

**DRAFT**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
November 23, 2005

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

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Mike Maxwell, Emily Fisher, Tim Behlings, Karie Price and Carol Bjornstad.

Andrews called the meeting to order at 7:01 a.m.

**Andrews 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 13 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Brewer and Schmidt requested that Items 10 and 11 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Motion by Brown, Seconded by Anderson and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 19 in accordance with the staff recommendations with the exception of Items 10, 11, and 13. (8 to 0 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

**---NON HEARING ITEMS CONSENT CALENDAR---**

1. Approval of the November 10, 2005 Planning Commission Meeting Minutes.
2. No. 05TP012 - 2006-2010 Transportation Improvement Program Amendment #06-001

**The Planning Commission recommended approval of the 2006-2010 Transportation Improvement Program Amendment #6-001.**

3. No. 05TP013 - 2006-2010 Transportation Improvement Program Amendment #06-002

**The Planning Commission recommended approval of the 2006-2010 Transportation Improvement Program Amendment #6-002.**

4. No. 05TP014 - 2006 Unified Planning Work Program - Draft Report

**The Planning Commission recommended approval of the Draft 2006 Unified**

**Planning Work Program.**

5. No. 05AN013 - Section 23, T2N, R7E

A request by Executive Homes, Inc. to consider an application for a **Petition for Annexation** on a portion of the N1/2 NE1/4 SE1/4; and the NW1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3211 Bunker Drive.

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

6. No. 05AN014 - Section 29, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on the NE1/4 SE1/4 of Section 29, T1N, R7E, BHM being more particularly described as follows: Beginning at the East ¼ corner of said Section 29 being the true point of beginning; thence S00°18'07"E 38.41 feet; thence N89°59'26"W 704.61 feet; thence along a curve to the left having a radius of 462.00 feet, a central angle of 34°54'46" and a arc distance of 281.52 feet and a chord bearing and distance of S72°33'11" W 277.18 feet; thence along a curve to the right having a radius of 338.00 feet, a central angle of 23°20'37" 137.71 and arc distance of 137.71 and a chord bearing and distance of S66°46'06"W 136.76 feet; thence S78°26'24"W 227.39 feet; thence N00°18'05"W 220.36 feet to the center east 1/16 corner; thence N89°58'35"E 1318.44 feet; to the Point of Beginning; containing 2.47 acres more or less., more generally described as being located adjacent to Portrush Road between Muirfield Drive and Dunsmore Road.

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

7. No. 05PL157 - Prairiefire Subdivision

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

**Planning Commission recommended that the Preliminary Plat be continued to the January 26, 2006 Planning Commission meeting at the applicant's request.**

8. No. 05PL159 - Prairiefire Subdivision

A request by Britton Engineering for Prairiefire Investments, LLC to consider an application for a **Preliminary Plat** on Lots 11-14, Block 1; Lots 4-11, Block 2;

Lots 5-8, Block 3; Lots 3-8, Block 4; Prairiefire Subdivision, located in the NE1/4, Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of NE1/4 NE1/4 less a portion of Lot 8 and all of Lot 9 of Eisenbraun Subdivision less Winton Subdivision; all of SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; all in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.

**Planning Commission recommended that the Preliminary Plat be continued to the January 26, 2006 Planning Commission meeting.**

9. No. 05PL197 - Village on the Green No. 2 Subdivision

A request by FMG, Inc. for Steele's United, Inc. to consider an application for a **Preliminary Plat** on Lots 37A and 37B, and 39A and 39B, Village on the Green No. 2 Subdivision, located in the SW1/4 SE1/4, Section 12, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 37 and 39, Village on the Green No. 2 Subdivision, located in the SW1/4 SE1/4, Section 12, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located north and adjacent to Mulligan Mile.

**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 shall be submitted for review and approval showing a sidewalk along both sides of Mulligan Mile or a Variance to the Subdivision Regulations shall be approved;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional 3.5 feet of right-of-way for Mulligan Mile or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
4. **Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the note "Building setback requirements are as stated in the zoning and/or platting regulations"; and,**
5. **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. 05PL200 - Overlook Subdivision

A request by CETEC Engineering Services, Inc. for Olsen Development Company, Inc. to consider an application for a **Preliminary Plat** on Lots 6 and 7 of Lot 5, Overlook Subdivision, located in the SW1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 5, Overlook Subdivision, located in the SW1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection Jackson Boulevard and Fulton Street.

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

- 1. Prior to submittal of a Final Plat application, the plat title shall be revised to read "Lots 6 and 7 of Overlook Subdivision (formerly a portion of Lot 5 of Overlook Subdivision)".**

14. No. 05PL202 - M & B Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Karen Marsden to consider an application for a **Preliminary Plat** on Lots 1 and 2, M and B Subdivision, formerly located in the N1/2 E1/2, Lot 1 of the NE1/4 NE1/4, less Lot H-1; and the S1/2 E1/2, less Lot D, Ted Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as N1/2 E1/2, Lot 1 of the NE1/4 NE1/4, less Lot H-1; and the S1/2 E1/2, less Lot D, Ted Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6141 Wildwood Drive.

