road construction plans for the east-west commercial street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 59 foot wide right-of-way 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;
 11. Upon submittal of a Preliminary Plat application, road construction plans for the looped residential street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 12. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met;
 13. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 14. Prior to submittal of a Preliminary Plat application, the applicant shall address traffic capacity issues specific to street and intersection design(s) and level of service provided at controlled intersections as noted in the Traffic Impact Study. In particular, the applicant shall address capacity issues and address street and intersection design(s) and level of service at all intersections with Fifth Street and Catron Boulevard adjacent to the subject property;
 15. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement with the City regarding the funding for the signalization of the intersection of Stumer Road and Fifth Street. In addition, the agreement shall identify the installation schedule for the signalization;
 16. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement with the South Dakota Department of Transportation regarding the funding for the signalization of the intersection of Black Hills Boulevard and Catron Boulevard. In addition, a Connection Permit shall be obtained for the South Dakota Department of Transportation for the proposed intersection;

17. **Prior to submittal of a Final Plat application, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; and,**
18. **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.**

3. No. 05PL121 - MJK Subdivision

A request by FMG, Inc. for Harold and Judith Bies and Lyle and Audrey Petersen to consider an application for a **Preliminary Plat** on Lots 3 through 9, Parcel A, MJK Subdivision, located in the NE1/4 SE1/4 and the SE1/4 SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Parcel A, MJK Subdivision, located in the NE1/4 SE1/4 and the SE1/4 SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located South of Heartland Drive and adjacent to the east side of South Campbell Street.

The 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 private utility distribution plan shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In particular, the drainage plan shall provide drainage calculations for the over lot drainage. In addition, the drainage plan shall provide storm sewer, inlet, pipe size and street drainage calculations. The drainage plan shall also provide information to determine whether or not rip rap is required at the outlets of all inlets. In addition, the plat document shall be revised to provide additional drainage easements as needed;**
4. **Prior to Preliminary Plat approval by the City Council, construction plans showing the installation of street light conduit along Heartland Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall be revised to provide a temporary turnaround at the end of Heartland Drive;**
5. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Heartland Drive except for the approved approach location(s);**
6. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the actual location of the 60 foot wide easement for water line and sanitary sewer line proposed to be vacated;**
7. **Prior to Preliminary Plat approval by the City Council, Approach**

8. **Permit(s) shall be obtained from the South Dakota Department of Transportation for the proposed approaches along Heartland Drive; Prior to the start of any construction on Heartland Drive, a Right-of-way Permit shall be obtained from the South Dakota Department of Transportation;**
9. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
10. **Prior to submittal of a Final Plat application, a Road Name Change shall be submitted for review and approval to change the name of "Heartland Drive". In addition, the plat document shall be revised to show the approved road name;**
11. **Prior to submittal of a Final Plat application, the plat heading shall be revised to add "Heartland Drive (formerly a portion of Parcel A of MJK Subdivision) located in ..."; and,**
12. **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.**

4. No. 05PL134 - Sheridan Lake Highlands

A request by Sperlich Consulting for Dean Kelly Construction to consider an application for a **Preliminary Plat** on Lots 1 through 10, Block 1, Sewer Lot 1, Lots 2 through 16, Block 2; Reservoir Lot and Well Lots 1 through 3, Sheridan Lake Highlands, located in the SW1/4 SW1/4, Section 35 and in the SE1/4 SE1/4, Section 34, all located in T1N, R6E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 SW1/4; Less Lot H-1, S1/2 SW1/4, all located in Section 35; and the SE1/4 SE1/4, Section 34, less Lots 1 through 4, SE1/4 SE1/4; all located in T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of Sawmill Road and Sheridan Lake Road.

The Planning Commission recommended that the Preliminary Plat be denied without prejudice at the applicant's request.

5. No. 05RD005 - Superpumper Addition

A request by the City of Rapid City to consider an application for a **Resolution Naming a Private Drive to Outlook Circle** on Lots A and B of Lot 2, Superpumper Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3151 Outlook Circle.

The Planning Commission recommended that the road name for the private drive on Lots A & B of Lot 2, Superpumper Addition be named Outlook Circle.

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

A request by CETEC Engineering Services, Inc. for the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow the construction of a public lift station** in 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.

The Planning Commission recommended that the 11-6-19 SDCL Review to allow the construction of a public building on public land be continued to the September 8, 2005 Planning Commission meeting to allow the applicant to submit additional information.

8. No. 05SR039 - Sheridan Lake Heights Subdivision

A request by Thurston Design Group, LLP for Pennington County Housing to consider an application for an **11-6-19 SDCL Review to expand public structures** on Lots 1 through 20 and 22 through 32, Block 1, Lots 1 through 18, Block 2, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of Cameron Drive and Sheridan Lake Road.

The Planning Commission recommended that the 11-6-19 SDCL Review to expand public structures be approved with the following stipulations:

That the following reduction in setbacks are hereby authorized –

Lot 3, Block 1 - front yard setback for existing house from 25 feet to 18 feet;

Lot 3, Block 1 - south side yard setback for existing carport from eight feet to three feet;

Lot 5, Block 1 - front yard setback for existing house from 25 feet to 24 feet;

Lot 7, Block 1 - south side yard setback for proposed garage from eight feet to four feet;

Lot 8, Block 1 - front yard setback for existing house from 25 feet to 23.5 feet;

Lot 8, Block 1 - south side yard setback for proposed garage from eight feet to five feet;

Lot 9, Block 1 - front yard setback for existing house from 25 feet to 23 feet;

Lot 9, Block 1 - south side yard setback for proposed garage from eight feet to two feet;

Lot 13, Block 1 - north side yard setback for proposed garage from eight feet to five feet;

Lot 14, Block 1 - south side yard setback for proposed garage from eight feet to two feet;

Lot 15, Block 1 - north side yard setback for proposed garage from eight feet to one foot;

Lot 17, Block 1 - north side yard setback for proposed garage from eight feet to four feet;

Lot 18, Block 1 - north side yard setback for proposed garage from eight feet to five feet;

Lot 19, Block 1 - east side yard setback for proposed garage from eight feet to five feet;

Lot 20, Block 1 - east side yard setback for proposed garage from eight feet to two feet;

