

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 5, 2006

MEMBERS PRESENT: Peter Anderson, Doug Andrews, John Brewer, Gary Brown, Ida Fast Wolf, Thomas Hennies, Dennis Landguth, Mike LeMay and Ethan Schmidt. Deb Hadcock, Council Liaison was also present

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

Andrews called the meeting to order at 7:00 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 9, 14 and 15 be removed from the Non-Hearing Consent Agenda for separate consideration.

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

Motion by Anderson, Seconded by Brown and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 15 in accordance with the staff recommendations with the exception of Items 9, 13, 14 and 15. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the December 8, 2005 Planning Commission Meeting Minutes.
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.

Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the Whispering Pines Fire District.
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.

Planning Commission recommended that the Petition for Annexation be approved contingent on the annexation of the adjacent property located north of the subject property and on any payment due to the Whispering Pines Fire District.

4. 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 February 9, 2006 Planning Commission meeting.

5. 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.

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

1. **Prior to Preliminary Plat approval by City Council, a fire mitigation plan shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by City Council, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water, sewer and a minimum 27 foot wide paved surface along Strato Rim Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by City Council, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water, sewer and a minimum 27 foot wide paved surface along Aeronauts Way shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by City Council, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water, sewer and a minimum 27 foot wide paved surface along the access and utilities easements shall be submitted for review and approval;**
5. **Prior to Preliminary Plat approval by City Council, road construction plans for the cul-de-sac shall be submitted for review and approval or**

a Variance to the Subdivision Regulations shall be obtained. In particular the street shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, with curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the construction plans must 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;

6. An exception to waive the requirement to provide visitor parking at a ratio of one parking space per dwelling located within 300 feet of the residence as per the Street Design Criteria Manual is hereby denied;
7. An exception is hereby granted to allow a 1500 foot long cul-de-sac in lieu of a max 500 foot long cul-de-sac with intermediate turnarounds every 600 feet as per the Street Design Criteria Manual;
8. Prior to Preliminary Plat approval by City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Growth Management Department;
9. Prior to Preliminary Plat approval by City Council, a revised plat shall be submitted for review and approval dedicating 52 feet of right-of-way on Strato Rim Road, Aeronauts way and the access and utilities easements or a Variance to the Subdivision Regulations shall be obtained;
10. 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; and,
11. Prior to Preliminary Plat approval by City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval.

6. No. 05PL231 – Forest Park Estates Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots 28 and 29 of Forest Park Estates Subdivision, formerly Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4231 Starlite Drive.

Planning Commission recommended that the Layout Plat be continued to January 26, 2006 Planning Commission.

7. No. 05PL238 – Overlook Subdivision

A request by Cetec Engineering Services for Olsen Development Company to consider an application for a **Preliminary Plat** on Lot 8 of Overlook Subdivision, formerly the balance of Lot 5 of Overlook Subdivision of the SW1/4 of the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of Lot 5 of Overlook Subdivision of the SW1/4 of

the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1825 Clark Street.

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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
- 3. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

8. No. 05PL240 – Norman Ranch Subdivision

A request by Sperlich Consulting, Inc. to consider an application for a **Layout Plat** on Lots 4A and 4B and Lot 5R of Judicial Lot 4 and Lots 6-17 of Norman Ranch Subdivision formerly Lots 4 and 5 of Judicial Lot 4, Norman Ranch Subdivision, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 4 and 5 of Judicial Lot 4, Norman Ranch Subdivision, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the southwest side of Old Folsom Road between Lamb Road and east of South Highway 79.

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, as well as an erosion and sediment control plan, shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that discharge shall not exceed pre-developed flow rates and shall not exceed capacity of downstream facilities. Any discharge onto adjacent properties shall be located within designated drainage easements. In addition, the plat document shall be revised to provide drainage easements as needed;**
- 2. Upon submittal of a Preliminary Plat, a geotechnical report shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private and public utilities through the subject property as well as to adjacent properties;**
- 4. 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;

5. 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 particular, the water system shall be constructed with a minimum eight inch water main and shall be designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed;
6. Upon submittal of a Preliminary Plat application, road construction plans for Old Folsom Road shall be submitted for review and approval. In particular, the construction plans shall show the street 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 or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way;
7. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the south lot line shall be submitted for review and approval. In particular, the construction plans shall show the street 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 or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way. The applicant also has the option of vacating the section line highway. If vacated, a Comprehensive Plan Amendment to the Major Street Plan shall be obtained to eliminate and/or relocate the principal arterial street as currently shown in the section line highway;
8. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the west lot line shall be submitted for review and approval. In particular, the construction plans shall show the street 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 or the section line highway shall be vacated;
9. Upon submittal of a Preliminary Plat application, road construction plans for the collector street as shown on the Major Street Plan shall be submitted for review and approval. In particular, the 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 or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained to eliminate and/or relocate the principal arterial street as

currently shown in the section line highway. In addition, the plat document shall be revised to show the collector street as per the City's Major Street Plan;

10. Upon submittal of a Preliminary Plat application, construction plans for Norman Ranch Road shall be submitted for review and approval. In particular, Norman Ranch Road 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. The construction plans shall also show the proposed turnaround(s) located in a minimum 110 foot wide right-of-way and constructed with a minimum 96 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
11. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow Norman Ranch Road to be designed as an 3,800 foot long cul-de-sac street with no intermediate turnarounds every 600 feet or the plat document shall be revised accordingly;
12. Prior to submittal of a Preliminary Plat application, an Approach Permit shall be obtained from the Pennington County Highway Department for the proposed approaches along Old Folsom Road. In addition, the plat document shall be revised to show a shared approach to proposed Lots 4A and 4B. The shared approach shall measure a maximum of 40 feet in width by 40 feet in length;
13. Upon submittal of a Preliminary Plat application, a subdivision cost estimate shall be submitted for review and approval;
14. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal; or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1; or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;
15. Prior to submittal of a Final Plat application, a different street name for Norman Ranch Road shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved street name;
16. Upon submittal of a Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit" and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile information is not sufficient for conventional systems";
17. Upon submittal of a Final Plat application, the plat document shall be revised to show "Judicial Lot 4" in the formerly description; and,
18. 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. 05PL244 – Black Hills Center

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 2A and 2B of Block 1, Black Hills Center, formerly the unplatted portion of the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SE1/4 NW1/4 and the SW1/4 NE1/4 of 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 Catron Boulevard and Fifth Street.

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

1. **Prior to Preliminary Plat approval by the City Council, road construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk, 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, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
3. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the names of adjacent streets and adjacent subdivisions as per Chapter 16.20.050 of the Rapid City Municipal Code;**
4. **Prior to submittal of a Final Plat application, a Final Plat shall be approved creating Lot 2 of Block 1 or the plat title shall be revised to show the correct “formerly” description;**
5. **Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Stumer Road, except for the approved approach location and to show a non-access easement along Catron Boulevard;**
6. **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.**

11. 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 approved the 11-6-19 SDCL Review to install sanitary sewer and storm drainage improvements for South Valley Mobile

Estates in compliance with the reviewed and approved construction plans.

12. No. 05SR064 – Providence Addition

A request by RealCom Association for Alltel to consider an application for an **SDCL 11-6-19 Review to allow the replacement of three existing antennas with four new omni antennas on an existing tower** on Lot CR in Block 12 and 13, Providence Addition, Section 34, T2N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at 2435 West Chicago Street.

Planning Commission approved the SDCL 11-6-19 Review to allow the replacement of three existing antennas with four new omni antennas on an existing tower with the following stipulations:

1. **That the existing minimum 20 foot fire lane access shall be continually maintained behind the existing building;**
2. **A Building Permit shall be obtained prior to any construction;**
3. **A Certificate of Completion shall be obtained prior to any use of tower;**
4. **That all requirements of the Off-Street Parking Ordinance shall be continually met;**
5. **The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority;**
6. **No commercial advertising signage shall be allowed on the tower;**
7. **The tower shall remain unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority; and,**
8. **A maximum of 18 antennas will be allowed with this 11-6-19 SDCL Review. Any additional antennas require a new 11-6-19 SDCL Review.**

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

9. No. 05PL243 - Pleasant View Subdivision

A request by D.C. Scott Co. Land Surveyors for Leslie P. and Sharon L. Potts to consider an application for a **Preliminary Plat** on Lot 1R of Lot 9 of Pleasant View Subdivision, (formerly Lots 1 and 2 of Lot 9 of Pleasant View Subdivision) located in the SE1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 1 and 2 of Lot 9 of Pleasant View Subdivision, located in the SE1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3020 Crane Drive.

Alice Pike expressed concern with the proposed development on the subject property. Pike expressed her opinion that there would be potential problems with the inadequacy of the access easement for traffic for existing residences and the setback requirements on the subject property. Pike requested that the application be denied.

