



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 27, 2005

MEMBERS PRESENT: Peter Anderson, Doug Andrews, John Brewer, Gary Brown, 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, Karen Bulman, Mike Maxwell, Michelle Horkey, Bob Dominicak, Emily Fisher, Bill Knight, Jason Green, and Carol Bjornstad.

Nash called the meeting to order at 7:00 a.m.

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

Staff requested that Items 2, 3, and 4 be removed from the Non-Hearing Consent Agenda for separate consideration.

Schmidt and Hennies requested that Items 7 and 18 be removed from the Non-Hearing Consent Agenda for separate consideration.

A member of the audience requested that Items 6 and 13 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Brown Seconded by Andrews, and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 24 in accordance with the staff recommendations with the exception of Items 2, 3, 4, 6, 7, 13 and 18. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the October 6, 2005 Planning Commission Meeting Minutes.

5. 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 January 5, 2006 Planning Commission meeting at the applicant's request.



8. 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, B.H.M., thence S00 00'22"W, along the west 1/16th line of Section 35, a distance of 868.95 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 467.76 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 818.70 feet; thence, third course: N83 15'19"W, a distance of 520.40 feet; thence, fourth course: S58 53'04"W, a distance of 44.42 feet; thence, fifth course: S13 53'04"W, a distance of 42.43 feet; thence, sixth course: S58 53'04"W, a distance of 80.00 feet; thence, seventh course: N31 06'56"W, a distance of 71.67 feet; thence, eighth course: southwesterly, curving to the left on a curve with a radius of 480.00 feet, a delta angle of 52 11'51", a length of 437.29 feet, a chord bearing of N57 12'52"W, and chord distance of 422.32 feet; thence: ninth course: N83 18'47"W a distance of 254.52 feet; thence, tenth course: N06 41'13"E, along the easterly edge of said right-of-way, a distance of 555.73 feet, to a point on the north 1/16th line of Section 35; thence, eleventh course: N06 40'10"E, along the easterly edge of said right-of-way, a distance of 598.55 feet; thence, twelfth course: S83 15'19"E, a distance of 1152.16 feet, to the point of beginning. Said parcel contains 1,521,005 square feet or 34.92 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 December 8, 2005 Planning Commission meeting to allow the applicant to submit additional information.

9. No. 05PL177 - Section 16, T1N, R8E

A request by Sperlich Consulting, Inc. for Triple Z Real Estate Development, LLLP to consider an application for a **Preliminary Plat** on Lots 8 through 12, Block 8; Lots 5 through 9; Lots 17 through 23, Block 10; Lots 13 through 18, Block 11; and Lots 5 through 10, Block 13, Elks Country Estates, Tract 1, E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4 SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1, E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north and south sides of the intersection of Jolly Lane and Padre Drive and adjacent to Forest Oaks Court.

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, geotechnical information for the pavement design shall be submitted for review and approval;
 3. Prior to Preliminary Plat approval by the City Council, the applicant shall submit water calculations demonstrating that adequate fire and domestic flows are being provided. In addition, the applicant shall provide soil corrosivity and resistivity information along with a request to the Public Works Department for approval of joint restraints;
 4. Prior to Preliminary Plat approval by the City Council, documentation demonstrating that adequate capacity of the lift station and sanitary sewer main(s) exist for the proposed development;
 5. Prior to Preliminary Plat approval by the City Council, the construction plans for Jolly Lane shall be revised to provide a standard curb and gutter in lieu of a roll curb or an Exception to the Street Design Criteria Manual shall be obtained;
 6. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the installation of all required underground electrical facilities in conjunction with new street lights as per Chapter 16.06.085 of the Subdivision Regulations or a Variance to the Subdivision Regulations shall be obtained;
 7. Prior to Preliminary Plat approval by the City Council, the grading plan shall be revised and submitted for review and approval addressing the Cyclone Irrigation Ditch. In particular, the grading plan shall demonstrate that grading around the irrigation ditch does not alter the flow of the ditch. The revised grading plan shall also demonstrate that the driveway slopes are within the maximum allowed slope(s) as per the International Fire Code and the Street Design Criteria Manual of 10% and 16%, respectively, or an Exception to the International Fire Code and the Street Design Criteria Manual shall be obtained;
 8. Prior to Preliminary Plat approval by the City Council, the applicant shall identify a building envelope on proposed Lot 6. In addition, the applicant shall demonstrate access to the building site across the Cyclone Irrigation Ditch and revise the Preliminary Plat accordingly if needed;
 9. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 10. Prior to Preliminary Plat approval by the City Council, drainage information shall be submitted for review and approval. In particular, the drainage plan shall insure that calculations are provided for the sizing of riprap, storm sewer, street flows, etc. in accordance with the Drainage Criteria Manual. If the Cyclone Irrigation Ditch is used for stormwater, it shall meet all requirements of Section 11 of the Drainage Criteria Manual providing drainage calculations and information as needed. The applicant shall also submit written



approval from the Cyclone Ditch owner(s) to use the ditch. In addition, the plat document shall be revised to provide drainage easements as needed;

11. An Exception to allow 355 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual is hereby granted with the stipulation that prior to submittal of a Final Plat application, a contract shall be awarded for the construction of a street connection to the Southeast Connector and surety posted for the improvement;
 12. Prior to submittal of a Final Plat application, a different street name for Forest Oaks Court shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; and,
 13. 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.
10. No. 05PL179 - Section 8, T2N, R7E
A request by Fisk Land Surveying for Bev Hammon to consider an application for a **Layout Plat** on Lots 10, 11 and 12, Block 6, Northdale Subdivision, Lot 1, SW1/4 SE1/4, Section 8, T2N, R7E, BHM, Pennington County, South Dakota, legally described as unplatted portion of Lot 1, SW1/4 SE1/4, Section 8, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Saratoga Drive and Merritt Road.

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

1. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;
2. 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. In addition, written documentation indicating adequate capacity and approval to connect to the Northdale Sewer District shall be submitted for review and approval;
3. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains and that adequate domestic and fire flows exist shall be submitted for review or a Variance to the Subdivision Regulations shall be obtained;
4. Upon submittal of a Preliminary Plat, road construction plans for Merritt Road shall be submitted for review and approval. In particular, the road construction plans shall show Merritt Road located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street



light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised dedicating five additional feet of right-of-way along Merritt Road;

5. Upon submittal of a Preliminary Plat, road construction plans for Saratoga Drive shall be submitted for review and approval. In particular, the construction plans shall show Saratoga Drive constructed with street light conduit, sidewalk, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat, the plat document shall be revised to show a non-access easement along Merritt Road and the first 75 feet along Saratoga Drive as they abut Lot 10, Block 6;
7. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
8. 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.

11. No. 05PL180 - Fountain Springs Business Park

A request by D.C. Scott Co. Land Surveyors for Timberline Corporation to consider an application for a **Preliminary Plat** on Lots 1 and 2, Tract G, Fountain Springs Business Park, located in the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract G, Fountain Springs Business Park, located in the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north side of South Plaza Drive at juncture with Plaza Boulevard.

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

1. Prior to Preliminary Plat approval by the City Council, construction plans for S. Plaza Drive shall be submitted for review and approval. In particular, the construction plans shall show the existing water main line, the existing 26 foot wide paved surface and curb and gutter along S. Plaza Drive as it abuts the subject property. In addition, the construction plans shall show street light conduit along S. Plaza Drive or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
3. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; and,
4. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

12. No. 05PL181 - Section 14, T1N, R7E



A request by Dream Design International for Thomas O'Meara to consider an application for a **Preliminary Plat** on Lot 1 and 2, O'Meara Subdivision, located in the NE1/4 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Part of Lot D of Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16 Right-of-Way; and Lot 2, Lot A, Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16, all located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4080 Tower Road.