- Lot 24, Block 1 - front yard setback for existing house from 25 feet to 24 feet;
- Lot 24, Block 1 - south side yard setback for proposed garage from eight feet to six feet;
- Lot 25, Block 1 - front yard setback for existing house from 25 feet to 24 feet;
- Lot 25, Block 1 - north side yard setback for proposed garage from eight feet to four feet;
- Lot 26, Block 1 - front yard setback for existing house from 25 feet to 24 feet;
- Lot 26, Block 1 - north side yard setback for proposed garage from eight feet to four feet;
- Lot 28, Block 1 - south side yard setback for proposed garage from eight feet to four feet;
- Lot 31, Block 1 - north side yard setback for proposed garage from eight feet to five feet;
- Lot 2, Block 2 - south side yard setback for proposed garage from eight feet to five feet;
- Lot 6, Block 2 - north side yard setback for proposed garage from eight feet to zero feet;
- Lot 7, Block 2 - south side yard setback for proposed garage from eight feet to zero feet;
- Lot 9, Block 2 - west side yard setback for proposed garage from eight feet to six feet;
- Lot 12, Block 2 - east side yard setback for proposed garage from eight feet to four feet;
- Lot 13, Block 2 - east side yard setback for proposed garage from eight feet to four feet;
- Lot 15, Block 2 - north side yard setback for proposed garage from eight feet to six feet;
- Lot 16, Block 2 - south side yard setback for proposed garage from eight feet to five feet;
- Lot 18, Block 2 - north side yard setback for proposed garage from eight feet to four feet;

2. That the property be maintained in common ownership;
3. That the address be posted with 5 inch minimum numerals on all principal structures; and,
4. That the required vacation of easements be approved by the City Council and recorded prior to the issuance of building permits for each individual garage structure.

10. No. 05SR042 - Red Rock Meadows Subdivision, Phase II

A request by Dream Design International, Inc. to consider an application for an **11-6-19 SDCL Review to allow the construction of a lift station** on a Tract of land located in the NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: beginning at a point from which the Section corner common to Sections 20, 21, 28 and 29 bears

S88°14'01"E, a distance of 1285.76 feet; Thence S00°04'24"W a distance of 38.00 feet; Thence S89°55'37"E a distance of 114.67 feet; Thence N00°22'22"W a distance of 48.00 feet; Thence N89°55'37"W a distance of 104.29 feet; Thence S45°04'22"W a distance of 14.14 feet to the point of beginning: said Tract containing 0.13 acres more or less, more generally described as being located approximately 2000 feet northeast of the intersection of Cog Hill Lane and Sahalee Drive.

The Planning Commission recommended that the 11-6-19 SDCL Review to allow the construction of a Lift Station be continued to the September 8, 2005 to allow the applicant to submit additional information.

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

No. 05SE009 - Brookfield Subdivision

6. A request by Doeck, LLC for Joe Muth to consider an application for an **Exception to waive the requirement to provide on-street parking or a visitor parking lot as per Section 7.2 of the Street Design Criteria Manual** on located in the SE1/4 SE1/4, Brookfield Subdivision, Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northern terminus of Three Rivers Drive.

Doug Sperlich, agent for the applicant, presented the request and asked that the Exception to the Street Design Criteria Manual to not require on-street parking in the new subdivision be granted. He noted that out of 56 lots 12 will not have additional on-street parking. He stated four off-street parking spots will be provided in the driveway for each house. Sperlich pointed out that the 12 lots represent less than one fourth of the lots that need the exception and would reduce costs.

Elkins responded that the affected street is a sub collector street and the proposed exception would create a narrow segment of road with no on-street parking. Elkins restated staff's recommendation that the parking should be provided as required.

Brown asked the Fire Department representative Bill Knight if they had reviewed the accessibility of the street.

Knight stated the Fire Department inspectors determined the minimum City requirements for the street width have not been met for that street.

Sperlich stated that the minimum requirements for a street with no parking meet the minimum requirements of the Fire Code.

Discussion followed regarding the minimum width requirement, the classification of the road as a sub collector, the proposed road width and the alternative provision of parking bays.

Nash asked if the applicant intends to downsize this street to a lane place street.

Sperlich explained that a large drainage ditch will result in a narrow building lot from front to back and he wants to give people a bigger yard area.

LeMay moved, Prairie Chicken seconded and unanimously carried to deny the Exception to Waive the Requirement to Provide On-street Parking or a Visitor Parking Lot as per Section 7.2 of the Street Design Criteria Manual. (6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

9. No. 05SR041 - Olson Subdivision

A request by Buell Consulting for Cellular Inc. Network Corporation to consider an application for an **11-6-19 SDCL Review to allow the construction of an emergency generator in conjunction with a cell tower** on Utility Lot 1 of Lot B, Olson Subdivision, Section 31, T2N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of Radar Hill Road between Morning View Drive and Bus Barn Road.

Elkins advised that the updated Airport Master Plan has been adopted as a comprehensive plan amendment since the tower had been built. Elkins noted that the construction of the generator would constitute an expansion of the non-conforming use and the height of the tower could represent a hazard as it lies at the end of the runway. Elkins explained that the Airport Manager intends to submit this proposal to the Federal Aviation Administration for review. Elkins asked that the 11-6-19 Review be continued to the October 6, 2005 Planning Commission meeting to allow the Airport Manager to submit this information.

Brown moved, and Prairie Chicken seconded to approve the motion to continue the request to the October 6, 2005 Planning Commission meeting.

John Rowe with Verizon Wireless stated that the tower was approved by the Federal Aviation Administration in 2000 for 84 feet and it is only 78 feet and one inch to the top of the appurtenances. He noted that it is not an 85 foot tower and that the generator does not require FAA approval.

Motion carried unanimously to continue the 11-6-19 SDCL Review to allow the Federal Aviation Administration review of the proposed tower alteration to be completed. (6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

Nash announced that the Public Hearings on Items 11 through 31 were opened.

Staff requested that Items 16, 18, 20, and 21 be removed from the Hearing Consent Agenda for separate consideration.

Prairie Chicken requested that Item 27 be removed from the Hearing Consent Agenda for separate consideration.

Andrews moved, LeMay seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 11 through 31 in accordance with

the staff recommendations with the exception of Items 16, 18, 20, 21 and 27. (6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

The Public Hearings for Items 11 through 31 were closed.

---HEARING ITEMS CONSENT CALENDAR---

11. No. 05CA015 - Section 34, T2N, R8E

A request by the City of Rapid City to consider an application for **an Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the recommended designation on an approximate 55.3 acre parcel from Light Industrial to General Commercial** on the eastern most 504 feet of the SW1/4 NW1/4 and the SE1/4 NW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

The Planning Commission recommended that the Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the designation on an approximate 55.3 acre parcel from Light Industrial to General Commercial be continued to the November 10, 2005 Planning Commission meeting.

