



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 8, 2005

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

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

Nash called the meeting to order at 7:02 a.m.

Elkins stated that this is a new Agenda and that the items one through eight have been placed at the beginning of the new agenda as directed from the Planning Commission at the September 1, 2005 Planning Commission meeting. Elkins stated that Items one through four are items related to the Microcell Wireless Communication antenna and that they may be taken concurrently. Elkins stated that the Planning Commission directed staff to find a date specific to continue these items.

1. No. 05OA006 – Ordinance Amendment
A request by the City of Rapid City to consider an application for an **Ordinance Amendment allowing Wireless Communication Facilities in certain zoning Districts by amending Sections 17.12.030, 17.14.030, 17.16.020, 17.16.030, 17.18.020, 17.18.030, 17.20.030, 17.22.020, 17.22.030, 17.24.020, 17.24.030, 17.30.030, 17.32.030, 17.34.020, 17.34.030, 17.36.020, 17.36.040, 17.40.030, 17.42.025, 17.46.020, 17.46.030, 17.48.020, 17.48.030, 17.56.020, 17.56.030 of the Rapid City Municipal Code.**
2. No. 05OA007 - Ordinance Amendment
A request by the City of Rapid City to consider an application for an **Ordinance Amendment revising the definition of Microcell Wireless Communication facilities by amending Section 17.04.483 of the Rapid City Municipal Code.**
3. No. 05OA008 - Ordinance Amendment
A request by the City of Rapid City to consider an application for an **Ordinance Amendment establishing standards for "Microcell" Wireless Communication Facilities by adding Section 17.50.400 of the Rapid City Municipal Code.**
4. No. 05OA009 - Ordinance Amendment
A request by the City of Rapid City to consider an application for an **Ordinance Amendment defining "Microcell" Wireless communication antenna by adding Section 17.04.484 of the Rapid City Municipal Code.**



Elkins requested that the Planning Commission set a date specific to continue these items. Discussion followed.

Talbot Wieczorek, representing Western Wireless, advised that the applicant's technical representative would not be available on September 15, 2005.

Elkins recommended that items one through four be continued to 7:00 p.m. on September 20, 2005.

Moved by Andrews, seconded by Anderson and unanimously carried to recommend that Ordinance Amendment allowing Wireless Communication Facilities in certain zoning Districts by amending Sections 17.12.030, 17.14.030, 17.16.020, 17.16.030, 17.18.020, 17.18.030, 17.20.030, 17.22.020, 17.22.030, 17.24.020, 17.24.030, 17.30.030, 17.32.030, 17.34.020, 17.34.030, 17.36.020, 17.36.040, 17.40.030, 17.42.025, 17.46.020, 17.46.030, 17.48.020, 17.48.030, 17.56.020, 17.56.030 of the Rapid City Municipal Code, and the Ordinance Amendment revising the definition of Microcell Wireless Communication facilities by amending Section 17.04.483 of the Rapid City Municipal Code, and Ordinance Amendment establishing standards for "Microcell" Wireless Communication Facilities by adding Section 17.50.400 of the Rapid City Municipal Code, and the Ordinance Amendment defining "Microcell" Wireless communication antenna by adding Section 17.04.484 of the Rapid City Municipal Code be continued to the Special Planning Commission meeting on September 20, 2005 at 7:00 p.m. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

5. 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 stated that the Conditional Use Permit to allow an on-sale liquor establishment is a continued item from the September 1, 2005 Planning Commission meeting. Bulman advised that initially the applicant's had intended that the subject property be a bar and a full service restaurant. Bulman stated that the applicant requested the option for the subject property to be a bar only or a catering facility. Bulman advised that the applicant has provided information that has been distributed on the dias. Bulman advised that the applicant will provide landscaping and sidewalk improvements on East St. Joseph Street and St. Francis Street. Bulman stated that the staff recommends approval of the Conditional Use Permit with stipulations.

John Salvas, area resident, stated his opposition to the approval of the Conditional Use Permit request. Salvas expressed concern with increased traffic



hazards resulting from a liquor establishment on the subject property. Salvas expressed concern with traffic hazards in close proximity to a number of single family dwellings in the neighborhood.

Dede Ghere, area resident, expressed concern with increased traffic hazards and trash as a result of a liquor establishment on the subject property. Ghere stated her opinion that a liquor establishment would have an adverse effect on the minors in the neighborhood. Ghere stated her opposition to an on-sale liquor establishment on the subject property.

Brian Garofalo, area resident expressed his opinion that the establishment would not cater to South Dakota School of Mines student body. Garafalo expressed his opinion that the on-sale liquor use on the subject property would not be in the best interest of the surrounding single family dwellings.

Sue Garofalo, area resident, presented a petition in opposition to the on-sale liquor use on the subject property. Garofalo expressed her opinion that increased traffic hazards and parking complications would result in the surrounding neighborhood from an on-sale liquor establishment on the subject property. Garofalo stated her opposition to approve of the application for an on-sale liquor use on the subject property.

Carl Douglas, area resident, presented documentation opposing the application for a liquor license on the subject property. Douglas expressed concern for young children in the neighborhood as a result of the increased traffic and perilous driving from a liquor establishment on the subject property. Douglas expressed his opinion that a liquor establishment is not in the best interest of the neighborhood. Douglas stated that he would support another type of business other than an on-sale liquor establishment.

Sue Garofalo stated her opinion that the police records are available for review that would substantiate the increased hazards from bar traffic in the neighborhood from the subject property.

In response to Nash's comment, Elkins advised that action by the Planning Commission is final unless an appeal is filed.

Doyle Estes, petitioner, stated that he did not own the prior liquor establishment. that he has not had a liquor license revoked and that he was not challenged by City Council on a liquor license. Estes presented a police report that gave a favorable recommendation on the subject property. Estes stated that e-mails were submitted to the Planning Commission members from area residents in favor of the on-sale liquor establishment. Estes commented that the subject property meets sufficient parking requirements. Estes advised that the area is zoned commercial and meets the criteria set forth by the City of Rapid City for permitted use. Estes stated that he would withdraw his objection to stipulation number one and will operate as a full service restaurant.

Schmidt expressed his opinion that the audience presumption is that the outcome for the permitted use would be detrimental to the neighborhood.



Schmidt stated his opinion that the on-sale liquor establishment is a proper use for the subject property. Schmidt commented that the liquor license would be monitored by the City of Rapid City.