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

1. **Prior to City Council approval, Planning Commission recommended the plat document shall be revised to show a non-access easement along U.S. Highway 16.**
2. **Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of curb, gutter, sidewalk, water and sewer along Tower Road shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained.**
3. **Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of curb, gutter, sidewalk, water and sewer along US Highway 16 shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained.**
4. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval.**
5. **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.**

14. No. 05RD006 - MJK Subdivision

A request by Hagen Glass to consider an application for a **Resolution renaming Heartland Drive from East Minnesota Street to Catron Boulevard to Quality Boulevard** on located adjacent to Parcel A, Lot 1 and 2, Parcel A, MJK Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Heartland Drive from East Minnesota Street to Catron Boulevard.

Planning Commission recommended that the Resolution renaming Heartland Drive from East Minnesota Street to Catron Boulevard to Quality Boulevard be continued to the November 10, 2005 Planning Commission meeting to allow the applicant to review alternative road names with the other affected property owners.

15. 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.

Planning Commission continued the 11-6-19 SDCL Review to construct a 70 foot by 80 foot private hangar at Rapid City Regional Airport to the November 23, 2005 Planning Commission meeting at the applicant's request.

16. 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.

Planning Commission approved 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, with the following stipulations:

1. **Prior to the start of construction, 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 the start of construction, the applicant shall submit a revised cost estimate and/or verify which of the two submitted cost estimates is correct;**
3. **Prior to the start of construction, utility and drainage easements shall be recorded at the Register of Deed's Office as needed. In addition, Mall Drive right-of-way shall be dedicated as a part of a Preliminary and Final Plat or as an "H" Lot;**
4. **Prior to the start of construction, the construction plans shall be revised extending a concrete street section from the section line highway, or Dyess Avenue, to the western end of the project, including the fillet and pan area;**
5. **Prior to the start of construction, the construction plans shall be revised extending a concrete street section at the eastern end of the project to Elk Vale Road. In addition, the street section shall be constructed in the same alignment as the balance of the street section to accommodate a future five lane street section;**
6. **Prior to the start of construction, the construction plans shall be revised to provide fire hydrants along the south side of Mall Drive as needed;**
7. **Prior to the start of construction, the construction plans shall be revised to provide adequate sized sleeves for future water and sewer main connections extending from the water and sewer mains to be constructed in Mall Drive or the applicant shall enter into an agreement to remove any unused water and/or sewer connections in accordance with the City of Rapid City Standard Specifications;**



8. **All South Dakota Department of Environment and Natural Resource standards shall be continually met; and,**
9. **An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre.**

17. No. 05SR058 - Pine View Terrace

A request by Unique Signs for Corral Drive Elementary School to consider an application for an **11-6-19 SDCL Review to allow the construction of a 4 foot by 8 foot redwood sign with brick columns on each side** on Lot 2, Less Lot H1, Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Park Drive between Wonderland Drive and Corral Drive.

Planning Commission approved the 11-6-19 SDCL Review to allow the construction of a four foot by eight foot redwood sign with brick columns on each side with the following stipulations:

1. **Prior to installation of the sign, a Sign Permit shall be obtained.**
2. **The sign shall comply architecturally with the design plans submitted with this 11-6-19 SDCL Review.**

19. No. 05SR060 - Section 9, T1N, R8E

A request by Alliance of Architects for Donald Smith to consider an application for an **11-6-19 SDCL Review to install sanitary and sewer improvement for South Valley Mobile Estates** on Lot 3, (South Valley Mobile Estates), located in the SW1/4 NW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Orchard Lane and East of South Valley Drive.

Planning Commission continued the 11-6-19 SDCL Review to install sanitary and sewer improvements for South Valley Mobile Estates to the November 10, 2005 Planning Commission meeting to allow the applicant time to submit additional information.

20. No. 05VE019 - Trailwood Village

A request by Great Plains Builders to consider an application for a **Vacation of Non-Access Easement** on Lot 7, Block 23, Trailwood Village, located in the NW1/4 SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Williams Street and Leola Lane.

Planning Commission recommended that the Vacation of Non-Access Easement be approved with the following stipulation

1. **Prior to the approval by the City Council, a recorded copy of an access restriction for 54 feet of lot frontage abutting Leola Lane shall be submitted to the Growth Management Department.**

21. No. 05VE020 - Eastridge Estates Subdivision

A request by Dream Design International, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 6, Block 3, Eastridge Estates



Subdivision, SE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 303 Enchantment Road.

Planning Commission recommended that the Vacation of Non-Access Easement be approved with stipulation:

1. **Prior to the approval of the City Council, a recorded copy of an access restriction for 55 feet of lot frontage abutting Stumer Road shall be submitted to the Growth Management Department.**

22. No. 05VE021 - South Pointe Subdivision

A request by Dream Design International, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 4, Block 4, South Pointe Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of Sandra Lane and Parkview Drive.

Planning Commission recommended that the Vacation of Non-Access Easement be approved with the following stipulation:

1. **A 70 foot non-access easement as opposed to the requested 60 foot non-access easement along Sandra Lane be approved upon submittal of a site plan.**

23. No. 05VE022 - South Pointe Subdivision

A request by Dream Design International, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 16, Block 3, South Pointe Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of East Enchanted Pines Drive and Parkview Drive.

Planning Commission recommended that the Vacation of Non-Access Easement be approved with the following stipulation:

1. **A 70 foot non-access easement as opposed to the requested 60 foot non-access easement along Sandra Lane be approved upon submittal of a site plan.**

24. No. 05VE023 - South Pointe Subdivision

A request by Dream Design International, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 9, Block 3, South Pointe Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of East Enchanted Pines Drive and Parkview Drive.

Planning Commission recommended that the Vacation of Non-Access Easement be approved with the following stipulation:

1. **A 70 foot non-access easement as opposed to the requested 60 foot non-access easement along East Enchanted Pines Drive be approved upon submittal of a site plan.**



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

Elkins requested that Items 2, 3 and 4 be taken concurrently.

2. 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.
3. 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.
4. 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.

Elkins requested that the Petitions for Annexation and the Layout Plat be continued to the December 8, 2005 Planning Commission meeting at the applicant's request.

Schmidt moved, Prairie Chicken seconded and unanimously carried that the Petitions for Annexation and the Layout Plat be continued to the December 8, 2005 Planning Commission meeting at the applicant's request. (10 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

6. No. 05PL041 - Gravatt Subdivision
A request by D.C. Scott Co. Land Surveyors for Wayne Householder to consider an application for a **Preliminary Plat** on Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Anderson Road and Dunn Road.

Wayne Householder, applicant, expressed concerns regarding staff's recommendations for locations of drainage easements on the subject Property.

Elkins advised that the applicant would need to provide engineering information



for review by staff he wished to request that the easements be eliminated or relocated. Discussion followed.

Andrews moved, Brown 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, road construction plans showing the installation of four additional feet of paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along Anderson Road shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of four additional feet of paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along Dunn Road shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; and,**
- 3. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees shall be paid. (10 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

7. 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.

Hennies stated that he had been contacted by an area resident that expressed concerns regarding road design on the proposed development location.

Elkins advised that the road at the subject property has been designed in accordance with the Street Design Criteria Manual.

Bob Heidgerken, area resident, expressed concerns with intersection design on the road adjacent to the proposed development. Heidgerken requested adequate access be provided for larger delivery trucks. Heidgerken expressed his opinion that the proposed design of the intersection would inhibit larger truck traffic. Heidgerken stated his opinion that limited options are available for agriculture traffic in the neighborhood. Heidgerken requested a delivery route be made available to serve area residents. Discussion continued.

In response to Hennies questions, Elkins stated that the intersection at the proposed development site would be modified to a "T" intersection and would require traffic to stop. Discussion followed.



