



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 6, 2005

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

STAFF PRESENT: Marcia Elkins, Karen Bulman, Mike Maxwell, Michelle Horkey, Bob Dominicak, Emily Fisher, Bill Knight, Karie Price and Carol Bjornstad.

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

---NON HEARING ITEMS CONSENT CALENDAR---

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 4, 9, 10 and 11 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Anderson, seconded by Andrews and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 12 in accordance with the staff recommendations with the exception of Items 4, 9, 10, 11 (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

1. Approval of the September 20, 2005 Planning Commission Meeting Minutes.
2. Approval of the September 22, 2005 Planning Commission Meeting Minutes.
3. 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 27, 2005 Planning Commission meeting at the applicant's request.

5. No. 05PL167 - Robbinsdale Addition No. 10
A request by Sperlich Consulting, Inc. for Walgar Development to consider an



application for a **Preliminary Plat** on Lots 1 through 9, Block 3, Minnesota Park Subdivision, located in the NE1/4 SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A, Robbinsdale Addition No. 10, located in the NE1/4 SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of East Minnesota Street and Maple Avenue.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, a Master Utility Plan for private utilities shall be submitted for review and approval;**
3. **Prior to Preliminary Plat approval by the City Council, a geotechnical report, including pavement design recommendations and soil resistivity, shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, a revised drainage report, including analysis of street flows, inlets and riprap design at curb cut and outlet(s), shall be submitted for review and approval;**
5. **Prior to Preliminary Plat approval by the City Council, the water plans shall be revised to provide a fire hydrant at the intersection of Walgar Court and Minnesota Street;**
6. **Prior to Preliminary Plat approval by the City Council, construction plans for Maple Avenue shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
7. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
8. **Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Minnesota Street. In addition a non-access easement shall be shown along all corner lots in compliance with the driveway separation requirements as per the Street Design Criteria Manual;**
9. **Prior to submittal of a Final Plat, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;**
10. **Upon submittal of the Final Plat application, the plat document shall be revised to show the dedication of 10 additional feet of right-of-way along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained; and,**



11. **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.**

6. No. 05PL168 - Rand Addition

A request by Davis Engineering for Frank Brink & Sons, Inc. to consider an application for a **Preliminary Plat** on Tract A and Tract B of Tract L, Rand Addition, located in the W1/2 NW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota. Tract L, Rand Addition, located in the W1/2 NW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Samco Road.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department.**
2. **Prior to Preliminary Plat approval by the City Council, a current grading plan shall be submitted for review and approval.**
3. **Prior to Preliminary Plat approval by the City Council, a current drainage plan shall be submitted for review and approval.**
4. **Prior to Preliminary Plat approval by the City Council, a revised water and waste water plan shall be submitted for review and approval.**
5. **Prior to Preliminary Plat approval by the City Council, a comprehensive parking plan shall be submitted for review and approval. The plan shall show the required number of parking spaces for each business located on the parcel.**
6. **Upon submittal of the Final Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval.**
7. **Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

7. No. 05SR041 - Olson Subdivision

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

Planning Commission approved the 11-6-19 SDCL Review with the stipulation that any additional modifications or changes to the facility shall be reviewed through the 11-6-19 SDCL Review Process or as a Major Amendment to a Conditional Use Permit.

8. No. 05SR046 - MCMahon Industrial Park No. 2



A request by RealCom Association for Alltel (formerly Western Wireless) to consider an application for a **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 approved the SDCL 11-6-19 Review to allow the installation of twelve existing antennas and four new antennas on an existing 100 foot tower with the following stipulation:

1. The existing off-street parking space shall be paved with a curb stop and identified as van handicapped parking.
2. A Building Permit shall be obtained prior to any construction;
3. A Certificate of Completion shall be obtained prior to any use of tower;
4. That all requirements of the Off-Street Parking Ordinance shall be continually met;
5. The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority;
6. No commercial advertising signage shall be allowed on the tower;
7. Prior to issuance of a Building Permit, three sets of Architectural/Engineer stamped plans shall be provided for review and approval;
8. The tower shall remain unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority; and,
9. A maximum of 17 antennas will be allowed with this 11-6-19 SDCL Review. Any additional antennas require a new 11-6-19 SDCL Review.