12. No. 05CA029 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for **Summary of Adoption action for an Amendment to the Comprehensive Plan to revise the Major Street Plan to relocate a collector street** located in the E1/2 NE1/4; E1/2 SE1/4, Section 14, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the southern terminus of Chalkstone Drive.

The Planning Commission approved the summary of adoption and authorized publication in the Rapid City Journal.

13. No. 05CA030 - Sections 13 and 18, T2N, R7E

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for **Summary of Adoption action for an Amendment to the Comprehensive Plan to change an 8.523 acre parcel of land in the Northeast Neighborhood Future Land Use Plan from Public with an alternate land use designation of Planned Residential Development of 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development** on a portion of the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the E1/4 Corner, Section 13, T2N, R7E, common with the W1/4 Corner of Section 18, T2N, R8E, at the point of beginning; Thence, first course: Southerly, along the Township/Section line common to said Section 13, T2N, R7E, and Section 18, T2N, R8E, a distance 990 feet; Thence, second course: N37°08'48"W, a distance of 1242.01 feet, to a point on the Center ¼ section line of said Section

13, T2N, R7E; Thence, third course: Easterly, along the Center ¼ section line of said Section 13, T2N, R7E, a distance of 750 feet to the East ¼ Corner of Section 13, T2N, R7E, common with the West ¼ Corner of Section 18, T2N, R8E, and the point of beginning; more generally described as being located one half mile north of the intersection of West Nike Road and Country Road.

The Planning Commission approved the summary of adoption and authorized publication in the Rapid City Journal.

14. No. 05CA031 - Sections 2, 3, 10, 11, 14 15, 19, T1N, R7E, Sections 34 and 35, T2N, R7E

A request by the City of Rapid City to consider an application for **Summary of Adoption action for an Amendment to the Comprehensive Plan to adopt the Jackson Boulevard Drainage Basin Design Plan** in the SE1/4 SE1/4, Section 34; S1/2, Section 35; T2N, R7E; and W1/2, Section 2; E1/2, Section 3; all of Section 10; W1/2, Section 11; NW1/4 NW1/4, Section 14; N1/2, Section 15; E1/2, Section 19; all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

The Planning Commission approved the summary of adoption and authorized publication in the Rapid City Journal.

15. No. 05CA032 - Harter Subdivision

A request by Johnny Sundby for Hay Camp Co. to consider an application for an **Amendment to the Comprehensive Plan to change the designation on an approximately .62 acre parcel from Residential to Office Commercial with a Planned Commercial Development** 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 2532 Canyon Lake Drive.

The Planning Commission recommended that the Amendment to the Comprehensive Plan to change the designation on an approximately .62 acre parcel from Residential to Office Commercial with a Planned Commercial Development be approved.

17. No. 05RZ045 - Harter Subdivision

A request by Johnny Sundby for Hay Camp Co. to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial 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 2532 Canyon Lake Drive.

The Planning Commission recommended that the Rezoning from Medium Density Residential District to Office Commercial District be approved contingent upon the Comprehensive Plan Amendment being approved.

- *19. No. 05PD049 - Big Sky Business Park

A request by ARC International, Inc. for Black Hills Federal Credit Union to consider an application for a **Planned Commercial Development - Initial**

Development Plan to allow the construction of a commercial structure on Lot 1, Block 1, Big Sky Business Park, located in the SW1/4 NW1/4 and the S1/2 NW1/4 NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Homestead Street and Elk Vale Road.

The Planning Commission approved the Planned Commercial Development - Initial Development Plan to allow the construction of a commercial structure 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 structures;**
2. **An Air Quality Permit shall be obtained;**
3. **The uses allowed within the Planned Commercial Development shall be limited to a financial institution. Any change in use will require approval of a Major Amendment to the Planned Commercial Development;**
4. **Upon submittal of a Final Development Plan, full color structural elevations and a list of the building materials for the proposed structures shall be submitted for review and approval;**
5. **All site lighting shall be directed away from the adjacent rights-of-way and residential zoned properties and shown on the site plan;**
6. **Upon submittal of a Final Development Plan, the proposed ground sign located at the southwest corner of the subject property shall be relocated to avoid the existing gas lines;**
7. **Upon submittal of a Final Development Plan, the proposed ground sign located along Timmons Boulevard shall be relocated outside of the existing minor drainage and utility easement or the easement shall be vacated;**
8. **The proposed ground sign with message center shall only display the time, temperature and on-premises messages;**
9. **Upon submittal of a Final Development Plan, a detailed landscape plan showing increased landscaping including trees and shrubs along Elk Vale Road shall be submitted for review and approval;**
10. **The landscaping plan shall continually comply with all requirements of the Zoning Ordinance;**
11. **The parking plan shall continually comply with all other requirements of the Zoning Ordinance;**
12. **All applicable provisions of the International Fire Code shall be continually met;**
13. **Upon submittal of a Final Development Plan, the applicant shall either show how they will intercept the drainage on-site or provide street flow calculations;**
14. **Upon submittal of a Final Development Plan, the applicant must indicate the size and material of the water service lines on the subject property;**
15. **Upon submittal of a Final Development Plan, the location and design of the proposed screening for the dumpster shall be provided for review and approval;**

16. **Upon submittal of a Final Development Plan, complete information, including the location and screening of proposed screening for all air handling equipment shall be submitted to insure that the equipment is adequately screened from adjacent properties and rights-of-way;**
17. **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.

22. No. 05RZ023 - Section 34, T2N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the eastern most 504 feet of the SW1/4 NW1/4 and the SE1/4 NW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

The Planning Commission recommended that the Rezoning from No Use District to General Commercial District be continued to the November 10, 2005 Planning Commission meeting.

23. No. 05RZ024 - Section 34, T2N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the northern most 210 feet of the SE1/4 SW1/4 SW1/4; the NE1/4 SW1/4 SW1/4; the northern most 870 feet of the SE1/4 SW1/4; the E1/2 NW1/4 SW1/4; the NE1/4 SW1/4; the NW1/4 SE1/4; and the NE1/4 SE1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

The Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the November 10, 2005 Planning Commission meeting.

24. No. 05RZ025 - Section 34, T2N, R8E and Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on the north 200 feet of Lot 1, Neffs Subdivision #3; the eastern most 440 feet and southern most 450 feet of the SW1/4 SW1/4; and the southern most 450 feet of the SE1/4 SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 670 feet of the NE1/4 NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of East Anamosa Street and Elk Vale Road.

The Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be continued to the November 10, 2005 Planning Commission meeting.