Les Potts, applicant, expressed his agreement with signing the waiver of right to protest. Potts requested that the requirement to pave the private access

easement be denied. Potts expressed his opinion that the requirement would form a discontinuous road on the subject property.

Elkins advised that the Preliminary Plat should be addressed at this time and the variance requested be acted upon later in the Agenda.

In response to Schmidt's question, Elkins advised that staff's recommendations are that there be dedication of an additional 12 feet of easement along the private access on the subject property. Discussion followed.

Fast Wolf arrived at this time.

Motion by Hennies, seconded by LeMay and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations;

- 1. Prior to Preliminary Plat approval by City Council, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water, sewer and additional four feet of pavement width along Crane Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by City Council, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water, sewer and an additional 24 feet of pavement width along the private access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by City Council, a revised plat document showing the 12 additional feet of right-of-way along the private access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 4.. Prior to Preliminary Plat approval by City Council, a revised site plan showing all utilities shall be submitted for review and approval;**
- 5. Prior to Preliminary Plat approval by City Council, plans for the septic system shall be submitted for review and approval;**
- 6. Prior to Preliminary Plat approval by City Council, an approach permit to access from Crane Drive shall be obtained from Pennington County;**
- 7. An exception is hereby granted to allow 10 lots in lieu of 4 lots to access via an easement as per the Street Design Criteria Manual;**
- 8. Upon submittal of a Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit" and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile information is not sufficient for conventional systems";**
- 9. 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; and,**
- 10. Prior to Preliminary Plat approval by City Council, a cost estimate of**

the subdivision improvements shall be submitted for review and approval. (10 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Fast Wolf, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

13. No. 05SR065 – Section 9, T1N, R8E

A request by Tom Woodden, Jim Hardesty and Jamie Brezina to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on a portion of S1/2 of the SW1/4 of the NE1/4, less Lot H2 and Less Right-of-Way; and the S1/2 of the SE1/4 of the NW1/4, less H-1; the balance of the NE1/4 of the SW1/4; the balance of the W1/2 of the SE1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3511 East Highway 44.

Tom Woodden and Jim Hardesty, applicants, requested that the SDCL 11-6-19 be approved. Hardesty advised that the proposed structures would be temporary shade canopies. Woodden and Hardesty expressed their opinion that the paving requirement is unnecessary for the type of event proposed on the subject property. Woodden and Hardesty requested that the application be approved.

Elkins advised that the staff's recommendation is to continue the SDCL 11-6-19 Review to allow the applicant to identify and submit a site plan that would identify locations for parking, portable restrooms, concessions and camping locations. Discussion followed.

In response to Prairie Chicken's questions, Elkins advised that City Ordinance requires that the off-street parking locations be paved.

Discussion followed relative to the proposed locations for parking, concessions, and related facilities.

Hadcock expressed her support for approval of the SDCL 11-6-19 Review.

Elkins advised that SDCL 11-6-19 Review would either need to be approved or continued. She further advised that the City Attorney's staff have recommended that SDCL 11-6-19 Reviews should not be approved with stipulations. Discussion followed.

Motion by Landguth seconded by LeMay and unanimously carried to approve the SDCL 11-6-19 Review to allow temporary structures on public property. (9 to 1 with Anderson, Andrews, Brown, Hennies, Fast Wolf, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and Brewer voting no)

14. No. 05SR066 – Sections 2 and 3, T1N, R7E

A request by Tom Horan and Graham Smith for the South Dakota Department of Transportation to consider an application for an **SDCL 11-6-19 Review to obtain Right-of-Way and reconstruct a portion of a street** on Mountain View Road Right-of-Way located south of Omaha Street and north of Jackson Boulevard,

more generally described as being located Mountain View Road Right-of-Way located south of Omaha Street and north of Jackson Boulevard.

Elkins advised that the Department of Transportation have requested that the SDCL 11-6-19 requested be continued to the January 26, 2006 Planning Commission meeting.

Motion by Schmidt, seconded by Hennies and unanimously carried to continue the SDCL 11-6-19 Review to the January 26, 2006 Planning Commission meeting at the applicant's request. (10 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Fast Wolf, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

15. No. 05SR067 – Sections 20 and 29, T1N, R9E

A request by West River Electric Association to consider an application for an **SDCL 11-6-19 Review to extend public utilities** on the Private easement located east of Airport Road Right-of-Way and north of Highway 44 Right-of-Way; and private easement located in the unplatted balance of the SW1/4, Section 20, T1N, R9E; and private easement located in the eastern portion of the unplatted balance of the N1/2 of the NW1/4 lying north of Highway 44 in the Section 29, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the northeast curve of Aviation Road and east of Airport Road.

Elkins advised that a Utility Easement has been provided and that staff's recommendation is to approve the SDCL 11-6-19 Review.

Motion by Hennies, seconded by Schmidt and unanimously carried to approve the SDCL 11-6-19 Review to extend public utilities with the following stipulations:

- 1. Prior to disturbance of one acre or more, an Air Quality Permit shall be obtained;**
- 2. Prior to construction, a Right-of-Way Permit from the South Dakota Department of Transportation for South Dakota Highway 44 and from the City of Rapid City for Terminal Road shall be obtained; and,**
- 3. Prior to Planning Commission approval, a utility easement on Rapid City Regional Airport property shall be recorded with the Register of Deeds and a site plan showing the easements shall be submitted for review and approval. (10 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Fast Wolf, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)**

Andrews announced that the Public Hearings on Items 16 through 38 were opened.

Anderson requested that Items 26 be removed from the Hearing Consent Agenda for separate consideration.

Staff requested that Items 20, 30 and 36 be removed from the Hearing Consent Agenda for separate consideration.

Members of the audience requested that Item 16 and 23 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 16 through 38 in accordance with the staff recommendations with the exception of Items 16, 20, 23, 26, 30 and 36. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

The Public Hearings for Items 16 through 38 were closed.

---HEARING ITEMS CONSENT CALENDAR---

18. No. 05CA042 - Section 14, T1N, R7E

A request by Dream Design International, Inc. for Thomas O'Meara to consider an application for a **Summary of Adoption action for an Amendment to the Comprehensive Plan to change the Future Land Use designation on a .801 acres parcel from General Commercial to Office Commercial** on a parcel of land described as 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 Planning Commission approve the summary and authorize publication in the Rapid City Journal.

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

A request by Dream Design International, Inc. for Thomas O'Meara to consider an application for a **Summary of Adoption action for an Amendment to the Comprehensive Plan to change the future land use designation on a .652 acre parcel from General Agriculture to Office Commercial** on a parcel of land described as 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 Planning Commission approve the summary and authorize publication in the Rapid City Journal.

21. No. 05CA045 - Buckingham Addition

A request by Baffuto Architectura for Destiny Foursquare Church to consider an application for an **Amendment to the Comprehensive Plan by revising the North Rapid Area Future Land Use Plan to change the land use designation on a 3.109 acres parcel from Light Industrial to General Commercial** on Lots 1 and 2 of Buckingham Addition all located in the N1/2 of the NW1/4 of the SE1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 901 and 927 East Philadelphia Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan to revise the North Rapid Neighborhood Area Future Land Use Plan to change the future land use from Light Industrial to General Commercial be approved.

24. No. 05PD081 - Harter Addition

A request by Conrad Signs to consider an application for a **Major Amendment to the Planned Commercial Development** on Lot 1 of Lot K of Subdivision No. 2 of Harter Addition, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 620 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. In particular the sign shall measure 13 feet 6 inch in width by 21 feet high, with internal illumination and have the same earth tone colors as the existing building;**
2. **The sign shall comply architecturally with the design plans as submitted with this application. In particular, the sign shall be designed as a double column campus sign measuring 13 feet 6 inch wide by 21 feet high, with internal illumination and have the same earth tone colors as the existing building. The sign shall identify uses within the Professional Center;**
3. **A minimum of 16,243 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; and;**
4. **A minimum of 23 parking spaces shall be provided with two handicap accessible spaces. One handicap space shall be "van" accessible. In addition, 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. 05PD082 - Rainbow Ridge Subdivision

A request by Dream Design International to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1 through 8 of Block 3, Rainbow Ridge Subdivision all located in the SE1/4 of the NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Bunker Drive and north of Northridge Drive.

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

1. The rear yard setback for Lot 8 shall be reduced from 25 feet to 15 feet;
2. One reduced setback for either the rear yard of 15 feet or the front yard of 18 feet to the garage and 15 feet to the living area shall be allowed on Lots 1-7. Only one reduced setback, either front or rear, shall be allowed per lot;
3. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structures;
4. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
5. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

27. No. 05PD085 - Kateland Subdivision

A request by Sperlich Consulting, Inc. for Del Vandenhoeck (Lifestyle Homes) to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 1 of Block 5, Kateland Subdivision all located in the SE1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Country Road and Erleen Street.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the January 26, 2006 Planning Commission meeting at the applicant's request.