12. No. 05SR056 - New Park Subdivision

A request by Dream Design International, Inc. to consider an application for an **11-6-19 SDCL Review to construct road improvements, extend right-of-way and public utilities** on Lot H1, Lot 1, New Park Subdivision, NW1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, New Park Subdivision, NW1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the south terminus of Kyle Street and the eastern terminus of Kathryn Avenue.

Planning Commission approved the 11-6-19 SDCL Review to construct road improvements, extend right-of-way and public utilities with the following stipulations:

1. An Air Quality Permit shall be obtained prior to construction;
2. Kathryn Street shall have a 68 foot right-of-way and a 32 foot pavement width with parking on one side;



3. All sub-collector streets shall have a 52 foot right-of-way with a 27 foot pavement width;
4. Temporary construction easements shall be obtained from the adjacent property to allow grading for the detention pond on the adjacent property;
5. Prior to construction, an agreement from Black Hills Power shall be obtained to allow work within the 40 foot wide Black Hills Power easement along the northern portion of the subject property;
6. A 55 foot radius all weather temporary turnaround shall be constructed; and,
7. The streets, rights-of-way, and public utilities shall be built as per the approved plans.

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

4. No. 05PL166 - Stoney Creek South Subdivision

A request by Centerline for Bank West to consider an application for a **Preliminary Plat** on Lots 1A and 1B, Block 1, Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 1, Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Catron Boulevard and Sheridan Lake Road.

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

Elkins stated that staff recommends approval of the Preliminary Plat with revised stipulations. Elkins advised that the applicant is opposed to the staff recommendation relative to the approach location. She stated that Tax Increment District funds were approved to provide for drainage to be piped beneath the surface to eliminate the approach on the north side that is in the acceleration lane on North Sheridan Lake Road. Elkins advised that staff is concerned with the safety of the proposed location and the staff's recommendation is that the non-access easement be extended. Elkins stated that staff's recommendation is for approval of the Preliminary Plat with revisions to the stipulations.

In response to Andrews's questions, Elkins stated that the Planning Commission recommended that the Tax Increment Financing District be denied and the City Council subsequently approved the Tax Increment District for the subject property.

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

1. Prior to Preliminary Plat approval by the City Council, water plans shall be submitted for review and approval. In particular, the location of the stub for the service lines, looping, domestic and fire flows and fire hydrant location(s) shall be shown. In addition, the plat



- document shall be revised to show utility easements as needed;
 2. Prior to Preliminary Plat approval by the City Council, sewer plans shall be submitted for review and approval. In particular, the sewer plans show the collection system, service line connections to the existing system. In addition, the plat document shall be revised to show utility easements as needed;
 3. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In addition, an erosion and sediment control plan and provisions for any required detention shall be submitted for review and approval. The plat document shall also be revised to provide drainage easements as needed;
 4. Prior to Preliminary Plat approval by the City Council, a geotechnical report, including pavement design recommendations and soil resistivity, shall be submitted for review and approval;
 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, the plat document shall be revised identifying the plat as a "Final Plat" in lieu of a "Minor Plat";
 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Catron Boulevard; and,
 8. 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. (8 to 0 to 1 with Anderson, Andrews, Brewer, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no and Brown abstaining)
9. No. 05SR052 - Silver Strike Subdivision
A request by Faulk and Foster for Western Wireless Corp. to consider an application for an **11-6-19 SDCL Review for a 100 foot monopole and equipment shelter for a wireless communication facility** on Lot B, Lot 3, Silver Strike Subdivision, SE1/4 NE1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2316 Distribution Lane.
- Bulman presented the Staff recommendation for the 11-6-19 Review for a 100 foot monopole and equipment shelter for a wireless communication facility. Bulman stated that the stipulations have not been met and as such the staff's recommendation is continue the request to the October 27, 2005 Planning Commission meeting.
- Ralph Wyngarden, Faulk & Foster, agent for the applicant, described proposed location of the monopole and the equipment shelter. Wyngarden requested approval with stipulations 4, 5 and 6 being deleted. Wyngarden stated that the



applicant would be agreeable to providing elevations for the shelter prior to obtaining a building permit.