25. No. 05RZ026 - Sections 27 and 34, T2N, R8E and Section 3, T1N, R8E
A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the SW1/4 SW1/4 SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; the west 130 feet of NW1/4 NW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the west 130 feet lying adjacent to RR ROW and south of RR ROW, located in the SW1/4 SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 670 feet of the NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of East Anamosa Street and Elk Vale Road.

The Planning Commission recommended that the Rezoning from No Use District to General Commercial District be continued to the November 10, 2005 Planning Commission meeting.

26. No. 05RZ027 - Section 34, T2N, R8E
A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Office Commercial District** on the west 816 feet of the SW1/4 NW1/4; the W1/2 NW1/4 SW1/4; and the NW1/4 SW1/4 SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

The Planning Commission recommended that the Rezoning from No Use District to Office Commercial District be continued to the November 10, 2005 Planning Commission meeting.

28. No. 05RZ049 - Section 11, T1N, R7E
A request by the City of Rapid City to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on property described by metes and bounds beginning 1819.80 feet at a bearing S89°27'23"E from the SW corner of the NW1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, this is the point of beginning. Thence travel 466.23 feet at a bearing N45°19'1"E, Thence travel 210.28 feet at a bearing N54°45'23"E, Thence travel 48.86 feet at a bearing S15°57'26"W, Thence travel 406.85 feet at a bearing S0°46'13"W, Thence travel 484.35 feet at a bearing N89°27'22"W to the point of beginning, more generally described as being located at the northwest corner of the intersection of South U.S. Highway 16 and Tower Road.

The Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be denied without prejudice to allow the correct description to be published.

29. No. 05SV052 - Sheridan Lake Highlands

A request by Sperlich Consulting for Dean Kelly Construction to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, sewer and water along Sheridan Lake Road; to install curb, gutter, street light conduit, sidewalk, water and sewer along the internal streets; and to install curb, gutter, street light conduit, sidewalk, sewer, water and pavement and to allow platting half a right-of-way along Sawmill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 10, Block 1; Sewer Lot 1, Lots 2 through 16, Block 2; Reservoir Lot and well Lots 1 through 3, Sheridan Lake Highlands, located in the SW1/4 SW1/4, Section 35 and in the SE1/4 SE1/4, Section 34, all located in T1N, R6E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 SW1/4; Less Lot H-1, S1/2 SW1/4, all located in Section 35; and the SE1/4 SE1/4, Section 34, less Lots 1 through 4, SE1/4 SE1/4; all located in T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of Sawmill Road and Sheridan Lake Road.

The Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, sewer and water along Sheridan Lake Road; to install curb, gutter, street light conduit, sidewalk, water and sewer along the internal streets; and to install curb, gutter, street light conduit, sidewalk, sewer, water and pavement and to allow platting half a right-of-way along Sawmill Road as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice at the applicant's request.

30. No. 05SV055 - Red Rock Estates Phase V

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 per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 6, Block 19; Lots 1 through 6, Block 20; Lots 1 through 39, Block 21; Lots 1 through 8, Block 22 and dedicated public right-of-way, located in the NE1/4 SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NE1/4 N1/2 SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of Muirfield Drive and Dunsmore Road.

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

31. No. 05SV056 - Burson Subdivision

A request by Centerline for DJS Holdings, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1A and 1B of Lot M, Burson

Subdivision, located in the E1/2, Section 19, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Lot M, Burson Subdivision, located in the E1/2, Section 19, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3788 East Highway 44.

The Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along S.D. Highway 44 be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to install water along School Drive be tabled; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along School Drive and to wave the requirement to install curb, gutter, sidewalk and street light conduit along S.D. Highway 44 be approved with the following stipulation:

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

-END OF HEARING CONSENT CALENDAR---

16. 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.

Elkins advised that a revised recommendation for approval with stipulations, a letter from the applicant, an elevation drawing and a color photo of the proposed structure has been distributed on the dais. She recommended approval of the request with the 13 stipulations. Elkins noted that the development is planned in two phases over a four year period.

Pat Parr, assistant director of the Canyon Lake Senior Citizen Center, stated her concern about the 20 unit complex adding more traffic to an already very busy intersection. She asked for the item to be continued to allow her time to consult with her director.

Elkins clarified that this application is for a four dwelling unit complex.

Parr stated again that the intersection adjacent to the proposed development is extremely busy and an apartment building would add more traffic.

Anderson moved, seconded by Andrews and carried unanimously to approve 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 with the following stipulations:

1. The property shall be used for a photo studio or professional office, a detached storage building accessory to the photo studio or offices on the property and up to four dwelling units. Other uses may be allowed upon approval of a Major Amendment to the Planned Unit Development;
2. All parking and landscaping shall continually comply with the approved site plan and City Ordinance. All landscaping shall be maintained in a live vegetative state at all times;
3. The construction of the studio/office building and accessory storage building shall comply with the color and elevations identified on the elevations submitted;
4. The first phase of construction of the studio/office shall be initiated within two years of the date of the approval of the Planned Development. If construction is not initiated within that time frame, the Planned Development Final Development plan approval shall no longer be valid. The second phase construction of the multi-family dwelling unit structure shall occur within four years of the date of the approval of the Planned Development, or a Major Amendment to the Planned Unit Development must be obtained.
5. Prior to issuance of a building permit for the multi-family dwelling unit structure, elevations of the structure including colors and building materials shall be submitted to the Growth Management Director for review and approval. The elevations shall be similar in design character and use compatible earth tone colors with the elevations approved for the studio/office;
6. All lighting shall be shielded and installed so as to prevent light from shining on adjacent right-of-ways or properties;
7. All signage shall comply with the design package submitted and shall comply with all applicable requirements of the adopted Sign Code;
8. The applicant shall obtain a building permit prior to initiation of construction and shall obtain a certificate of occupancy prior to occupying the structure;
9. No more than 50 percent of the property shall be used for commercial purposes;
10. A minimum 35-foot setback shall be provided from the west property boundary. A reduction in the east side yard setback is hereby granted reducing the required setback from 25 feet to 15 feet for the studio/office, from 25 feet to 12 feet for the accessory storage building and from 25 feet to 13.5 feet for the multi-family structure;
11. An exception is hereby granted to reduce the driveway separation on Canyon Lake Drive from the intersection with Sheridan Lake Road from 230 feet to 170 feet;
12. Prior to issuance of a certificate of occupancy, curb stops shall be installed on water service lines. Access and maintenance easements shall also be provided; and,
13. The multi-family buildings shall be fully fire sprinklered.

(6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken

voting yes and none voting no)

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

18. 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 duplexes and one four plex** 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.