Doug Sperlich, agent for the petitioner, commented on the current and proposed design of the road at the proposed development site. Sperlich advised that the proposed intersection would be designed according to the Street Design Criteria Manual. Sperlich commented on the dimensions, grade and surfacing of the proposed intersection at the subject property. Discussion followed.

Andrews moved to approve the Preliminary Plat with the following conditions and with the understanding that the applicant would be willing to work with area residents to accommodate traffic at the proposed development site.

Andrews moved, Hennies seconded and unanimously carried to recommend approval of the Preliminary Plat with the following stipulations and with the understanding that the applicant would be willing to work with area residents to accommodate traffic at the proposed development site;

- 1. Prior to City Council approval of the Preliminary Plat, the applicant shall revise the plat to insure that no residential lot shall have a lot length greater than twice the width or a Subdivision Variance shall have been obtained;**
- 2. Prior to City Council approval of the Preliminary Plat, the applicant shall revise the plat and the related construction drawings to insure that all rights-of-way and public improvements comply with the City standards or the applicant shall obtain a Subdivision Variance;**
- 3. Upon Final Plat submittal, the H-Lot along the eastern subdivision boundary shall be recorded and a copy of the recorded deed shall be submitted transferring ownership to the City of Rapid City;**
- 4. Upon Final Plat submittal, the plat shall be revised to identify an access restriction on Lots 24,52,57 and 62;**
- 5. Upon Final Plat submittal, block numbers acceptable to the Pennington County Register of Deeds shall be shown on the plat document;**
- 6. Upon Final Plat submittal, the applicant shall submit executed agreements with the City or other entities as applicable, defining financing, cost share agreements, schedules, construction and operation responsibilities, and other relevant details to insure the construction of a sewage lift station or other off-premise sanitary sewer improvements that are necessary to provide service prior to occupancy of any structures;**
- 7. Prior to Preliminary Plat approval by the City Council, a subdivision improvements estimate shall be submitted for review and approval; and,**
- 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (10 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

13. No. 05PL185 - Section 28, T1N, R7E

A request by Fisk Land Surveying for Karen Marsden to consider an application



for a **Layout Plat** on Lots 1 and 2, M and B Subdivision, located in the N1/2 E1/2, Lot 1 less Lot H-1 and S1/2 E1/2, Lot 1, Less Lot D, Teds Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as N1/2 E1/2, Lot 1 less Lot H-1 and S1/2 E1/2, Lot 1, Less Lot D, Teds Subdivision, in the NE1/4 NE1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Sheridan Lake Road and south of Wildwood Drive.

Conrad Rupert, area resident, expressed concerns with the variance to install curb and gutter along Wildwood Drive. Rupert stated his opinion that vegetation has been diminished due to lack of curb and gutter in the neighborhood of the subject property.

Fisher stated that the Layout Plat relocates a common boundary between two existing lots. Fisher advised that the Layout Plat would not increase the density on the subject property. Fisher commented that the Planning Commission and City Council typically approves such variances with the stipulation that the applicant sign a Waiver of Right to Protest any future assessment for the improvements when no increase in density is proposed. Fisher presented slides indicating the proposed configuration of the subject property.

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

1. **Upon submittal of a Preliminary Plat application, a grading plan, drainage plan and geotechnical information shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;**
2. **Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
3. **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. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;**
4. **Upon submittal of a Preliminary Plat application, construction plans for Sheridan Lake Road shall be submitted for review and approval. In particular, Sheridan Lake Road shall be constructed with curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
5. **Upon submittal of a Preliminary Plat application, road construction**



plans for Wildwood Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 27 foot wide paved surface, sidewalk, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;

6. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the vacation of the existing 40 foot wide access easement and the dedication of a 40 foot X 40 foot shared approach for the two reconfigured lots or road construction plans for the access easement shall be submitted for review and approval. In particular, the access easement shall be revised to provide a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 7. Prior to Preliminary Plat approval by the City Council, the section line highway located along the north lot line shall be improved to City Street Design standards. In particular, the street shall be constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated. In addition, the entire section line highway shall be vacated or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way;
 8. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval;
 9. Prior to submittal of a Final Plat application, the plat document shall be revised adding "NE1/4 NE1/4" to "all located in..." as shown in the plat title;
 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Sheridan Lake Road; 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. (10 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Fast Wolf, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)
18. No. 05SR059 - Blakes Addition
A request by Lund Associates, LTD for Pennington County Housing & Redevelopment to consider an application for an **11-6-19 SDCL Review for 10 unit multifamily housing to replace existing 10 units on site** on Lots 21 through 34 and 40 feet of East Saint Louis Street, between Racine Street and LaCrosse Street, Block 16, located in the SW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 101 and 115 LaCrosse Street.

Schmidt stated that he would be abstaining from discussion and voting due to a



conflict of interest.

Andrews moved, Brown seconded and unanimously carried to approve the 11-6-19 SDCL Review for ten multifamily housing units 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 obtaining a building permit, a revised landscaping plan shall be submitted for review and approval;**
- 4. All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met;**
- 5. An air quality permit shall be obtained prior to issuance of a grading permit or a building permit;**
- 6. All requirements of the 2003 International Uniform Fire Code shall be continually met;**
- 7. Prior to obtaining a building permit, all revisions to the wastewater system shall be submitted for review and approval;**
- 8. Prior to obtaining a building permit, all corrections to the plans in accordance with the red line comments by the Fire Department shall be submitted for review and approval;**
- 9. A demolition permit shall be obtained prior to demolition of the existing building; and,**
- 10. Prior to construction of any signs, a sign permit shall be obtained. (9 to 0 to 1 with Anderson, Andrews, Brewer, Brown, Hennies, Fast Wolf, LeMay, Nash and Prairie Chicken Schmidt voting yes and none voting no and with Schmidt abstaining)**

Nash announced that the Public Hearings on Items 25 through 42 were opened.

Staff requested that Items 25, 26, 27 and 32 be removed from the Hearing Consent Agenda for separate consideration.

Anderson requested that Item 34 be removed from the Hearing Consent Agenda for separate consideration.

Prairie Chicken moved, Brewer seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 25 through 42 in accordance with the staff recommendations with the exception of Items 25, 26, 27, 32 and 34. (10 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 25 through 42 were closed.

---HEARING ITEMS CONSENT CALENDAR---

- 28. No. 05CA019 - Northside Addition**



A request by Marty Jacob for MJB Company, Inc. to consider an application for a **Summary of Adoption action for an Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 1.58 acre parcel of land from Medium Density Residential to Light Industrial** on Lots 1 thru 8 inclusive and Lots 21 thru 28 inclusive in Block 7 and Lots 1 thru 7 inclusive in Block 12; all located in Northside Addition, NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 826 East Monroe Street.

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

29. No. 05CA035 - Harter Subdivision

A request by Thomas L. Collins to consider an application for an **Summary of Adoption action 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.

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

30. No. 05CA037 -

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the Rapid City Area 2030 Long Range Transportation Plan.**

Planning Commission recommended that the Planning Commission approve of the Comprehensive Plan Amendment adopting the Rapid City Area 2030 Long Range Transportation Plan.

31. No. 05CA038 - Section 14, T1N, R7E

A request by Dream Design International for Thomas O'Meara to consider an application for an **Amendment to the Comprehensive Plan to the Future Land Use Plan from General Commercial to Low Density Residential II** on Lot 1 and 2, O'Meara Subdivision, located in the NE1/4 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Part of Lot D of Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16 right-of-way; and Lot 2, Lot A, Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16, all located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4080 Tower Road.

Planning Commission recommended that the Comprehensive Plan Amendment to the Future Land Use Plan from General Commercial to Low Density Residential II be denied without prejudice.