In response to Schmidt's questions, Elkins stated that the staff's recommendations are ordinance requirements. Elkins further clarified that an 11-6-19 SDCL Review does not go before the Zoning Board of Adjustments. Elkins advised that denial by the Planning Commission of the 11-6-19 Review could be appealed to the City Council.

In response to Schmidt's question, Wyngarden advised that the parking spaces required would be utilized only by the service technician. Discussion followed.

In response to Schmidt's question, Knight advised that fire apparatus turnaround is a requirement. He stated that different configurations could be provided.

Elkins advised that the City Ordinance requires that the road and parking on a commercial property be paved. She stated that Federal law requires that one parking space and one handicap parking space be provided.

In response to Hadcock's question, Elkins stated that there may be potential major developments on adjacent properties.

Stanley Gillespie, area resident, requested clarification for the location of the 100 foot drainage easement. Bulman stated that the tower and the structure would be located outside of the drainage easement.

Discussion followed on the paving requirement, the American with Disabilities requirement, the option of a flag pole design and the number of antennae to be located on the tower.

Andrews moved, LeMay seconded and unanimously carried to approve the 11-6-19 SDCL Review for a 100 foot monopole and equipment shelter for a wireless communication facility with the following stipulations:

- 1. A building permit shall be obtained prior to construction and a Certificate of Occupancy prior to occupancy;**
- 2. Prior to obtaining a building permit, engineered stamped plans of the 100 foot monopole shall be submitted for review and approval;**
- 3. The structure shall have an address located visibly from the street or access point;**
- 4. Prior to obtaining a building permit, a site plan indicating an all weather fire apparatus turnaround shall be provided for review and approval;**
- 5. Prior to Planning Commission, a site plan indicating two parking spaces with one being handicapped accessible shall be provided for review and approval;**
- 6. Prior to obtaining a building permit, elevations of the equipment shelter shall be submitted for review and approval prior to the issuance of a building permit;**
- 7. A maximum number of six antennas shall be allowed on the**



monopole or a Major Amendment to a Conditional Use Permit shall be required; and,

8. **The monopole shall be constructed to allow the future co-location of antennas. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

10. No. 05SR053 - Section 17, T1N, R9E

A request by Gustafson Builders to consider an application for an **11-6-19 SDCL Review to construct a 70 foot by 80 foot private hangar at Rapid City Regional Airport** on all of Section 17, less part of Rapid City Airport Subdivision, No. 6, Section 17, T1N, R9E, unplatted, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4200 Airport Road.

Elkins stated that stipulations have not been met and staff is requesting that the 11-6-19 Review be continued to the October 27, 2005 Planning Commission. Elkins commented that concerns with regard to the drainage on the subject property have been raised. Elkins stated that she received a phone call from an individual who expressed concerns with regard to the drainage on the subject property.

Schmidt moved, Prairie Chicken seconded to continue the 11-6-19 SDCL Review to construct a 70 foot by 80 foot private hangar at Rapid City Regional Airport to the 10/27/05 Planning Commission meeting.

Brian Newman, Gustafson Builders, stated that the applicant is working with the surrounding property owners to meet the stipulations set forth by staff. Discussion followed.

Elkins suggested that the Planning Commission authorize the staff to issue a footing foundation permit prior to the October 27, 2005 Planning Commission meeting. Discussion followed.

Schmidt and Prairie Chicken accepted the friendly amendment to modify the motion to include the footing and foundation authorization.

