

**Draft**

MINUTES OF THE  
RAPID CITY CONTINUED PLANNING COMMISSION  
January 12, 2006

MEMBERS PRESENT: Doug Andrews, John Brewer, Gary Brown, Ida Fast Wolf, 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, Emily Fisher, Bill Knight, Joel Landeen, and Carol Bjornstad.

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

Fisher requested that items 43 and 44 be taken concurrently.

43. No. 04PL097 - Hyland Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as 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.

44. No. 04SV042 - Hyland Park Subdivision

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

Fisher presented slides of the Layout Plat of the subject property. Fisher advised that adjacent property owners have expressed concerns with proposed density and the Future Land Use Plan that was adopted for US Highway 16 and that the developers would provide landscaping to mitigate impact of the development. Fisher advised that the density would result in 2.5 dwelling units per acres and was approved as part of the U.S. Highway 16 Neighborhood Area Future Land Use Plan. Fisher advised that a Comprehensive Plan Amendment to the Major Street Plan was approved to relocate the arterial street on the subject property. Fisher advised that the applicant has requested that the Variance to the Subdivision Regulations to install improvements and to dedicate additional right-of-way along a portion of Sammis Trail be tabled. Fisher advised that the applicant has agreed to install these road improvements as a future phase of the development. Fisher advised that the applicant is requesting an exception to allow 80 dwelling units in lieu of 40 dwelling units as a part of Phase I. She advised that with subsequent Phases a second point of access will be provided.

Fisher stated that the Planning Commission has approved similar requests. Fisher advised that staff's recommendation is that the exception request to the 40 Unit Rule be denied.

Hani Shafi, applicant, requested that the Planning Commission approve the exception to the 40 unit rule to allow 80 dwelling units. Shafi stated that at completion of the construction of the 40 units that the access will be graded with a gravel surface to the proposed development site. Shafi advised that upon the completion of construction of the 80 dwelling units the road surface will be paved.

Discussion followed regarding paved access and surety requirements.

In response to Fast Wolf's question, Fisher advised that the subject property is currently undeveloped. Discussion followed.

Bill Knight advised that the point of access would be used by emergency apparatus vehicles and residents of the development of the subject property.

**Brown moved, Schmidt seconded and carried to recommend that the Layout Plat be approved with the following stipulations:**

- 1. The Exception request to allow 80 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual is hereby denied. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a second point of access;**
- 2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall provide on-site detention as needed. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 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. In addition, the applicant shall request oversizing reimbursement from the City in writing if applicable. Supplemental tap fees shall also be paid as required;**
- 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 and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the applicant shall request oversizing reimbursement from the City in writing if applicable. Supplemental tap fees shall also be paid as required;**
- 6. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a**

minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;

7. Upon submittal of a Preliminary Plat application, road construction plans for the sub-collector streets shall be submitted for review and approval. In particular, the road construction plans shall show the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
8. Upon submittal of a Preliminary Plat application, road construction plans for a north-south minor arterial street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 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 changing the street classification shall be obtained;
9. Upon submittal of a Preliminary Plat application, road construction plans for 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 36 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 applicant shall provide documentation identifying the existing dedicated right-of-way for the relocation of Sammis Trail or the plat document shall be revised to include the dedication of right-of-way for Sammis Trail or an "H Lot" shall be recorded at the Register of Deed's Office;
10. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway(s) located along the east lot line and the south lot line shall be submitted for review and approval. In particular, the road construction plans shall show the streets constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highways shall be vacated;
11. 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 utilities through the subject property as well as to adjacent properties;
12. Upon submittal of a Preliminary Plat application, details of the proposed park lots shall be submitted for review and approval. In