**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 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;**
- 2. Prior to Preliminary Plat approval by the City Council, 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;**
- 3. 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;**
- 4. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval; and,**
- 5. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

15. No. 05PL203 - Section 23, T2N, R8E

A request by Angle Surveys for Executive Homes to consider an application for a **Layout Plat** on Lots 1 - 61, Rockinon Ranch Estates, located in the N1/2 NE1/4

SE1/4, Section 23, T2N, R8E, BHM, Pennington County, South Dakota, legally described as N1/2 NE1/4 SE1/4, Section 23, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located 1/2 mile north of Interstate 90 and 1/2 mile west of Haines Avenue.

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

- 1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow the northern cul-de-sac street with an 11% grade in lieu of a 10% grade as per the International Fire Code or the construction plans shall identify that the grade of the street does not exceed 10%;**
- 4. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Haines Avenue Drainage Basin Design Plan and the Drainage Criteria Manual shall be submitted for review and approval. In particular, the drainage plan shall include calculations supporting the size of the proposed metering dam. In addition, drainage structures shall be provided in the street(s) to accommodate flows if needed. The plat document shall also be revised to provide drainage easements as necessary;**
- 5. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;**
- 6. 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 adequate capacity of the existing wastewater system located north of the subject property. The plat document shall also be revised to provide utility easements as needed;**
- 7. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review 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;**
- 8. Upon submittal of a Preliminary Plat application, road construction plans for Bunker Drive, a section line highway, shall be submitted for review and approval. In particular, the road construction plans shall show Bunker Drive 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 to show the dedication of five additional feet of right-of-way;**

- 9. Upon submittal of a Preliminary Plat, road construction plans for the northern cul-de-sac shall be submitted for review and approval. In particular, the road construction plans shall show the eastern 510 feet of the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The balance of the street shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer. 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 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;**
- 10. Upon submittal of a Preliminary Plat application, road construction plans for the southern cul-de-sac street 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 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 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;**
- 11. Upon submittal of a Preliminary Plat application, road construction plans for the sub-collector streets, or those streets serving more than twenty lots, 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;**
- 12. Upon submittal of a Preliminary Plat, road construction plans for the lane place streets, or those streets serving not more than twenty lots, shall be submitted for review and approval. In particular, the road construction plans shall show the streets located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 13. Upon submittal of the Preliminary Plat application, the plat document shall be revised to show street connections to the west lot line and south lot line, respectively;**
- 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. Prior to submittal of the Preliminary Plat application, the plat document shall be revised to provide a minimum 25 foot front yard setback in lieu of a 19.1 foot front yard setback for the existing single family residence located on proposed Lot 32 or a Variance to reduce the setback as identified shall be obtained from the Zoning Board of Adjustment;
  17. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;
  18. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City;
  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 applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; and,
  21. 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.
16. No. 05PL204 - Schamber Subdivision  
A request by Fisk Land Surveying for Russell and Dalaina Salamun to consider an application for a **Preliminary Plat** on Lots 1 and 2, Salamun Subdivision, and dedicated Right-of-Way, formerly located in the north 68.5 feet, Lot H, less the East 33 feet, Block 1, Lot 3, Schamber Subdivision, NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 68.5 feet, Lot H, less the East 33 feet, Block 1, Lot 3, Schamber Subdivision, NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Garvin Court and between Elmhurst Drive and 38th Street.

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

1. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of 14.5 additional feet of right-of-way along Elmhurst Drive and seven additional feet of right-of-way along 38<sup>th</sup> Street;
2. Prior to submittal of the Final Plat, the applicant shall obtain a Zoning Variance to reduce the front yard setback on Elmhurst Drive from 26

feet to 11.5 feet.

3. **Prior to submittal of the Final Plat, the applicant shall obtain a Zoning Variance to reduce the side yard setback on the intermediate property line to allow the existing garage to be 0.5 feet in lieu of eight feet.**
  4. **Prior to submittal of the Final Plat application, a Subdivision Variance shall be obtained to allow lots twice as wide as they are long.**
  5. **Prior to submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
  6. **Prior to submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificate.**
17. No. 05PL206 - Section 24, T1N, R7E  
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lost 3 - 5, Block 1; Lots 1 - 4, Block 2, Fifth Street Office Plaza, Section 24, T1N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted portion in the SW1/4 NE1/4 and the SE1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west and east of the intersection of Fifth Street North and Parkview Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, revised drainage information showing the existing drainage system and inlets in Fifth Street shall be submitted for review and approval;**
  2. **Prior to Preliminary Plat approval by the City Council, a site plan showing the existing water system and appurtenances in Fifth Street shall be submitted for review and approval. In addition, the site plan shall show water service lines to each lot;**
  3. **Prior to Preliminary Plat approval by the City Council, a site plan showing existing sewer mains and manholes in Fifth Street shall be submitted for review and approval. In addition, the site plan shall show sewer service lines to each lot; and,**
  4. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the approved and shared approach locations. In addition, a non-access easement shall be shown along the balance of Fifth Street as it abuts the subject property.**
18. No. 05PL207 - W-Y Addition  
A request by Fisk Land Surveying for Atlantis LLC to consider an application for a **Preliminary Plat** on Lot 1, Atlantis Subdivision, formerly Lots 1 and 2, Tract F, W-Y Addition, less Lot H-1, Lot 1, Tract F and less lot H-1, Lot 2, Tract F and including a portion of DM&E Railroad Right-of-Way, all located in the SW1/4 SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 and 2, Tract F, W-Y Addition, less Lot H-1, Lot 1, Tract F and less lot H-1, Lot 2, Tract F and including a portion of DM&E Railroad Right-of-Way, all located in the SW1/4 SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described



as being located at the southwest corner of the intersection of Interstate 90 and Elk Vale Road.