Schmidt moved, Prairie Chicken seconded and unanimously carried to continue the 11-6-19 SDCL Review to construct a 70 foot by 80 foot private hangar at Rapid City Regional Airport to the October 27, 2005 Planning Commission meeting with the provision that staff is authorized to allow a footing and foundation permit at the applicant's risk prior to the October 27, 2005 Planning Commission meeting. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

11. No. 05SR055 - Section 28, T2N, R8E

A request by Dream Design International, Inc. to consider an application for an **11-6-19 SDCL Review to extend public right-of-way and to construct a street with public utilities within the public right-of-way** on the unplatted



balance of N1/2 SW1/4, the NW1/4 SE1/4 and the SW1/4NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of North Elk Vale Road and at the eastern terminus of Seger Drive and Mall Drive and west of Dyess Avenue.

Elkins stated that the applicant has requested that this be continued to the October 27, 2005 Planning Commission meeting.

Schmidt moved, Prairie Chicken seconded and unanimously carried to continue the SDCL 11-6-19 Review to extend public right-of-way, to construct a street with public utilities within the public right-of-way to the October 27, 2005 Planning Commission meeting. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

Nash announced that the Public Hearings on Items 13 through 19 were opened.

Brown moved, Andrews seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 13 through 19 in accordance with the staff recommendations. (9 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

The Public Hearings for Items 13 through 19 were closed.

---HEARING ITEMS CONSENT CALENDAR---

13. No. 05CA034 - Schlottman Addition
A request by Mark and Sandra Armstrong d/b/a Sand Mark II, LLC to consider an application for a **Summary of Adoption action for an Amendment to the Comprehensive Plan to change the future land use designation 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.

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

- *14. No. 05PD057 - Section 26, T2N, R7E
A request by Thurston Design Group, LLC for Vaughn Bay Construction to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on W 932 feet of the S 377 feet of the SE1/4 SE1/4, and the 13.14 feet of Thrush Drive Right-of-Way located adjacent to the W 932 feet of the S 377 feet of the SE1/4 SE1/4 all located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1200 Silver Street.

Planning Commission approved the Planned Residential Development -



Initial Development Plan with the following stipulations:

- 1. Upon Final Planned Residential Development submittal, a water and sewer plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the applicant shall demonstrate that adequate domestic water and fire flows are being provided;**
- 2. Upon Final Planned Residential Development submittal, a grading plan and geotechnical information shall be submitted for review and approval;**
- 3. Upon Final Planned Residential Development submittal, a drainage plan as well as an erosion and sediment control plan shall be submitted for review and approval. In particular, the drainage plan shall be submitted in compliance with the Morningside Drainage Basin Design Plan identifying detention cell element #120 located along the west side of the development. Any street drainage discharge shall be within the acceptable standards as per the Drainage Criteria Manual;**
- 4. 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;**
- 5. Upon Final Planned Residential Development submittal, a landscaping plan shall be submitted for review and approval;**
- 6. Upon Final Planned Residential Development submittal, a sign and lighting package shall be submitted for review and approval;**
- 7. Upon Final Planned Residential Development submittal, elevations for the proposed structures shall be submitted for review and approval;**
- 8. Upon Final Planned Residential Development submittal, the location and size of the dumpsters shall be submitted for review and approval. In particular, the applicant shall identify whether individual trash receptacles and/or community dumpsters are being proposed. In addition, the dumpsters shall be screened;**
- 9. Upon Final Planned Residential Development submittal, the location, size and noise rating of any exterior air handling equipment proposed for the community center shall be submitted for review and approval;**
- 10. A building permit shall be obtained prior to any construction. In addition, a Certificate of Occupancy shall be obtained prior to occupancy;**
- 11. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;**
- 12. The minimum required setback is hereby reduced from 25 feet to 20 feet along the east lot line for the proposed apartment building;**
- 13. The minimum required setback is hereby reduced from 25 feet to 17 feet 14 ¾ inches between the proposed apartment building and the future dedicated right-of-way for Anamosa Street;**
- 14. Prior to submittal of a Final Planned Residential Development, the**



Thrush Drive right-of-way shall be vacated as proposed or the site plan shall be revised to eliminate this area from the Planned Residential Development;

15. Prior to submittal of a Final Planned Residential Development, the existing 50 foot utility easement shall be vacated or the site plan shall be adjusted to preclude any structural development within the utility easement;
16. The existing single family residence shall be removed at such time as the property is platted and additional right-of-way for Anamosa Street is dedicated or at such time as the City acquires the right-of-way by some other means; and,
17. 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.