- addition, the applicant shall identify ownership of the lots. If the applicant intends for the park lots to be owned and maintained by the City, then the applicant shall obtain City Council approval prior to Preliminary Plat approval by the City Council;
13. Upon submittal of a Preliminary Plat application, the applicant shall identify ownership of the proposed drainage lot. If the applicant intends for the lot to be owned and maintained by the City, then the applicant shall obtain City Council approval prior to Preliminary Plat approval by the City Council;
  14. Upon submittal of a Preliminary Plat application, a revised Phasing Plan shall be submitted for review and approval;
  15. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  16. Upon submittal of a Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
  17. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a 30 foot wide planting screen easement along the east, north and west lot lines as shown on the applicant's site plan. In addition, a 10 foot wide planting screen easement shall be shown along the north-south minor arterial street or a Variance to the Subdivision Regulations shall be obtained;
  18. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval;
  19. Prior to Preliminary Plat approval by the City Council, an Approach Permit shall be obtained from the South Dakota Department of Transportation;
  20. Prior to submittal of a Final Plat, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;
  21. Prior to submittal of a Final Plat, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;
  22. 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;
  23. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits. In addition, the property shall be Rezoned from No Use District to Low Density Residential District with a Planned Development Designation prior to issuance of a building permit;
  24. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be

- implemented; and,
25. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (6 to 1 with Brewer, Brown, Fast Wolf, Landguth, LeMay and Schmidt voting yes and Andrews voting no)**

**Brown moved, Schmidt seconded and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit and to dedicate additional right-of-way along a portion of Sammis Trail be tabled at the applicant's request; and,**

**That the Variance to the Subdivision Regulations to allow lots twice as long as wide be approved. (6 to 1 with Brewer, Brown, Fast Wolf, Landguth, LeMay and Schmidt voting yes and Andrews voting no)**

Fisher requested that items 45, 46 and 47 be taken concurrently.

45. No. 05PL241 - West River Electric Association Subdivision  
A request by FMG Engineering for West River Elect to consider an application for a **Preliminary Plat** on Lots 1 and 2 of West River Electric Association Subdivision, located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Plat of Lot 1 and Lot 2 of West River Electric Association Subdivision and dedicated public Right-of-Way shown as Twilight Drive (formerly Lot 1 less Lot H1, Lots 2 and 3, Lot 4 less Lot H1, Lot 6 less Lot H1, Lots 7 and 8, and Lot 9 less Lot H1, all of Block 1 of Johnson School Subdivision; Lot 1 less Lot H1, Lot 2, and Lot 3 less Lot H1, all of Block 2 of Johnson School Subdivision; Lot A less Lot H1 of the NE1/4 NW1/4 of Johnson School Subdivision; Lot A less Lot H1, and Lots B and C, all of the NW1/4 NE1/4 of Johnson School Subdivision; Rapid Valley School District No. 4 Lot of the NW1/4 NE1/4; vacated School Drive Right-of-Way (Lot "RS"); Lots A and B of Lot 1 of Lot D, and Lot 2 of Lot D, all of the NW1/4 NE1/4 located in the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, and the NW1/4 NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Highway 44 and west of Twilight Drive.
46. No. 05SV083 - West River Electric Association Subdivision  
A request by FMG Engineering for West River Electric Assn. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code** on a tract of land located in the NE1/4 of NW1/4 of Section 9, T1N, R8E, BHM, and in the NW1/4 of NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with 2" survey cap marked "D.O.T." marking the southwest corner of Lot A Less Lot H1 of NE1/4 of NW1/4 of Johnson School Subdivision, in the NE1/4 of NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County,