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

- 1. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Elk Vale Road and the I-90 service road as they abut the subject property.**

19. 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 recommended that the 11-6-19 SDCL Review to construct a 70 foot by 80 foot private hangar at Rapid City Regional Airport be denied without prejudice.**

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

10. No. 05PL198 - Section 26, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on a portion of NE1/4 NW1/4 NW1/4 lying east of Highway 16; W1/2 NW1/4 NE1/4 NW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 6300 South Highway 16.

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

**Brown moved, Schmidt 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, the applicant shall enter into an agreement with the South Dakota Department of Transportation to eliminate the intersection of Tucker Street and U.S. Highway 16 at such time as the Catron Boulevard/U.S. Highway 16 interchange is constructed or Promise Road is constructed providing a street connection to the north of the property or a safety issue arises at the intersection of Tucker Street and U.S. Highway 16. In addition, the applicant shall sign a waiver of right to protest any future assessments for the improvements to Promise Road;**
- 2. Prior to submittal of a Final Plat application, the plat document shall be revised to include a "Certificate of Finance Officer" attesting to the signature of the Growth Management Director; and,**
- 3. Upon submittal of a Final Plat application, surety for the design and construction of the required subdivision improvements shall be posted and the subdivision inspection fees shall be paid. In**

**particular, the design and construction of the required subdivision improvements shall be completed within two years of the date of approval of the Preliminary Plat or prior to approval of the Preliminary Plat by the City Council, the applicant shall obtain approval from the City Council to extend the time to complete the design and improvements and to extend the expiration date of the Preliminary Plat beyond two years. (7 to 0 to 1 with Anderson, Andrews, Brown, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no and Brewer abstaining)**

11. No. 05PL199 - Blakes Addition

A request by Lund Associates for Pennington County Housing and Redevelopment to consider an application for a **Preliminary Plat** on Lot A, LaCrosse Blakes Addition, formerly Lots 21 - 34, Block 16, and 40 feet of East St. Louis Street between Racine and LaCrosse Blakes Addition, located in the SW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 21 - 34, Block 16, and 40 feet of East St. Louis Street between Racine and LaCrosse Blakes Addition, 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.

**Brown moved, LeMay seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations;**

- 1. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and**
- 2. Upon submittal of a Final Plat all certificates should be corrected to read Final Plat and the correct chapter number for a Final Plat and**
- 3. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (7 to 0 to 1 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, and Prairie Chicken voting yes and none voting no and Schmidt abstaining)**

13. No. 05PL201 - Strato Rim Estates Subdivision

A request by Russell Johnson for Sandra Kadis to consider an application for a **Preliminary Plat** on Lots 5R and 7R, Strato Rim Estates Subdivision, located in Government Lots 3 and 4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 5 and 7, Strato Rim Estates Subdivision, located in Government Lots 3 and 4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the western terminus of Strato Rim Drive.

Elkins advised that prior to Preliminary Plat approval, construction plans or a Variance to the Subdivision Regulations must be submitted for review and approval. Elkins stated that staff's recommendation is that the Preliminary Plat be

continued to the December 8, 2005 Planning Commission meeting to allow the applicant to address the issue.

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

**Andrews announced that the Public Hearings on Items 20 through 37 were opened.**

**Staff requested that Items 23 and 37 be removed from the Hearing Consent Agenda for separate consideration.**

**Anderson moved, Brown seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 20 through 37 in accordance with the staff recommendations with the exception of Items 23 and 37. (8 to 0 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

**The Public Hearings for Items 20 through 37 were closed.**

**---HEARING ITEMS CONSENT CALENDAR---**

20. No. 05CA015 - Section 34, T2N, R8E  
A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximate 55.3 acre parcel from Light Industrial to General Commercial** on the eastern most 504 feet of the SW1/4 NW1/4 and the SE1/4 NW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximate 55.3 acre parcel from Light Industrial to General Commercial be continued to the December 8, 2005 Planning Commission meeting.**

21. No. 05CA042 - Section 14, T1N, R7E  
A request by Dream Design International, Inc. for Thomas O'Meara to consider an application for an **Amendment to the Comprehensive Plan to change the Future Land Use designation on a .801 acres parcel from General Commercial to Office Commercial** on beginning at the southwest corner of that part of Lot D of Lot C of the NE1/4 of the SW1/4, Section 14, T1N, R7E, BHM, lying west of the highway, which is a Steel T-Bar, which is the true point of beginning: Thence; N07°00'00"E, a distance of 240.27 feet, Thence: S80°49'43"E, a distance of 194.54 feet, Thence; S48°11'14"W, a distance of