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

28. No. 05PD088 - Section 8, T1N, R7E

A request by Bob Westlake for Derby Advertising, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots B, C, H, J, L, M and W of Kashmir Subdivision, located in the NE1/4 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2720 Chapel Lane.

Planning Commission continued the Major Amendment to a Planned Commercial Development to the January 26, 2006 Planning Commission meeting.

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

29. No. 05PD089 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Tract G of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Homestead Street and Aurora Drive.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the January 26, 2005 Planning Commission.

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.

31. No. 05RZ062 - South Pointe Subdivision

A request by Dream Design International to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on Lots 1-18 of Block 1; Lots 1-21 of Block 2; Lots 1-16 of Block 3; Lots 1-7 of Block 4; the Dedicated Right-of-Way and a portion of the E1/2 of the NE1/4 all located in 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 Parkview Drive and Enchanted Pines Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be approved.

32. No. 05RZ063 - Buckingham Addition

A request by Baffuto Architectura for Destiny Foursquare Church to consider an application for a **Rezoning from Light Industrial District to General Commercial District** on Lots 1 and 2 of Buckingham Addition all located in the N1/2 of the NW1/4 of the SE1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 901 and 927 East Philadelphia Street.

Planning Commission recommended that the Rezoning from Light Industrial District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment to revise the North Rapid Neighborhood Area Future Land Use Plan to change the land use from Light Industrial to General Commercial.

33. No. 05SV079 - Forest Park Estates 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, street light conduit, additional pavement and additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 28 and 29 of Forest Park Estates Subdivision, formerly Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4231 Starlite Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, additional pavement and additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code be continued to the January 26, 2006 Planning Commission so that it may be heard in conjunction with Layout Plat 05PL231.

34. No. 05SV081 - 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, street light conduit, water, sewer and pavement along Strato Rim Road, Aeronauts Way and the access and utility easements as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 5 and 7 of Strato Rim Estates Subdivision, all located in Government Lots 3 and 4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 23645 Strato Rim Drive and 13600 Aeronauts Way.

Planning Commission recommended that the Variance to the Subdivision

Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along Strato Rim Road, Aeronauts Way and the access and utility easements 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 along Strato Rim Road and Aeronauts Way; and that the Variance to the Subdivision Regulations to install sidewalks be tabled.**

35. No. 05SV082 - Black Hills Center

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code** on the unplatted portion of the SE1/4 of the NW1/4 and the SW1/4 of the NE1/4 of 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 East Catron Boulevard and Fifth Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code be approved.

Planning Commission recommended that the Exception to the Street Design Criteria Manual be allow curb side sidewalks in lieu of property line sidewalks be denied.

37. No. 05SV086 - Black Hills Center

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, street light conduit, water, sewer and additional pavement width along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2A and 2B of Block 1, Black Hills Center, formerly the unplatted portion of the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SE1/4 NW1/4 and the SW1/4 NE1/4 of 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 Catron Boulevard and Fifth Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement width along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code be approved.

38. No. 05UR022 - Jones Tract

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to allow an off-premise sign** on Lots 7 and 8 and the W12 feet of Lot 6 of Block 2, Jones Tract, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1925 West

Main Street.

Planning Commission continued the Conditional Use Permit to allow an off-premise sign to the January 26, 2006 Planning Commission meeting at the applicant's request.

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

---END OF HEARING CONSENT CALENDAR---

16. No. 04CA029 - Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **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.

Casey Peterson requested clarification to the stipulations of staff's recommendations for approval with regard to the Major Street Plan.

Fisher presented slides and identified locations of arterial streets on the existing Major Street Plan and the proposed Major Street Plan. Fisher stated that the applicant is in agreement with staff's recommendation that the classification of the street be maintained as an arterial street. Fisher advised that staff's recommendation is that the reclassification request be tabled. Fisher advised that the existing location be changed for sufficient separation to the rearage road.

Peterson expressed his opinion that careful consideration be given when modifications are made to the Major Street Plan. Peterson expressed his opinion that the application would create large volumes of traffic through residential neighborhoods to access a major commercial development plan. Discussion followed.

Anderson moved, Hennies seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan be tabled; and,

That the Amendment to the Comprehensive Plan to relocate a Minor Arterial Street approximately 1,000 feet east of its' current location be approved. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

20. No. 05CA044 - Mahoney Addition

A request by Larry Nelson to consider an application for an **Amendment to the Comprehensive Plan by amending the North Rapid Neighborhood Area Future Land Use Plan to change the designation on an .53 acre parcel from Low Density Residential to Medium Density Residential** on all of Block 55, except the S81/2 feet of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 222 Doolittle Street.

Doug Pokorney, requested that the Comprehensive Plan and the Rezoning application be approved.

Elkins advised that staff's recommendation is that the Comprehensive Plan Amendment and the Rezoning applications be denied without prejudice.

Anderson moved, Landguth seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan by amending the North Rapid Neighborhood Area Future Land Use Plan to change the designation on an .53 acre parcel from Low Density Residential to Medium Density Residential be denied without prejudice. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

Anderson moved, Landguth seconded and unanimously carried to reconsider Item No. 22 from the Hearing Consent Agenda. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

22. No. 05PD079 - Section 35, T2N, R7E

A request by TSP, Inc. for Century Development to consider an application for a **Planned Commercial Development - Initial Development Plan** on a parcel of land described as the North 327.2 feet of the N1/2 of the SE1/4 lying west of Interstate 90 Right-of-Way, excepting therefrom the W1/2 of the NW1/4 of the SE1/4, and less North Boulevard Addition, located in of the unplatted (9779); and, the East 670 feet of the South 30 feet of the SW1/4 NE1/4; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 Philadelphia Street.

Jim Smith, expressed concerns with the proposed development on the subject property and requested that the application be denied or modifications be made to the proposed retaining wall.

Fisher advised that the application is an Initial Development Plan and that the applicant has submitted conceptual ideas for the proposed development and staff will review proposed improvements with the applicant prior to approval by City Council. Fisher stated that the Initial Planned Development does not identify any encroachments onto the adjacent properties. In addition, Fisher stated that the applicant would be required to have negotiations with surrounding property owners prior to implementing proposed improvements on the subject property.

Moved by Anderson, seconded by LeMay and unanimously carried to approve the Planned Commercial Development - Initial Development Plan with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to the start of construction, a Floodplain Development Permit shall be obtained for any work within the federally designated 100 year floodplain located in the southeast portion of the property;**
- 3. Upon submittal of a Final Commercial Development Plan, construction plans for the north-south street located along the west lot line shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water as per the City's Major Street Plan and as per the approved Tax Increment Project Plan or an Amendment to the Tax Increment Project Plan shall be obtained;**
- 4. Upon submittal of a Final Commercial Development Plan, construction plans for the east-west collector street located along the north lot line shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water as per the City's Major Street Plan and as per the approved Tax Increment Project Plan or an Amendment to the Tax Increment Project Plan shall be obtained;**
- 5. Upon submittal of a Final Commercial Development Plan, geotechnical information including pavement design shall be submitted for review and approval;**
- 4. Upon submittal of a Final Commercial Development Plan, a water and sewer plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the applicant shall demonstrate that adequate domestic water and fire flows are being provided. The applicant shall also provide a developer's agreement for the construction of the proposed waterline;**
- 6. Upon submittal of a Final Commercial Development Plan, a grading plan shall be submitted for review and approval;**
- 7. Upon submittal of a Final Commercial Development Plan, a drainage plan as well as an erosion and sediment control plan shall be submitted for review and approval. In particular, the drainage plan shall be designed in compliance with the Morningside Drainage Basin Plan. In addition, drainage easements shall be provided as needed;**
- 8. Upon submittal of a Final Commercial Development Plan, a complete landscaping plan shall be submitted for review and approval identifying specific plant material and the irrigation system;**
- 9. Upon submittal of a Final Commercial Development Plan, a sign and lighting package shall be submitted for review and approval;**
- 10. Upon submittal of a Final Commercial Development Plan, a revised**

- parking plan shall be submitted for review and approval. In particular, the parking plan shall identify a minimum of 144 parking spaces with five of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. The parking plan shall also be revised to comply with the Americans with Disabilities Act (ADA) Regulations and Design Standards. In particular, the gradient of the parking lot shall be reduced from 2.5% to 2%. The garage parking shall also be revised to provide a minimum height to allow emergency vehicle access as per Fire Department standards;
11. Upon submittal of a Final Commercial Development Plan, a list of building materials and the proposed color palette shall be submitted for review and approval;
 12. Upon submittal of a Final Commercial Development Plan, an elevation of any proposed fencing and/or retaining walls shall be submitted for review and approval. In addition, any retaining wall above four feet in height shall be designed by a Professional Engineer;
 13. Upon submittal of a Final Planned Commercial Development application, the location, size and noise rating of any exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
 14. Upon submittal of a Final Planned Residential Development, the location and size of the dumpsters shall be submitted for review and approval. In addition, the dumpsters shall be screened;
 15. Upon submittal of a Final Commercial Development Plan, the site plan shall be revised to provide a minimum 25 foot setback between the western most apartment building and the future 60 foot wide collector street right-of-way to be located along the west side of the property;
 16. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, one on-site fire hydrant shall be provided for each structure. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
 17. Upon submittal of a Final Commercial Development Plan, the site plan shall be revised to provide a temporary fire apparatus turnaround at the west parking garage entrance;
 18. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;
 19. The rear yard setback for the two apartment buildings is hereby reduced from 25 feet to 10 feet with the stipulation that Philadelphia Street be vacated prior to or in conjunction with approval of the Final Commercial Development Plan. In addition, the applicant shall enter into an agreement with the City to keep Philadelphia Street open until the street located along the north lot line is constructed. All other setback requirements as per the Office Commercial District shall be met;
 20. A maximum building height of 48 feet in lieu of 35 feet as per the

Office Commercial District shall be allowed for the condominium buildings with the stipulation that additional landscaping be provided along the east, west and south lot lines of the subject property. The landscaping plans shall be submitted for review and approval upon submittal of a Final Commercial Plan; and,

21. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan or a subsequent Major Amendment. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, 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.