33. 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, B.H.M., thence S00 00'22"W, along the west 1/16th line of Section 35, a distance of 868.95 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 467.76 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 818.70 feet; thence, third course: N83 15'19"W, a distance of 520.40 feet; thence, fourth course: S58 53'04"W, a distance of 44.42 feet; thence, fifth course: S13 53'04"W, a distance of 42.43 feet; thence, sixth course: S58 53'04"W, a distance of 80.00 feet; thence, seventh course: N31 06'56"W, a distance of 71.67 feet; thence, eighth course: southwesterly, curving to the left on a curve with a radius of 480.00 feet, a delta angle of 52 11'51", a length of 437.29 feet, a chord bearing of N57 12'52"W, and chord distance of 422.32 feet; thence: ninth course: N83 18'47"W a distance of 254.52 feet; thence, tenth course: N06 41'13"E, along the easterly edge of said right-of-way, a distance of 555.73 feet, to a point on the north 1/16th line of Section 35; thence, eleventh course: N06 40'10"E, along the easterly edge of said right-of-way, a distance of 598.55 feet; thence, twelfth course: S83 15'19"E, a distance of 1152.16 feet, to the point of beginning. Said parcel contains 1,521,005 square feet or 34.92 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 December 8, 2005 Planning Commission meeting at the applicant's request.

35. No. 05SV021 - Gravatt Subdivision

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

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code be 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 curb, gutter, sidewalk, street light conduit, sewer and water along Anderson Road and Dunn Road.**

36. 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 be approved, to waive the requirement to install sidewalk and street light conduit along Cobalt Drive be tabled; 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 be tabled.

37. No. 05SV065 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Variance to the Subdivision Regulations to reduce the minimum required pavement width for a subcollector street from 27 feet to 24 feet on Three Rivers Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 24 through 61, Block 1; Lots 1 through NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located North of Viking Drive and west of Cobalt Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to reduce the minimum required pavement width for a subcollector street from 27 feet to 24 feet on Three Rivers Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved.

38. No. 05SV066 - Section 28, T1N, R7E

A request by Fisk Land Surveying for Karen Marsden to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the Section Line Highway and access easement; to reduce the pavement width and to waive the requirement to install sidewalk, street light conduit, curb, gutter, water and sewer along Wildwood Drive and Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2,



M and B Subdivision, located in the N1/2 E1/2, Lot1 less Lot H-1 and S1/2 E1/2, Lot 1, Less Lot D, Teds Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as N1/2 E1/2, Lot 1 less Lot H-1 and S1/2 E1/2, Lot 1, Less Lot D, Teds Subdivision, in the NE1/4 NE1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Sheridan Lake Road and south of Wildwood Drive.

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

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

1. **The access easement shall be constructed with a minimum 20 foot wide all weather surface; and,**
2. **The access easement shall be revised to provide a minimum 49 foot wide easement;**

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, water and sewer along the section line highway be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, street light conduit, water and sewer along Sheridan Lake Road and Wildwood Drive 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.**

39. No. 05SV068 - Fountain Springs Business Park

A request by D.C. Scott Co. Land Surveyors for Timberline Corporation to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sidewalk, planting screen easement, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2, Tract G, Fountain Springs Business Park, located in the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract G, Fountain Springs Business Park, located in the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north side of South Plaza Drive at juncture with Plaza Boulevard.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water, sewer and planting screen easement be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit 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 improvement.**



40. No. 05SV069 - Section 14, T1N, R7E

A request by Dream Design International for Thomas O'Meara to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and additional pavement width along Tower Road and curb, gutter, sidewalk, street light conduit along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 and 2, O'Meara Subdivision, located in the NE1/4 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Part of Lot D of Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16 right-of-way; and Lot 2, Lot A, Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16, all located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4080 Tower Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and additional pavement width along Tower Road and curb, gutter, sidewalk, and street light conduit along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

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

41. No. 05SV072 - Section 8, T2N, R7E

A request by Fisk Land Surveying for Bev Hammon to consider an application for a **Variance to the Subdivision Regulations to reduce the minimum required pavement width for a collector street from 40 feet to 24 feet on Merritt Road; to waive the requirement to install sidewalk, curb, gutter and street light conduit along Merritt Road; and to waive the requirement to install sidewalk and street light conduit along Saratoga Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 10, 11 and 12, Block 6, Northdale Subdivision, Lot 1, SW1/4 SE1/4, Section 8, T2N, R7E, BHM, Pennington County, South Dakota, legally described as unplatted portion of Lot 1, SW1/4 SE1/4, Section 8, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Saratoga Drive and Merritt Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to reduce the minimum required pavement width for a collector street from 40 feet to 24 feet on Merritt Road; to waive the requirement to install sidewalk, curb, gutter and street light conduit along Merritt Road; and to waive the requirement to install sidewalk and street light conduit along Saratoga Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

42. No. 05VR013 - Auburn Hills Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application



for a **Vacation of Section Line Right-of-Way** on the SE1/4 NE1/4, NE1/4 SE1/4, N1/2 SE1/4 SE1/4, all in Section 14 and SW1/4 NW1/4, NW1/4 SW1/4, N1/2 SW1/4 SW1/4, all in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and at the western terminus of Cobalt Drive.

Planning Commission recommended that the Vacation of Section Line Right-of-Way be approved.

---END OF HEARING CONSENT CALENDAR---

Elkins requested that items 25, 26 and 27 be taken concurrently.

25. 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.

26. 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.

27. 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.

Elkins requested that the Comprehensive Plan Amendment, the Rezoning and the Variance to the Subdivision Variance be continued to the December 8, 2005 Planning Commission at the applicant's request.

Brown moved, Prairie Chicken seconded and unanimously carried to continue the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan, the Rezoning from No Use District to Low Density Residential District and 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 to the December 8, 2005 Planning Commission meeting at the applicant's request. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

***32. No. 05PD040 - Big Sky Subdivision**

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

Elkins requested that the Planned Residential Development – Initial and Final Development Plan be approved with stipulations per staff recommendations.

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

Andrews moved, Hennies seconded and carried to approve the Planned Residential Development to allow eight duplexes and one four-plex for a total of 20 dwelling units with the following stipulations:

- 1. Eight duplexes and one four plex shall be allowed on the site in accordance with the approved site plan. Any increase in the number of dwelling units shall require a Major Amendment to the Planned Residential Development;**
- 2. A building permit shall be obtained prior to the initiation of construction and a Certificate of Occupancy must be obtained prior to occupying the building;**
- 3. An Air Quality Permit shall be obtained prior to approval of a grading permit or a building permit for the project;**
- 4. All construction shall comply with the building elevation drawings submitted and approved as part of this Planned Residential Development. The proposed structures will be finished with earth-toned siding and rock walls as shown on the elevations submitted and approved;**
- 5. The minimum required front yard setback along Degeest Street is hereby reduced from 25 feet to 15 feet. The minimum required front yard setback along Berniece Street is hereby reduced from 25 feet to 20 feet. The minimum required front yard setback along Homestead Street shall be 25 feet. The minimum required rear yard setback shall be 25 feet. Any additional reductions in the minimum required setbacks shall require a Major Amendment to the Planned Residential Development;**



6. An exception is hereby granted to the Street Design Criteria Manual to reduce the minimum driveway separation from 85 feet to 74 feet for the northern most driveway approach onto Deegest Drive;
7. Prior to issuance of a building permit for the northern most unit, the non-access easement shall be vacated;
8. The site development shall comply with all provisions of the approved landscape plan and the minimum requirements of the Rapid City Municipal Code. All landscaping shall be maintained in a live vegetative state;
9. The proposed four-plex shall be fully fire sprinklered and alarmed/detected as per the International Fire Code. All fire hydrants shall be in place and operational prior to any building construction. The proposed structure must have 12-inch address numbers and be plainly visible from the public right-of-way;
10. Prior to issuance of a building permit, revised drawings shall be submitted for review and approval addressing the comments on the sewer, water, and storm drains. Sidewalks shall also be shown on the plans; and,
11. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval, or if the use as approved has ceased for a period of two years. (9 to 0 to 1 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no and with Brown abstaining)

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

34. No. 05RZ054 - Section 14, T1N, R7E

A request by Dream Design International for Thomas O'Meara to consider an application for a **Rezoning from General Commercial to Low Density Residential II** on Lot 1 and 2, O'Meara Subdivision, located in the NE1/4 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as part of Lot D of Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16 Right-of-Way; and Lot 2, Lot A, Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16, all located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4080 Tower Road.

