

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 22, 2005

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

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Linda Foster, Mike Maxwell, Michelle Horkey, Bob Dominicak, Dave Johnson, Tim Behlings, and Carol Bjornstad.

Nash called the meeting to order at 7:03 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.

Motion by Prairie Chicken Seconded by Andrews and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 19 in accordance with the staff recommendations. (7 to 0 with Anderson, Andrews, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the August 25, 2005 Planning Commission Meeting Minutes.
2. Approval of the September 1, 2005 Planning Commission Meeting Minutes.
3. Approval of the September 8, 2005 Planning Commission Meeting Minutes.
4. 05TP010 - Rapid City Area Long Range Transportation Plan Update – Final Report

Planning Commission recommended approval of the Rapid City Area Long Range Transportation Plan Update Final Report.

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

Planning Commission recommended that the Petition for Annexation be continued to the October 27, 2005 Planning Commission meeting at the applicant's request.



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

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

Planning Commission recommended that the Petition for Annexation be continued to the October 27, 2005 Planning Commission meeting at the applicant's request.

7. No. 04PL097 - Hyland Park Subdivision

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

Planning Commission recommended that the Layout Plat be continued to the October 27, 2005 Planning Commission meeting at the applicant's request.

8. No. 04PL185 - Owen Hibbard

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

Planning Commission recommended that the Preliminary Plat be continued to the October 27, 2005 Planning Commission meeting.

9. No. 05PL090 - Brookfield Subdivision

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

Planning Commission recommended that the Preliminary Plat be continued to the October 6, 2005 Planning Commission meeting.

10. No. 05PL129 - Section 35, T1N, R7E (Wal-Mart 2nd Addition)

A request by Buescher Frankenberg Associates, Inc. for Wal-Mart Stores, Inc. to



consider an application for a **Layout Plat** on Lots 1 through 6, Wal-Mart Second Addition Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion W1/2 of the NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the west 1/16th corner of Sections 26 and 35, T1N, R7E, BHM, Thence S00°00'22"W, along the west 1/16th line of Section 35, a distance of 712.71 feet to the point of beginning; Thence, first course: S00°00'22"W, along the west 1/16th line of Section 35, a distance of 629.95 feet, to the northwest 1/16th corner of Section 35; Thence, second course: S00°00'00"W, along the west 1/16th line of Section 35, a distance of 563.43 feet; Thence, third course: N83°15'19"W, a distance of 627.59 feet; Thence, fourth course: S06°44'41"W, a distance of 82.18 feet; Thence, fifth course: southwesterly, curving to the right on a curve with a radius of 182.00 feet, a delta angle of 53°16'41", a length of 169.24 feet, a chord bearing of S33°23'02"W, and chord distance of 163.21 feet; Thence, sixth course: S60°01'22"W, a distance of 91.24 feet; Thence, seventh course: N26°24'04"W, a distance of 5.31 feet; Thence, eighth course: northwesterly, curving to the left on a curve with a radius of 581.20 feet, a delta angle of 56°52'25", a length of 576.91 feet, a chord bearing of N56°38'32"W, and chord distance of 553.52 feet, to a point on the easterly edge of South Dakota South Highway 16 right-of-way; Thence, ninth course: N06°38'59"E, along the easterly edge of said right-of-way, a distance of 455.72 feet, to a point on the north 1/16th line of Section 35; Thence, tenth course: N06°40'09"E, along the easterly edge of said right-of-way, a distance of 753.66 feet; Thence, eleventh course: S83°15'19"E, a distance of 1134.04 feet, to the point of beginning. Said parcel contains 1,501,498 square feet or 34.470 acres more or less, more generally described as being located near the intersection of S.D. South Highway 16 and Moon Meadows Road on the east side of S.D. South Highway 16.

Planning Commission recommended that the Layout Plat be continued to the October 27, 2005 Planning Commission meeting at the applicant's request.

11. 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.



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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, additional water information shall be submitted for review and approval demonstrating that sufficient domestic and fire flows are being provided during peak day use conditions;**
- 3. Prior to Preliminary Plat approval by the City Council, additional grading and drainage information shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that discharge from any regional facilities will result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities shall be provided. In addition, the plat document must be revised to provide drainage easements as needed;**
- 4. Prior to Preliminary Plat approval by the City Council, road construction plans for the balance of Misty Woods Drive providing a street connection to Coal Bank Drive 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 27 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer or a Variance to the Subdivision Regulations shall be obtained and an Exception shall be obtained to allow 96 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual. The plat document shall also be revised to include the dedication of the Misty Woods Drive right-of-way or the right-of-way shall be dedicated as an "H Lot";**
- 5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 6. Prior to submittal of a Final Plat application, Chalkstone Drive, as it abuts the subject property, shall be dedicated as a part of the "Pinecrest Village Subdivision" or this plat document shall be revised to include the dedication of the right-of-way or the street shall be dedicated as an "H Lot". In addition, the street shall be constructed or surety posted for the improvement;**
- 7. Prior to submittal of a Final Plat application, the two residences shall be removed from the property or surety shall be posted for their removal;**
- 8. Prior to submittal of a Final Plat application, the plat document shall be revised removing the existing structure locations from the plat document;**
- 9. An Exception is hereby granted to reduce the separation between driveways for the northern approach from 75 feet to 60 feet; and,**
- 10. Upon submittal of the Final Plat application, surety for any required**



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

12. 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.