Schmidt moved, Brown seconded and unanimously carried to reconsider Item No. 17 from the Hearing Consent Agenda. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

17. 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.

Kathy Peterson, area resident, requested that the rezoning be tabled. Peterson expressed her opinion that the application would be considered spot zoning.

Moved by Landguth, seconded by LeMay recommended that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with a Planned Development Designation. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

23. No. 05PD080 - Summit Industrial Park

A request by Owen H. Emme for Summit, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 1R Revised and 2R Revised, Summit Industrial Park and the balance of Lot X of Lot H2 of the NW1/4 of the SW1/4, Section 22, T2N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Deadwood Avenue North and Tatanka Road.

Owen Emme, the applicant, requested that the Planning Commission reconsider approval of staff's recommendations that require fire fighting water be installed on the subject property. Emme expressed concern with the grading plan requirement to address run-off on the subject property.

Elkins advised that staff's recommendation is that the Major Amendment be continued to the January 26, 2006 Planning Commission meeting.

Bill Knight advised that the Fire Department has discussed the minimum requirements for fire safety with the applicant. Knight stated that the Fire Department requires a more permanent solution for fire safety be implemented by the applicant to the subject property. Discussion followed.

In response to Brown's questions, Elkins advised that stipulations required for approval would be that a grading permit would be required; to authorize overnight camping, to reduce the number of off-street parking spaces from 288 to 102 with six handicapped accessible stalls; that the applicant shall document, prior to the event, that a vehicle capable of 1500 gpm of water flow as required for fire fighting be present at the location or to require that an exception be obtained from Fire Department; and that this be approved for a one year period of time to review to address issues.

In response to Brown's question, Emme expressed his opinion that the subject property does not have access to City water and that the only option available is for a water truck to be provided on the subject property for Fire Department use. Discussion followed.

Bill Knight state that the applicant has been advised that a more permanent solution be provided.

Moved by Schmidt, seconded by Hennies and unanimously carried to continue the Major Amendment to a Planned Commercial Development to revise the approved drainage plan to January 26, 2006 Planning Commission meeting to allow the applicant time to submit additional information. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, 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.

26. No. 05PD083 - South Boulevard Addition

A request by McDonald's USA, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 17 through 26 in Block 26 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at

720 Cleveland Street.

Anderson stated that he would be abstaining from the discussion and vote on this item due to a conflict of interest.

Moved by Schmidt, seconded by Hennies and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

- 1. A Sign Permit shall be obtained prior to construction of any signage. In addition, the signs shall be constructed as per the submitted elevations and the locations shall be as per submitted plans. Any additional signage shall be approved through a Major Amendment to the Planned Residential Development;**
- 2. All stipulations of the previous Planned Commercial Development (05PD046) shall be continually met; and,**
- 3. An exception to allow 49 off-street parking spaces in lieu of the required 51 spaces is hereby granted with three being handicapped accessible and one of those being "van accessible". (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, 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.

30. No. 05RZ061 - Mahoney Addition

A request by Larry Nelson to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** on all of Block 55, except the S81/2 feet of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 222 Doolittle Street.

Elkins advised that staff's recommendation is that the Rezoning be denied without prejudice.

Moved by LeMay, seconded by Anderson and unanimously carried to recommend that the Rezoning from Low Density Residential District to Medium Density Residential District be denied without prejudice. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

36. No. 05SV085 - Pleasant View Subdivision

A request by D.C. Scott Co. Land Surveyors for Leslie P. and Sharon L. Potts 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 additional pavement along Crane Drive and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water,**

sewer and pavement and to waive the requirement to dedicate Right-of-Way along the private access easement as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1 and 2 of Lot 9 of Pleasant View Subdivision, located in the SE1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3020 Crane Drive.

Les Potts, applicant, stated that he agrees with staff's recommendation to sign waiver of right to protest and with the requirement that an additional twelve feet for access easement to be provided. Potts requested that the variance to paving requirement be approved.

Elkins advised that staff is in support of the variance to waive the paving requirement. Discussion followed.

Moved by Brown, seconded by Hennies 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 and sewer and additional pavement width along Crane 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.**

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit, water and sewer along the Private Access Easement be approved:

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along the private access easement be approved.

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional pavement along the private access easement be approved. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that items 39, 40, 41 and 42 be taken concurrently.

39. 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 tract of land located in Sections 34 and 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a $\frac{1}{2}$ inch pipe, thence S00°02'58"E along the section 1/16 line, a distance of 868.95 feet to the Point of Beginning; Thence first course: S00°02'58"E along the section 1/16 line, a distance of 467.74 feet to the southeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, a 5/8" rebar w/cap "4225"; Thence second

course: S00°02'58"E along the section 1/16 line a distance of 1331.33 feet to a 5/8" rebar w/cap "4225", which is the southeast corner of the SW¼ of NW¼ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section ¼ line of same Section 35, a distance of 1326.32 feet to a 5/8" rebar w/cap "4225" which is the west Section ¼ corner of Section 35, T1N, R7E, BHM; Thence fourth course: S89°42'51"W, a distance of 104.64 feet along the east-west Section ¼ line of Section 34, T1N, R7E, BHM to a 5/8" rebar w/cap "4225" located on the east right of way line of South Dakota Highway 16 and the beginning of a nontangent curve, concave to the northwest, having a radius of 2492.00 feet, a delta angle of 15°55'17", a chord bearing of N15°16'33"E, and a chord length of 690.25 feet; Thence fifth course: Northeasterly along said curve and the east right of way of South Dakota Highway 16, through an angle of 15°55'17", and an arc length of 692.47 feet to a 5/8" rebar w/cap "4225" which is the beginning of a nontangent line; Thence sixth course: N82°41'04"W along the east right of way of South Dakota Highway 16, a distance of 50.00 feet to a 5/8" rebar w/cap "4225"; Thence seventh course: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 658.85 feet to a 5/8" rebar w/cap "4225"; Thence eighth course: N07°18'56"E, along the east right of way line of South Dakota Highway 16, a distance of 598.55 feet; Thence ninth course: S83°18'29"E a distance of 1144.76 feet to the Point of Beginning, all located in the W½ of the NW¼ of Section 35, T1N, R7E, BHM, and in the SE¼ of the NE¼ of Section 34, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 53.717 acres, more or less, more generally described as being located east of U.S. Highway 16 and north of Sammis Trail.

40. No. 05SV078 - Section 35, T1N, R7E

A request by BFA, Inc. for Wal-Mart Stores, Inc. 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 additional pavement and to waive the requirement to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code** on a tract of land located in Sections 34 and 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of the NW¼ of NW¼ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a ½ inch pipe, thence S00°02'58"E along the section 1/16 line, a distance of 868.95 feet to the Point of Beginning; Thence first course: S00°02'58"E along the section 1/16 line, a distance of 467.74 feet to the southeast corner of the NW¼ of NW¼ of Section 35, T1N, R7E, BHM, a 5/8" rebar w/cap "4225"; Thence second course: S00°02'58"E along the section 1/16 line a distance of 1331.33 feet to a 5/8" rebar w/cap "4225", which is the southeast corner of the SW¼ of NW¼ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section ¼ line of same Section 35, a distance of 1326.32 feet to a 5/8" rebar w/cap "4225" which is the west Section ¼ corner of Section 35, T1N, R7E, BHM; Thence fourth course: S89°42'51"W, a distance of 104.64 feet along the east-west Section ¼ line of Section 34, T1N, R7E, BHM to a 5/8" rebar w/cap "4225" located on the east right of way line of South Dakota Highway 16 and the beginning of a nontangent curve, concave to the northwest, having a radius of 2492.00 feet, a delta angle of 15°55'17", a chord bearing of N15°16'33"E, and a chord length of 690.25 feet; Thence fifth course: Northeasterly along said curve and the east right of way of

South Dakota Highway 16, through an angle of $15^{\circ}55'17''$, and an arc length of 692.47 feet to a 5/8" rebar w/cap "4225" which is the beginning of a nontangent line; Thence sixth course: $N82^{\circ}41'04''W$ along the east right of way of South Dakota Highway 16, a distance of 50.00 feet to a 5/8" rebar w/cap "4225"; Thence seventh course: $N07^{\circ}18'56''E$ along the east right of way line of South Dakota Highway 16, a distance of 658.85 feet to a 5/8" rebar w/cap "4225"; Thence eighth course: $N07^{\circ}18'56''E$, along the east right of way line of South Dakota Highway 16, a distance of 598.55 feet; Thence ninth course: $S83^{\circ}18'29''E$ a distance of 1144.76 feet to the Point of Beginning, all located in the $W\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 35, T1N, R7E, BHM, and in the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 34, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 53.717 acres, more or less, more generally described as being located east of U.S. Highway 16 and north of Sammis Trail.