In response to Anderson's question, Elkins stated that the applicant is in the process of selling the motel as a separate parcel from the residence on the subject property. Elkins stated that the staff's recommendations are to deny the application without prejudice to allow the applicant to submit a request for Office Commercial zoning on the subject property.

Anderson moved, Andrews seconded and unanimously carried to deny the



Rezoning from General Commercial to Low Density Residential II without prejudice. (10 to 1 with Anderson, Andrews, Brewer, Fast Wolf, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

43. No. 05SR050 - North Rapid Subdivision

A request by Pennington County to consider an application for an **11-6-19 SDCL Review to allow a secure detention facility in addition to the existing work release facility on public property** on Lots 1 through 18, Block 18, North Rapid Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 703 Adams Street.

Bulman stated that the 11-6-19 Review was presented to the Planning Commission previously and was continued to allow the additional discussion between the City Planning Commission, City Council and the Pennington County Commissioners. Bulman commented on additional meetings held to discuss the application for the 11-6-19 Review. Bulman advised that the Pennington County Commissioners have voted to inform the Rapid City Planning Commission that the County Commission is willing to accept a time limit of one year to allow medium security inmates to be housed in the work release facility at Adams Street. She further commented that the County Commission has suggested that a joint building committee be formed with three County Commissioners and three members of the City Council and the Planning Commission. Bulman advised that the staff's recommendation is to deny as the proposed use is not in compliance with the adopted Comprehensive Plan, the Future Land Use Plan or the adopted zoning.

Nash commented that positive information was forthcoming from the meetings between Pennington County and City of Rapid City.

Ron Buskerud, Administrative Assistant, Pennington County Commission, stated that the County Commissioners' motion to limit housing medium security inmates for one year has been presented to the Planning Commission.

Jim Albers, area resident, presented a letter to the Planning Commissioners stating the area residents' conditional agreement for temporary housing medium security inmates in the Adams Street facility.

Nash expressed his opinion supporting the request for housing medium security inmates in a temporary capacity. Nash commented that a stipulation had been presented at the meetings to limit the time the facility was utilized for housing medium security inmates and to be used as an overflow alternative. Nash stated his opinion that alternatives need to be addressed for long term housing solutions of inmates between the City and County officials and residents.

Mark Kirkeby, Pennington County Commissioner, expressed his opinion that careful consideration would be given for temporarily housing medium security inmates in the Adams Street facility. Discussion followed.



In response to Anderson's question, Jason Green stated that the 11-6-19 Review process does not allow for stipulations. Green stated that the application is to be reviewed by the Planning Commission and to be either approved or denied. Green stated that the applicant could amend the application to reflect stipulations for consideration by the Planning Commission. Green advised that an oral representation or written statement by the applicant reflecting their intent to amend their application to limit the request to a one year time frame would need to be provided.

Discussion followed with regard to the location of the Adams Street facility in the residential neighborhood.

Jeff Davis, Pennington County Circuit Court Judge, stated that the motion before the Planning Commission is presented as a friendly amendment to the 11-6-19 Review application. Davis commented that the County is presenting a one year time frame limitation to address inmate housing for a short term solution. Davis commented on the projected completion date of the fourth floor of the jail facility and the cost of housing inmates.

Hennies expressed his opinion that the citizens of the City and County share the responsibility for finding solutions for housing inmates. Hennies expressed his support for housing medium security inmates and that the County comply with statements and recommendations set forth by the applicant. Discussion followed.

In response to Anderson's questions, Elkins stated that it is her understanding that the application has been amended to request approval to use the Adams Street facility for housing medium security inmates for one year. Elkins stated that the applicant would need to submit a new application if the time frame needed to be extended past that one year period. Discussion followed.

Prairie Chicken expressed his opinion that the City and County should work together for long term solutions for housing inmates.

Anderson amended the motion to acknowledge the applicant's revised request to allow a secure detention facility for one year. Discussion followed.

Hennies moved, LeMay seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow a secure detention facility in addition to the existing work release facility on public property for one year as requested. (9 to 1 with Anderson, Andrews, Brewer, Brown, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and Fast Wolf voting no)

Fisher requested that items 44 and 45 be taken concurrently.

44. No. 05SV067 - Section 21, T1N, R7E

A request by Fisk Land Surveying for Harley Taylor to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit and sewer, to reduce the pavement width from 40 feet to 27 feet and to waive the requirement to dedicate additional right-of-way along Carriage Hills Drive as per Chapter 16.16 of**



the Rapid City Municipal Code. on Lots 1 through 3, Elysian Heights Subdivision, located in the E1/2 SW1/4, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a portion of the E1/2 SW1/4, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the southern terminus of Carriage Hills Drive.

45. No. 05PL186 - Section 21, T1N, R7E

A request by Fisk Land Surveying for Harley Taylor to consider an application for a **Layout Plat** on Lots 1 through 3, Elysian Heights Subdivision, located in the E1/2 SW1/4, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a portion of the E1/2 SW1/4, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the southern terminus of Carriage Hills Drive.

Fisher presented the request for a Variance to the Subdivision Regulations and for approval of the Layout Plat. Fisher stated the staff's recommendation is that the Variance to the Subdivision Regulations and the Layout Plat be continued to the November 10, 2005 Planning Commission meeting at the applicant's request.

Schmidt moved, LeMay seconded and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit and to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive be continued to the November 10, 2005 Planning Commission meeting. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)

Fisher requested that items 46 and 47 be taken concurrently.

46. No. 05SV070 - Section 12, T1N, R6E.

A request by Fisk Land Surveying for Arvin and Carole Flesner to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code.** on Lots 1 and 2, Flesner Subdivision, in the NE1/4 SE1/4, Section 12, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 1, Tract A, and the balance of Tract A in the NE1/4 SE1/4, Section 12, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located approximately 1.3 miles northwest of Rapid City and adjacent to the north side of Nameless Cave Road.

47. No. 05PL182 - Section 12, T1N, R6E.

A request by Fisk Land Surveying for Arvin and Carole Flesner to consider an application for a **Layout Plat** on Lots 1 and 2, Flesner Subdivision, in the NE1/4 SE1/4, Section 12, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 1, Tract A, and the balance of Tract A in the NE1/4 SE1/4, Section 12, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located 1.3 miles northwest of Rapid City and adjacent to the



north side of Nameless Cave Road.

Fisher presented the request for a Variance to the Subdivision Regulations and for approval of a Layout Plat. Fisher presented slides of the subject property indicated the proposed access for both lots. Fisher stated that staff's recommendation is that the Layout Plat be approved with stipulations and that the Variance be approved with the correction that the request to waive the requirement to dedicate additional Right-of-Way Section Line Highway be tabled.

Janelle Fink, Fisk Land Surveying, agent for the applicant requested that the applicant be allowed to leave the driveway width at the 18 to 19 feet width on the existing gravel driveway as it would be a financial burden. Fink requested that the stipulation be removed requiring a 20 foot easement to provide access to the neighboring lot remain 12 to 15 feet wide. Discussion followed.