Anderson moved, Brown seconded to approve the Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District with the following stipulations:

1. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant;
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. A revised landscaping plan shall be provided prior to Planning Commission and the landscaping plan shall continually comply with all provision of the Zoning Ordinance and be maintained in a live vegetative state and replaced as necessary. In addition, curb stops of some form of landscape protection device around plant material must be included in the landscaping plan;
5. A five foot curbside sidewalk shall be placed adjacent to E. St. Joseph Street frontage prior to a Certificate of Occupancy;
6. The abandoned roof sign shall be removed prior to obtaining a Building Permit and a sign package shall be submitted prior to Planning Commission or an Amendment to the Conditional Use Permit shall be required;
7. A Sign Permit shall be obtained prior to any signs being placed on the subject property;
8. A revised site plan shall be provided indicating water, sewer and utility service lines on the subject property prior to obtaining a Building Permit;
9. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupying the building;
10. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 1 with Anderson, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and Andrews, voting no.)

6. No. 05UR013 - Marshall Heights Subdivision No. 2

A request by Wendel Pptratz of ProGroup, Inc. for Jim Keohler of JPK Hospitality to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District** on Tract D, Marshall Heights Subdivision No. 2, located in SW1/4 of NE1/4; SE1/4 of NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 625 East Disk Drive.

Elkins advised that the applicant has requested that the Conditional Use Permit



be continued to the September 22, 2005 Planning Commission Meeting.

Andrews moved, Prairie Chicken seconded and unanimously carried to continue the Conditional Use Permit to the September 22, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

7. No. 05UR014 - MJK Subdivision

A request by Henriksen, Inc. for Jay Hagen/Hagen Glass Co., Inc. to consider an application for a **Conditional Use Permit to allow a wholesale and distribution center in excess of 5,000 square feet in size** on Lot 3 of Parcel A of MJK Subdivision located in the NE1/4 of the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land that is located in a portion of Parcel A of MJK Subdivision located in the NE1/4 of the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, that lies within the following description: commencing at a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" at the southeast corner of Lot 2 of Parcel A of MJK Subdivision; thence S00 07'17"E, 224.39 feet to a 5/8" rebar with survey cap marked "LS 2652"; thence S04 11'47"W, 217.29 feet to a point; thence S89 56'47"W, 284.08 feet to a point on the east lot line of Common Area C of Dakota Ridge Subdivision; thence N00 04'16"W, 267.25 feet to a 5/8" rebar with survey cap marked "LS 2652" at the southeast corner of Lot 10 of Block 4 of Dakota Ridge Subdivision; thence N00 02'57"E, 55.10 feet to a 5/8" rebar with survey cap marked "LS 2652" at the northeast corner of Lot 10 of Block 4 of Dakota Ridge Subdivision; thence N00 12'53"W, 54.81 feet to a 5/8" rebar with survey cap marked "LS 2652" at the northeast corner of Lot 9 of Block 4 of Dakota Ridge Subdivision; thence N00 03'04"W, 55.24 feet to a 5/8" rebar with survey cap marked "LS 2652" at the northeast corner of Lot 8 of Block 4 of Dakota Ridge Subdivision; thence N00 14'47"E, 8.76 feet to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" on the east lot line of Lot 7 of Block 4 of Dakota Ridge Subdivision and at the southwest corner of Lot 2 of Parcel A of MJK Subdivision; thence N89 57'43"E, 300.01 feet to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" at the southeast corner of Lot 2 of Parcel A of MJK Subdivision at the point of beginning; all located within a portion of Parcel A of MJK Subdivision located in the NE1/4 of the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City; said parcel containing 3.000 acres more or less, more generally described as being located south of Heartland Drive, west of South Highway 79.

Bulman presented the Conditional Use Permit request to allow a wholesale distribution center in excess of 5,000 square feet. Bulman commented that a glass wholesale distribution facility and a warehouse facility is proposed to be located on the subject property. Bulman advised that the applicant has complied with all the stipulations with the exception of no outside storage or displays and the dumpster location on the subject property. Bulman stated that staff does not support the applicant's requested modifications of the stipulations.

Jay Hagen, President of Hagen Glass Company, requested that cargo trailers be allowed to be stored outdoors on the subject property primarily after business hours. Hagen requested that the portable solarium for trade show purposes also



be permitted to be stored in the parking lot primarily after business hours. Hagen requested that the large rollout dumpster for construction materials be allowed at the proposed location. He advised that the dumpster would not be visible from the adjacent residential neighborhood. Discussion followed.

Elkins advised that the subject property is zoned General Commercial and the Planning Commission does not have authority to permit outside storage in that zoning District. Elkins stated that a Code Amendment would need to be submitted and approved before outside storage is allowed in the General Commercial Districts. Discussion followed.

Discussion followed on the proposed outdoor storage.

Andrews moved to approve the Conditional Use Permit to allow a wholesale and distribution center in excess of 5,000 square feet in size with the following stipulations;

- 1. Prior to any construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to obtaining a building permit, all plans shall be prepared and stamped by a registered architect or engineer as per South Dakota Codified Law 36-18A.**
- 3. An Air Quality Permit shall be obtained if area of disturbance exceeds one acre;**
- 4. All site lighting shall be directed away from the adjacent rights-of-way and adjacent properties;**
- 5. The signage shall comply with the submitted signs indicated on the site plan or an Amendment to the Conditional Use Permit shall be obtained;**
- 6. The proposed structure shall be fully fire sprinklered and fire alarmed as per the International Fire Code;**
- 7. A minimum of two fire hydrants shall be provided;**
- 8. All applicable provisions of the International Fire Code shall be continually met;**
- 9. No outside storage or display will be allowed on the subject property;**
- 10. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 11. The proposed structure shall conform architecturally to the plans and elevations submitted;**
- 12. A revised landscaping plan shall be submitted for review and approval prior to the Planning Commission meeting;**
- 13. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 14. Prior to Planning Commission, an elevation plan and material plan shall be submitted for review and approval to indicate an opaque screening fence, not to include chain link with slats, on the west property line adjacent to the residential uses;**
- 15. No trucks will be allowed to be left running on the property after 9 pm or before 7 am;**



16. **The Conditional Use Permit will be limited to the sale and storage of glass, windows, doors, aluminum and composite panels, curtainwall systems, handrails, automatic entrances, wall panels, skylights, revolving doors, mirrors, siding, shower doors, and solarium sales, and warehousing only. Any changes in use will require a Major Amendment to the Conditional Use Permit; and,**
- 17 **The Conditional Use Permit shall expire if the use is not undertaken and completed within five years of the date of approval by the Planning Commission or if the use as approved has ceased for a period of two years; and,
The motion died for the lack of a second.**

Elkins advised that the adjacent residential homes house military families and the notice for the Conditional Use Permit was sent to the corporation that leases the residences to the Federal Government. Discussion followed.