Planning Commission recommended that the Preliminary Plat be continued to the November 10, 2005 Planning Commission meeting at the applicant's request.

13. No. 05PL159 - Prairiefire Subdivision

A request by Britton Engineering for Prairiefire Investments, LLC to consider an application for a **Preliminary Plat** on Lots 11-14, Block 1; Lots 4-11, Block 2; Lots 5-8, Block 3; Lots 3-8, Block 4; Prairiefire Subdivision, located in the NE1/4, Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of NE1/4 NE1/4 less a portion of Lot 8 and all of Lot 9 of Eisenbraun Subdivision less Winton Subdivision; all of SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; all in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.

Planning Commission recommended that the Preliminary Plat be continued to the November 10, 2005 Planning Commission meeting.

14. No. 05PL161 - Sheridan Lake Highlands

A request by Sperlich Consulting, Inc. for Kelly Construction to consider an application for a **Preliminary Plat** on Sewer Lot 1 and Lots 2 through 8, Block 1; Lots 1 through 10, Block 2; Lots 1 through 8, Block 3; Reservoir Lot, and Well Lot 1 through Well Lot 3, and dedicated right-of-way of Sawmill Road, Sienna Meadows, and Ironwood Ridge, Sheridan Lake Highlands, all located in Sections 34 and 35, T1N, R6E, and Section 2, T1S, R6E, BHM, Pennington County, South Dakota, legally described as a portion of Tract B, Boland Placer M.S.1252, located in the SW1/4 SW1/4, Section 35; less Lot H-1 of the S1/2 SW1/4, Section 35; and the SE1/4 SE1/4, Section 34; less Lots 1 through 4, SE1/4 SE1/4; located in the SW1/4 SW1/4, Section 35, T1N, R6E, BHM, and in the SE1/4 SE1/4, Section 34, T1N, R6E, BHM, and in Government Lots 2 through 4, Section 2, T1S, R6E, BHM, Pennington County, South Dakota, more generally described as being located in the northwest corner of the intersection of Sawmill Road and Sheridan Lake Road.

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



1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, drainage calculations verifying riprap design and the size and spacing of the ditch check dams shall be submitted for review and approval. In addition, flow arrows on the grading plan shall be shown to designate the flow direction at pipe inlets and outlets and in general grading areas;**
3. **Prior to Preliminary Plat approval by the City Council, a geotechnical report including pavement design shall be submitted for review and approval;**
4. **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 must be submitted for review and approval. If a central treatment facility is proposed on Lot 1 of Block 2, then the South Dakota Department of Environment and Natural Resources shall review and approve the proposed facility;**
5. **Prior to Preliminary Plat approval by the City Council, a water system analysis verifying the source and adequacy of water quantity and storage capacity for domestic and fire flows shall be submitted for review and approval. In addition, fire hydrants shall be provided at all intersections and intermediate points between intersections with spacing not to exceed 450 feet and at high points in the profile;**
6. **Prior to Preliminary Plat approval by the City Council, road construction plans for Sheridan Lake Road shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, street light conduit, water and sewer along Sheridan Lake Road or a Variance to the Subdivision Regulations shall be obtained;**
7. **Prior to Preliminary Plat approval by the City Council, revised road construction plans for Sienna Meadows shall be submitted for review and approval. In particular, the revised plans shall show the street constructed with curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;**
8. **Prior to Preliminary Plat approval by the City Council, revised road construction plans for Ironwood Ridge shall be submitted for review and approval. In particular, the revised plans shall show the entire street located in a minimum 49 foot wide right-of-way and constructed with curb, gutter, street light conduit, water and sewer or the street shall be located in a minimum 45 foot wide right-of-way 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;
9. Prior to Preliminary Plat approval by the City Council, revised road construction plans for Sawmill Road shall be submitted for review and approval. In particular, the revised plans shall show the street constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 10. An Exception to the Street Design Criteria Manual to allow a 2,000 foot long cul-de-sac in lieu of a maximum 500 foot long cul-de-sac shall be granted with the stipulation that one intermediate turnaround be provided as proposed and that a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented prior to submittal of a Final Plat application;
 11. An Exception is hereby granted to allow an access easement to serve as access to six lots in lieu of four lots as per the Street Design Criteria Manual;
 12. An Exception is hereby granted to allow a 15% gradient along a portion of Sienna Meadows and Ironwood Ridge in lieu of a maximum 12% gradient as per the Street Design Criteria Manual;
 13. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 14. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Sienna Meadows or Ironwood Ridge as they abut proposed Lots 3 thru 8 of Block One in order to preclude the lots from taking access from two streets in lieu of one street;
 15. Prior to submittal of a Final Plat application, a different street name for Ironwood Ridge shall be submitted to the Emergency Services Communication Center for review and approval. In addition, a proper suffix for "Sienna Meadows", such as Court, Lane, Road Drive, etc, shall be submitted for review and approval. The plat document shall also be revised to show the approved revised street names;
 16. 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;
 17. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for



18. **Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Sheridan Lake Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s);**
 19. **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,**
 20. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**
15. No. 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** on the NE1/4 NW1/4, Section 19, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the south side of Country Road and east of West Nike Road.