Elkins advised that the stipulations have not been met and that the applicant has requested that the item be continued to the September 8, 2005 Planning Commission meeting to allow the applicant to address the stipulations.

Brown moved, Andrews seconded and motion carried unanimously to continue the Planned Residential Development - Initial and Final Plan to allow the construction of eight duplexes and one four plex to the September 8, 2005 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

Staff asked to have items 20 and 21 considered concurrently for discussion.

20. No. 05PD041 - Eastridge Estates Subdivision

A request by Centerline for PLM Land Development, LLC to consider an application for a **Planned Residential Development - Initial and Final Planned Residential Development** on Lots 1 through 15, Block 1 and Lot 19, Block 2; Eastridge Estates Subdivision; Lots 1 through 15, Block 2, PLM Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as commencing from the Point of Beginning, the North Quarter Corner of Section 24, T1N, R7E a rebar with cap marked "Davis #3095", thence S00°05'52"W - 623.22' to a point, thence N89°31'32"W - 68.00' to a point, thence S00°04'11"W - 6.78' to a point, thence S39°31'16"W - 15.73' to a point, thence S00 02'20"W - 52.00' to a point, thence S32°11'27"E - 18.62' to a point, thence S00°02'20"W - 107.70' to the northeast corner of Lot 18B in Block 2 of Eastridge Estates, a rebar with cap marked "RLS 3977", thence N89°58'01"W - 100.04' to a rebar with cap marked "RLS 3977", thence S00°02'20"W - 298.38' to a rebar with cap marked "RLS 3977", thence S03 33'57"W - 19.48' to a rebar with cap marked "RLS 3977", thence S13°29'25"W - 37.14' to a rebar with cap marked "RLS 3977", thence S26°43'09"W - 37.18' to a rebar with cap marked "RLS

3977", thence S39°53'41"W - 37.21' to a rebar with cap marked "RLS 3977", thence S50°26'32"W - 22.38' to a rebar with cap marked "RLS 3977", thence S54°24'38"W - 133.93' to a rebar with cap marked "RLS 3977", thence N35°35'14"W - 98.48' to a rebar with cap marked "RLS 3977", thence N44°27'27"W - 245.69' to a rebar with cap marked "RLS 3977", thence N79°44'48"W - 240.37' to a rebar with cap marked "RLS 3977", thence N16°51'47"E - 1075.77' to a point, thence S89°40'08"E - 500.00' to the Point of Beginning. Said parcel containing 16.24 acres more or less, more generally described as being located adjacent to the south side of Enchanted Pines Drive and the east and west sides of Luminosity Lane.

21. No. 05RZ046 - Eastridge Estates Subdivision

A request by Centerline, Inc. for PLM Land Development, LLC to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on Lots 1 through 15, Block 1; and Lot 19, Block 2, Eastridge Estates Subdivision; Lots 1 through 15, Block 2, PLM Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Commencing from the Point of Beginning, the North Quarter Corner of Section 24, T1N, R7E a rebar with cap marked "Davis #3095", thence S00°05'52"W - 623.22' to a point, thence N89°31'32"W - 68.00' to a point, thence S00°04'11"W - 6.78' to a point, thence S39°31'16"W - 15.73' to a point, thence S00°02'20"W - 52.00' to a point, thence S32°11'27"E - 18.62' to a point, thence S00°02'20"W - 107.70' to the northeast corner of Lot 18B in Block 2 of Eastridge Estates, a rebar with cap marked "RLS 3977", thence N89°58'01"W - 100.04' to a rebar with cap marked "RLS 3977", thence S00°02'20"W - 298.38' to a rebar with cap marked "RLS 3977", thence S03°33'57"W - 19.48' to a rebar with cap marked "RLS 3977", thence S13°29'25"W - 37.14' to a rebar with cap marked "RLS 3977", thence S26°43'09"W - 37.18' to a rebar with cap marked "RLS 3977", thence S39°53'41"W - 37.21' to a rebar with cap marked "RLS 3977", thence S50°26'32"W - 22.38' to a rebar with cap marked "RLS 3977", thence S54°24'38"W - 133.93' to a rebar with cap marked "RLS 3977", thence N35°35'14"W - 98.48' to a rebar with cap marked "RLS 3977", thence N44°27'27"W - 245.69' to a rebar with cap marked "RLS 3977", thence N79°44'48"W - 240.37' to a rebar with cap marked "RLS 3977", thence N16°51'47"E - 1075.77' to a point, thence S89°40'08"E - 500.00' to the Point of Beginning. Said parcel containing 16.24 acres more or less, more generally described as being located adjacent to the south side of Enchanted Pines Drive and the east and west sides of Luminosity Lane.

Fisher presented the application and stated that revised documentation was distributed on the dais. Fisher recommended approval of the Planned Development with stipulations as indicated on the handouts as well as approval of the Rezoning Request.

Andrews moved, seconded by LeMay and motion carried unanimously to recommend approval of the Rezoning from General Agriculture District to Low Density Residential District (05RZ046) and to approve the Planned Development - Initial and Final Planned Residential Development (05PD041) 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, a Final Plat shall be approved or the subdivision improvements shall be constructed or surety posted for the improvements;
3. The International Fire code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
4. An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre;
5. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;
6. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
7. The proposed structures shall conform architecturally to the proposed elevations and design plans submitted as part of this Initial and Final Planned Residential Development; and,
8. The Planned Residential Development shall allow for the construction of single family residential and/or town home(s). However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years.

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

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

27. No. 05RZ048 - Airport Subdivision

A request by Qusi Al Haj for Tara Alyss, LLC to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** on the west five (5) feet of Block 28, Airport Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of Haines Avenue and Curtis Street.

Prairie Chicken asked if the property is located in the flood plain.

Elkins confirmed that there is flood plain in that area and advised that staff is aware that there are flood plain issues that need to be addressed.

Brown moved, Andrews seconded and motion moved unanimously to approve the Rezoning from Low Density Residential District to General Commercial District. (6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

32. No. 05CA033 - Freeland Meadows Subdivision

A request by Dream Design International to consider an application for a **Comprehensive Plan Amendment by revising the Major Street Plan to change the alignment of North LaCrosse Street** on the unplatted portion of the S1/2 of Section 18 and the N1/2 of Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Country Road between West Nike Road and 143rd Avenue.

Fisher presented the request and reviewed the Major Street Plan Map. Fisher noted that there is a residence that would be affected by the 100 foot right-of-way; however long term this is the correct location of the street. Fisher pointed out that lots further north of this property would be divided by the street if relocated as proposed. Fisher recommended that the request be denied.