Elkins explained that staff is concerned with the dumpster location in close proximity to residences and noise levels from garbage pickup. Discussion continued.

Andrews moved, Brewer seconded to approve the Conditional Use Permit to allow a wholesale and distribution center in excess of 5,000 square feet in size with the following amended stipulations:

1. **Prior to any construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **Prior to obtaining a building permit, all plans shall be prepared and stamped by a registered architect or engineer as per South Dakota Codified Law 36-18A.**
3. **An Air Quality Permit shall be obtained if area of disturbance exceeds one acre;**
4. **All site lighting shall be directed away from the adjacent rights-of-way and adjacent properties;**
5. **The signage shall comply with the submitted signs indicated on the site plan or an Amendment to the Conditional Use Permit shall be obtained;**
6. **The proposed structure shall be fully fire sprinklered and fire alarmed as per the International Fire Code;**
7. **A minimum of two fire hydrants shall be provided;**
8. **All applicable provisions of the International Fire Code shall be continually met;**
9. **No outside storage or display will be allowed on the subject property;**
10. **The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
11. **The proposed structure shall conform architecturally to the plans and elevations submitted;**
12. **A revised landscaping plan shall be submitted for review and approval prior to the Planning Commission meeting;**
13. **The landscaping plan shall continually comply with all requirements**



- of the Zoning Ordinance and the approved landscape plan;
14. Prior to Planning Commission, an elevation plan and material plan shall be submitted for review and approval to indicate an opaque screening fence, not to include chain link with slats, on the west property line adjacent to the residential uses;
 15. No trucks will be allowed to be left running on the property after 9 pm or before 7 am;
 16. Prior to Planning Commission, a revised site plan shall be submitted for review and approval indicating the location of a screened dumpster;
 17. The Conditional Use Permit will be limited to the sale and storage of glass, windows, doors, aluminum and composite panels, curtainwall systems, handrails, automatic entrances, wall panels, skylights, revolving doors, mirrors, siding, shower doors, and solarium sales, and warehousing only. Any changes in use will require a Major Amendment to the Conditional Use Permit; and,
 18. The Conditional Use Permit shall expire if the use is not undertaken and completed within five years of the date of approval by the Planning Commission or if the use as approved has ceased for a period of two years; and,
 19. Refuse hauling is allowed only during the hours between 8:00 a.m. and 5:00 p.m. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

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

Staff requested that Items 10, 14, 15 and 20 be removed from the Non-Hearing Consent Agenda for separate consideration.

Anderson requested that Items 12 and 17 be removed from the Non-Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 18 and 19 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by LeMay, Seconded by Andrews and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 8 thru 21 in accordance with the staff recommendations with the exception of Items 10, 12, 14, 15, 17, 18, 19 and 20. (8 to 0 with Anderson, Andrews, Brewer Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

8. No. 05AN010 - Canyon Park Estates
A request by Stephen and Elizabeth McCarthy to consider an application for a



Petition for Annexation on Lot 1, Tract K-1, Canyon Park Estates, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 5740 West Highway 44.

The Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the Johnson Siding Fire Protection District being paid by the City of Rapid City.

9. No. 05AN012 - Sletten Addition

A request by Sperlich Consulting, Inc. for Walter and Sandra Bebout to consider an application for a **Petition for Annexation** on the west 33 feet of Tract 5, Sletten Addition, located in the W1/2 NW1/4 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north and west of West Nike Road.

The Planning Commission recommended that the Petition for Annexation be approved for the west 33 feet of Tract 5, Sletten Addition, located in the W1/2 NW1/4 SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota less the southern most portion of the section line right-of-way located within Tract 5 of Sletten Addition in the SW1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota, already located in the City limits, contingent on any payment due to the North Elk Fire Protection District being paid by the City of Rapid City.

11. 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.

The Planning Commission recommended that the Preliminary Plat be continued to the September 22, 2005 Planning Commission meeting.

13. No. 05PL155 - Gemstone Subdivision

A request by Centerline, Inc. for Lazy P-6 Properties, LLC to consider an application for a **Preliminary Plat** on Lots 4, 5 and 7 through 20, Block 1; Lots 1 through 13, Block 2; Lots 2 through 9, Block 3; located in the N1/2 NW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of Government Lot 1, located in the N1/2 NW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East Catron Boulevard and Fifth Street.

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

1. **Prior to Planning Commission approval of the Preliminary Plat, a**



Master Plan for the unplatted balance shall be submitted for review and approval;

2. **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;**
3. **Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to provide a water service line and wastewater service line to all of the lot(s) or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
5. **Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the first fifty feet of all corner lot(s) as per the Street Design Criteria Manual; and,**
6. **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.**

16. No. 05RD003 - Section 9, T1N, R8E

A request by the City of Rapid City to consider an application for a **Road Name Change of the south end of Elk Vale Road to Lancer Drive** on a portion of Tract D, located in NE1/4 NW1/4 Section 9; and Tract A, located in the SE1/4 SW1/4 Section 4; and the NE1/4 NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as Elk Vale Road between Turbine Drive and East Highway 44.

The Planning Commission recommended approval of the road name change to Lancer Road for the portion of Elk Vale Road lying south of Concourse Drive and north of the old overpass on SD Highway 44.

21. No. 05SR049 - Section 5, T1N, R8E

A request by Sperlich Consulting, Inc. for James Letner to consider an application for an **SDCL 11-6-19 Review to allow Saint Charles Street improvements and storm sewer in Creek Drive Right-of-Way** on Lot B of Lot 3, Tract D, located in the SW1/4 SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1720 East Saint Patrick Street.

The Planning Commission approved the 11-6-19 SDCL Review to allow St. Charles Street Improvements and Storm Sewer in Creek Drive Right-of-Way with the following stipulations:

1. **A Flood Plain Development Permit shall be obtained prior to construction on that portion of the subject property that lies within the federally designated 100 year flood plain;**
2. **East St. Charles Street shall be 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; In addition, the construction plans shall be revised to address red lined comments;

3. Creek Drive storm sewer shall be built in accordance with the submitted plans; In addition, the construction plans shall be revised to address red lined comments;
4. Prior to the start of construction, a 404 permit shall be obtained from the U.S. Army Corps of Engineers if needed; and,
5. A geotechnical report for pavement design and subgrade preparation shall be submitted for review and approval.

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

10. 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.

Elkins requested that the Preliminary Plat be continued to the October 27, 2005 Planning Commission meeting at the applicant's request.

Schmidt moved, Brown seconded and unanimously carried to continue the Preliminary Plat to the October 27, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

12. No. 05PL152 - Shipman Heights Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lot 1, Shipman Heights Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of NE1/4 NW1/4 NW1/4, lying east of Highway 16; W1/2 NW1/4 NE1/4 NW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of U.S. Highway 16 and Tucker Street.