South Dakota, Thence N29°28'44"E a distance of 172.23', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N69°32'35"E a distance of 106.73', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N18°20'21"E a distance of 174.21', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N29°29'52"E a distance of 615.05', more or less, to a point on the section line between Section 9, T1N, R8E, BHM and Section 4, T1N, R8E, BHM, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the northwest corner of Lot 3 Less Lot H1 of Block 2 of Johnson School Subdivision; Thence N89°48'18"E a distance of 382.99', more or less, to a point on the section line between Section 9, T1N, R8E, BHM and Section 4, T1N, R8E, BHM; Thence southwesterly on a curve to the left with a radius of 167.85' and an arc length of 267.88', with a chord bearing S27°52'22"W and a distance of 240.34', more or less, to a point; Thence S28°46'44"E a distance of 62.63', more or less, to a point; Thence southwesterly on a curve to the right with a radius of 149.97' and an arc length of 104.99', with a chord bearing S01°28'08"W a distance of 102.86', more or less, to a point; Thence S21°31'29"W a distance of 222.14', more or less, to a point; Thence S24°42'12"W a distance of 40.23', more or less, to a point; Thence S71°23'31"E a distance of 12.58', more or less, to a point; Thence S21°23'15"W a distance of 153.47', more or less, to a point; Thence S21°18'43"W a distance of 106.02', more or less, to a point; Thence S21°18'54"W a distance of 66.04', more or less, to a point; Thence S21°25'00"W a distance of 388.69', more or less, to a point; Thence N51°26'00"W a distance of 255.41', more or less, to a point, said point being a 5/8" rebar marking the southwest corner of Lot 2 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°27'40"W a distance of 128.62', more or less, to a point, said point being a 1/2" rebar marking the southwest corner of Lot B of Lot 1 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°23'47"W a distance of 95.89', more or less, to a point, said point being a 1" pipe marking the southwest corner of Lot A of Lot 1 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°33'53"W a distance of 151.26', more or less, to the point of beginning. Said area includes 12.988 acres, more or less, more generally described as being located east of Elk Vale Road and north of Highway 44 and west of Twilight Drive.

47. No. 05PD086 - West River Electric Association Subdivision

A request by Geiger Architecture for West River Electric Association to consider an application for a **Planned Light Industrial Development - Initial Development Plan** on a tract of land located in the NE1/4 of NW1/4 of Section 9, T1N, R8E, BHM, and in the NW1/4 of NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with 2" survey cap marked "D.O.T." marking the southwest corner of Lot A Less Lot H1 of NE1/4 of NW1/4 of Johnson School Subdivision, in the NE1/4 of NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, Thence N29°28'44"E a distance of 172.23', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N69°32'35"E a distance of 106.73', more or less, to a point, said point

being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N18°20'21"E a distance of 174.21', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N29°29'52"E a distance of 615.05', more or less, to a point on the section line between Section 9, T1N, R8E, BHM and Section 4, T1N, R8E, BHM, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the northwest corner of Lot 3 Less Lot H1 of Block 2 of Johnson School Subdivision; Thence N89°48'18"E a distance of 382.99', more or less, to a point on the section line between Section 9, T1N, R8E, BHM and Section 4, T1N, R8E, BHM; Thence southwesterly on a curve to the left with a radius of 167.85' and an arc length of 267.88', with a chord bearing S27°52'22"W and a distance of 240.34', more or less, to a point; Thence S28°46'44"E a distance of 62.63', more or less, to a point; Thence southwesterly on a curve to the right with a radius of 149.97' and an arc length of 104.99', with a chord bearing S01°28'08"W a distance of 102.86', more or less, to a point; Thence S21°31'29"W a distance of 222.14', more or less, to a point; Thence S24°42'12"W a distance of 40.23', more or less, to a point; Thence S71°23'31"E a distance of 12.58', more or less, to a point; Thence S21°23'15"W a distance of 153.47', more or less, to a point; Thence S21°18'43"W a distance of 106.02', more or less, to a point; Thence S21°18'54"W a distance of 66.04', more or less, to a point; Thence S21°25'00"W a distance of 388.69', more or less, to a point; Thence N51°26'00"W a distance of 255.41', more or less, to a point, said point being a 5/8" rebar marking the southwest corner of Lot 2 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°27'40"W a distance of 128.62', more or less, to a point, said point being a 1/2" rebar marking the southwest corner of Lot B of Lot 1 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°23'47"W a distance of 95.89', more or less, to a point, said point being a 1" pipe marking the southwest corner of Lot A of Lot 1 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°33'53"W a distance of 151.26', more or less, to the point of beginning. Said area includes 12.988 acres, more or less., more generally described as being located east of Elk Vale Road, north of Highway 44 and west of Twilight Drive.