41. 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 tract of land located in Sections 34 and 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of the $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a $\frac{1}{2}$ inch pipe, thence $S00^{\circ}02'58''E$ along the section 1/16 line, a distance of 868.95 feet to the Point of Beginning; Thence first course: $S00^{\circ}02'58''E$ along the section 1/16 line, a distance of 467.74 feet to the southeast corner of the $NW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 35, T1N, R7E, BHM, a 5/8" rebar w/cap "4225"; Thence second course: $S00^{\circ}02'58''E$ along the section 1/16 line a distance of 1331.33 feet to a 5/8" rebar w/cap "4225", which is the southeast corner of the $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 35, T1N, R7E, BHM; Thence third course: $N89^{\circ}24'46''W$ along the east-west Section $\frac{1}{4}$ line of same Section 35, a distance of 1326.32 feet to a 5/8" rebar w/cap "4225" which is the west Section $\frac{1}{4}$ corner of Section 35, T1N, R7E, BHM; Thence fourth course: $S89^{\circ}42'51''W$, a distance of 104.64 feet along the east-west Section $\frac{1}{4}$ line of Section 34, T1N, R7E, BHM to a 5/8" rebar w/cap "4225" located on the east right of way line of South Dakota Highway 16 and the beginning of a nontangent curve, concave to the northwest, having a radius of 2492.00 feet, a delta angle of $15^{\circ}55'17''$, a chord bearing of $N15^{\circ}16'33''E$, and a chord length of 690.25 feet; Thence fifth course: Northeasterly along said curve and the east right of way of South Dakota Highway 16, through an angle of $15^{\circ}55'17''$, and an arc length of 692.47 feet to a 5/8" rebar w/cap "4225" which is the beginning of a nontangent line; Thence sixth course: $N82^{\circ}41'04''W$ along the east right of way of South Dakota Highway 16, a distance of 50.00 feet to a 5/8" rebar w/cap "4225"; Thence seventh course: $N07^{\circ}18'56''E$ along the east right of way line of South Dakota Highway 16, a distance of 658.85 feet to a 5/8" rebar w/cap "4225"; Thence eighth course: $N07^{\circ}18'56''E$, along the east right of way line of South Dakota Highway 16, a distance of 598.55 feet; Thence ninth course: $S83^{\circ}18'29''E$ a distance of 1144.76 feet to the Point of Beginning, all located in the $W\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 35, T1N, R7E, BHM, and in the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 34, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 53.717 acres, more or less, more generally described as being located east of U.S. Highway 16 and north of Sammis Trail.

42. No. 05PD077 - Section 35, T1N, R7E

A request by BFA, Inc. for Wal-Mart Stores, Inc. to consider an application for a **Planned Commercial Development - Intial Development Plan** on a tract of land located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of the NW¼ of NW¼ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a ½ inch pipe, thence S00°02'58"E along the section 1/16 line, a distance of 868.95 feet to the Point of Beginning; Thence first course: S00°02'58"E along the section 1/16 line, a distance of 467.74 feet to the southeast corner of the NW¼ of NW¼ of Section 35, T1N, R7E, BHM, a 5/8" rebar w/cap "4225"; Thence second course: S00°02'58"E along the section 1/16 line a distance of 1331.33 feet to a 5/8" rebar w/cap "4225", which is the southeast corner of the SW¼ of NW¼ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section ¼ line of same Section 35, a distance of 626.98 feet to a point on the south edge of proposed Sammis Trail and the beginning of a nontangent curve, concave to the northeast, having a radius of 427.00 feet, a delta angle of 23°34'48", a chord bearing of N37°36'06"W, and a chord length of 174.49 feet; Thence fourth course: Northwesterly along said curve and the south edge of proposed Sammis Trail, through an angle of 23°34'48", and an arc length of 175.73 to the beginning of a tangent line; Thence fifth course: N25°48'42"W, along the south edge of proposed Sammis Trail, a distance of 414.39 feet to the beginning of a tangent curve, concave to the southwest, having a radius of 481.20 feet, a delta angle of 56°52'22", a chord bearing of N54°14'53"W, and a chord length of 458.28 feet; to the beginning of a nontangent line and the east right of way line of South Dakota Highway 16; Thence sixth course: N07°18'56"E, along the east right of way line of South Dakota Highway 16, a distance of 557.85 feet to a 5/8" rebar w/cap "4225"; Thence seventh course: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 598.55 feet; Thence eighth course: S83°18'29"E a distance of 1144.76 feet to the Point of Beginning, all located in the W½ of the NW¼ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 45.770 acres, more or less, more generally described as being located east of U.S. Highway 16 and north of Sammis Trail.

Fisher presented slides of the proposed development on the subject property and explained the four applications being considered.

In response to Schmidt's question, Jason Kjernstad identified the results of the traffic study as it relates to the surrounding roads surrounding the subject property. Kjernstad advised that improvements to the US Highway 16 could handle the increase in traffic. Discussion followed.

Allen Nelson, representing the applicant, advised that engineers are available to answer questions.

Joe Feldman, Frankenberg and Associates Project Manager, presented photographs of the adjacent properties that would be impacted by the proposed development plans on the subject property. Feldman advised that the applicant has identified development issues with the surrounding infrastructure on the on the subject property. Feldman expressed his opinion that the landscaping

elevations and orientation modifications that were made by the applicant would minimize the visual impact of the proposed development on the subject property. Feldman stated that the applicant has provided unique applications to have a positive effect for the gateway to the Black Hills and the City of Rapid City. Feldman requested that the associated applications be approved by the Planning Commission. Discussion followed.

Mike Howe, area resident, requested that the Planning Commission consider the development of a "Smart Growth Plan" for Rapid City to build from the inside out for similar projects. Discussion followed.

Mike Mueller, presented video of fog conditions in the location of the subject property. Mueller expressed his opinion with increased traffic hazards and visibility on U.S. Highway 16 resulting from the proposed development on the subject property.

Mueller requested any Planning Commissioner to excuse themselves from discussion or voting due to a conflict of interest.

Discussion followed with regard to traffic study analysis and increased traffic hazards resulting from the proposed development on the subject property.

Brown moved, LeMay seconded and unanimously carried to continue the Planning Commission meeting past 9:00 a.m. deadline. (10 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no)

Prairie Chicken left the meeting at this time.

Brian Hagg, attorney representing Cummerford Ranch, requested that the Planning Commission approve the applications per staff's recommendation. Hagg commented on the willingness of the representatives of Cummerford Ranch to work with the City of Rapid City.

Charlie Weir, area resident, expressed concerns with the proposed development of Wal-Mart on the subject property. Weir expressed his opinion with the possible negative impact on other businesses in the Rapid City area due to the construction of the proposed development. Weir expressed his opinion that special considerations be given to the Wal-Mart Company for development on the subject property. Weir expressed his opinion in support of presenting the application for referendum and vote by the public.

Mike Derby requested information on the traffic study and the effect of land use and accesses across from Wal-Mart on U.S. Highway 16. Jason Kjernstad advised that the traffic study addresses the affect of Fort Hays as U.S. Highway 16 develops.

Terri Powell, area resident, expressed concerns with the increased traffic that would result from the proposed development.

Marvin Kammerer, area resident and family representative, expressed his opinion of the negative impact of the Wal-Mart Supercenter on the subject property. Kammerer requested that the Planning Commission deny the applications for Wal-Mart development on the subject property.

Casey Peterson, area businessman, expressed concerns with the proposed improvements provided by the Wal-Mart company for development on the subject property including pedestrian traffic. Discussion followed.

Peterson expressed his opinion in support for the use of "Smart Growth" policies for development in Rapid City and the Highway 16 area. Petersen expressed his concern with improvements, specifically with water mains installed on the subject property. Discussion followed.