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.

15. No. 05RZ053 - Section 19, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on NE1/4 NW1/4, Section 19, T2N, R8E, BHM, Rapid City, 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 Rezoning from No Use District to Low Density Residential District be approved in conjunction with the related Planned Development Designation for the following legal description only: "From the north ¼ corner of Section 19, T2N, R8E, BHM, on the ¼ line S00°14'33" W 33.00 feet to the point of beginning; thence S00°14'33" W 260.00 feet; thence N89°33'54" W 207.54 feet; thence N00°14'33" E 260.00 feet; thence S89°33'54" E 207.54 feet to the point of beginning".

16. 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 27, 2005 Planning Commission meeting.

17. No. 05SV064 - Robbinsdale Addition No. 10

A request by Sperlich Consulting, Inc. for Walgar Development to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit; to dedicate additional right-of-way and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 9, Block 3, Minnesota Park Subdivision, located in the NE1/4 SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A, Robbinsdale Addition No. 10, located in the NE1/4 SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of East Minnesota Street and Maple Avenue.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be tabled;

That the Variance to the Subdivision Regulations to allow a lot twice as long as wide be approved; and,

That the Variance to the Subdivision Regulations to dedicate additional right-of-way be approved with the following stipulation:

1. **Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide pedestrian access and utility easement along Minnesota Street.**

*18. No. 05UR017 - Western Heights Subdivision

A request by Abiding Word Evangelical Lutheran Church to consider an application for a **Conditional Use Permit to allow a church in a Medium Density Residential Zoning District** on Lot 2, Block 8, Western Heights Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4021 Range Road.

Planning Commission approved the Conditional Use Permit to allow a church in a Medium Density Residential Zoning District be approved with stipulations:

1. **Prior to Planning Commission, a revised parking plan shall be submitted for review and approval;**
2. **Prior to Planning Commission, a revised landscaping plan shall be submitted for review and approval;**



3. All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met;
4. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met;
5. All requirements of the 2003 International Uniform Fire Code shall be continually met;
6. A sign permit shall be obtained prior to construction of the sign;
7. Prior to Planning Commission, an elevation of the steeple shall be submitted for review and approval; and,
8. A building permit will be required prior to installation of the steeple.

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

19. No. 05VR010 - Section 26, T2N, R7E

A request by Thurston Design Group for Vaughn Bay Construction to consider an application for a **Vacation of Right-of-Way** on a tract of land located in the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is 5/8" rebar marking the northeast corner of W932 feet of the S377 feet of the SE1/4 SE1/4, less the N35 feet dedicated as Thrush Drive, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence S89°51'30"W a distance of 255.36 feet, more or less, to a point; said point being a 5/8" rebar with survey cap marked "FMG, Inc. LS SD 1019", marking the northwest corner of the vacated Gold Street right-of-way; Thence S89°52'35"W a distance of 170.05 feet, more or less, to a point; Thence N00°07'25"W a distance of 23.05 feet, more or less, to a point; Thence N89° 51'11"E a distance of 415.41 feet, more or less, to a point; Thence S45°08'49"E a distance of 14.14 feet, more or less, to a point; Thence S00°08'49"E a distance of 13.14 feet, more or less, to the point of beginning. Said area includes 0.225 acres, more or less., legally described as W 932 feet of the S 377 feet of the SE1/4 SE1/4, and the 13.14 feet of Thrush Drive Right-of-Way located adjacent to the W 932 feet of the S 377 feet of the SE1/4 SE1/4 all located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the the intersection of Anamosa Street and Interstate 90.