54.37 feet, Thence; S14°14'34"W, a distance of 176.10 feet, Thence; S89°46'44"W, a distance of 137.49 feet, to the true point of beginning; all located in Lot D of Lot C of the NE1/4 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; containing 0.801 acres more or less, more generally described as being located at 4080 Tower Road.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the Future Land Use designation on an .801 acres parcel from General Commercial to Office Commercial be approved.**

22. No. 05CA043 - Section 14, T1N, R7E

A request by Dream Design International, Inc. for Thomas O'Meara to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation on a .652 acre parcel from General Agriculture to Office Commercial** on beginning at the southwest corner of Lot B of the SW1/4, Section 14, T1N, R7E, BHM, less lot H-1, Lot B, which is a concrete highway right-of-way monument, which is the true point of beginning: Thence; N05°30'18"E, a distance of 252.53 feet, Thence; N89°45'39"E, a distance of 127.81 feet, Thence; S14°14'34"W, a distance of 289.32 feet, Thence; N70°33'57"W, a distance of 85.74 feet, to the true point of beginning; all located in the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; containing 0.652 acres more or less, more generally described as being located adjacent to Tower Road and South Dakota Highway 16.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation on a .652 acre parcel from General Agriculture to Office Commercial be approved.**

\*24. No. 05PD071 - Autumn Hills Plaza Subdivision

A request by Conrad Signs to consider an application for a **Major Amendment to a Planned Commercial Development to revise the approved signage** on Lots 1 and 2, Autumn Hills Plaza Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5312 Sheridan Lake Road.

**Planning Commission approved the Major Amendment to a Planned Commercial Development to revise the approved signage 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 as submitted with this application;**
3. **A minimum of 76,023 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced when necessary;**
4. **A minimum of 36 parking spaces shall be provided with two handicap accessible spaces. One handicap space shall be "van" accessible. In addition, seven stacking lanes shall be provided for the restaurant's**

**drive through window and three stacking lanes shall be provided for the coffee shack's drive through window. All provisions of the Off-Street Parking Ordinance shall be continually met.**

***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.***

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

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

**Planning Commission recommended that the Rezoning from No Use District to General Commercial District be continued to the December 8, 2005 Planning Commission meeting.**

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

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

**Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the December 8, 2005 Planning Commission meeting.**

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

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

**Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be continued to the December 8, 2005 Planning Commission meeting.**

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

**Planning Commission recommended that the Rezoning from No Use District to General Commercial District be continued to the December 8, 2005 Planning Commission meeting.**

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

**Planning Commission recommended that the Rezoning from No Use District to Office Commercial District be continued to the December 8, 2005 Planning Commission meeting.**

30. No. 05RZ057 - Section 16, T1N, R8E  
A request by City of Rapid City to consider an application for a **Rezoning from Low Density Residential District to Low Density Residential II District** on the unplatted portion of the E1/2 SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of South Valley Drive and Willowbend Road.

**Planning Commission recommended that the Rezoning from Low Density Residential to Low Density Residential II be approved.**

31. No. 05RZ058 - Section 29, T1N, R7E  
A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the NE1/4 SE1/4 of Section 29, T1N, R7E, BHM being more particularly described as follows: Beginning at the East ¼ corner of said Section 29 being the true point of beginning; thence S00°18'07"E 38.41 feet; thence N89°59'26"W 704.61 feet; thence along a curve to the left having a radius of 462.00 feet, a central angle of 34°54'46" and a arc distance of 281.52 feet and a chord bearing and distance of S72°33'11" W 277.18 feet; thence along a curve to the right having a radius of 338.00 feet, a central angle of 23°20'37" 137.71 and arc distance of 137.71 and a chord bearing and distance of S66°46'06"W 136.76 feet; thence S78°26'24"W

227.39 feet; thence N00°18'05"W 220.36 feet to the center east 1/16 corner; thence N89°58'35"E 1318.44 feet; to the Point of Beginning; containing 2.47 acres more or less., more generally described as being located adjacent to Portrush Road between Muirfield Drive and Dunsmore Road.

**Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be approved.**

32. No. 05RZ059 - Section 14, T1N, R7E

A request by Dream Design International, Inc. for Thomas O'Meara to consider an application for a **Rezoning from General Commercial District to Office Commercial District** on beginning at the southwest corner of that part of Lot D of Lot C of the NE1/4 of the SW1/4, Section 14, T1N, R7E, BHM, lying west of the highway, which is a Steel T-Bar, which is the true point of beginning: Thence; N07°00'00"E, a distance of 240.27 feet, Thence: S80°49'43"E, a distance of 194.54 feet, Thence; S48°11'14"W, a distance of 54.37 feet, Thence; S14°14'34"W, a distance of 176.10 feet, Thence; S89°46'44"W, a distance of 137.49 feet, to the true point of beginning; all located in the NE1/4 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; containing 0.801 acres more or less, more generally described as being located at 4080 Tower Road.