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

1. **The proposed lift station shall be constructed in compliance with the design plans as reviewed and approved by the Public Works Division;**
2. **The proposed structure shall conform architecturally to the proposed elevations and design plans submitted as part of this SDCL 11-6-19 Review;**
3. **An Exception is hereby granted to allow access to be taken from Country Road in lieu of LaCrosse Street with the stipulation that once LaCrosse Street is constructed, access along Country Road will be eliminated and access to the site will be taken from LaCrosse Street as shown on the approved site plan;**
4. **A minimum of two parking spaces shall be provided with one of the spaces being handicap accessible. In addition, the handicap space shall be “Van” accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;**
5. **A minimum of 19,616 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
6. **An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre;**
7. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**



8. Prior to issuance of a building permit, a utility easement and/or public right-of-way for the location of the lift station, associated sewer lines and forced main shall be recorded at the Register of Deed's Office;
 9. Prior to issuance of a building permit, a Fence Height Exception shall be obtained to allow the proposed six foot high chain link fence within the front yard setback along Country Road and LaCrosse Street or the site plan must be revised to eliminate the fence from this area; and,
 10. Prior to issuance of a building permit, a drainage and grading plan shall be submitted for review and approval.
16. 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.

Planning Commission recommended that the 11-6-19 SDCL Review to allow the construction of a lift station be approved with the following stipulations:

1. The proposed lift station shall be constructed in compliance with the design plans as reviewed and approved by the Public Works Division and their consulting firm;
2. The proposed structure and fence shall conform architecturally to the proposed elevations and design plans submitted as part of this SDCL 11-6-19 Review;
3. A minimum of two parking spaces shall be provided with one of the spaces being handicap accessible. In addition, the handicap space shall be "Van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;
4. A minimum of 4,056 landscaping points shall be provided. In addition, the landscaping shall be planted along the exterior of the fence as shown on the approved site plan. The landscaping plan shall also comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
5. A minimum 20 foot wide paved access road shall be constructed from the northern terminus of Coghill Lane to serve as access to the lift station;
6. An Air Quality Permit shall be obtained prior to any disturbance of



the soil(s) in excess of one acre;

7. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; and,
8. Prior to issuance of a building permit, the lift station site and access to the site shall be platted as a lot and right-of-way, respectively, or a utility easement shall be recorded at the Register of Deed's Office for the site and access to the site.

17. No. 05SR046 - MCMahon 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, McMahon 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.

Planning Commission recommended that the SDCL 11-6-19 Review to allow the installation of twelve existing antennas and four new antennas on an existing 100 foot tower be continued to the October 6, 2005 Planning Commission meeting at the applicant's request.

18. No. 05SR048 - Jackson Park

A request by 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.

Planning Commission recommended 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 approved.

19. No. 05SR051 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow a magnesium chloride containment and dispensing station and five additional yard lights** on Tract 31, Rapid City Greenway Tract, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of East Main Street North and Steele Avenue.

Planning Commission recommended that the SDCL 11-6-19 Review to allow a magnesium chloride containment and dispensing station and five additional yard lights be approved with the following stipulations:

1. Prior to initiation of construction, a building permit shall be obtained;
2. Prior to Planning Commission approval, each sheet of site development or structure drawings shall be signed and sealed by the design engineer per state statute;
3. Prior to issuance of a Building Permit, a Floodplain Development



- Permit shall be obtained;**
4. **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;**
 5. **Any additional construction on the subject property will require additional review and approval through the SDCL 11-6-19 Review process.**

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

Fast Wolf arrived at this time.

Nash announced that the Public Hearings on Items 20 through 36 were opened.

Anderson moved, Schmidt seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 20 through 36 in accordance with the staff recommendations. (8 to 0 with Anderson, Andrews, Fast Wolf, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

The Public Hearings for Items 20 through 36 were closed.

---HEARING ITEMS CONSENT CALENDAR---

20. No. 04CA029 - Hyland Park Subdivision
A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan be continued to the October 27, 2005 Planning Commission meeting at the applicant's request.

21. No. 04RZ037 - Hyland Park Subdivision
A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the W1/2 SE1/4 and the SE1/4SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the October 27, 2005 Planning Commission meeting at the applicant's request.



22. No. 04SV042 - Hyland Park Subdivision

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

Planning Commission recommended that the Special Exception to allow 80 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit and to dedicate additional right-of-way; and, that the Variance to the Subdivision Regulations to allow lots twice as long as wide be continued to the October 27, 2005 Planning Commission meeting at the applicant's request.

23. No. 05CA032 - Harter Subdivision

A request by Johnny Sundby for Hay Camp Co. to consider an application for a **Summary of Adoption action for an Amendment to the Comprehensive Plan to change the future land use designation on an 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.

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

24. No. 05CA033 - Freeland Meadows Subdivision

A request by Dream Design International to consider an application for a **Summary of Adoption action for an 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.

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

*25. 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.

Planning Commission continued the Planned Residential Development - Initial and Final Plan to allow the construction of eight duplexes and one four plex to the October 27, 2005 Planning Commission meeting at the applicant's request.

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.

*26. 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.