In response to Peterson's question, Elkins advised that there is a pending Comprehensive Plan Amendment to the Major Street Plan that affects areas north of the subject property.

Discussion followed regarding traffic study results from the proposed developments surrounding the subject property.

Peterson expressed his concerns with traffic increases from the costs and lack of development to the rearage road from the proposed development.

Charmaine Whiteface and Laurette Pourier, Defenders of the Black Hills and the Teton Nation Sioux Council, expressed her opinion in opposition of the proposed development on the subject property. Whiteface stated her opinion that the subject property is suitable for residential purposes only. Whiteface expressed concerns with the proposed development on possible sacred properties. Pourier expressed her opinion in opposition to the proposed development on the subject property. Pourier requested that the applications be continued or tabled.

Monica Bower-Brink, area resident expressed her opinion in opposition to the proposed development on the subject property and the possible effect of pollution of night skies.

Elkins advised that the U.S. Highway 16 Future Land Use Plan requires that any future development plan address the "Dark Skies" issues to protect the night skies and the recommended stipulations of approval address that requirement. Discussion followed.

Brown moved, LeMay seconded to continue the balance of the Planning Commission items 43 through 61 to January 12, 2006. (9 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay and Schmidt voting yes and none voting no)

Glorianna Cordova, area resident, expressed her opinion in opposition to the proposed development on the subject property. Cordova expressed her opinion on the negative impact on the community as a result of the proposed development of a Wal-Mart Supercenter on the subject property. Cordova

expressed her concern with the impact on the dark skies in the Black Hills. Cordova requested that the Planning Commission deny the applications.

Schmidt moved, Fast Wolf seconded to continue items 39, 40, 41 and 42 to the January 12, 2006 Planning Commission meeting. Discussion followed.

Hennies expressed his opinion in support to continue with discussion of items 39, 40, 41 and 42 at this time.

Schmidt moved, Fast Wolf seconded and failed to continue items 39, 40, 41 and 42 to the January 12, 2006 Planning Commission meeting. (2 to 7 with Fast Wolf and Schmidt voting yes and Anderson, Andrews, Brewer, Brown, Hennies, Landguth, and LeMay voting no)

Hennies expressed his opinion in opposition to the proposed development of a retail business on the subject property. Hennies stated that he viewed the location of the subject property more suited to residential development and small retail businesses. Hennies expressed his opinion that the proposed development would diminish the value of the surrounding property. Hennies expressed his opinion that the proposed development would be a detriment to the City of Rapid City and surrounding properties of the subject property. Discussion followed on the motion.

Hennies moved, LeMay seconded and failed to deny the Rezoning (05RZ047) from General Agriculture District to General Commercial District in conjunction with the Initial Planned Commercial Development for the 45.770 acres located north of the new Sammis Trail right-of-way legally described as a tract of land located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a $\frac{1}{2}$ inch pipe, thence S00°02'58"E along the section 1/16 line, a distance of 868.95 feet to the Point of Beginning; Thence first course: S00°02'58"E along the section 1/16 line, a distance of 467.74 feet to the southeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, a 5/8" rebar w/cap "4225"; Thence second course: S00°02'58"E along the section 1/16 line a distance of 1331.33 feet to a 5/8" rebar w/cap "4225", which is the southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section $\frac{1}{4}$ line of same Section 35, a distance of 626.98 feet to a point on the south edge of proposed Sammis Trail and the beginning of a nontangent curve, concave to the northeast, having a radius of 427.00 feet, a delta angle of 23°34'48", a chord bearing of N37°36'06"W, and a chord length of 174.49 feet; Thence fourth course: Northwesterly along said curve and the south edge of proposed Sammis Trail, through an angle of 23°34'48", and an arc length of 175.73 to the beginning of a tangent line; Thence fifth course: N25°48'42"W, along the south edge of proposed Sammis Trail, a distance of 414.39 feet to the beginning of a tangent curve, concave to the southwest, having a radius of 481.20 feet, a delta angle of 56°52'22", a chord bearing of N54°14'53"W, and a chord

length of 458.28 feet; to the beginning of a nontangent line and the east right of way line of South Dakota Highway 16; Thence sixth course: N07°18'56"E, along the east right of way line of South Dakota Highway 16, a distance of 557.85 feet to a 5/8" rebar w/cap "4225"; Thence seventh course: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 598.55 feet; Thence eighth course: S83°18'29"E a distance of 1144.76 feet to the Point of Beginning, all located in the W½ of the NW¼ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 45.770 acres, more or less; and, the Planned Development Designation for the 7.947 acres located south of the new Sammis Trail right-of-way legally described as a parcel of land located in Sections 34 and 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: COMMENCING at the southeast corner of the SW1/4 of NW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a rebar w/cap "4225", thence N89°24'46"W along the section 1/4 line, a distance of 626.98 feet to the Point of Beginning; THENCE FIRST COURSE: N89°24'46"W along the east-west Section ¼ line of same Section 35, a distance of 699.34 feet to a 5/8" rebar w/cap "4225" which is the west Section ¼ corner of Section 35, T1N, R7E, BHM; THENCE SECOND COURSE: S89°42'51"W, a distance of 104.64 feet along the east-west Section ¼ line of Section 34, T1N, R7E, BHM to a 5/8" rebar w/cap "4225" located on the east right of way line of South Dakota Highway 16 and the beginning of a nontangent curve, concave to the northwest, having a radius of 2492.00 feet, a delta angle of 15°55'17", a chord bearing of N15°16'33"E, and a chord length of 690.25 feet; THENCE THIRD COURSE: Northeasterly along said curve and the east right of way of South Dakota Highway 16, through an angle of 15°55'17", and an arc length of 692.47 feet to a 5/8" rebar w/cap "4225" which is the beginning of a nontangent line; THENCE FOURTH COURSE: N82°41'04"W along the east right of way of South Dakota Highway 16, a distance of 50.00 feet to a 5/8" rebar w/cap "4225; THENCE FIFTH COURSE: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 101.00 feet to a nontangent curve on the south edge of proposed Sammis Trail, concave to the southwest, having a radius of 481.20, a delta angle of 56°52'22", a chord bearing of S54°14'53"E, and a chord length of 458.28 feet; THENCE SIXTH COURSE: Southeasterly along said curve and the south edge of proposed Sammis Trail, through an angle of 56°52'22" and an arc length of 477.65 feet to the beginning of a tangent line; THENCE SEVENTH COURSE: S25°48'42"E along the south edge of proposed Sammis Trail, a distance of 414.39 feet to the beginning of a tangent curve, concave to the northeast, having a radius of 427.00 feet, a delta angle of 23°34'48", a chord bearing of S37°36'06"E, and a chord length of 174.49 feet; THENCE EIGHTH COURSE: Southeasterly along said curve and the south edge of proposed Sammis Trail, through an angle of 23°34'48" and an arc length of 175.73 feet to the Point of Beginning, all located in the W½ of the NW¼ of Section 35, T1N, R7E, BHM, and in the SE¼ of the NE¼ of Section 34, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 7.947 acres, more or less. (3 to 5 with Fast Wolf, Hennies and LeMay voting yes and

Anderson, Andrews, Brewer, Landguth, and Schmidt voting no)

Substitute motion: Brewer moved, Landguth seconded and carried to approve the Rezoning from (05RZ047) General Agriculture District to General Commercial District be approved in conjunction with the Initial Planned Commercial Development (05PD077) for the 45.770 acres located north of the new Sammis Trail right-of-way legally described as a tract of land located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a $\frac{1}{2}$ inch pipe, thence S00°02'58"E along the section 1/16 line, a distance of 868.95 feet to the Point of Beginning; Thence first course: S00°02'58"E along the section 1/16 line, a distance of 467.74 feet to the southeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, a 5/8" rebar w/cap "4225"; Thence second course: S00°02'58"E along the section 1/16 line a distance of 1331.33 feet to a 5/8" rebar w/cap "4225", which is the southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section $\frac{1}{4}$ line of same Section 35, a distance of 626.98 feet to a point on the south edge of proposed Sammis Trail and the beginning of a nontangent curve, concave to the northeast, having a radius of 427.00 feet, a delta angle of 23°34'48", a chord bearing of N37°36'06"W, and a chord length of 174.49 feet; Thence fourth course: Northwesternly along said curve and the south edge of proposed Sammis Trail, through an angle of 23°34'48", and an arc length of 175.73 to the beginning of a tangent line; Thence fifth course: N25°48'42"W, along the south edge of proposed Sammis Trail, a distance of 414.39 feet to the beginning of a tangent curve, concave to the southwest, having a radius of 481.20 feet, a delta angle of 56°52'22", a chord bearing of N54°14'53"W, and a chord length of 458.28 feet; to the beginning of a nontangent line and the east right of way line of South Dakota Highway 16; Thence sixth course: N07°18'56"E, along the east right of way line of South Dakota Highway 16, a distance of 557.85 feet to a 5/8" rebar w/cap "4225"; Thence seventh course: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 598.55 feet; Thence eighth course: S83°18'29"E a distance of 1144.76 feet to the Point of Beginning, all located in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 45.770 acres, more or less; and, the Planned Development Designation for the 7.947 acres located south of the new Sammis Trail right-of-way legally described as a parcel of land located in Sections 34 and 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: COMMENCING at the southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a rebar w/cap "4225", thence N89°24'46"W along the section 1/4 line, a distance of 626.98 feet to the Point of Beginning; THENCE FIRST COURSE: N89°24'46"W along the east-west Section $\frac{1}{4}$ line of same Section 35, a distance of 699.34 feet to a 5/8" rebar w/cap "4225" which is the west Section $\frac{1}{4}$ corner of Section 35, T1N, R7E, BHM; THENCE SECOND COURSE: S89°42'51"W, a distance of 104.64 feet along the east-west