**Planning Commission recommended that the Rezoning from General Commercial to Office Commercial be approved in conjunction with the associated Comprehensive Plan Amendment.**

33. No. 05RZ060 - Section 14, T1N, R7E

A request by Dream Design International, Inc. for Thomas O'Meara to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on beginning at the southwest corner of Lot B of the SW1/4, Section 14, T1N, R7E, BHM, less lot H-1, Lot B, which is a concrete highway right-of-way monument, which is the true point of beginning: Thence; N05°30'18"E, a distance of 252.53 feet, Thence; N89°45'39"E, a distance of 127.81 feet, Thence; S14°14'34"W, a distance of 289.32 feet, Thence; N70°33'57"W, a distance of 85.74 feet, to the true point of beginning; all located in Lot D of Lot C of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; containing 0.652 acres more or less, more generally described as being located adjacent to Tower Road and South Dakota Highway 16.

**Planning Commission recommended that the Rezoning from General Agriculture to Office Commercial be approved in conjunction with the associated Comprehensive Plan Amendment.**

34. No. 05SV060 - Prairiefire Subdivision

A request by Britton Engineering & Land Surveying for Prairiefire Investments, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, streetlight conduit; and dedicate additional right-of-way; and allow platting one half of**

**a right-of-way** on Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 NE1/4, less the Eisenbraun Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, street light conduit; and dedicate additional right-of-way; and allow platting one half of a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be continued to the January 26, 2006 Planning Commission meeting at the applicant's request.**

35. No. 05SV061 - Prairiefire Subdivision

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

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code be continued to the January 26, 2006 Planning Commission meeting at the applicant's request.**

36. No. 05SV074 - Village on the Green No. 2 Subdivision

A request by FMG, Inc. for Steele's United, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk and to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 37A and 37B, and 39A and 39B, Village on the Green No. 2 Subdivision, located in the SW1/4 SE1/4, Section 12, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 37 and 39, Village on the Green No. 2 Subdivision, located in the SW1/4 SE1/4, Section 12, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located north and adjacent to Mulligan Mile.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-Way be approved with the following stipulations:**

1. **A five foot wide access easement shall be provided along Mulligan Mile**



- as it abuts the subject property; and,
2. A note shall be placed on the plat prohibiting “on-street” parking. That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be approved with the following stipulation:
    1. An eight foot wide asphalt walking trail shall be provided along the golf course.

---END OF HEARING CONSENT CALENDAR---

- \*23. No. 05PD064 - Meridian Subdivision  
A request by PNPA Pathways for Wal-Mart Facility Maintenance to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 5R, Meridian Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1200 LaCrosse Street.

Elkins presented the Major Amendment to a Planned Commercial Development. Elkins stated that staff’s recommendation is to continue the Major Amendment to a Planned Commercial Development to the December 8, 2005 Planning Commission meeting.

**LeMay moved, Prairie Chicken seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the December 8, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

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

37. No. 05SV075 - Strato Rim Estates Subdivision  
A request by Russell Johnson for Sandra Kadis to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Strato Rim Drive and the Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 5 and 7, Strato Rim Estates Subdivision, located in Government Lots 3 and 4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the western terminus of Strato Rim Drive.

Elkins stated that staff’s recommendation is to approve the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Strato Rim Drive and the Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code with a stipulation that a Waiver of Right to Protest be signed by the applicant. Discussion followed.

**LeMay moved, Prairie Chicken seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement width 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 assessments for the improvements. (8 to 0 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

Bulman requested that items 38 and 39 be taken concurrently.

38. No. 05TI017 - Section 24, T1N, R7E  
A request by Dream Design International to consider an application for a **Creation of Tax Increment District No. 58 Black Hills Center** on Lots 1, 13a, 13b, 14a, 14b, 15a, 15b, 16a, 16b, 17a, 17b, 18a, 18b of Block 2, Block 4, Block 5 and all adjacent rights-of-way all located in Eastridge Estates Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and the unplatted NW1/4 SW1/4 NE1/4 less Eastridge Estates Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Block 1, Fifth Street Office Plaza, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Blocks 1, 2, 3 and 4 and all adjacent rights-of-way all located in South Pointe Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Lot 2 including the Enchanted Pines Drive right-of-way lying adjacent to said Lot 2, Block 11, Robbinsdale Addition No. 10, located in Sections 13 and 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and that portion of the 5th Street right-of-way lying in the NE1/4 NW1/4 SE1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and the SW1/4 NE1/4 less NW1/4 SW1/4 NE1/4 and including the U.S. Highway 16B right-of-way lying adjacent to said SW1/4 NE1/4; SE1/4 NE1/4 and the U.S. Highway 16B right-of-way lying adjacent to said SE1/4 NE1/4; unplatted balance of N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and including the 5th Street, Enchanted Pines Drive and Parkview Drive rights-of-way lying adjacent to said unplatted balance of the N1/2 NE1/4; unplatted balance of SE1/4 NW1/4 and the U.S. Highway 16B right-of-way lying adjacent to said unplatted balance of SE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Fifth Street and Catron Boulevard.
39. No. 05TI018 - Section 24, T1N, R7E  
A request by Dream Design International to consider an application for a **Project Plan for Tax Increment District No. 58 Black Hills Center** on Lots 1, 13a, 13b, 14a, 14b, 15a, 15b, 16a, 16b, 17a, 17b, 18a, 18b of Block 2, Block 4, Block 5 and all adjacent rights-of-way all located in Eastridge Estates Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and the unplatted NW1/4 SW1/4 NE1/4 less Eastridge Estates Subdivision, Section