Planning Commission approved the Major Amendment to the Planned Residential Development to allow a reduced front yard setback 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. **The uses allowed within the Planned Commercial Development shall be limited to a single family residence. Any change in use will require approval of a Major Amendment to the Planned Commercial Development;**
3. **A minimum front yard setback of 15 feet shall be provided in front of the structure located on the subject property. In addition, a minimum front yard setback of 18 feet shall be provided in front of the garage door for any garages provided on the subject property;**
4. **Prior to Planning Commission approval, a grading and drainage plan shall be submitted showing spot elevations for the proposed retaining wall and contours at a minimum of two foot intervals;**
5. **An elevation certificate shall be provided after the house is constructed to insure that the house was constructed according to the drainage analysis;**
6. **Prior to issuance of a Building Permit, a drainage easement shall be recorded with the Pennington County Register of Deeds and documentation provided to the City if the applicant proposes reroute the existing drainage;**
7. **Prior to issuance of a Building Permit, a site plan showing the location of the existing fire hydrants shall be submitted for review**



- and approval;
8. All applicable provisions of the International Fire Code shall be continually met; and,
 9. The Major Amendment to 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 a period of two years; and
 10. The reduction in the density of development is hereby authorized as a minimal development.

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. 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.

Planning Commission approved the Planned Light Industrial Development - Initial and Final Development Plan with the following stipulations:

1. The use of the property shall be limited to vehicular towing, vehicle storage, sale of used cars, motorcycles and trucks accessory to the vehicle towing, and body and mechanical repair of towed vehicles within an enclosed area;
2. Any expansion, new construction or change in use beyond the uses and structures currently located on the property shall require a Major Amendment to the Planned Light Industrial Development;
3. An exception is hereby granted to waive the requirement to pave East Monroe Street. Any expansion, new construction or change in use shall require that East Monroe Street be paved in accordance with all provisions of the Rapid City Municipal Code;
4. An exception is hereby granted to waive the requirement to pave the parking lot. Any expansion, new construction or change in use will require that the parking lot be paved and striped in accordance with all applicable provisions of the Rapid City Municipal Code;
5. An exception is hereby granted to waive the landscaping requirements. Any expansion, new construction or change in use will require that the landscaping be installed in compliance with all provisions of the Rapid City Municipal Code; and,
6. The Planned Development approval shall expire 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.

*28. No. 05PD056 - Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1-12, Block 11 and Lots 11-19, Block 5, Red Rock Meadows Subdivision, located in the NW1/4 NW1/4, SW1/4 NW1/4 and the NW1/4 SW1/4, Section 28, and the NE1/4 NE1/4, SE1/4 NE1/4 and the NE1/4 SE1/4, Section 29, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the NW1/4 NW1/4 and the SW1/4 NW1/4 of Section 28, and the SE1/4 NE1/4 and the NE1/4 NE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: beginning at a point from which the ¼ corner common to Sections 28 and 29 bears S00°19'45"E, 38.00 feet; thence S89°59'26"E a distance of 124.79 feet; thence N00°00'34"E a distance of 992.55 feet; thence on a curve turning to the left with an arc length of 6.07', a radius of 274.00', a chord bearing of N89°41'41"W and a chord length of 6.07'; thence S89°40'15"W a distance of 88.58 feet; thence S44°40'15"W a distance of 14.14 feet; thence N00°19'45"W a distance of 377.65 feet; thence S89°40'15"W a distance of 52.00 feet; thence N45°19'45"W a distance of 14.14 feet; thence S89°40'15"W a distance of 100.00 feet; thence S00°19'45"E a distance of 1368.71 feet; thence S89°59'26"E a distance of 136.00 to the point of beginning; said tract containing 7.39 acres more or less, more generally described as being located the west and east sides of Dunsmore Road from south of the intersection of Donegal Way and Dunsmore Road to the intersection of Portrush Road and Dunsmore Road.

Planning Commission approved the Planned Residential Development - Initial and Final Development Plan 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. **A revised plat shall be submitted showing a 50 foot non-access easement on the corner lots as approved on the Preliminary Plat by the Planning Commission or an exception shall be obtained from the City Council;**
3. **The provisions of the 2003 International Fire Code shall be continually met. The structures shall be fully fire sprinklered if they cannot meet the required fire flows or maximum allowed grades are exceeded or turnarounds do not meet the minimum requirements;**
4. **The minimum front yard setbacks shall be 18 feet to any garage doors and 15 feet to the balance of the building. All other setbacks of the Low Density Residential Zoning District shall be met;**
5. **The building materials shall consist of hardboard lap siding in earth tones with stone or brick accents and fiberglass earth tone shingles**



- on the roof;
6. The use within the Planned Residential Development shall be limited to twenty-one townhomes. Any change in use will require approval of a Major Amendment to the Planned Residential Development;
 7. The parking plan shall continually comply with all other requirements of the Zoning Ordinance; and,
 8. The Planned Residential Development approval 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.

*29. 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.

Planning Commission approved the Planned Residential Development - Initial and Final Development Plan with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a building permit, a Final Plat shall be approved;
3. An Exception is hereby granted to reduce the separation between driveways for the northern approach from 75 feet to 60 feet;
4. All signage shall comply with Section 15.28 of the Rapid City Municipal Code. In addition, the proposed sign shall conform architecturally to the proposed elevations and design plans submitted as part of this Final Planned Residential Development;
5. A minimum of 72 parking spaces shall be provided with four of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;



6. **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;**
7. **An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre;**
8. **All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Residential Development or a subsequent Major Amendment;**
9. **The proposed structures shall conform architecturally to the proposed elevations and design plans submitted as part of this Final Planned Residential Development; and,**
10. **The Planned Residential Development shall allow for the construction of twelve four-plexes, a 42 foot X 42 foot basketball court area and a 34 foot X 34 foot sand lot area on the property. 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.**

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.