Section ¼ line of Section 34, T1N, R7E, BHM to a 5/8" rebar w/cap "4225" located on the east right of way line of South Dakota Highway 16 and the beginning of a nontangent curve, concave to the northwest, having a radius of 2492.00 feet, a delta angle of 15°55'17", a chord bearing of N15°16'33"E, and a chord length of 690.25 feet; THENCE THIRD COURSE: Northeasterly along said curve and the east right of way of South Dakota Highway 16, through an angle of 15°55'17", and an arc length of 692.47 feet to a 5/8" rebar w/cap "4225" which is the beginning of a nontangent line; THENCE FOURTH COURSE: N82°41'04"W along the east right of way of South Dakota Highway 16, a distance of 50.00 feet to a 5/8" rebar w/cap "4225; THENCE FIFTH COURSE: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 101.00 feet to a nontangent curve on the south edge of proposed Sammis Trail, concave to the southwest, having a radius of 481.20, a delta angle of 56°52'22", a chord bearing of S54°14'53"E, and a chord length of 458.28 feet; THENCE SIXTH COURSE: Southeasterly along said curve and the south edge of proposed Sammis Trail, through an angle of 56°52'22" and an arc length of 477.65 feet to the beginning of a tangent line; THENCE SEVENTH COURSE: S25°48'42"E along the south edge of proposed Sammis Trail, a distance of 414.39 feet to the beginning of a tangent curve, concave to the northeast, having a radius of 427.00 feet, a delta angle of 23°34'48", a chord bearing of S37°36'06"E, and a chord length of 174.49 feet; THENCE EIGHTH COURSE: Southeasterly along said curve and the south edge of proposed Sammis Trail, through an angle of 23°34'48" and an arc length of 175.73 feet to the Point of Beginning, all located in the W½ of the NW¼ of Section 35, T1N, R7E, BHM, and in the SE¼ of the NE¼ of Section 34, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 7.947 acres, more or less. (5 to 3 with Anderson, Andrews, Brewer, Landguth and Schmidt voting yes and Fast Wolf, Hennies, and LeMay voting no)

Landguth moved, Brewer seconded to approve the Layout Plat (05PL129) per staff's recommendations. Discussion followed.

In response to Anderson's questions, Elkins advised that items of cosmetic application and landscaping issues would be addressed with the submittal of a Final Planned Development application to be presented to the Planning Commission.

In response to Anderson's question, Elkins advised that consideration to the infrastructure development on the subject property would be addressed through the Layout Plat.

Anderson requested that item 39 be amended to stipulate that as a condition of approval that the design plans be provided and surety be posted prior to final plat approval for the rearage road connecting to US 16 B. Discussion followed.

Elkins advised that the traffic analysis would place the connections to S.D. Highway 79 outside of the planning time frame. Elkins commented that the connections would be addressed in a regional analysis rather than a specific

planned development. Discussion followed.

In response to Anderson's comment, Elkins stated that her understanding of the added stipulation is for the rearage road is to be constructed as part of the Plat process and that prior to Preliminary Plat submittal the applicant provide additional traffic impact analysis on the road connections to S.D. Highway 79 and to Spring Creek Road.

Schmidt left the meeting at this time.

An amended motion by Anderson to approve and the motion maker concurred Landguth moved, Brewer seconded and carried to approve the Amended Layout Plat with staff's recommendations and additional stipulations that construction of the rearage road to be part of the Plat process. (4 to 2)

Landguth moved, Brewer seconded and carried to recommend that the Layout Plat (05PL129) be approved with the following stipulations:

- 1. Prior to Layout Plat approval by the Planning Commission, a Master Plan for the entire parcel shall be submitted for review and approval;**
- 2. Prior to Layout Plat approval by the City Council the Traffic Impact Study shall be revised addressing red lined comments and returned for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In particular, the drainage plan shall show flow quantities, directions, collection system elements and any required detention. In addition, the plat document shall be revised to provide drainage easements as identified;**
- 4. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design 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 particular, the sanitary sewer service shall be extended along Catron Boulevard and south along the location of the rearage road to the subject property. In addition, the sanitary sewer plans shall show profiles, manholes, the proposed route to the subject property, location of the existing City of Rapid City sanitary sewer system and the discharge point. The sanitary sewer plans shall be sized to accommodate the proposed Hyland Park Subdivision, the lift station north of the property along U.S. Highway 16, the subject property and the area between the subject property and Catron Boulevard. Utility easements and/or public rights-of-way shall also be recorded at the Register of Deed's Office for any off-site extension of sanitary sewer services located outside of existing rights-of-way or utility easements. In addition, the applicant shall**

- identify funding for the improvement(s);
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 particular, a 12 inch water main shall be extended from Catron Boulevard along the rearage road providing a looped service with the existing water main located in U.S. Highway 16. In addition, the water plan shall provide a water system analysis, including identifying the source(s), quantities of domestic and fire flows, looping, etc. Utility easements and/or public rights-of-way shall also be recorded at the Register of Deed's Office for any off-site extension of water services located outside of existing rights-of-way or utility easements. In addition, the applicant shall also identify funding for the improvement(s);
 7. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval providing for the extension of private and public utilities through the subject property as well as to adjacent properties. In particular, the utility master plan shall identify utility extensions to the east providing a future connection for the Hyland Park Subdivision, south to Commerford Ranch properties and north and east to undeveloped properties;
 8. Upon submittal of a Preliminary Plat application, road construction plans for U.S. Highway 16 shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with additional turning and stacking lanes as per the Traffic Impact Study. In addition, the street shall be constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 9. Upon submittal of a Preliminary Plat application, road construction plans for the new Sammis Trail shall be submitted for review and approval. In particular, the road construction plans shall show Sammis Trail located in a 100 foot wide right-of-way and constructed with a paved surface to provide the turning lanes, stacking lanes and thru lanes as per the Traffic Impact Study. In addition, the street shall be constructed with curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 10. Upon submittal of a Preliminary Plat application, road construction plans for the existing Sammis Trail shall be submitted for review and approval. In particular, the road construction plans shall show Sammis Trail 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 or a Variance to the Subdivision Regulations shall be obtained or the street shall be vacated;
 11. Upon submittal of a Preliminary Plat application, road construction plans for the improvements for Moon Meadows Drive as it intersects with U.S. Highway 16 shall be submitted for review and approval. In particular, the construction plans shall provide turning and stacking lanes along Moon Meadows Drive as per the Traffic Impact Study;

12. Upon submittal of a Preliminary Plat application, road construction plans for the rearage road shall be submitted for review and approval. In particular, the road construction plans shall show the rearage road located in a minimum 60 foot wide right-of-way and constructed with a minimum of three paved lanes as per the Traffic Impact Study. In addition, the street shall be constructed with curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document shall be revised to show the dedication of all the right-of-way from the subject property or the adjacent property owners shall dedicate the east half of the right-of-way as a part of the Preliminary Plat or as a separate plat action or as an "H" Lot;
13. Upon submittal of a Preliminary Plat application, road construction plans for the proposed commercial street being extended through the property located south of the new Sammis Trail shall be submitted for review and approval. In particular, the commercial street shall be located in a minimum 59 foot right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
14. Upon submittal of a Preliminary Plat application, road construction plans for the proposed access easement shall be submitted for review and approval. In particular, the access easement shall be located in a minimum 59 foot right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
15. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located in the southwest corner of the property shall be submitted for review and approval. In particular, the section line highway shall be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;
16. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along U.S. Highway 16 and the new Sammis Trail. In addition, a non-access easement shall be shown along the rearage road except for the approved approach location(s). The plat document shall also continue to show the non-access easement(s) along Lots 3 and 4 precluding access from "Lot 2" as per the Traffic Impact Study;
17. Upon submittal of a Preliminary Plat application, design plans for the proposed signals to be located at the intersection of U.S. Highway 16 and the new Sammis Trail and the intersection of the new Sammis Trail and the access easement extending north into Lot 2 shall be submitted for review and approval. In particular, the design plans shall address cycle length, minimum/maximum green times, calculated yellow and red times, detector location(s), etc. In addition, the design plans shall demonstrate coordination between the two