24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Block 1, Fifth Street Office Plaza, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Blocks 1, 2, 3 and 4 and all adjacent rights-of-way all located in South Pointe Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Lot 2 including the Enchanted Pines Drive right-of-way lying adjacent to said Lot 2, Block 11, Robbinsdale Addition No. 10, located in Sections 13 and 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and that portion of the 5th Street right-of-way lying in the NE1/4 NW1/4 SE1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and the SW1/4 NE1/4 less NW1/4 SW1/4 NE1/4 and including the U.S. Highway 16B right-of-way lying adjacent to said SW1/4 NE1/4; SE1/4 NE1/4 and the U.S. Highway 16B right-of-way lying adjacent to said SE1/4 NE1/4; unplatted balance of N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and including the 5th Street, Enchanted Pines Drive and Parkview Drive rights-of-way lying adjacent to said unplatted balance of the N1/2 NE1/4; unplatted balance of SE1/4 NW1/4 and the U.S. Highway 16B right-of-way lying adjacent to said unplatted balance of SE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Fifth Street and Catron Boulevard.

Bulman presented the Tax Increment Creation and Project Plan No. 58 for Black Hills Center. Bulman advised the Planning Commission of options available for approval. Bulman stated that Tax Increment Financing Committee's recommendation is to approve the Creation of Tax Increment District No. 58 Black Hills Center and Project Plan for Tax Increment District No. 58 Black Hills Center. Discussion followed.

**Anderson moved, Schmidt seconded and unanimously carried to continue the Creation of Tax Increment District No. 58 Black Hills Center and Project Plan for Tax Increment District No. 58 Black Hills Center for discussion purposes.**

In response to Prairie Chicken's question, Elkins advised that the City of Rapid City Attorney's office has determined that the proposed subject property is not a blighted area. Elkins advised that the applicant's has expressed that the lack of infrastructure qualifies the subject property for Tax Increment Financing. Discussion followed.

Hani Shafi, applicant, expressed his opinion that the intention of the Tax Increment District application is to entice future commercial development on the subject property. Shafi stated his opinion that the Tax Increment District would improve transportation problems occurring in for North Rapid City especially during the holiday season by offering optional retail trade access. Shafi requested that the Tax Increment District No. 58 be approved. Discussion followed.

Brown requested that the Mayor appoint a Planning Commission member to the Tax Increment Finance Committee. Discussion followed.

**Anderson moved, Schmidt seconded and unanimously carried that the**

**Creation of Tax Increment District No. 58 Black Hills Center and the Project Plan be continued to the December 8, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

Fisher requested that items 40 and 41 be taken concurrently

40. 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.

41. 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.

Fisher presented slides of the Layout Plat and the Variance to the Subdivision Regulations. Fisher stated that staff's recommendation is to approve the Layout Plat with a stipulation that an Exception to allow 54 dwelling units in lieu of 40 dwelling units with one point of access be denied. Fisher commented that staff's recommendation that the request to waive the requirement to install sidewalk, street light conduit and sewer, to reduce the pavement width from 40 feet to 27 feet be approved with the applicant signing a waiver of right to protest and that sidewalk be provided along one side of the street. Fisher commented that staff's recommendation is to deny the variance request to waive the requirement to dedicate additional right-of-way along Carriage Hills Drive.

Allen Nelson, representing Harley Taylor, requested that the Exception to allow 54 dwelling units in lieu of 40 dwelling units be approved. Nelson expressed his opinion that Fire apparatus access is sufficient for the subject property.

Harley Taylor, applicant, presented photographs of subject property and requested that the Variance to the Subdivision Regulations be approved. Taylor expressed his opinion that sidewalks installation on the subject property would be inconsistent with existing improvements on the adjacent lots. Discussion followed.

In response to Schmidt's question, Elkins advised that the 40 Unit Rule has been in effect since 2000.

Discussion followed regarding ingress and egress requirements, fire apparatus access, installation of sidewalks and sewer line extensions and easements on the subject property.

Landguth expressed concern with approving the Variance to the Subdivision Regulations to install sidewalk and improvements. Discussion followed.

Brewer expressed his support for the Variance to install sidewalk on the subject property. Discussion followed.

Discussion followed regarding the extension of the sewer main.

Landguth expressed his opposition to the Variance to install a sidewalk. Lengthy discussion followed.