30. No. 05RZ047 - Section 35, T1N, R7E (Wal-Mart 2nd Addition)
A request by Buescher Frankenberg Associates for Wal-Mart Stores, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on a portion W1/2 of the NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the west 1/16th corner of Sections 26 and 35, T1N, R7E, BHM, Thence S00°00'22"W, along the west 1/16th line of Section 35, a distance of 712.71 feet to the point of beginning; Thence, first course: S00°00'22"W, along the west 1/16th line of Section 35, a distance of 629.95 feet, to the northwest 1/16th corner of Section 35; Thence, second course: S00°00'00"W, along the west 1/16th line of Section 35, a distance of 563.43 feet; Thence, third course: N83°15'19"W, a distance of 627.59 feet; Thence, fourth course: S06°44'41"W, a distance of 82.18 feet; Thence, fifth course: southwesterly, curving to the right on a curve with a radius of 182.00 feet, a delta angle of 53°16'41", a length of 169.24 feet, a chord bearing of S33°23'02"W, and chord distance of 163.21 feet; Thence, sixth course: S60°01'22"W, a distance of 91.24 feet; Thence, seventh course: N26°24'04"W, a distance of 5.31 feet; Thence, eighth course: northwesterly, curving to the left on a curve with a radius of 581.20 feet, a delta angle of 56°52'25", a length of 576.91 feet, a chord bearing of N56°38'32"W, and chord distance of 553.52 feet, to a point on the



easterly edge of South Dakota South Highway 16 right-of-way; Thence, ninth course: N06°38'59"E, along the easterly edge of said right-of-way, a distance of 455.72 feet, to a point on the north 1/16th line of Section 35; Thence, tenth course: N06°40'09"E, along the easterly edge of said right-of-way, a distance of 753.66 feet; Thence, eleventh course: S83°15'19"E, a distance of 1134.04 feet, to the point of beginning. Said parcel contains 1,501,498 square feet or 34.470 acres more or less, more generally described as being located near the intersection of S.D. South Highway 16 and Moon Meadows Road on the east side of S.D. South Highway 16.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be continued to the October 27, 2005 Planning Commission meeting at the applicant's request.

31. 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.

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 October 6, 2005 Planning Commission meeting.

32. 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.



Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, street light conduit; and dedicate additional right-of-way; and allow platting one half of a right-of-way be continued to the November 10, 2005 Planning Commission meeting at the applicant's request.

33. No. 05SV061 - Prairiefire Subdivision

A request by Britton Engineering for Prairiefire Investments, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 11-14, Block 1; Lots 4-11, Block 2; Lots 5-8, Block 3; Lots 3-8, Block 4; Prairiefire Subdivision, located in the NE1/4, Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of NE1/4 NE1/4, less a portion of Lot 8 and all of Lot 9 of Eisenbraun Subdivision less Winton Subdivision; all of SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; all in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code be continued to the November 10, 2005 Planning Commission meeting at the applicant's request.

34. No. 05SV062 - Sheridan Lake Highlands

A request by Sperlich Consulting, Inc. for Kelly Construction to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along interior streets; to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement along Sawmill Road; and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code** on Sewer Lot 1 and Lots 2 through 8, Block 1; Lots 1 through 10, Block 2; Lots 1 through 8, Block 3; Reservoir Lot, and Well Lot 1 through Well Lot 3, and dedicated right-of-way of Sawmill Road, Sienna Meadows, and Ironwood Ridge, Sheridan Lake Highlands, all located in Sections 34 and 35, T1N, R6E, and Section 2, T1S, R6E, BHM, Pennington County, South Dakota, legally described as a portion of Tract B, Boland Placer M.S.1252, located in the SW1/4 SW1/4, Section 35; less Lot H-1 of the S1/2 SW1/4, Section 35; and the SE1/4 SE1/4, Section 34; less Lots 1 through 4, SE1/4 SE1/4; located in the SW1/4 SW1/4, Section 35, T1N, R6E, BHM, and in the SE1/4 SE1/4, Section 34, T1N, R6E, BHM, and in Government Lots 2 through 4, Section 2, T1S, R6E, BHM, Pennington County, South Dakota, more generally described as being located in the northwest corner of the intersection of Sawmill Road and Sheridan Lake Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be tabled;



That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer along Sienna Meadow and Ironwood Ridge 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 along Sienna Meadow and that portion of Ironwood Ridge located in right-of-way; and,**

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer and to reduce the pavement width from 27 feet to 24 feet along Sawmill Road be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer along Sheridan Lake Road be approved with the following stipulation:

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

*35. No. 05UR013 - Marshall Heights Subdivision No. 2

A request by Wendel Pstratz 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.

Planning Commission denied the Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District without prejudice at the applicant's request.

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

36. No. 05VR011 - Mountain Shadows Subdivision

A request by E. Dallas Wasserburger for Mountain Shadows Townhome Owners Association, Inc. to consider an application for a **Vacation of Right-of-Way** on a portion of the Chancery Lane Public Right-of-Way as shown on the Plat of Lots A and B of Block 1, Lots 1-10 of Block 2, and Tract A, all in Mountain Shadows Subdivision, located in the SW1/4 SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Sheridan Lake Road and Chancery Lane.



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

- 1. Prior to obtaining a sign permit, a Minor Amendment to the Planned Residential Development to allow the stone sign to be located in the island shall be submitted for review and approval; and,**
- 2. Prior to obtaining a sign permit, a Variance to the Sign Board of Appeals shall be submitted and approved to allow a reduced setback for the placement of the sign in the island.**

---END OF HEARING CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that items 37 and 38 be taken concurrently.