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

1. Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation.

---END OF HEARING CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---



20. No. 05SR054 - Section 19, T1N, R8E

A request by FMG Engineering, Inc. for Community Education Centers, Inc. to consider an application for an **11-6-19 SDCL Review to allow a correction facility on public property** on that part of the SE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota that lies within the following description: Commencing at a point at the southeast corner of Lot H3, NE1/4 less Lot H4 in Section 19, T1N, R8E; thence S00°02'59"E, 405.00 feet to a point on the west South Highway 79 right-of-way line; thence N89°55'38"W, 120.45 feet to a point; thence N38°35'32"W, 134.08 feet to a point; thence N00°02'59"W, 300.31 feet to a point on the south lot line of Lot H3 of the NE1/4 less Lot H4 in Section 19, T1N, R8E; S89°55'38"E, 204.00 feet to a point at the southeast corner of Lot H3 of the NE1/4 less Lot H4 in Section 19, T1N, R8E, at the point of beginning; all located within the SE1/4 SE1/4, Section 19, T1N, R8E, BHM; said parcel containing 1.796 acres, more or less, more generally described as being located west of Highway 79 and south of Catron Boulevard.

Bulman presented the 11-6-19 SDCL Review to allow a correction facility on public property. Bulman presented the staff recommendation to approve the 11-6-19 SDCL Review with revised stipulations. Bulman advised that a public comment from Martha Rodriguez has been received expressing opposition to the proposed use on the subject property due to concerns with the location of sex offenders at the site. Discussion followed.

Hennies moved, Andrews seconded and unanimously carried to approve the 11-6-19 SDCL Review to allow a correction facility on public property 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. **All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met;**
3. **Prior to Planning Commission, a list of existing landscaping material shall be submitted for review and approval;**
3. **All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met;**
4. **An air quality permit shall be obtained prior to issuance of a grading permit or a building permit;**
5. **All requirements of the 2003 International Uniform Fire Code shall be continually met;**
6. **Prior to Planning Commission, a list of the materials to be used on the exterior of the building shall be submitted for review and approval;**
7. **Prior to obtaining a building permit, ADA accessibility revisions as noted on the site plan shall be submitted for review and approval;**
8. **A demolition permit shall be obtained prior to demolition of the existing building;**
9. **Prior to obtaining a building permit, all plans shall be stamped by a registered engineer or architect;**
10. **Prior to obtaining a building permit, all red line comments shall be**



- revised and submitted for review and approval, and the red line drawings shall be returned to the Growth Management Office; and,
11. Any future installation of signs will require an 11-6-19 SDCL Review. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

Bulman requested that items 21 and 22 be taken concurrently.

21. No. 05TI011 - Sections 18 and 19, T2N, R8E and Section 13, T2N, R7E
A request by Dream Design International to consider an application for a **Resolution Creating Tax Increment District No. 55** on Lot 1, Mailloux Subdivision; Government Lot 4; the unplatted balance of the SE1/4 SW1/4 and the unplatted balance of the S1/2 SE1/4 all located in Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; NE1/4 NW1/4 Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 7R, Madisons Subdivision; Outlots A, B and C and all of Block 6 of Auburn Hills Subdivision and the Auburn Drive right of way lying adjacent to said lots; NE1/4 SE1/4; S1/2 SE1/4; SE1/4 SW1/4 less Lot 7R, Madisons Subdivision; N1/2 SW1/4 SW1/4; NW1/4 SW1/4; SW1/4 NW1/4; all located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located extending from the western boundary of Auburn Hills Subdivision, along Country Road to 143rd Avenue.
22. No. 05TI012 - Sections 18 and 19, T2N, R8E and Section 13, T2N, R7E
A request by Dream Design International to consider an application for a **Tax Increment District No. 55 Project Plan** on Lot 1, Mailloux Subdivision; Government Lot 4; the unplatted balance of the SE1/4 SW1/4 and the unplatted balance of the S1/2 SE1/4 all located in Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; NE1/4 NW1/4 Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 7R, Madisons Subdivision; Outlots A, B and C and all of Block 6 of Auburn Hills Subdivision and the Auburn Drive right of way lying adjacent to said lots; NE1/4 SE1/4; S1/2 SE1/4; SE1/4 SW1/4 less Lot 7R, Madisons Subdivision; N1/2 SW1/4 SW1/4; NW1/4 SW1/4; SW1/4 NW1/4; all located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located extending from the western boundary of Auburn Hills Subdivision, along Country Road to 143rd Avenue.