Knight stated that several emergency fire apparatus vehicles would be present for a fire.

Andrews moved, Brewer seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along the section line highway be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-Way along the access easements be approved;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, water and sewer along the access easements be approved with the following stipulation;

- 1. The access easements remain an 18 foot and 12 foot, respectively, with a graveled surface;**

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, water and sewer along the section line highway be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, street light conduit, water and sewer along Nameless Cave 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.**

And that the Layout Plat be approved with the following stipulations:

- 1. Upon submittal of a Preliminary Plat application, a grading plan, drainage plan and geotechnical information shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;**
- 2. Upon submittal of a Preliminary Plat application, sewer plans**



- prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;
3. 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. If a shared well and/or a community water facility is proposed than it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;
 4. Upon submittal of a Preliminary Plat application, construction plans for Nameless Cave Road shall be submitted for review and approval. In particular, Nameless Cave Road shall be 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;
 5. Upon submittal of a Preliminary Plat application, road construction plans for the access easements shall be submitted for review and approval. In particular, the access easements shall be revised to provide a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 6. Prior to Preliminary Plat approval by the City Council, the section line highway located along the east lot line shall be improved to City Street Design standards. In particular, the street shall be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated. In addition, the entire section line highway shall be vacated or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way. If the section line highway is vacated, a Comprehensive Plan Amendment to the Major Street Plan to eliminate and/or relocate the minor arterial street shall be obtained;
 7. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval;
 8. Prior to Preliminary Plat approval by the City Council, the property shall be rezoned to support the proposed lot size(s) or a lot size variance shall be obtained;
 9. Prior to submittal of a Final Plat application, the plat document shall be revised to show the correct spelling of the subdivision name as "Flesner" Subdivision;



10. **Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Nemo Road; 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. (6 to 4 with Anderson, Andrews, Brewer, Brown, Nash and Prairie Chicken voting yes and Fast Wolf, Hennies, LeMay and Schmidt voting no)**

48. No. 05VR012 - Eastbrooke Subdivision

A request by Fisk Land Surveying for Mollers Limited Partnership to consider an application for a **Vacation of Section Line Right-of-Way** on Tract B, located in SE1/4 SW1/4, Lot 2, Eastbrooke Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and Lots 1, 3 and 21, including vacated alley adjoined to Lots 1 and 3, Block 1, Brenan and Sweeney Addition and Racine Street adjoined thereto, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located North of East Omaha Street between Waterloo Street and La Crosse Street.

Bulman presented the Vacation of Section Line Right-of-Way and stated that the Section Line Right-of-Way is not currently being used. Bulman advised that the stipulations have been met by the applicant and that staff's recommendation is to approve the Vacation of the Section Line Right-of-Way.

Andrews moved, Brown seconded and unanimously carried to recommend that the Vacation of Section Line Right-of-Way be approved with the following stipulations:

1. **Prior to Planning Commission, a revised Exhibit A shall be submitted and approved for the Vacation of Section Line right-of-way to include additional language clarifying the exhibit; and,**
2. **Prior to City Council approval, all utility easements shall be provided to the Growth Management Department to be filed with the Register of Deeds upon approval of the Vacation of Section Line right-of-way. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

Maxwell requested that Items 49 and 50 be taken concurrently

49. No. 05PL183 - Farrar Business Park

A request by Sperlich Consulting for Farrar Real Estate, LLC to consider an application for a **Preliminary Plat** on Lot 1R and Lot 2, Block 2; Lots 1 and 2, Block 3; Lots 2 and 3, Block 4, Farrar Business Park, and a portion of the NE1/4 SE1/4, Section 16, all located in the NE1/4 SE1/4, Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 5, Farrar Business Park, and a portion of the NE1/4 SE1/4, Section 16, all located in the NE1/4 SE1/4, Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Calamity Road and Hickock Trail.



50. No. 05SV071 - Farrar Business Park

A request by Sperlich Consulting for Farrar Real Estate, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and sewer and reduce the surface width along Deadwood Avenue and to waive the requirement to install sanitary sewer along Buffalo Bill Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R and Lot 2, Block 2; Lots 1 and 2, Block 3; Lots 2 and 3, Block 4, Farrar Business Park, and a portion of the NE1/4 SE1/4, Section 16, all located in the NE1/4 SE1/4, Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Block 5, Farrar Business Park, and a portion of the NE1/4 SE1/4, Section 16, all located in the NE1/4 SE1/4, Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Calamity Road and Hickock Trail.

Maxwell presented the Preliminary Plat and the Variance to the Subdivision Regulations. Maxwell requested that the Preliminary Plat be denied without prejudice and the Variance to the Subdivision Regulations be approved and denied in accordance with Staff's Recommendations.

Hennies moved, Andrews seconded and unanimously carried to recommend that the Preliminary Plat be denied without prejudice and that the Variance to the Subdivision Regulations to waive the requirements to install sanitary sewer along Buffalo bill Road be denied, and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and sewer and reduce the surface width along Deadwood Avenue as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, LeMay, Nash, Prairie Chicken and Schmidt voting yes and none voting no)**

Fisher requested that Items 51 and 52 be taken concurrently

*51. No. 05PD060 - South Pointe Subdivision

A request by Dream Design International to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1 and 16, Block 3; Lots 3 and 4, Block 4; and the adjacent right-of-way; South Pointe Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and south of Sandra Lane.

*52. No. 05PD068 - South Pointe Subdivision

A request by Dream Design International to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 9 of Block 3; South Pointe Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Enchanted Pines Drive and



Parkview Drive.

Fisher presented the Planned Residential Developments and recommended that the Planned Residential Development - Initial and Final Development Plan be denied without prejudice to allow the applicant to present a unified plan including the entire subdivision.

Toby Karn, Mandalay Homes, commented on the location of the lots and the structure location in the proposed development. Karn stated his opinion that the uniformity requirements set forth by staff could not be obtained on the proposed development site with regard to set backs. Karn requested that the application be approved to allow the development to move forward on the four lots in question. Karn expressed his opinion that the application would not be approved through the Zoning Board of Adjustment.

Andrews expressed his opinion in support of staff's position regarding the Planned Residential Development requirements.

Hani Shaffi, Dream Design, expressed his opinion that uniformity would be defined by the exterior of the home. Shaffi stated that they are in compliance with the requirement for the Planned Residential Development. Shaffi stated that reapplication would result with the same determination. Discussion followed.

Elkins clarified the intent of a Planned Development. Elkins commented on the risk for setting a precedent. Discussion followed.

Andrews moved, Hennies seconded to deny the Planned Residential Developments - Initial and Final Development Plans without prejudice. (9 to 1 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, LeMay, Nash, and Prairie Chicken and voting yes and Schmidt 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.

Nash advised that the 9:00 deadline to end Planning Commission. Discussion followed.

Brown moved, Andrews seconded to continue the Planning Commission meeting to 10:00. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, LeMay, Nash, and Prairie Chicken and voting yes and Schmidt voting no)

Fisher requested that items 53, 54 and 55 be taken concurrently.

- *53. No. 05PD061 - Red Rock Meadows Subdivision
A request by Dream Design International to consider an application for a



Planned Residential Development - Initial and Final Development Plan on Lot 47, Block 3, Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Waterville Court and Shalee Drive.

*54. No. 05PD066 - 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 Lot 49, Block 3, Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1611 Sahalee Drive.

*55. No. 05PD067 - 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 Lot 43, Block 3, Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4107 Waterville Court.

Brown, LeMay and Prairie Chicken left the meeting at this time.

Fisher advised that the applicant has requested to reduce the front yard set backs and the side yard set back on three separate lots. Fisher stated that staff's recommendation is that the Planned Residential Developments be denied without prejudice to allow the applicant to present a plan for the entire development.