37. No. 05PL162 - Overlook Subdivision

A request by CETEC Engineering Services, Inc. for Olsen Development Company, Inc. to consider an application for a **Layout Plat** on Lots 5A, 5B and 5C, Overlook Subdivision, located in the SW1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 5, Overlook Subdivision, located in the SW1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Clark Street.

Fisher presented slides related to the Layout Plat and the Variance to the Subdivision Regulations and described the location and attributes of the subject property. Fisher advised that curb and gutter on both sides of West Fulton Street. and sidewalk on the south side of the street be installed at this time for future pedestrian activity. Fisher advised that staff is in concurrence with pavement reduction to 24 feet to stay consistent with existing street configuration. Fisher explained that the applicant is requesting a variance to waive the requirement to provide right-of-way or access to one of the lots. Fisher stated that the applicant has stated his intent to transfer one of the proposed lots to another property owner for additional open space. Fisher advised that the requirement for platting is to provide access at this time. Fisher advised that staff has discussed that as a part of platting, access must be provided at this time, and right-of-way dedicated. In addition, she noted that the staff would support using the planned development as a form of surety for the street improvement. Fisher advised that the applicant commented that topographically a street location across the northern lot would be problematic. Fisher stated that staff recommends that the Layout Plat be approved with stipulations.

Schmidt expressed support for the staff recommendations.

Phil Olsen, applicant, expressed his opinion relative to the future potential development of the subject property. Olsen presented objectives for development on the subject property with slide presentation. Olsen expressed his desire to donate a portion of the subject property to the Skyline Drive Trust to be maintained as open space.



In response to Nash's question, Olsen advised that he would donate a portion of subject property for the Skyline Drive Trust. Discussion followed.

In response to Schmidt's question, Elkins advised that once the parcel is created, legal and physical access needs to be created to it so that City or County tax payers would not have to obtain access at a later date. Discussion followed.

Elkins encouraged the applicant to pursue an SDCL 11-6-19 Review to obtain permission to access the property across the parkland from City Council. Discussion followed.

In response to Hennies question, Olsen advised that the adjacent land is owned by the City of the Rapid City. Olsen commented that there would be no guarantee that the City would permit access.

Discussion followed regarding the platting process.

Brewer arrived at this time.

Elkins re-stated the options available to the applicant. She advised that the first would be to incorporate the parcel into the adjacent lot to include the adjacent property on the plat. She stated that the second would be to incorporate the parcel into one of the two adjacent lots. She advised that the third would be to provide access to the lot either on the subject property or across City owned property located along Skyline Drive. Discussion followed.

Greg Wierenga, engineer, stated that a variance be approved to allow the applicant to construct a sidewalk on one side of the street to maintain continuity.

Fisher advised that staff would support the variance with the applicant signing a wavier of right to protest future assessment on the subject property to construct sidewalk on one side only with the stipulation that a waiver of right to protest the assessment be signed by the owner.

Andrews expressed his support for recommending approval of the Layout Plat with modifications of the stipulations to allow sidewalk to be installed on one side at this time.

In response to Hennies, Elkins advised that of the Preliminary Plat would come back in front of the Planning Commission for review. Discussion followed.

Anderson moved, Andrews 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. Upon submittal of a Preliminary Plat application, a utility master plan showing public and private utilities shall be submitted for review and**



- approval;
 3. Upon submittal of a Preliminary Plat application, a grading plan and a sediment control plan shall be submitted for review and approval;
 4. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Rapid City Drainage Criteria Manual 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, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review;
 8. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show access to proposed Lot 5B or a Variance to the Subdivision Regulations shall be obtained to waive the requirement that each lot shall be provided with access from a public street. If a Variance to the Subdivision Regulations is not obtained as identified, then road construction plans for the street shall be submitted for review and approval. Documentation of any required easements or other required approval shall be submitted with the plat application. In particular, the street shall be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, streetlight conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained to waive the requirement to improve the street;
 9. Upon submittal of a Preliminary Plat application, road construction plans for West Fulton Street shall be submitted for review and approval. In particular, the street shall be constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
 10. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval; 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. . (9 to 0 with Anderson, Andrews, Brewer, Fast Wolf, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)
38. No. 05SV063 - Overlook Subdivision
A request by CETEC Engineering Services, Inc. for Olsen Development Company, Inc. to consider an application for a **Variance to the Subdivision**



Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, pavement, sewer and water; to waive the requirement to dedicate right-of-way; and to waive the requirement that each lot shall be provided with access from a public street as per Chapter 16.16 of the Rapid City Municipal Code on Lots 5A, 5B and 5C, Overlook Subdivision, located in the SW1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 5, Overlook Subdivision, located in the SW1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Clark Street.

Fisher requested that the Variance to the Subdivision Regulations be acted on in accordance with the recommendations by Staff. Discussion followed.

Andrews moved, Anderson seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to reduce the pavement width for West Fulton Street from 27 feet to 24 feet be approved; That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and to install curb, and gutter along both sides of West Fulton Street be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of the street with the following stipulations:

- 1. Sidewalk shall be constructed on one side of the street; and**
- 2. A Waiver of Right to Protest the assessment be signed prior to City Council action.**

That the Variance to the Subdivision Regulations to waive the requirement that each lot shall be provided with access from a public street be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, pavement, sewer, water and to waive the requirement to dedicate right-of-way for an access easement to proposed Lot 5B be denied. (9 to 0 with Anderson, Andrews, Brewer, Fast Wolf, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

Foster requested that 39 and 40 be taken concurrently.