Bulman presented the proposed Tax Increment District No. 55. Bulman stated that the Tax Increment Financing Committee recommended approval of the application.

In response to Schmidt's question, Elkins stated that State Statute references the local governing body's zoning definitions of commercial and industrial uses for qualification of an economic development Tax Increment Financing. Discussion followed.

In response to Andrews's questions, Elkins stated that the proposed development is located north of Country Road. She advised that the applicant is proposing approximately 300 residential lots for development. Discussion



followed.

Andrews expressed concerns with whether the development will occur in accordance with the time frames provided by the applicant.

In response to Hadcock's question, Elkins clarified the effects of the different types of Tax Increment Districts and the impact on taxes.

In response to Brewer's question, Elkins stated that the City does not review the credit status of the applicant. Discussion followed.

Andrews moved, Brown seconded and unanimously carried to recommend that the Project Plan for the Tax Increment Financing District #55 and the creation of the Tax Increment Financing District #55 be approved. (9 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

22A. 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 29, 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.

Elkins advised that the Vacation of Right-of-Way is presented to the Planning Commission for approval to correct an error in the legal description.

Andrews moved, Prairie Chicken seconded and unanimously carried to recommend 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. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

23. Discussion Items

A) Request to Amend minimum side yard setback for Garages.

Elkins stated that a letter was received by an individual requesting an amendment to the minimum side yard setbacks for garages. Elkins stated that the individual requested that the setback be reduced to five feet. She stated that staff is concerned with setbacks interfering with the required



eight foot drainage easements.

Nash expressed his opinion that an eight foot side yard set back should remain a requirement. Nash further commented that requests for variances to this requirement allow each site to be reviewed on an individual basis.

Andrews expressed his opinion that the minimum side yard setbacks should stay in place.

In response to LeMay's question, Elkins clarified the cost to an individual requesting the vacation of drainage easement.

25. Planning Commission Items

Andrews left at this time.

Anderson advised that the Planning Commission has been invited to a meeting on October 12, 2005 with County Commission and City Council.

Hennies stated that the meeting will be a public meeting and recommended that the Planning Commission members attend to discuss alternatives. Discussion followed.

In response to Nash's question, Elkins advised that the 11-6-19 SDCL Review application could be appealed if there were legal issues. Discussion followed.

26. Committee Reports

- A. City Council Report (September 19, 2005)
The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

No. 05SV016 - Crystal Dome Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Craig Erickson to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Crystal Dome Subdivision and dedicated right-of-way located in the E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, legally described as E1/2 NE1/4 NE1/4 Section 13, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Long View Road along Radar Hill Road.

On March 10, 2005, the Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with stipulations. On September 19, 2005, the City Council



denied the request without prejudice at the applicant's request.

No. 05SV023 - Brentwood Subdivision

A request by Brent Pushing to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to pave and to reduce the surface width from 24 feet to 16 feet for Sunridge Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4; SW1/4 SE1/4 SE1/4, all located in Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the end of Sunridge Road.

On August 4, 2005, the Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to pave and to reduce the surface width from 24 feet to 16 feet for Sunridge Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with stipulations. On September 19, 2005, the City Council denied the request without prejudice.

There being no further business, Brown moved, LeMay seconded and unanimously carried to adjourn the meeting at 8:22 a.m. (8 to 0 with Anderson, Brewer, Brown, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)