**LeMay moved, Schmidt seconded and unanimously carried to recommend that the Layout Plat be approved with the following stipulations. The motion failed on a tie vote. (4 to 4 with Andrews, Brewer, LeMay, and Schmidt voting yes and Anderson, Brown, Landguth and Prairie Chicken voting no)**

Elkins noted that in accordance with the Planning Commission's Bylaws, on a tie vote the request is forwarded to the City Council without recommendation.

- 1. Prior to Layout Plat approval by the Planning Commission, a revised Master Plan for the entire property shall be submitted for review and approval. In addition, the Master Plan shall show the extension of Carriage Hills Drive to the south lot line of the subject property or a Comprehensive Plan Amendment to the Major Street Plan relocating and/or eliminating Carriage Hills Drive, a minor arterial street, shall be obtained;**
- 2. Upon submittal of a Preliminary Plat application, a grading plan, an erosion and sediment control plan, a 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;**
- 3. 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 plat document shall be revised to show utility easements as needed;**
- 4. 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 plat document shall be revised to show utility easement(s) as needed;**
- 5 Upon submittal of a Preliminary Plat application, road construction**

plans for Carriage Hills Drive shall be submitted for review and approval. In particular, the road construction plans shall show Carriage Hills Drive 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. In addition, the construction plans shall identify the construction of a temporary turnaround at the end of the cul-de-sac or a Variance to the Subdivision Regulations shall be obtained;

6. An Exception to allow 54 dwelling units in lieu of 40 dwelling units with one point of access is hereby denied. In addition, upon submittal of a Preliminary Plat application, a second point of access shall be provided to the subject property and shall be constructed to City street design standards;
7. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits;
8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
9. 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.

Schmidt moved, LeMay seconded and unanimously carried to recommend that 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 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;

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

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along Carriage Hills Drive be denied. (8 to 0 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

\*42. No. 05PD072 - North 80 Subdivision

A request by Sperlich Consulting, Inc. for Williams & Associates to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 1B, North 80 Subdivision, located in Government Lot 2, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 330 East Stumer Road.

Bulman presented the Planned Commercial Development - Initial and Final Development Plan. Bulman stated that stipulations have been met and staff's recommendation is to approve the Planned Commercial Development - Initial and Final Development Plan with stipulations.

**Anderson moved, Brown seconded and unanimously carried to approve the Planned Commercial Development - Initial and Final Development Plan**

with the following stipulations:

1. A Building Permit shall be obtained prior to construction and an Occupancy Permit shall be obtained prior to occupancy;
2. All provisions of Section 17.50.270, the Parking Regulations of the Rapid City Municipal Code shall be continually met;
3. All requirements of the 2003 International Fire Code shall be continually met;
4. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met and be maintained in a live vegetative state and replaced as necessary;
5. Prior to Planning Commission approval, a site plan elevation showing the dumpster screened on all sides with a five foot screening fence shall be submitted for review and approval;
6. The building materials shall consist of lap siding in earth tones with stone or brick accents and asphalt earth tone shingles as per the submitted elevations;
7. Prior to obtaining a building permit, the FDC shall be relocated to the southeast corner area of the structure or an additional fire hydrant shall be located near the identified FDC;
8. Prior to obtaining a building permit, all red line comments shall be revised and submitted for review and approval, and the red line drawings returned to the Growth Management Office;
9. Prior to Planning Commission approval, a sign package shall be submitted for review and approval, or the submittal of a Major Amendment to the Planned Commercial Development will be required when a sign package is proposed;
10. A 40 square foot wall sign and a 40 square foot ground sign may be located on site. Prior to Planning Commission approval, the final location of the ground sign shall be submitted and approved. A Major Amendment shall be obtained prior to the location of any additional signage on the site;
11. A sign permit shall be obtained prior to installation of any sign;
12. All site lighting shall be directed away from the adjacent rights-of-way and adjacent properties;
13. Prior to obtaining a building permit, all plans shall be prepared and stamped by a registered architect or engineer as per South Dakota Codified Law 36-18A; and,
14. The Planned Residential Development approval shall expire two years from the date upon which it becomes effective if no work has commenced, or if the use as approved has ceased for a period of two years. (8 to 0 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

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

43. No. 05SR063 - South Creek Industrial Park

A request by ARC International to consider an application for an **11-6-19 SDCL Review to allow a 600 foot addition to Department of Correction Trustee Building** on Lot 1, Block 1, South Creek Industrial Park, SW1/4 NW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2317 South Creek Drive.

Bulman presented the 11-6-19 SDCL Review to allow a 600 foot addition to Department of Correction Trustee building. Bulman advised that stipulations have not been met and staff's recommendation is to continue the 11-6-19 SDCL Review to the December 8, 2005 Planning Commission meeting.

**LeMay moved, Anderson seconded and unanimously carried to continue the 11-6-19 SDCL Review to allow a 600 foot addition to Department of Correction Trustee Building to the December 8, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

\*44. 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.

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

Fisher presented the Major Amendment to a Planned Commercial Development. Fisher advised that an adjacent property owner has expressed opposition to the applicant's proposed location of the dumpster. Fisher advised that the ground sign proposed by the applicant would include a reader board application. Fisher stated that staff's recommendation is for approval with stipulations with the exception of the dumpster location proposed by the applicant and the reader board on the proposed sign. Discussion followed.