Brewer stated that he would abstain from the discussion and the vote on this issue due to a conflict of interest.

Brown moved, Anderson seconded and unanimously carried to approve 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;
 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;
 7. Upon submittal of a Preliminary Plat application, road construction plans for US Highway 16 shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained;
 8. Upon submittal of a Preliminary Plat application, road construction plans for Promise Road 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. The right-of-way may be dedicated on the plat document or as an "H Lot". In addition, the intersection of Promise Road and US Highway 16 will be limited to a right-in and a right out only turning movement until the access onto US Highway 16 is closed;
 9. Upon submittal of a Preliminary Plat application, road construction plans for Tucker Street shall be submitted for review and approval. In particular, the road construction plans shall show Tucker Street as it abuts the subject property located in a minimum 60 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. In addition, the plat document shall be revised to show the dedication of five additional feet of right-of-way;
 10. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement with the South Dakota Department of Transportation to eliminate the intersection of Tucker Street and US Highway 16 at such time as the Catron Boulevard/US Highway 16 interchange is constructed or Promise Road is constructed providing a street connection to the north of the property or a safety issue arises at the intersection of Tucker Street and US Highway 16. In



addition, the right-of-way for Promise Road as it extends north of the subject property shall be dedicated as an "H Lot" and the applicant shall sign a waiver of right to protest any future assessments for the improvements to Promise Road;

- 11. 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;**
- 12. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 13. Prior to submittal of a Final Plat application, the plat document shall be revised to add "Director" to the Certificate of Growth Management; and,**
- 14. 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 to 1 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no and Brewer abstaining.)**

14. No. 05PL156 - Edgewood Estates Addition

A request by Kadrmas, Lee and Jackson for Edgewood Estates, Ltd. Partnership to consider an application for a **Preliminary Plat** on Lot 1, Block 1, Edgewood Estates Addition, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land lying in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; more particularly described as follows: commencing at the southeast corner of Lot 1, Block 5, of the plat of Auburn Hills Subdivision; which is the point of beginning, Thence S00°10'40"W for 3.16 feet; Thence along a curve to the right with a delta angle of 40°01'48", a radius of 174.00 feet and an arc length of 121.57 feet; Thence S40°12'27"W for 137.94 feet; Thence along a curve to the left with a delta angle of 40°01'24", a radius of 226.00 feet and an arc length of 157.87 feet; Thence S00°11'12"W for 301.03 feet; Thence S89°57'18"W for 453.00 feet; Thence N00°11'33"E for 525.90 feet; Thence S90°00'00"W for 92.67 feet; Thence N00°17'45"E for 137.35 feet; Thence N89°43'49"E for 727.74 feet to said point of beginning. Said tract contains 345,863 square feet or 7.94 acres, more generally described as being located at 4500 Chalkstone Drive.

Fisher presented the Preliminary Plat application to be known as the Edgewood Estates Addition. Fisher stated that staff is working with the applicant to provide a minimum 75 foot separation between the applicant's driveway and a driveway to an adjacent development. Fisher commented that staff is recommending that the Preliminary Plat be continued to the September 22, 2005 Planning Commission meeting.



Prairie Chicken moved, Brown seconded and unanimously carried to continue the Preliminary Plat to the September 22, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

15. No. 05PL157 - Prairiefire Subdivision

A request by Britton Engineering & Land Surveying for Prairiefire Investments, LLC to consider an application for a **Preliminary Plat** on Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 NE1/4, less the Eisenbraun Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.

Fisher requested that the Preliminary Plat be continued to the September 22, 2005 Planning Commission meeting at the applicant's request.

Schmidt moved, Prairie Chicken seconded and unanimously carried to continue the Preliminary Plat to the September 22, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

17. 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 **SDCL 11-6-19 Review to allow the construction of a public lift station** on 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.

Anderson moved, Schmidt seconded and unanimously carried to continued the 11-6-19 SDCL Review to allow the construction of a public building on public land to the September 22, 2005 Planning Commission meeting to allow the applicant to submit additional information. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

Mike Kenton, requested that items 18 and 19 be taken concurrently.

18. No. 05SR044 - Section 4, T1N, R7E

A request by Rob Danielson with Seco Construction to consider an application for an **SDCL 11-6-19 Review to allow the construction of a 20 foot by 20 foot storage shed to be used as equipment storage on public land** on Tracts A and B of the SE1/4 NE1/4 and the NE1/4 SE1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1003 Soo San Drive.

19. No. 05SR045 - Section 12, T1N, R7E

A request by Rob Danielson with Seco Construction to consider an application



for an **SDCL 11-6-19 Review to allow the construction of a 20 foot by 20 foot storage shed to be used as equipment storage on public land** on Tract F and the north half of vacated Meade Street located south and adjacent to the west half of vacated Circle Drive and Lots 1 through 43 and the west half of vacated Lincoln Avenue adjacent to north half of vacated Grand Boulevard and Block A and half of vacated Circle Drive, a/k/a Park Circle located adjacent to said Block A and lots 1 through 43 and east half of vacated Lincoln Avenue adjacent to north half vacated Grand Boulevard and Block D through E and the south half vacated Grand Boulevard adjacent to said blocks south of Park, Block 20, Block A; Block 21, Block D; Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Indiana Street between Oak Avenue and Maple Avenue and south of Meade Street.

Mike Kenton, Director of Support Services for the Rapid City School District, stated that Seco Construction is constructing storage sheds at South and West Middle Schools for the School District. Kenton advised that the sheds are replacement sheds and are utilized for storage of physical education equipment. Kenton expressed his opinion that the 20 foot road stipulation would be a burden to the School District in comparison to the value of the sheds. Kenton requested that the stipulation for the 20 foot road requirement be struck.

In response to Schmidt's question, Kenton stated his opinion that the access would not be necessary for emergency service purposes.

Elkins commented that the standard requirement is for a 20 foot paved access for vehicles to accessory structures in this situation. Elkins stated that the proper process is to grant an exception through the 11-6-19 review. Elkins advised that the Planning Commission could modify the stipulation to make an exception to the requirement to pave an access to the proposed structures. Discussion followed.

Brown moved, Prairie Chicken seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the construction of a 20 foot by 20 foot Storage Shed to be used as equipment storage on public land with the following stipulation:

2. A Building Permit shall be obtained for the shed. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

20. No. 05SR046 - McMahan Industrial Park No. 2

A request by RealCom Association for Alltel (formerly Western Wireless) to consider an application for an **SDCL 11-6-19 Review to allow the installation of twelve existing antennas and four new antennas on an existing 100 foot tower** on Lot 2, Block 9, McMahan Industrial Park No. 2, located in the NW1/4 SE1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3060 Haines Avenue.