39. No. 05CA035 - Harter Subdivision

A request by Thomas L. Collins to consider an application for an **Amendment to the Comprehensive Plan to change the Future Land Use Designation** on an approximately .470 acre parcel from Residential to Office Commercial with a Planned Commercial Development Designation on the south 237 feet of Lot 5, Harter Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2326 Canyon Lake Drive.

40. No. 05RZ052 - Harter Subdivision

A request by Thomas L. Collins to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** on the



south 237 feet of Lot 5, Harter Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2326 Canyon Lake Drive.

Foster presented slides of the subject property. Foster commented on zoning surrounding the subject property. Foster stated that staff is concerned with possible increase in traffic and noise associated with the proposed Comprehensive Plan Amendment and the proposed Rezoning of the subject property. Foster stated that staff is recommending denial of the application.

Tom Collins, applicant, expressed his opinion on surrounding neighbor's support of the proposed development on the subject property. Collins reviewed his proposal to develop the subject property.

Schmidt expressed his opposition to the proposed development of the subject property due to impacts on surrounding property. Discussion followed.

In response to Hadcock's question, Tim Behlings advised that access would be available to the Fire Department from Canyon Lake Drive. Hadcock expressed her support for the applicant's request. Discussion followed.

Anderson stated that he would be abstaining from discussion and voting due to conflict of interest.

Dave Jolly, TSP Architects, presented a site plan on the subject property. Jolly reviewed possible emergency access to the subject property. Discussion continued.

In response to Schmidt's question, Elkins advised that access would need to be taken from Harter Drive unless an exception is granted to allow access from Canyon Lake Drive. Elkins advised that the plan presented by the applicant does not comply with the Fire Code Regulations for a minimum twenty foot wide access.

Tim Behlings, Fire Department, advised that Harter Drive is substandard for Fire Department access and Emergency Medical response.

Andrews advised that he would be abstaining from discussion and voting due to conflict of interest.

In response to Prairie Chicken's question, Collins clarified the proposed parking and traffic access to the subject property on the site plan.

In response to LeMay's questions, Behlings reviewed the requirements necessary to comply with the Fire Code for a commercial and residential development on the subject property. Discussion followed.

Schmidt suggested that the Rezoning request be continued.

Dr. Blickensderfer, area resident, expressed his opinion that access would be



improved with the proposed development on the subject property. Discussion followed.

Elkins reviewed the range of uses that would be allowed on the subject property if it is rezoned to Office Commercial Zoning District. Elkins advised that the Planned Development could be used to determine what types of uses could occur on the subject property. Discussion followed.

Nash expressed his opinion in support of the Rezoning request.

LeMay moved, Brewer seconded to recommend that the Amendment to the Comprehensive Plan to change the Future Land Use Designation on an approximately .470 acre parcel from Residential to Office Commercial with a Planned Commercial Development Designation and that the Rezoning from Medium Density Residential District to Office Commercial District be approved. (4 to 3 to 2 with Brewer, Hennies, LeMay, Nash, voting yes and Fast Wolf, Prairie Chicken and Schmidt voting no. Anderson, Andrews abstaining)

*41. 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.

Elkins presented the slides of the subject property noting the previous discussion of the Request at an earlier meeting. Elkins commented that staff is recommending denial of the Planned Residential Development.

In response to Nash's comment, Elkins stated that attempts have been made to bring the subject property into compliance.

Courtney Clayborne, attorney representing the applicant, outlined the applicant's proposal to improve the stairs on the subject property and to improve the condition of the subject property.

In response to Schmidt's question, Clayborne advised that the proposed development is limited to improving the stairs and decks. Clayborne commented that the applicant does not wish to change the use of the existing property.

In response to Hadcock's question, Clayborn, explained that the existing structure was built in the 1950s, and that there was no indication that other issues needed to be addressed for a certificate of occupancy. Discussion followed.

Elkins advised that the property has been reviewed by City staff previously. Elkins advised that the violations had been turned over to the City Attorney for review previously. Discussion followed.



Elkins stated that six dwelling units currently exist on the subject property. Elkins advised that the Planning Commission that they may not approve more than three dwelling units on the subject property. Elkins commented on the alternatives to bring the property into compliance with the City regulations. Discussion followed.

LeMay left the meeting at this time.

In response to Hennies questions, Clayborne advised that a title search would not identify code violations. Discussion followed.

In response to Hennies questions, Elkins advised staff could recommend approval if the applicant left the five-unit building and addressed parking issues. She stated that the applicant would need to present requests to the Zoning Board of Adjustments. Elkins advised that the Planning Commission does not have the authority to modify the density requirement.

Clayborne noted that Todd Tucker had recommended that that applicant submit a Planned Development application. Discussion followed.

Andrea Lambert, area resident, expressed concerns with current parking and drainage issues on the subject property. Lambert reviewed slides of the subject property and surrounding properties.

In response to Nash's question, Elkins advised that a request could be presented to the Board of Adjustments to address the parking issues.

Hadcock expressed her opposition to any solution that would require the applicant to demolish one of the structures to bring the property into compliance. Discussion followed.

Patricia Lawlor, owner of the subject property, stated that the decks have been replaced and that the stairs need repair. Discussion followed.

Andrews expressed his opinion that the Planning Commission is unable to resolve the application.