Donovan Broberg, ARC International, requested that the proposed dumpster location in the parking lot area be approved and that the reader board application be approved for the proposed sign. Lengthy discussion followed.

Brewer expressed his support of the applicant's request for the proposed dumpster location.

**Schmidt moved Brewer seconded to extend the Planning Commission meeting to 9:30 a.m. (8 to 0 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

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



conflict of interest.

Mayor Jim Shaw expressed his support for the project. Shaw expressed his support for approval of the reader board sign noting that the structure that has been constructed on the subject property and is a significant improvement to the entrance to Rapid City.

Karen Gundersen Olson, City Council Member, expressed her opposition to the proposed reader board sign. Olson complimented the owner on the structure that has been built on the property.

Elkins left the meeting at this time.

Schmidt expressed his support to approve the Major Amendment to the Planned Commercial Development.

**Brewer moved, Anderson seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:**

- 1. The sidewalks along Eleventh Street and Rapid Street shall be constructed a maximum distance of two feet from the property line. All other sidewalk construction for the project shall comply with the previously reviewed and approved Planned Commercial Development;**
- 2. The previously approved sign package shall be revised to allow a pole sign in lieu of a pylon sign along Omaha Street. In particular, the pole sign shall measure 27 feet high by 14 feet wide and be constructed ten feet above grade for a maximum height of 37 feet or if a Variance from the Sign Board Code of Appeals is granted, a ground sign shall be allowed in lieu of a pole sign. To allow the reader board sign application be approved. The sign shall be limited to a campus sign with no off-premise advertising allowed. In addition, the proposed sign shall conform architecturally to the design plans and color palette submitted as a part of this Major Amendment to the Planned Commercial Development;**
- 3. The proposed dumpster re-location shall be approved as proposed by the applicant. In addition, the dumpster shall be screened with a minimum four foot high opaque screening fence;**
- 4. The boundaries of the previously approved Planned Commercial Development shall be expanded to include the vacated Eleventh Street right-of-way located along the west lot line of the property; and,**
- 5. All of the previously approved stipulations of approval of the Initial and Final Planned Commercial Development shall continually apply with the changes as noted in stipulations 1 thru 4. (7 to 0 to 1 with Anderson, Andrews, Brewer, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no and 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.***

45. No. 05SV076 - Paul Subdivision

A request by D. C. Scott Company for West River Electric Association to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to provide a ten foot wide planting screen easement, to waive the requirement to dedicate additional Right-of-Way and to waive the requirement to provide a minimum eight foot wide drainage and utility easement along all interior lot lines as per Chapter 16.16 of the Rapid City Municipal Code** on Lot AR, Tract 1, Paul Subdivision, and Lot WR and the dedicated Reservoir Road Right-of-Way, formerly Lot A, Tract 1, Paul Subdivision and Lot W of the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot A, Tract 1, Paul Subdivision and Lot W of the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Long View Road and Reservoir Road.

Prairie Chicken left the meeting at this time.

Fisher presented the Variance to the Subdivision Regulations. Fisher stated that staff's recommendation is to approve with stipulations.

Allen Nelson, applicant's representative, requested that the application be approved. Nelson stated that the applicant has signed a Waiver of Right to Protest.

Jim Pahl, CEO of West River Electric, expressed concern that requiring the Right-of-Way to be dedicated may preclude the plat from going forward and that the site is needed to expand a utility substation. Discussion followed.

Andrews expressed his support for approval of the applicant's request. Discussion followed.

**Brewer moved, Brown seconded and unanimously carried to approve the Variance to the Subdivision Regulations to waive the requirement to provide a ten foot wide planting screen easement be approved;  
That the Variance to the Subdivision Regulations to waive the requirement to provide a minimum eight foot wide drainage and utility easement along all interior lot lines be approved;  
That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Longview Road be approved. (7 to 0 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, and Schmidt voting yes and none voting no)**

46. 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 sewer improvement and storm drainage improvements 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.

Fisher presented the 11-6-19 SDCL Review to install sanitary sewer improvement and storm drainage improvements for South Valley Mobile Estates. Fisher advised that staff's recommendations is that the 11-6-19 Review be continued the the December 8, 2005 Planning Commission meeting.

**Anderson moved, Brewer seconded and unanimously carried to continue the 11-6-19 SDCL Review to install sanitary sewer and storm drainage improvements for South Valley Mobile Estates to the December 8, 2005 Planning Commission meeting to allow the applicant time to submit additional information. (7 to 0 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, and Schmidt voting yes and none voting no)**

**Anderson moved, Brown seconded and unanimously carried to continue the remaining Agenda Item 49 to the December 8, 2005 Planning Commission meeting. (7 to 0 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, and Schmidt voting yes and none voting no)**

**There being no further business, Anderson moved, Brown seconded and unanimously carried to adjourn the meeting at 9:33 a.m. (7 to 0 with Anderson, Andrews, Brewer, Brown, Landguth, LeMay, and Schmidt voting yes and none voting no)**