Bulman stated that the staff's recommendation is that the 11-6-19 Review be



continued to the September 22, 2005 Planning Commission meeting at the applicant's request. Discussion followed.

In response to Anderson's questions, Elkins commented that communication towers fall under the Public Utilities Commission regulations and are considered to be a utility.

Prairie Chicken moved, LeMay seconded and unanimously carried to continue the SDCL 11-6-19 Review to the September 22, 2005 Planning Commission meeting at applicant's request. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

Nash announced that the Public Hearings on Items 22 through 32 were opened.

Staff requested that Items 25, 26, 28 and 31 be removed from the Hearing Consent Agenda for separate consideration.

The Planning Commission member requested that Items 30 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 22 through 32 in accordance with the staff recommendations with the exception of Items 25, 26, 28, 30 and 31. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

The Public Hearings for Items 22 through 32 were closed.

---HEARING ITEMS CONSENT CALENDAR---

22. No. 05CA034 - Schlottman Addition
A request by Mark and Sandra Armstrong d/b/a Sand Mark II, LLC to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation from Residential to Light Industrial** on Lot I of Tract A of Schlottman Addition, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2302 East Saint Andrew Street.

The Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation from Residential to Light Industrial be approved.

23. No. 05RZ050 - Schlottman Addition
A request by Mark and Sandra Armstrong d/b/a Sand Mark II, LLC to consider an application for a **Rezoning from General Commercial District to Light Industrial District** on Lot I of Tract A of Schlottman Addition, located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2302 East Saint Andrew Street.



The Planning Commission recommended that the Rezoning from General Commercial District to Light Industrial District be approved contingent upon the associated Comprehensive Plan Amendment (05CA034) being approved.

24. 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.

The Planning Commission continued the Planned Residential Development - Initial and Final Plan to allow the construction of eight duplexes and one four plex to the September 22, 2005 Planning Commission meeting at the applicant's request.

27. No. 05RZ051 - Section 11, T1N, R7E

A request by the City of Rapid City to consider an application for a **Rezoning from Park Forest District to Office 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 adjacent to the west side of U.S. Highway 16 and north of Tower road.

The Planning Commission recommended that the Rezoning from Park Forest District to Office Commercial District be approved.

29. 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 Chapter 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.

The 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 September 22, 2005 Planning Commission meeting.

32. No. 05VR009 - Riverside Addition

A request by ARC International, Inc. for First Western Properties, LLC to consider an application for a **Vacation of Right-of-Way** on a ten foot wide strip of the Eleventh Street right-of-way located adjacent to Lot 1, Block 3; Lot 26, Block 3; and Tract A, Block 4, Riverside Addition, all located in SE1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the east and west sides of Eleventh Street between Omaha Street and Rapid Street.

The Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulations:

1. **Prior to Planning Commission approval, a site survey showing the location of the existing pavement, curb, gutter, sidewalk, street light conduit and public and private utilities shall be submitted for review and approval; and,**
2. **Prior to City Council approval, a utility easement for that portion of Eleventh Street to be vacated shall be recorded at the Register of Deed's Office.**

---END OF HEARING CONSENT CALENDAR---

25. No. 05PD055 - Northside Addition

A request by Fisk Land Surveying & Consulting Engineers for Marty Jacob - MBJ, Co. to consider an application for a **Planned Light Industrial Development - Initial and Final Development Plan** on Lots 1 through 8 and Lots 21 through 28, Block 7; Lots 1 through 7, Block 12; and vacated alley and East Monroe Street, all located in Northside Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of East Adams Street and Gold Finch Road and at the southwest corner of East Monroe Street and Gold Finch Road.

Elkins requested that the Planned Light Industrial Development - Initial and Final Development Plan be continued to the September 22, 2005 Planning Commission meeting to allow time for the staff to prepare a recommendation. Elkins stated that the applicant is in concurrence with staff's recommendation.

Andrews moved, Brewer seconded and unanimously carried to continue the Planned Light Industrial Development - Initial and Final Development



Plan to the September 22, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

26. No. 05PD058 - Edgewood Estates Addition

A request by Kadrmas, Lee & Jackson for Edgewood Estates, Ltd. Partnership to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on a tract of land lying in the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; more particularly described as follows: commencing at the southeast corner of Lot 1, Block 5, of the plat of Auburn Hills Subdivision; which is the point of beginning, Thence S00°10'40"W for 3.16 feet; Thence along a curve to the right with a delta angle of 40°01'48", a radius of 174.00 feet and an arc length of 121.57 feet; Thence S40°12'27"W for 137.94 feet; Thence along a curve to the left with a delta angle of 40°01'24", a radius of 226.00 feet and an arc length of 157.87 feet; Thence S00°11'12"W for 301.03 feet; Thence S89°57'18"W for 453.00 feet; Thence N00°11'33"E for 525.90 feet; Thence S90°00'00"W for 92.67 feet; Thence N00°17'45"E for 137.35 feet; Thence N89°43'49"E for 727.74 feet to said point of beginning. Said tract contains 345,863 square feet or 7.94 acres, more generally described as being located at 4500 Chalkstone Drive.

Fisher presented the Planned Residential Development for the Edgewood Estates Addition. Fisher advised that the applicant has requested that the Planned Residential Development - Initial and Final Development Plan be continued to the September 22, 2005 Planning Commission meeting.

Andrews moved, Brewer seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the September 22, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

28. No. 05SV021 - Gravatt Subdivision

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

Elkins requested that the Variance be continued with the associated Preliminary Plat to the October 27, 2005 Planning Commission meeting.



Andrews moved, Brown seconded and unanimously carried to continue the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code to the October 27, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

30. No. 05SV058 - Shipman Heights 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, street light conduit and sidewalk along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1, Shipman Heights Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of NE1/4 NW1/4 NW1/4, lying east of Highway 16; W1/2 NW1/4 NE1/4 NW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of U.S. Highway 16 and Tucker Street.

Brewer stated that he would abstain from the discussion and the vote on this issue due to a conflict of interest.

Andrews moved, Anderson seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk along U.S. Highway 16 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 assessment for the improvements. (7 to 0 to 1 with Anderson, Andrews, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no and Brewer abstaining.)**

31. No. 05SV060 - Prairiefire Subdivision

A request by Britton Engineering & Land Surveying for Prairiefire Investments, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, streetlight conduit; and dedicate additional right-of-way; and allow platting one half of a right-of-way** on Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 NE1/4, less the Eisenbraun Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.