Toby Karn, requested that the Planned Residential Developments be approved. Karn expressed his opinion that the applicant is requesting set back reductions on only three lots in the proposed development. Discussion followed.

Hennies moved, Andrews seconded to deny the Planned Residential Developments - Initial and Final Development Plans without prejudice. (6 to 1 with Anderson, Andrews, Brewer, Fast Wolf and Hennies, Schmidt voting yes and Nash 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.

56. No. 05PL184 - Falcon Crest Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Tracts A, B and C, Falcon Crest Subdivision, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as E1/2 W1/2 SW1/4 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South



Dakota, more generally described as being located at the southern terminus of Countryside Boulevard.

Brown returned to the meeting at this time.

Fisher presented slides of the Preliminary Plat to subdivide 20 acres into three lots. Fisher advised that staff's recommendation is that the Preliminary Plat be approved with stipulations. Fisher stated that the applicant has required an exception to waive the requirement to provide visitor parking. Fisher stated that staff does not support approval of the exception request.

Hani Shafi, applicant, requested that the request for the exception to construct visitor parking be approved. Shafi presented topographic and access information on the subject property. Shafi requested that the requirement for visitor parking be waived and that the fire apparatus turnaround be approved as proposed.

Talbot Wieczorck, representing Countryside South Homeowners Association, advised that the Homeowners support the recommendation and stipulations set forth by Staff. Discussion followed.

Bob Truman, area resident, expressed concerns with the stipulation regarding the exception for 103 dwelling units. Fisher advised that the 103 dwelling units were inclusive of all dwellings in the development as well as the existing Country Side South Development. Discussion followed.

Hani requested that the stipulations be modified to accept the two driveways as a fire apparatus turn around and to waive the requirement for visitor parking. Discussion followed.

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

- 1. Upon submittal of a Final Plat application, road construction plans for the 45 foot wide access easement serving as access to proposed Tract C shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 20 foot wide paved surface with a turnaround at the end of the street to accommodate fire apparatus;**
- 2. Prior to Preliminary Plat approval by the Planning Commission, the plat document shall be revised to show visitor parking along Countryside Boulevard and the access easement(s) at a ratio of one paved parking stall per dwelling located within three hundred feet of the residence or the street right-of-way/easement widths shall be revised to provide a minimum width of 68 feet and 49 feet, respectively, or an Exception shall be obtained from the Street Design Criteria Manual to waive the requirement to provide visitor parking;**
- 3. An exception is hereby granted to waive the requirement to provide visitor parking;**



4. Prior to Preliminary Plat approval by the City Council, a revised grading plan and an erosion sediment control plan shall be submitted for review and approval;
5. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;
6. Prior to Preliminary Plat approval by the City Council, design plans for a shared well and/or community water facility shall be submitted for review and approval if utilized. In particular, the shared well and/or community water facility shall be designed as a public water system. In addition, the aquifer and anticipated depth of the well(s) shall be identified. The plat document shall also be revised to show utility easements as needed;
7. Prior to Preliminary Plat approval by the City Council, the road construction plans for Countryside Boulevard shall be revised showing curb and gutter along the entire south side of the street;
8. Prior to Preliminary Plat approval by the City Council, a complete cost estimate of the subdivision improvements shall be submitted for review and approval;
9. Prior to Preliminary Plat approval by the City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
10. Prior to Preliminary Plat approval by the City Council, 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;
11. Prior to 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,
12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
13. Prior to Preliminary Plat approval by the City Council, grant an exception to waive the requirement for the visitor parking. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Nash, and Schmidt voting yes and none voting no)

*57. No. 05PD063 - Riverside Addition



A request by ARC International to consider an application for a **Major Amendment to a Planned Commercial Development** on Tract A, Block 4 and a portion of vacated 11th Street Right-of-Way, Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 West Boulevard.

Fisher requested that the Major Amendment to the Planned Commercial Development be continued to the November 10, 2005 Planning Commission meeting at the applicant's request.

Brewer moved, Hennies seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the November 10, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Nash, and Schmidt voting yes and none voting no)

58. No. 05PL178 - Section 16, T1N, R8E

A request by Sperlich Consulting, Inc. for Triple Z Real Estate Development, LLC to consider an application for a **Layout Plat** on Plat of Castle Pines Drive, Augusta Drive, and an unnamed East/West Collector Street, Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, legally described as Tract 1 of the E1/2, less Elks Country Estates, 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 on Castle Pines Drive - Augusta and East/West Collector Street.

Fisher stated that staff's recommendation is to approve the Layout Plat for Elks Country Estates with stipulations.

Andrews moved, Brown 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 shall be submitted for review and approval;**
2. **Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
3. **Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In particular, the drainage plan shall demonstrate accommodation for the Cyclone Ditch located through the property. The applicant shall also submit written approval from the Cyclone Ditch owner(s) to use the ditch, if needed. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as necessary;**



4. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;
5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans shall demonstrate that adequate capacity of the lift station exists for the proposed development. The plat document shall also be revised to provide utility easements as needed;
6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
7. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the south line shall be submitted for review and approval. In particular, the road construction plans shall show the eastern 1,500 feet of the section line highway located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The construction plans shall also show the balance of the section line highway located in 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 or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way. In addition, a Comprehensive Plan Amendment to the Major Street Plan shall be obtained relocating and/or eliminating the proposed minor arterial street;
8. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a street connection to the west lot line of the subject property. In particular, the street connection shall be coordinated to align with the previously approved street connection as shown on the Master Plan for the Plum Creek Development;
9. Upon submittal of the Preliminary Plat, the plat document shall be revised to include the eastern 98 feet of the parcel or a Variance to the Subdivision Regulations shall be obtained to allow the property to be subdivided in a manner which omits part of the original tract to avoid street, drainage or other required infrastructure improvements;
10. Upon submittal of a Preliminary Plat, road construction plans for Jolly Lane shall be submitted for review and approval. In particular,



- the road construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
11. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer if they are to serve not more than 20 lots. If the cul-de-sac street serves more than 20 lots than they shall be 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. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 12. Upon submittal of a Preliminary Plat application, road construction plans for Castle Pines Drive and Augusta Drive shall be submitted for review and approval. In particular, the streets shall be located in a minimum 52 foot 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;
 13. Upon submittal of a Preliminary Plat, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties;
 14. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met;
 15. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 16. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a second street connection to the subject property as a part of Phase One of the development or the right-of-way shall be dedicated as an "H" Lot or on a separate plat document or an Exception to allow more than 40 dwelling units with one point of access as per the Street Design Criteria Manual shall be obtained;
 17. Prior to Preliminary Plat approval by the City Council, the south half of the section line highway shall be annexed into the City limits of



- Rapid City;**
18. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along that portion of the section line highway located along the south lot line classified as a minor arterial street or a Variance to the Subdivision Regulations shall be obtained;
 19. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;
 20. Prior to submittal of a Final Plat application, the plat title shall be revised to read "Tract 1" in lieu of "Tract 1R";
 21. Prior to submittal of a Final Plat application, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, Castle Pines Drive and Grey Hawk Court shall share a single name. In addition, the plat document shall be revised to show the approved street names; and,
 22. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Nash, and Schmidt voting yes and none voting no)

*59. No. 05PD062 - Section 13, T2N, R7E

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1-61 of Block 1, Lots 1-14 of Block 2, Lots 1-12 of Block 3, Lots 1-17 of Block 4, Lots 1-12 of Block 5, Lots 1-10 of Block 6, Lots 1-17 of Block 7, and Lots 1-9 of Block 8, Brookfield Subdivision, Located in the NE1/4 of the SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Viking Drive and west of Cobalt Drive.

Fisher stated that the Planned Residential Development - Initial and Final Development Plan in the Brookfield Development. Fisher stated that the applicant has requested an exception to allow 38 lots in lieu of 20 lots on a cul-de-sac. Fisher stated that the staff's recommendations is that the application be approved with stipulations.