- signals;
18. Prior to the start of construction within the U.S. Highway 16 right-of-way, a Right-of-way Permit shall be obtained from the South Dakota Department of Transportation;
 19. Upon submittal of a Preliminary Plat application, a subdivision estimate form shall be submitted for review and approval;
 20. Prior to submittal of a Final Plat, the applicant shall submit proposed 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;
 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;
 22. Upon submittal of a Preliminary Plat, construction plans for the extension of the rearage road to Catron Boulevard shall be submitted for review and approval. In addition, upon submittal of a Final Plat application, surety shall be posted for the improvement; and,
 23. Upon submittal of a Preliminary Plat application the Traffic Impact Study shall be revised to address street connections to South Dakota Highway 79 and Spring Creek Road. (6 to 2 with Anderson, Andrews, Brewer, Landguth, LeMay, and Schmidt voting yes and Fast Wolf, Hennies, voting no)

Landguth moved, Brewer seconded and carried to recommend that the Variance to the Subdivision Regulations (05SV078) to waive the requirement to provide additional pavement along U.S. Highway 16 be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along U.S. Highway 16 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;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate additional right-of-way along the internal access easement be approved with the following stipulation:

1. Upon submittal of a Final Commercial Development Plan, pedestrian access shall be provided through the site, lighting shall be provided throughout the parking lot and along the access easement as needed, a separation shall be provided between the access easement and the parking area and utilities shall be extended as needed to serve proposed Lot 2 as well as adjacent Lots 1, 3 and 4;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the existing Sammis Trail be approved with the following stipulations:

1. The first 220 feet of Sammis Trail as it extends south from the intersection of the new Sammis Trail and the rearage road shall be constructed with a minimum 26 foot wide paved surface; and,

2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the balance of the improvements. (4 to 2 with Anderson, Andrews, Brewer, and Landguth voting yes and Fast Wolf, Hennies, voting no)

Landguth moved, Brewer seconded and carried to approve the Planned Commercial Development - Initial Development Plan (05PD077) in conjunction with the associated Rezoning (05RZ047) Request and with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a Building Permit, a Preliminary Plat and/or the construction plans shall be reviewed and approved to insure that the outstanding issues specific to the subdivision improvements have been addressed. In particular, construction plans shall be reviewed and approved addressing utility, grading, erosion control, drainage and street improvements;
3. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved for the subject property;
4. Prior to issuance of a Certificate of Occupancy of the "Wal-Mart Supercenter", all of the infrastructure improvements including the extension of utilities as well as the construction of improvements at the intersection of U.S. Highway 16 and Sammis Trail, the construction of Sammis Trail and the rearage road as they abut the subject property and required on site improvements shall be completed;
5. Prior to issuance of a Certificate of Occupancy, access to U.S. Highway 16 from existing Sammis Trail shall be closed. In addition, the street connection between the new Sammis Trail and the existing Sammis Trail shall be completed;
6. Upon submittal of a Final Planned Commercial Development application, a water and sewer plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the applicant shall demonstrate that adequate domestic water and fire flows are being provided;
7. Upon submittal of a Final Planned Commercial Development application, a grading plan and geotechnical information shall be submitted for review and approval;
8. Upon submittal of a Final Planned Commercial Development application, a drainage plan as well as an erosion and sediment control plan shall be submitted for review and approval. In particular, the drainage plan shall be submitted in compliance with the Landfill Drainage Basin Plan and shall show flow quantities, directions, collection system elements and any required detention. Any street drainage discharge shall be within the acceptable standards as per the Drainage Criteria Manual;
9. The International Fire code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible

- material(s). In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
10. Upon submittal of a Final Planned Commercial Development application, a complete landscaping plan shall be submitted for review and approval. The landscaping plan shall comply with the U.S. Highway 16 Neighborhood Area Future Land Use Plan. In particular, the landscaping plan shall provide a forty foot landscape area along U.S. Highway 16 right-of-way. In addition, an informally arranged mix of deciduous and coniferous trees and shrubs, with naturalized grasses and wildflowers shall be incorporated into the landscapes zones. Berms and mass plantings shall also be incorporated into the landscapes zones to screen off-street parking areas from the U.S. Highway 16 roadway and to screen the ground plane for retail uses allowing view opportunities to stores and building mounted signage. In addition, the landscaping shall be designed to focus views into the site at key image locations such as entries, focal points or architectural features, including building mounted signs. All landscape areas shall be irrigated with sensors installed to avoid wasting water;
 11. Upon submittal of a Final Planned Commercial Development application, a sign package shall be submitted for review and approval. The sign package shall comply with the U.S. Highway 16 Neighborhood Area Future Land Use Plan. In particular, horizontal profile signage made of subtle, earth toned materials incorporated into the landscaping areas shall be provided. All signs shall be less than 12 feet in height and no pole signs shall be allowed. In addition, plant materials shall be incorporated around the base of the ground mounted signs to aide in integrating the signs into the natural environment. Plant material around floodlight fixtures shall be carefully located to visually screen the fixtures;
 12. Upon submittal of a Final Planned Commercial Development application, a lighting package shall be submitted for review and approval. In particular, the lighting package shall be designed to provide lighting within the parking lot while protecting the night skies;
 13. Upon submittal of a Final Planned Commercial Development application, the elevations of the proposed structure shall be revised to comply with the U.S. Highway 16 Neighborhood Area Future Land Use Plan. In particular, the structure materials shall be earth tone with primarily subtle, neutral colors reflective of the prairie environment. In addition, a list of building materials shall be submitted for review and approval. Elevations and building materials for the proposed convenience store shall also be submitted for review and approval.
 14. Upon submittal of a Final Planned Commercial Development application, the location and size of the dumpsters shall be submitted for review and approval. In addition, the dumpsters shall be screened;
 15. Upon submittal of a Final Planned Commercial Development application, the location, size and noise rating of any exterior air

handling equipment proposed for the shopping center and the gas station shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;

16. Upon submittal of a Final Planned Commercial Development application, a revised Parking Plan shall be submitted for review and approval. In particular, the parking shall be calculated at a ratio of 5 parking spaces per 1,000 square foot gross floor area in lieu of the proposed 4.99 parking spaces per 1,000 square foot gross floor area as identified on the site plan for the retail use. In addition, the parking calculation shall include any outdoor use(s) such as the garden area and storage. The parking plan shall also include parking for the proposed convenience store at a ratio of 11.50 parking spaces per 1,000 square foot gross floor area. In addition, the parking lot shall be designed to comply with the Americans with Disabilities Act (ADA) Design Standards;
17. Upon submittal of a Final Planned Commercial Development application, the delivery truck route to the Wal-Mart Supercenter shall be identified. In addition, the parking lot shall be revised as needed to accommodate the truck traffic. The loading, storage and services areas shall also be screened from the adjacent properties and U.S. Highway 16;
18. Upon submittal of a Final Planned Commercial Development application, elevations of any proposed fencing, retaining walls and/or screening shall be submitted for review and approval. The fencing, retaining walls and/or screening shall be designed in compliance with the U.S. Highway 16 Neighborhood Area Future Land Use Plan. In particular, the materials shall be warm-toned, natural materials or the materials shall be sympathetic to natural materials. All fences shall be designed so as to have the finished side viewed from the adjacent properties. In addition, chain link fences with slats shall not be utilized;
19. Overnight parking shall be prohibited from the site and signs shall be posted as needed;
20. Upon submittal of a Final Planned Commercial Development application, the site plan shall be revised to provide a planter island at a ratio of one such island for every fifty parking spaces or the applicant shall submit a request to reduce the ratio of required planter islands as required by Chapter 17.50.030 of the Landscape Regulations. In particular, the applicant shall demonstrate that the proposed landscape boulevards reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and must identify the specific size and plant material proposed within each boulevard;
21. Upon submittal of a Final Planned Commercial Development application, the site plan shall be revised and submitted for review and approval to show pedestrian access through the site;
22. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;

23. Prior to issuance of a building permits and/or sign permits on Lots 1, 3 and 4, a Major Amendment to the Planned Commercial Development shall be submitted for review and approval identifying the specific use and meeting all of the requirements of the Rapid City Municipal Code. In addition, a revised Traffic Impact Study shall be submitted for review and approval if access to Lots 3 and 4 is proposed to be taken from Lot 2 in lieu of the rearage road;
24. The Planned Commercial Development shall be designed and constructed in compliance with the recommendations as identified in the Traffic Impact Study; and,
25. All provisions of the General Commercial District and the U.S. Highway Neighborhood Area Future Land Use Plan shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Commercial Development or a subsequent Major Amendment. (4 to 2 with Anderson, Andrews, Brewer, and Landguth voting yes and Fast Wolf, Hennies, 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.