Fisher requested that the Variance to the Subdivision Regulations for Prairiefire Subdivision be continued to the September 22, 2005 Planning Commission meeting to allow the petitioner to review the proposed recommended stipulations of approval with staff.



Schmidt moved, Andrews seconded and unanimously carried to continue the Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, streetlight conduit; and dedicate additional right-of-way; and allow platting one half of a right-of-way to the September 22, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

---BEGINNING OF REGULAR AGENDA ITEMS---

33. 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 stated that the staff is recommending that the Major Amendment to the Planned Residential Development to allow a reduced front yard setback on Lots 59 and 60 in Woodridge Subdivision be approved with stipulations Elkins advised that the applicant is present and the representative of the Homeowners Association is also present. Elkins commented that the stipulations have been met by the applicant and staff is recommending that the Major Amendment be approved.

Fred Thurston stated that he has met with the applicant on behalf of the Homeowner's Association and requested a landscape plan and a sample of the siding. Thurston requested that the Major Amendment be continued to allow the representatives of the Homeowner's Association and the applicant to continue their discussions. Discussion followed.

Elkins clarified that the Planning Commission is not in a position to enforce private covenants. Discussion followed.

Brewer stated that he would abstain from the discussion and the vote on this issue due to a conflict of interest.

Anderson moved, Andrews seconded and unanimously carried to continue the Major Amendment to the Planned Residential Development to the September 22, 2005 Planning Commission meeting. (7 to 0 to 1 with Anderson, Andrews, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no and Brewer abstaining.)

34. No. 05PD059 - Big Sky Business Park

A request by James Lushbough, ARC International, Inc. for Black Hills Federal Credit Union to consider an application for a **Planned Commercial Development - Final Development Plan to allow the construction of a commercial structure** on Lot 1, Block 1, located in the SW1/4 NW1/4 and the



S1/2 NW1/4, Big Sky Business Park, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of Homestead Street and Timmons Boulevard.

Bulman stated that the applicant has met the recommended stipulations of approval for the Planned Commercial Development and have provided revised landscape plans. Bulman commented that the dumpsters will stay at the location and the applicant will provide a screening fence for the dumpster. Bulman reviewed an additional stipulation for a fence height exception that will be required prior to building permit application as the dumpster is located within a 25 foot front yard setback.

In response to Nash's questions, Bulman advised that the applicant may not be aware of the additional stipulation.

Andrews moved, LeMay seconded and unanimously carried to approve the Planned Commercial Development - Final 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. **The proposed structure shall conform architecturally to the plans and elevations submitted;**
5. **All site lighting shall be directed away from the adjacent rights-of-way and residential zoned properties as shown on the site plan;**
6. **No off-premise, flashing or electronic motion signs shall be permitted for the proposed Planned Commercial Development;**
7. **The proposed ground sign with message center shall only display the time, temperature and on-premises messages;**
8. **An exception is hereby granted to allow driveway approaches at Timmons Boulevard and Homestead Street to be 36 feet in width;**
9. **The landscaping plan shall continually comply with all requirements of the Zoning Ordinance;**
10. **The parking plan shall continually comply with all other requirements of the Zoning Ordinance;**
11. **All applicable provisions of the International Fire Code shall be continually met;**
12. **Prior to obtaining a Building Permit, a drainage plan shall be submitted for review and approval indicating no runoff discharge to the Homestead Street approach;**
13. **Prior to obtaining a Building Permit, revised grading and drainage plans shall be submitted to address the relocation of the Type B inlet;**
14. **Prior to Planning Commission, the location and screening of the proposed dumpster shall be provided for review and approval;**



15. **Prior to Planning Commission, the 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;**
16. **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; and,**
17. **That a fence height exception be obtained prior to obtaining a building permit for a fence surrounding the dumpster that is located within the 25 foot setback. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)**

Fisher requested that items 35 and 36 be taken concurrently.

35. No. 05PL151 - Falcon Crest Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Tracts A, B and C, Falcon Crest Subdivision, E1/2 W1/2 SW1/4 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as E1/2 W1/2 SW1/4 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the southern terminus of Countryside Boulevard.

36. No. 05SV057 - Falcon Crest Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the installation of curb, gutter, sidewalk, streetlight conduit, water and sewer at Countryside Boulevard and to waive the installation of curb, gutter, sidewalk, streetlight conduit, sewer and pavement along the common access easement and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts A, B and C, Falcon Crest Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as E1/2 W1/2 SW1/4 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the southern terminus of Countryside Boulevard.

Fisher reviewed the proposed development and presented slides of Layout Plat Fisher stated that staff's recommendation is that the Layout Plat be approved with stipulations. Fisher advised that staff' also recommend that the associated Variances to the Subdivision Regulations be approved with stipulations as outlined in the Staff Report. Fisher commented that the applicant is in concurrence with the staff's recommendations.

In response to Schmidt's questions, Fisher advised that requiring curb and gutter on only one side of the development is consistent with prior construction in the area.

In response to Schmidt's question, Fisher advised that the density of development will be increased by two lots. Discussion followed.



Andrews expressed his support for approval of the Layout Plat and the Variances be in accordance with the staff recommendations so that development could go forward to make the future road connections. Discussion followed.

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

- 1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design must be submitted for review and approval;**
- 2. A Special Exception to the Street Design Criteria Manual to allow a 1,000 foot long cul-de-sac with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with intermediate turnarounds every 600 feet shall be granted with the stipulation that a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented. Prior to Preliminary Plat approval by the City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;**
- 3. A Special Exception is hereby granted to allow 103 dwelling units in lieu of 40 dwelling units with one point of access with the stipulation that a note be placed on the plat stating that the property may not be further subdivided;**
- 4. Upon submittal of a 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;**
- 5. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 6. Upon submittal of a Preliminary Plat application, road construction plans for Countryside Boulevard shall be submitted for review and approval. In particular, Countryside Boulevard shall be located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or the street shall be located in a minimum 60 foot wide right-of-way and 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. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street shall be posted with no parking signs;**
- 7. Upon submittal of a Preliminary Plat application, road construction plans for the access easement shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or the street shall be located in a minimum**