Andrews moved, Hennies seconded and unanimously carried to deny the Planned Residential Development - Initial and Final Plan without prejudice. (8 to 0 with Anderson, Andrews, Brewer, Fast Wolf, Hennies, Nash, Prairie Chicken and Schmidt voting yes and none voting no.)

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

Prairie Chicken left the meeting at this time.



Elkins requested that items 42 and 43 be taken concurrently.

42. No. 05TI008 - CHMH Subdivision

A request by Dream Design International, Inc. to consider an application for a **Resolution Creating Tax Increment District No. 54** on S1/2 NE1/4, including right-of-way, Section 23; N1/2 SW1/4, including right-of-way, and Lots 6-17, Block 5, including right-of-way, CHMH Subdivision, Section 24; all located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Mall Drive and west of Haines Avenue.

43. No. 05TI009 - CHMH Subdivision

A request by Dream Design International, Inc. to consider an application for a **Tax Increment District No. 54 Project Plan** on S1/2 NE1/4, including right-of-way, Section 23; N1/2 SW1/4, including right-of-way, and Lots 6-17, Block 5, including right-of-way, CHMH Subdivision, Section 24; all located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Mall Drive and west of Haines Avenue.

Hennies left the meeting at this time.

Elkins advised that the Tax Increment Financing Committee has recommended approval of the request.

Andrews expressed his support for the application.

Nash expressed support for the application. Discussion followed.

In response to Schmidt's questions, Elkins stated that the determination for blight would apply to the inadequacy of existing infrastructure.

Hadcock expressed her opinion in support of the Tax Increment District Funding for park and water improvements benefiting the entire community.

Anderson moved, Andrews seconded and unanimously carried to recommend approval of the attached resolution creating Tax Increment District #54 for Rainbow Ridge and that the that the Project Plan for Tax Increment District #54 be approved. (7 to 0 with Anderson, Andrews, Brewer, Fast Wolf, LeMay, Nash and Schmidt voting yes and none voting no.)

*44. No. 05UR016 - Par Subdivision

A request by Ron Bings with Advanced Engineering for Steve and Trisha Nolan to consider an application for a **Major Amendment to a Conditional Use Permit for a child care center in the General Agriculture Zoning District** on Lot 2 of Tract 1, Par Subdivision, in the SE1/4 SE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6047 Tartan Court.

Elkins advised that staff is recommending approval of the Major Amendment to the Conditional Use Permit with stipulations.



Andrews moved, Schmidt seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit for a child care center in the General Agriculture Zoning District with the following stipulations:

- 1. Prior to obtaining an Occupancy Permit, a covenant requiring the applicant to hook on to the City water system when it becomes available shall be approved by the City Council;**
- 2. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings of August 30, 2005. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 3. The Child Care Center shall care for no more than 85 children or a Major Amendment to a Conditional Use Permit shall be submitted for review and approval;**
- 4. The signage shall be for one eight foot wide by eight foot high ground sign as shown on the site plan. Any additional signage shall be submitted for review and approval as a Major Amendment;**
- 5. The use allowed with the Conditional Use Permit shall be limited to a child care center. Other uses may be allowed as a Major Amendment to the Conditional Use Permit;
The Child Care facility hours shall be from 6 a.m. to 6 p.m.;**
- 6. The proposed structure shall conform architecturally to the plans and elevations submitted;**
- 7. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 8. The indoor and outdoor play areas shall continually meet the minimum standards for a child care center as per Section 17.50.150 of the Rapid City Municipal Code;**
- 9. All site lighting shall be directed away from the adjacent rights-of-way and adjacent properties;**
- 10. The signage shall comply with the submitted sign package or an amendment to the Planned Commercial Development shall be obtained;**
- 11. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 12. An Occupancy Permit shall be obtained prior to occupancy;**
- 13. The proposed structure shall be fully fire sprinklered and fire alarmed as per the International Fire Code;**
- 14. All applicable provisions of the International Fire Code shall be continually met; and,**
- 15. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission or if the use as approved has ceased for a period of two years. (7 to 0 with Anderson, Andrews, Brewer, Fast Wolf, Hennies, Nash, and Schmidt voting yes and none voting no.)**



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

44B No. 05SR057 - Plum Creek Subdivision

A request by City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow the construction of a public street** on the NW1/4 SW1/4 less the Plum Creek Subdivision, less Lot H1 and less Right-of-way, all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Willowbend Road.

Fisher advised that the staff's recommendation is to approve the 11-6-19 SDCL review to allow the construction of a public street with stipulations.

A brief discussion followed.

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

- 1. The street shall be constructed with a minimum 22 foot wide asphalt millings surface;**
- 2. The street shall be allowed on a temporary basis and shall be located in the same place as the original temporary access street. In particular, the street shall be removed when a street connection from Willowbend Road to Minnesota Street and from Minnesota Street to the Southeast Connector has been completed;**
- 3. The street shall be limited to a right-in, right-out movement only; and,**
- 4. An Access Easement shall be recorded at the Register of Deed's Office for the proposed street location prior to the start of construction. (6 to 0 with Anderson, Andrews, Brewer, Fast Wolf, Nash, and Schmidt voting yes and none voting no.)**

There being no further business, Andrews moved, Brewer seconded and unanimously carried to adjourn the meeting at 9:33 a.m. (6 to 0 with Anderson, Andrews, Brewer, Fast Wolf, Nash, and Schmidt voting yes and none voting no)