Andrews moved, Hennies seconded and unanimously carried to approve 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. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. All other provisions of the Low Density Residential District shall be met unless exceptions have been specifically authorized;



3. All International Fire Codes shall be continually met;
4. The proposed single family residences shall conform architecturally to the plans, elevations and color palette submitted as part of this Major Amendment to the Initial Planned Residential Development and the Final Planned Residential Development;
5. Prior to issuance of a building permit, a Final Plat shall be reviewed and approved for the subject property creating individual lots;
6. An Exception is hereby to allow a cul-de-sac to serve 38 lots in lieu of 20 lots as per the Street Design Criteria Manual;
7. All signage shall comply with Section 15.28 of the Rapid City Municipal Code;
8. An Air Quality Permit shall be obtained prior to any disturbance of any soils in excess of one acre; and,
9. The Planned Residential Development shall allow for the construction of a single family residence on each lot. 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. (8 to 0 with Anderson, Andrews, Brewer, Brown, 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.

60. No. 05TI010 - Sections 26 and 35, T2N, R7E

A request by Mike Tennyson and Pat Tlustos to consider an application for a **Tax Increment District #50 Revised Project Plan** on the southern most 950 feet of I-190 right-of-way and the southern most 950 feet of West Boulevard right-of-way located in the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the west 932 feet of the south 377 feet of the SE1/4 SE1/4 less the north 35 feet dedicated as Thrush Drive (including the vacated Gold Street and the north 45 feet of vacated Anamosa Street adjacent to said parcel) and the adjacent West Boulevard, I-190, Thrush Drive and Gold Street rights-of-way in the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the NE1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the S1/2 NE1/4 lying west of I-190 right-of-way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract 17 less Lot H1, Rapid City, Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the SE1/4, Section 35, T2N, R7E lying north of the Omaha Street right-of-way and west of I-190 right-of-way and the adjacent Omaha Street and I-190 rights-of-way located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and the northern most 160 feet of dedicated 12th Street lying south of Omaha Street located in the SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of US I-190 and West Boulevard North, and north of Omaha Street.



Brewer and Schmidt left the meeting at this time.

Elkins stated that Tax Increment Finance Committee has recommended approval of the revisions set forth. Elkins commented that the City Attorney's office has advised that the application meets the 25 percent blighted criteria. Discussion followed.

Andrews moved, Brown seconded and unanimously carried to recommend that the Tax Increment District #50 Revised Project Plan be approved. (6 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hennies, and Nash, voting yes and none voting no)

Elkins requested that Items 61 and 62 be taken concurrently.

61. No. 05TI013 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Resolution Creating Tax Increment District No. 56** on that portion of the Interstate 90 right of way lying east of North LaCrosse Street located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right of way located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right of way located in the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot L-1 of SE1/4 NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tracts A, B, C, D, Lots 1 and 2 of Tract E and Tract F all located in Marshall Heights Subdivision No. 2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the East Disk Drive right of way lying east of North LaCrosse Street located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot K-4 less Lot H-1, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2 and the south ½ of the vacated alley and Pine Street right of way adjacent to said lots, Block 2, Rapps Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Farnwood Avenue right of way, entire Spruce Street right of way, and that portion of the Rapp Street right of way intersecting and extending south from the intersection of Farnwood Avenue, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the North LaCrosse Street right of way lying adjacent to Lots A and B of Lot 6 of Lot K-3, Lots A and B of Lot 7 of Lot K-3, Lot 8 of Lot K-3, Lot 9 of Lot K-3 and Lot 10 of Lot K-3, all located in Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The entire intersection of North LaCrosse Street and East Anamosa Street rights of way located in Sections 30 and 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 located in N1/2 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the Unplatted portion of the N1/2 SE1/4 lying south of Interstate 90, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2, Bedco Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Vacated



LaCrosse Street right of way located in the SE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, S1/2 SE1/4 lying north of the railroad right of way, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A and east ½ of vacated Cherry Avenue right of way of the NE1/4 NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the East Anamosa Street right of way extending east from the intersection of North LaCrosse Street right of way located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the S1/2 lying south of Interstate 90 and north of the railroad right of way, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the NE1/4 NW1/4 and N1/2 NE1/4 lying north of the railroad right of way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the S1/2 SW1/4 lying south of Interstate 90 and north of the railroad right of way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located East of LaCrosse Street and west of East Boulevard and south of Interstate 90.

62. No. 05TI014 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Tax Increment District No. 56 - Project Plan** on that portion of the Interstate 90 right of way lying east of North LaCrosse Street located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right of way located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right of way located in the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot L-1 of SE1/4 NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tracts A, B, C, D, Lots 1 and 2 of Tract E and Tract F all located in Marshall Heights Subdivision No. 2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the East Disk Drive right of way lying east of North LaCrosse Street located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot K-4 less Lot H-1, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2 and the south ½ of the vacated alley and Pine Street right of way adjacent to said lots, Block 2, Rapps Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Farnwood Avenue right of way, entire Spruce Street right of way, and that portion of the Rapp Street right of way intersecting and extending south from the intersection of Farnwood Avenue, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the North LaCrosse Street right of way lying adjacent to Lots A and B of Lot 6 of Lot K-3, Lots A and B of Lot 7 of Lot K-3, Lot 8 of Lot K-3, Lot 9 of Lot K-3 and Lot 10 of Lot K-3, all located in Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The entire intersection of North LaCrosse Street and East Anamosa Street rights of way located in Sections 30 and 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 located in N1/2 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the Unplatted portion of the N1/2 SE1/4 lying south of



Interstate 90, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2, Bedco Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Vacated LaCrosse Street right of way located in the SE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, S1/2 SE1/4 lying north of the railroad right of way, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A and east ½ of vacated Cherry Avenue right of way of the NE1/4 NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the East Anamosa Street right of way extending east from the intersection of North LaCrosse Street right of way located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the S1/2 lying south of Interstate 90 and north of the railroad right of way, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the NE1/4 NW1/4 and N1/2 NE1/4 lying north of the railroad right of way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the S1/2 SW1/4 lying south of Interstate 90 and north of the railroad right of way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located East of LaCrosse Street and west of East Boulevard and south of Interstate 90.

Elkins stated that staff's recommendations is for the Resolution Creating Tax Increment District No. 56 and the Tax Increment District No. 56 - Project Plan be continued to the November 10, 2005 Planning Commission meeting.

Andrews moved, Hennies seconded and unanimously carried to recommend that Resolution Creating Tax Increment District No. 56 and the Tax Increment District No. 56 - Project Plan be continued to the November 10, 2005 Planning Commission meeting with the applicant's concurrence. (6 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hennies, and Nash, voting yes and none voting no)

63. Discussion Items

Elkins stated that staff has identified a problem with the addresses being utilized by the residents of Preakness Street. Elkins advised that the owners have been notified to change their addressing to Preakness Street.

Brown moved, Andrews seconded and unanimously carried to recommend that the Planning Commission consider option number one (#1), and direct staff to notify six (6) residents on Preakness Street to utilize the proper street name. (5 to 0 to 1 with Anderson, Andrews, Brown, Fast Wolf, and Hennies voting yes and none voting no and Nash abstaining)

64. Staff Items

Elkins advised that staff has offered to accept a late submittal for the Red Rock Meadows and South Pointe Planned Residential Development applications to expedite action on the items.



65. Planning Commission Items

Nash stated that he would be resigning from the Planning Commission.

There being no further business, Brown moved, Andrews seconded and unanimously carried to adjourn the meeting at 10:00 a.m. (6 to 0 with Anderson, Andrews, Brown, Fast Wolf, Hennies and Nash, voting yes and none voting no)