- 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street shall be posted with no parking signs;
8. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show access to proposed Tract C. In addition, road construction plans for the street shall be submitted for review and approval. The road construction plans shall show the street located in a minimum 49 foot wide easement or right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or the street shall be located in a minimum 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street shall be posted with no parking signs. In addition, a turnaround shall be provided at the end of the street with a minimum 110 foot wide diameter easement or right-of-way and constructed with a minimum 92 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water or a hammerhead turnaround in compliance with the City's Fire Department requirements for fire apparatus access shall be provided;
 9. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains, fire hydrants and water lines, including the size of the proposed water lines 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 addition, the proposed aquifer and anticipated depth of the well(s) shall be identified. The plat document shall also be revised to show utility easement(s) as needed;
 10. 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. If a central sewer system is proposed, the applicant shall identify the entity responsible for operation and maintenance and obtain South Dakota Department of Environment and Natural Resource approval. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In particular, the information shall include percolation test data and location as well as soil profile data and locations. In addition, a septic tank plan must be submitted for review and



- approval as per Chapter 16.20.040.N of the Rapid City Municipal Code;
11. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall address the characteristics of downstream drainage facilities. In addition, adequate facilities for conveyance of increased or modified flows, proper easements for use of the drainage facilities or demonstration of the application of legal reasonable use principles shall be provided. The plat document shall also be revised to provide drainage easements as necessary to convey upstream run-off across the property;
 12. Upon submittal of a Preliminary Plat application, road name(s) for the access easement(s) shall be submitted for review and approval;
 13. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal; or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1; or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;
 14. Upon submittal of a Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit" and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile information is not sufficient for conventional systems"; and,
 15. 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 Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

Andrews moved, LeMay seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the installation of sidewalk along Countryside Boulevard and the access easement be tabled; 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 installation of curb, gutter, street light conduit, water and sewer along the access easement(s) be approved;

That the Variance to the Subdivision Regulations to waive the installation of street light conduit, water and sewer along Countryside Boulevard 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; and
2. That curb and gutter be provided along one side of the street; and



3. **That the Variance to the Subdivision Regulations to waive the requirement to pave the access easement(s) with a minimum 20 foot wide paved surface be denied. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)**

Fisher requested that Items 37 and 38 to be taken concurrently

37. No. 05PL154 - Canyon Lake Heights Subdivision
A request by FMG, Inc. for Timothy Van Liere to consider an application for a **Preliminary Plat** on Lot A, Lot 1; Lot B, Lot 1, Block 8, Canyon Lake Heights Subdivision, located in the SE1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 8, Canyon Lake Heights Subdivision, located in the SE1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3104 Iris Drive.
38. No. 05SV059 - Canyon Lake Heights Subdivision
A request by FMG, Inc. for Timothy Van Liere to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct sidewalks on Crocus Lane and Iris Boulevard** on Lot A, Lot 1; Lot B, Lot 1, Block 8, Canyon Lake Heights Subdivision, located in the SE1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 8, Canyon Lake Heights Subdivision, located in the SE1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3104 Iris Drive.

Fisher reviewed the proposed Preliminary Plat and the Subdivision Variance request. Fisher presented slides of the subject property and the staff's recommendations to approve the Preliminary Plat and Subdivision Variance with stipulations as outlined in the Staff Reports.

Randy Eide, representing Van Liere, expressed concerns with the sidewalk requirement. Eide stated that prior to the reconstruction of the intersection adjacent to the subject property, a sidewalk was in place. Eide commented that after the reconstruction of the intersection the sidewalk was not reconstructed. Eide expressed opposition to the requirement for the applicant to install a sidewalk on the subject property.

In response to Schmidt's question, Fisher stated that the additional right-of-way is for an arterial street standard. In response to Schmidt's question Fisher stated that this is an opportunity to obtain the sidewalk extension for pedestrian activity. Discussion followed.

Brown moved to continue the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to construct sidewalks on Crocus Lane and Iris Boulevard to the September 22, 2005 Planning Commission meeting. The Motion died for the lack of a second.



Discussion followed.

Schmidt moved, and Anderson seconded to recommend that the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans showing the construction of sidewalks along Crocus lane and Iris Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, drainage information, in compliance with Chapter 16.20.040 of the Rapid City Municipal Code, shall be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as needed;**
- 4. Prior to submittal of a Final Plat application, the plat document shall be revised to provide ten additional feet of right-of-way along Park Drive or a Variance to the Subdivision shall be obtained;**
- 5. Prior to submittal of a Final Plat application, the plat document shall be revised to show the Certificates of Title for a Final Plat in lieu of a Minor Plat;**
- 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show a fifty foot non-access easement along the northeast and northwest corner(s) of Lot B of Lot 1; and,**
- 7. 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.**

That the Variance to the Subdivision Regulations to waive the requirement to construct sidewalks on both sides of Crocus Lane and Iris Boulevard be approved with the following stipulation:

- 1. That prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)**

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

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 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.

Fisher advised that the staff is recommending that the SDCL 11-6-19 Review be continued to the September 22, 2005 Planning Commission meeting at the applicant's request.

LeMay moved, Andrews seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a lift station to the September 22, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

40. No. 05SR047 - Rapid City Greenway Tract

A request by Peter Anderson to consider an application for an **SDCL 11-6-19 Review to develop a parking lot on City park land** on a portion of Tract 8, Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2900 Jackson Boulevard.

Bulman presented the 11-6-19 Review request to construct a parking lot on City land. She noted the parking lot will be used for public park uses and will be signed for public parking. Bulman advised that a parking easement will need to be granted to the City to provide access to the parking lot and for traffic flow within the subject property. Bulman presented the staff's recommendation for approval with stipulations.

Anderson indicated that he will abstain due to a conflict of interest.

In response to Nash's question, Bulman indicated the location of the approaches to the property.

Peter Anderson, applicant, expressed his objectives locating the parking at the edge of the park. Anderson advised that the Parks and Recreation Advisory Board have recommended approval of the proposed parking plan. Discussion followed.

In response to Schmidt's comment, Anderson advised that a portion of his adjacent property would be deeded to the City for park purposes.

Brown expressed his approval of the two access points. In response to Brown's question, Anderson advised there would be a commercial building would be constructed adjacent to the proposed City parking lots.