Hani Shafai, consulting engineer for the property owner, noted that the map shows the jog to be exaggerated. He reviewed the proposed alignment and a topographic map of the area. He expressed concern that the current alignment could not be used without condemning two small lots. Shafai requested approval of his request.

Anderson requested clarification of how moving the street to the west would impact the properties to the east.

Shafai noted that the properties would not have direct access to La Crosse Street but would have access from another point. Shafai stated that his clients would pay the whole cost of the road.

Andrews moved, seconded by Anderson and passed unanimously to approve the Comprehensive Plan Amendment to revise the Major Street Plan to revise the alignment of North LaCrosse Street as shown on the drawing provided during the meeting. (6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

*33. No. 05PD048 - Donhiser Addition

A request by Sperlich Consulting for Sheridan Lake Properties, LLC to consider an application for a **Major Amendment to a Planned Commercial Development to allow construction of an office building** on Lots 1 and 2 of

Lot K, less Lot 1 of the NW1/4 NE1/4, Lot 1 of Lot J, the W1/2 of the adjacent vacated alley and the N1/2 of the adjacent vacated Clower Lane, Harter Addition and Lot B, Donhiser Addition and the N1/2 of the adjacent vacated Clower Lane all located in the NW1/4 NE1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 620, 624, 630 and 636 Sheridan Lake Road.

Elkins presented the request and recommended the item for approval with 18 stipulations as distributed during the meeting including modifications to stipulations 2, 5 and 16.

Andrews moved, Anderson seconded and motion carried unanimously to approve the Major Amendment to a Planned Unit Development to allow construction of an office building with the following revised 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. The uses allowed within the area covered by this Major Amendment to the Planned Unit Development shall be limited to an office. Any change in use will require approval of a Major Amendment to the Planned Commercial Development;**
- 3. The proposed structure shall conform to all setback requirements of the Office Commercial Zoning District;**
- 4. All site lighting shall be directed away from the adjacent rights-of-way and residential zoned properties;**
- 5. Prior to issuance of a sign permit, the applicant shall submit a detailed sign package including the size and location of any ground and wall signs, if additional signage is proposed, all signage shall comply with the sign ordinance and shall be consistent with the existing signs on the site.**
- 6. Prior to Planning Commission approval, a revised site plan shall be submitted showing an additional 3,983 landscaping points;**
- 7. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 8. A replacement handicapped ramp shall be installed across from the existing ramp to be removed on Lot A in accordance with City standards;**
- 9. All required fire hydrants shall be in place and operational prior to any building construction;**
- 10. If the minimum fire flow water or access requirements cannot be obtained then the proposed structure shall be fully fire sprinklered;**
- 11. Prior to Planning Commission approval, a grading plan shall be submitted showing the location of storm sewers, drainage ways, structures, erosion control, direction of water flow through the subject property and contours at a minimum two foot intervals;**
- 12. Prior to Planning Commission approval, a drainage plan including drainage calculations, runoff calculations and detailed on-site and off-site hydrologic and hydraulic calculations shall be submitted;**
- 13. The water service line on the submitted plan shall be connected to**

- the water main during construction;
14. Prior to Planning Commission approval, a revised site plan showing the existing water and wastewater service lines to the existing house to be removed shall be submitted. In addition, the existing water and wastewater service lines shall be abandoned at the main as per City standards;
 15. A traffic control plan and a Right-of-Way Permit shall be obtained from the Public Works Department prior to any work in the right-of-way;
 16. The noise levels emitted from the HVAC systems shall not exceed 65 DNL at the property line. If concerns are raised regarding the noise levels, the owner shall conduct testing and provide documentation for review and approval by the Growth Management Director that the noise levels are in compliance with the 65 DNL standard or shall construct all necessary improvements to comply with the standard.
 17. Prior to Planning Commission approval, the comments on the construction drawings shall be addressed and the red lined drawings shall be returned; and,
 18. The Major Amendment to the Planned Unit 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.

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

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

*34. No. 05PD052 - Woodridge Subdivision

A request by Jared Tordsen to consider an application for a **Major Amendment to the Planned Residential Development to allow a reduced front yard setback** on Lots 59 and 60, Woodridge Subdivision, NE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Parkwood Road.

Elkins presented the request and noted that the Homeowners Association has requested a continuation to allow the Homeowner's Association members to meet with the applicant. She noted that the staff recommends approval of the request with stipulations.

Brown moved to continue this item to the September 8, 2005 Planning Commission meeting with the understanding that the Homeowner's Association will meet with the owners before that date.

In response to a question from Brown, Elkins stated that she will contact the

Homeowner's Association representative after the meeting.

LeMay seconded the motion and the motion carried unanimously to continue the Major Amendment to the Planned Residential Development to allow a reduced front yard setback to the September 8, 2005 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

*35. No. 05PD054 - Schamber Addition

A request by Centerline for Brett & Patricia Lawlor to consider an application for a **Planned Residential Development - Initial and Final Plan** on Lots 1, 2 and 3, Block 5, Schamber Addition, SW1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4114 Sunset Drive.

Bulman presented the request noting that the property is not in compliance with the parking and zoning regulations. She noted that the staff is recommending denial of this request. Bulman informed the Commission that the applicant would like to continue this item in order to meet with staff to explore possible solutions. Bulman stated that there were numerous public comments from neighbors requesting denial of this request as well as letters presented as handouts on the dais from renters of the property supporting the request.

Courtney Clayborne, representing the applicants, requested to continue the application in order to address some of the issues. He noted that a building permit was issued for a single family home for prior owners with the note that the smaller house on the property was to be removed. Clayborne noted that the changes to be made on this property prompting this request are minor. He asked to continue the request to allow him to work with the City staff on a compromise.

Andrews moved, and seconded by Prairie Chicken to continue the request for two weeks to September 22, 2005, Planning Commission meeting.

Andrea Lambert, 4108 Sunset Drive, stated that the property was originally two residential lots, one lot with two houses and one lot for parking. She noted violations of the City Code exist on the property and she requested that the Codes be enforced.

Andrews moved, seconded by Prairie Chicken and carried unanimously to continue the Planned Residential Development - Initial and Final Plan to the September 22, 2005 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

Fisher asked to have items 36 and 37 considered concurrently.

36. No. 05PL144 - Hansen Heights

A request by Gregory Pinholt for Sidney A. Hansen to consider an application for a **Preliminary Plat** on Tract B, Block 4, Hansen Heights, located in Lot 7 in the

W1/2 of the SE1/4 SW1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 through 8 and 16, Block A, Hansen Heights, located in Lot 7 in the W1/2 of the SE1/4 SW1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Ivy Avenue and adjacent to the north side of East Saint Patrick Street.