Brown moved, LeMay seconded and unanimously carried to approved the SDCL 11-6-19 Review to develop a parking lot on City Park land with the following stipulations:

- 1. A Building Permit shall be obtained prior to construction and an Occupancy Permit shall be obtained prior to occupancy;**



2. Prior to the installation of any signs, a Sign Permit shall be submitted for review and approval;
 3. Prior to obtaining a Building Permit, a Flood Plain Development Permit and related elevation certificates shall be submitted for review and approval;
 4. Prior to any work being conducted within the right-of-way, a permit to work in the right-of-way shall be obtained from the Department of Transportation;
 5. Prior to obtaining a Building Permit, grading and drainage plans shall be submitted for review and approval;
 6. Prior to obtaining a Building Permit, a Parking Easement shall be granted to the City of Rapid City;
 7. Prior to obtaining a Building Permit, the City Council shall give authorization to develop a parking lot on City Park land;
 8. Prior to obtaining a Building Permit, a Maintenance Agreement shall be submitted for review and approval;
 9. Parking on the lot shall be for Public Park purposes and prior to obtaining a Building Permit, a site plan indicating the location of a sign stating that the parking lot is to be for public parking shall be submitted for review and approval;
 10. Prior to obtaining a Building Permit, a site plan indicating landscaping along the Park Access Road shall be submitted for review and approval;
 11. The parking codes of the Rapid City Municipal Code shall be continually met; and,
 12. The landscaping codes of the Rapid City Municipal Code shall be continually met. (7 to 0 to 1 with Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no and Anderson abstaining.)
41. No. 05SR048 - Jackson Park
A request by the City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow a six foot high chain link fence on an existing retaining wall** on Lot 1a, Lakewood #1 and Lots 5 and 6, Jackson Park, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Guest Road and Red Rock Canyon Road.

Elkins presented the that staff's recommendation to continue that the 11-6-19 Review to allow a six foot fence on an existing retaining wall to the September 22, 2005 Planning Commission meeting to allow time him to meet with the Chapel Valley Homeowner's Association to meet and discuss the fences.

LeMay moved, Andrews seconded and unanimously carried to recommend that the SDCL 11-6-19 Review to allow a six foot high chain link fence on an existing retaining wall and a four foot high chain link fence on an existing drainage structure be continued to the September 22, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)



42. No. 05UR015 - Government Lot 4, Section 2, T1N, R7E

A request by Kennedy Design Group for Badlands Broadcasting Company, Inc. to consider an application for a **Conditional Use Permit to allow a radio studio and transmission facility** on Lot 2R, Washburn Lot, Government Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1711 West Main.

Bulman presented the Conditional Use Permit application. Bulman stated that the applicant has met all the stipulations and staff's recommendation is to approve the Conditional Use Permit.

In response to Brown's questions, Bulman stated that the size of the satellite dishes would be six feet in diameter and twelve feet in diameter. Discussion followed

Andrews moved, LeMay seconded and unanimously carried to approve the Conditional Use Permit to allow a radio studio and transmission facility with the following stipulations:

1. **Prior to any construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **A Sign Permit shall be obtained, if necessary, prior to installation of any signage;**
3. **All applicable provisions of the International Fire Codes shall be continually met;**
4. **The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
5. **The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
6. **Parking spaces abutting West Main Street shall be provided with wheelguards or curb stops;**
7. **Information on the existing sewer system to include capacity and connectivity shall be submitted for review and approval prior to occupancy; and,**
8. **Prior to Planning Commission approval, a Common Access Easement shall be submitted for review and approval. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)**

43. No. 05VE017 - Skyline Drive Subdivision

A request by Greg Wierenga, CETEC Engineering Services, Inc. for Pam Murray to consider an application for a **Vacation of Non-access Easement** on Lot 6, Block 2, Skyline Drive Subdivision, SW1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1525 Pevans Parkway.

Fisher presented the request for the Vacation of a Non-access Easement along Skyline Drive. Fisher advised that the State of South Dakota has identified Skyline Drive as a scenic byway due to its scenic and historic values. Fisher



stated that Skyline Drive is a collector street and Pevans Parkway is a sub-collector. She noted that as such, access must be taken from Pevans Parkway, the lesser order street. Fisher commented that staff is concerned with a precedent being set with developments. Fisher requested that the petition for vacation of the non-access easement be denied. Discussion followed.

Andrews moved, LeMay seconded and unanimously carried to recommend that the Vacation of Non-access Easement be denied. (8 to 0 with Anderson, Andrews, Brewer, Brown, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)



44. Discussion Items
Planning Commission Alternatives

Elkins noted that Nash had requested that the issue of appointing be included on the Agenda as a discussion item. Elkins stated that with a full contingency of Commissioners, there should be less difficulty obtaining quorum. Elkins stated that a suggestion has been made to allow alternates to serve on the Planning Commission when a regular member is unavailable. Discussion followed.

Nash explained that he had suggested the option of alternate planning commission members. Nash commented that the occurrence is rare that quorum is lost for Planning Commission meetings. Discussion followed on allowing a Council member to sit on the Planning Commission, and the need for continuing when alternates participate in the discussion.

In response to Nash's comments, Elkins suggested that with the alternate solutions, alternates could be required to be present at Planning Commission and may not be required vote.

Schmidt expressed his opinion that if a Planning Commission member had attendance difficulties that he/she should voluntarily stand down. Schmidt commented that with a full contingency of ten Planning Commission members that quorum should not be difficult to accomplish. Schmidt stated his opposition to change from the current system.

Hadcock expressed her suggestion that the term of a Planning Commission member be reviewed. She stated that attendance should be required and if a member is unable to attend that they remove themselves from the Planning Commission. Hadcock stated that she is opposed to the alternate solution.

Prairie Chicken expressed his opinion that those individuals who volunteer to be on the Planning Commission should be committed to be present for meetings. Prairie Chicken stated his opinion that members should be required to give notice if they are unable to attend meetings. Prairie Chicken commented that finding a solution would be difficult.

Nash expressed his opinion that a financial burden falls on applicants who bring items forward to Planning Commission when meetings are to be continued.

LeMay stated his opinion that vacancies have created part of the problem. Discussion followed regarding maintaining a full compliment of Planning Commissioners.

Brown suggested that prior commissioners serve as alternates as they are familiar with the proceedings possibly getting prior planning commissioners to serve as alternates. Discussion continued.



Brown moved, Andrews seconded for approval to recommend pursuing legislative changes to allow alternates to the Planning Commission. Discussion continued.

Landeen commented that quorum is a standard for a board action. Landeen stated that there may be a quorum requirement in the State Statutes. Discussion followed.

Karen Olsen expressed concerns with bringing forward an item for law before the legislature. She advised that caution be made with that type of action. She suggested that this discussion be presented to the South Dakota Municipal League. Discussion followed on requirements outlined in the Planning Commission Bylaws.

Andrews moved, LeMay seconded and unanimously carried to recommend pursuing legislative changes to allow alternates to the Planning Commission. (5 to 3 with Anderson, Andrews, Brown, LeMay and Nash, voting yes and Brewer, Prairie Chicken and Schmidt voting no.)

45. Staff Items

Elkins requested Planning Commission determine a date specific for training for new Planning Commissioners. Discussion followed.

Elkins suggested September 27, 2005. Nash requested an e-mail to determine availability of Staff and Planning Commission members.

There being no further business, Anderson moved, and Schmidt seconded and unanimously carried to adjourn the meeting at 9:23 a.m. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)