37. No. 05SV053 - Hansen Heights

A request by Gregory Pinholt for Sidney A. Hansen to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, sidewalk, water and sewer along Birch Avenue; and to waive sidewalk and the dedication of additional right-of-way along St. Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code** on Tract B, Block 4, Hansen Heights, located in Lot 7 in the W1/2 of the SE1/4 SW1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 through 8 and 16, Block A, Hansen Heights, located in Lot 7 in the W1/2 of the SE1/4 SW1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Ivy Avenue and adjacent to the north side of East Saint Patrick Street.

Fisher informed the Planning Commission that the applicant has requested to deny the application without prejudice as they are not ready to go forward at this time. Staff recommended items 36 and 37 be denied without prejudice at the applicant's request.

Prairie Chicken moved, seconded by Brown and motion carried unanimously to deny without prejudice the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, sidewalk, water and sewer along Birch Avenue at the applicant's request. (6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

Vicky Fisher asked for the items 38 and 39 to be considered concurrently.

38. No. 05PL145 - Banks Subdivision

A request by Sperlich Consulting, Inc. for Bridgette Banks to consider an application for a **Layout and Preliminary Plat** on Lots 1 through 4, Banks Subdivision, located in the SE1/4 NE1/4 and NE1/4 SE1/4, Section 26, T2N, R6E, BHM, Pennington County, South Dakota, legally described as Tract B, less Lot H-1; Tract C, less Lot H-1; and Tract D, less Lot H-1; in the SE1/4 NE1/4 and Tract E, less Lot H-1 in the NE1/4 SE1/4, located in the SE1/4 NE1/4 and NE1/4 SE1/4, Banks Subdivision, Section 26, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the northeast side of Nemo Road and north of the intersection of Red Deer Road and Nemo Road.

39. No. 05SV054 - Banks Subdivision

A request by Sperlich Consulting, Inc. for Bridgette Banks to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer, additional pavement and to dedicate additional right-of-way along Nemo Road and the private access easement; and to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 4, Banks Subdivision, located in the SE1/4 NE1/4 and NE1/4 SE1/4, Section 26, T2N, R6E, BHM, Pennington County, South Dakota, legally described as Tract B, less Lot H-1; Tract C, less Lot H-1; and Tract D, less Lot H-1; in the SE1/4 NE1/4 and Tract E, less Lot H-1 in the NE1/4 SE1/4, located in the SE1/4 NE1/4 and NE1/4 SE1/4, Banks Subdivision, Section 26, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the northeast side of Nemo Road and north of the intersection of Red Deer Road and Nemo Road.

Fisher presented the requests and reviewed the slides and noted the staff's recommendations to approve the Preliminary Plat and the Subdivision Variance with stipulations.

Doug Sperlich, consulting engineer for the petitioner, noted that the proposed plat will reconfigure four lots. He noted the location of the existing easement is identified on the major street plan as an arterial street. He suggested that the requirement for dedicating the right-of-way would prevent the development of the lots. Sperlich expressed his opinion that this is not the right location for a road since the properties are very large.

Andrews moved and LeMay seconded to recommend approval of the Layout Plat with the following stipulations:

1. **Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed with a minimum eight inch water main and shall be designed to provide adequate fire and domestic flows. If individual well(s) are proposed, the location and construction of each well shall meet health department standards. In addition, the plat document**

- shall be revised to show utility easement(s) as needed;
3. Prior to Preliminary Plat approval by the City Council, construction plans for Nemo Road shall be submitted for review and approval. In particular, Nemo Road shall be located in a minimum 100 foot right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, construction plans for the existing 66 foot wide private access easement, or Bittersweet Road, shall be submitted for review and approval. In particular, Bittersweet Road shall be located in a minimum 100 foot right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. A Comprehensive Plan Amendment to the Major Street Plan shall be obtained to eliminate and/or relocate Bittersweet Road, a principal arterial street on the Major Street Plan;
5. 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, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated as per the Pennington County requirements. 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;
6. Prior to Preliminary Plat approval by the City Council, a site plan shall be submitted for review and approval identifying the location of the proposed approaches to each lot. If access is to be taken across an adjacent property, then the plat document shall be revised to show the street located in a minimum 49 foot wide access easement. In addition, construction plans for the access easement shall be submitted for review and approval showing the street constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
7. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
8. Prior to Preliminary Plat approval by the City Council, the property shall be rezoned to support the proposed lot size(s) or a lot size variance shall be obtained;
9. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing 66 foot wide private access easement as "Bittersweet Road";
10. Prior to submittal of a Final Plat application, a note shall be placed on the plat document stating that "An alternate drainfield area shall

- be identified upon submittal of a building permit”; and,
11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

And recommended approval of the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer, additional pavement along Nemo Road, the private access easement and the section line highway with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Nemo Road be tabled; and,
That the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way along the private access easement be approved.

Elkins noted that it is important to preserve the right-of-way so that tax payers do not have to acquire the right-of-way through condemnation. Elkins encouraged the Planning Commission to follow the Major Street Plan.

Doug Sperlich stated that they are not creating a subdivision although it may develop at a higher density in the future. He noted that he does not believe this is the right place for a road.

The motion failed 2 to 4 with LeMay and Andrews voting yes and Anderson, Prairie Chicken, Nash and Brown voting no.

Anderson left the meeting at 8:18 am and returned at 8:22 am.

Prairie Chicken moved, seconded by Brown and carried to recommend approval of the Layout Plat with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed with a minimum eight inch water main and shall be designed to provide adequate fire and domestic flows. If individual well(s) are proposed, the location and construction of each well shall

- meet health department standards. In addition, the plat document shall be revised to show utility easement(s) as needed;
3. Prior to Preliminary Plat approval by the City Council, construction plans for Nemo Road shall be submitted for review and approval. In particular, Nemo Road shall be located in a minimum 100 foot right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 4. Prior to Preliminary Plat approval by the City Council, construction plans for the existing 66 foot wide private access easement, or Bittersweet Road, shall be submitted for review and approval. In particular, Bittersweet Road shall be located in a minimum 100 foot right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. A Comprehensive Plan Amendment to the Major Street Plan shall be obtained to eliminate and/or relocate Bittersweet Road, a principal arterial street on the Major Street Plan;
 5. 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, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated as per the Pennington County requirements. 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;
 6. Prior to Preliminary Plat approval by the City Council, a site plan shall be submitted for review and approval identifying the location of the proposed approaches to each lot. If access is to be taken across an adjacent property, then the plat document shall be revised to show the street located in a minimum 49 foot wide access easement. In addition, construction plans for the access easement shall be submitted for review and approval showing the street constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 7. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval;
 8. Prior to Preliminary Plat approval by the City Council, the property shall be rezoned to support the proposed lot size(s) or a lot size variance shall be obtained;
 9. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing 66 foot wide private access easement as "Bittersweet Road";
 10. Prior to submittal of a Final Plat application, a note shall be placed

on the plat document stating that “An alternate drainfield area shall be identified upon submittal of a building permit”; and,

11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

And recommended approval of the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer, additional pavement along Nemo Road, the private access easement and the section line highway with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Nemo Road be tabled; and,

That the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way along the private access easement be denied.

(5 to 1 with Anderson, Andrews, Brown, Nash and Prairie Chicken voting yes and Andrews voting no.)

40. No. 05PL146 - Burson Subdivision

A request by Centerline for DJS Holdings, LLC to consider an application for a **Preliminary Plat** on Lot 1A and 1B of Lot M, Burson Subdivision, located in the E1/2, Section 19, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Lot M, Burson Subdivision, located in the E1/2, Section 19, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3788 East Highway 44.

Fisher presented the request and recommended approval of the Preliminary Plat with stipulations.

Andrews moved, seconded by LeMay and motion passed unanimously to approve the Preliminary Plat with the following stipulations:

1. Prior to Preliminary Plat approval by the Planning Commission, topographic information showing contours at five foot intervals shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the Planning Commission, a building survey showing the location of existing building(s), parking, landscaping and approaches shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, construction plans for School Drive shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, sidewalk, street light conduit and sewer along School Drive or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, construction plans for S.D. Highway 44 shall be submitted for review and approval. In particular, the construction plans shall show the

- installation of curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, construction plans for the access easement shall be submitted for review and approval. In particular, the construction plans shall show the access easement as a minimum 59 foot wide easement and constructed with a 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the access easement shall be removed from the plat document;
 6. Prior to Preliminary Plat approval by the City Council, Approach Permit(s) shall be obtained as needed from the South Dakota Department of Transportation for approaches located along S.D. Highway 44;
 7. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate for any required subdivision improvements shall be submitted for review and approval; 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.

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

41. No. 05SR043 - Rapid City Greenway Tracts

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

Bulman presented the request and recommended approval with stipulations.

Andrews moved, seconded by LeMay and carried unanimously to approve the 11-6-19 SDCL 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. A Floodplain Development Permit shall be obtained prior to the issuance of the Temporary Use Permit or all structures shall be relocated outside the 100 year floodplain and the floodway;
3. 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 the tent as required by Fire Code;
4. Adequate access for Fire Department apparatus must be continually maintained for the duration of the special event;
5. Prior to issuance of the Temporary Use Permit, a copy of the evacuation plan shall be submitted to the City and Pennington

- County Emergency Management Department for review and approval;
6. 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;
 7. All requirements of the Floodplain Development Ordinance, Chapter 15.32 of the Rapid City Municipal Code, shall be met at all times;
 8. No alcoholic beverages shall be allowed in the park;
 9. Prior to Planning Commission approval, a copy of the parking agreement for off-site parking shall be submitted for review and approval;
 10. The total number of restrooms (including handicapped accessible restrooms) to be provided shall be determined by the Building Official at the time a Temporary Use Permit is requested. In addition, if temporary restrooms are provided, they must be removed the same day as the event;
 11. Prior to obtaining a Temporary Use Permit, a person on site during the event shall be identified for emergency needs and to assure compliance with the 11-6-19 Review; and,
 12. The SDCL 11-6-19 Review to allow temporary structures on public property for use during the wedding reception shall be valid only for July 28, 2006 until 11:00 pm.

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

*42. No. 05UR012 - Nicholl's Subdivision

A request by Hengel Associates P.C. for Doyle D. Estes to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District** on Lot 2, less west 250 feet, Nicholl's Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1241 East Saint Joseph Street.

Bulman presented the request including the revised site plan distributed on the dais. She presented the recommendation for approval of the Conditional Use Permit with stipulations.

Doyle Estes, owner of the property, discussed the history of the property and asked that the Planning Commission strike the recommendation that the on-sale liquor establishment be operated in conjunction with a full service restaurant since it is planned to be used as a catering operation.

In response to a question from Elkins, Estes stated that he wants to keep his options open to use the facility as a pool hall if the restaurant business should fail.

Sue, DeDe, and Warner Ghere, local residents, submitted a petition objecting to

the request since there are numerous bars operational already in the neighborhood. They stated that the property is located in a small residential area. The Gheres presented a list of bars in the neighborhood to the Planning Commission for consideration.

Anderson asked if the applicant would be willing to accept approval to use the facility on a six month trial basis.

Estes stated that the investment in the business is costly and he stated that a six month trial basis is not acceptable.

Andrews moved and Prairie Chicken seconded to continue the request for a Conditional Use Permit to the September 22, 2005 Planning Commission Meeting.

Elkins advised that the application must be acted on by September 8, 2005.

DeDe Ghere expressed concern that there are already numerous liquor licenses operating in the area and noted the Dahl Fine Arts Center gives classes and has children getting in and out of the cars in this area.

Andrews amended the motion to continue the Conditional Use Permit to the September 8, 2005 Planning Commission meeting. Prairie Chicken accepted the amendment and the motion carried unanimously. (6 to 0 with Anderson, Andrews, Brown, LeMay, Nash, and Prairie Chicken voting yes and none voting no)

Brown left the meeting at 8:44 am.

Nash advised that a quorum was no longer present.

LeMay moved and Prairie Chicken seconded to continue the remaining agenda items 43 through 48 to the September 8, 2005 Planning Commission meeting.

Elkins suggested that items 45 through 48 be addressed in a special meeting as the applicants have waited for several meetings to speak to this item.

Talbot Wiczorek, representing the applicant, expressed concern that cellular service may be interrupted if the ordinances are not acted on as soon as possible.

Discussion followed concerning scheduling a special Planning Commission meeting for the items 45 through 48.

The motion carried unanimously to continue the remaining agenda items 43 to 48 to the September 8, 2005 Planning Commission meeting.

There being no further business, LeMay moved, Prairie Chicken seconded and

unanimously carried to adjourn the meeting at 8:52 a.m. (5 to 0 with Anderson, Andrews, LeMay, Nash, and Prairie Chicken voting yes and none voting no)