Fisher stated that staff's recommendation is that the Preliminary Plat the Variance to the Subdivision Regulations and the Initial Planned Light Industrial Development be continued to the January 26, 2006 Planning Commission meeting at the applicant's request.

**Brown moved, Landguth seconded and unanimously carried to continue the Preliminary Plat, the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Elk Vale Road and the Planned Light Industrial Development - Initial Development Plan to the January 26, 2006 Planning Commission meeting at the applicant's request. (7 to 0 with Andrews, Brewer, Brown, Fast Wolf, Landguth, LeMay and Schmidt voting yes and none voting no)**

48. No. 05PL239 - Anamosa Crossing Subdivision  
A request by Centerline for A/R Group, LLC to consider an application for a **Layout Plat** on Lot 1 of Anamosa Crossing Subdivision, formerly Tract 1 of

Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest side of the intersection of East Anamosa and East North Street.

Fisher stated that the staff's recommendation is to continue the Layout Plat to the February 9, 2006 Planning Commission meeting at the applicant's request.

**LeMay moved, Schmidt seconded and carried to recommend that the Layout Plat be continued to the February 9, 2006 Planning Commission meeting at the applicant's request. (7 to 0 with Andrews, Brewer, Brown, Fast Wolf, Landguth, LeMay and Schmidt voting yes and none voting no)**

49. No. 05PD084 – Broadmoor Subdivision

A request by Pat Tlustos for Broadmoor Homeowners Association to consider an application for a **Major Amendment to a Planned Residential Development** on Lots BR, Lots 37 and 38 of Broadmoor Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B, less Lots 12 Revised and 14 Revised, Broadmoor Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Sheridan Lake Road and Sunset Vista Road.

Fisher advised that staff's recommendation is that the Major Amendment to a Planned Residential Development be approved with stipulations.

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

- 1. Prior to Planning Commission approval, the applicant shall identify the location of any existing development within the common area, including the existing mailboxes. In addition, the site plan shall be revised to show curb and gutter along the proposed 40 foot wide utility and access easement to provide a separation between the traffic and the common area;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. A Preliminary Plat, creating the two townhome lots, shall be approved by the City Council prior to issuance of a building Permit and a Final Plat shall be approved prior to issuance of a Certificate of Occupancy;**
- 4. Prior to issuance of a building permit, a grading plan and a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall include calculations, location of drainage ways, structures, direction of water flow and sedimentation and erosion control measures;**
- 5. Prior to issuance of a building permit, a water and sewer system plan shall be submitted for review and approval. In addition the water system plan shall show the locations of fire hydrants within 500 feet**



- of the site plan and the sewer line connections to the main shall be at a 90 degree angle to the main;
6. An 18 foot front yard setback shall be allowed for the garage. A minimum 25 foot front yard setback shall be provided for the balance of the structure. In addition, all other setbacks as per the Low Density Residential Development shall be provided;
  7. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Major Amendment to the Planned Residential Development Plan;
  8. A two unit townhome development shall be allowed within this area of the subject property as shown on the site plan. Any other use shall require a Major Amendment to the Planned Residential Development Plan; and,
  9. The Planned Residential Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Andrews, Brewer, Brown, Fast Wolf, Landguth, LeMay 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.***

Fisher requested that items 50 and 51 be taken concurrently.

50. No. 05PL242 - Canyon Springs Preserve

A request by Wyss Associates, Inc. for Canyon Springs, LLC to consider an application for a **Layout Plat** on Lots 1 through 87, Canyon Springs Preserve located in Sections 22, 23 and 26, T2N, R6E, BHM, Pennington County, South Dakota, legally described as the balance of the N1/2 NW1/4, Section 26; a portion of the E1/2 SE1/4, Section 22; and a portion of the SW1/4 less Fire House Subdivision, less Lot H1 of the SE1/4 SW1/4 and less lot H2 all located in Section 23, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8885 Nemo Road.

51. No. 05SV084 - Canyon Springs Preserve

A request by Wyss Associates, Inc. for Canyon Springs, LLC 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 as per Chapter 16.16 of the Rapid City Municipal Code** on the balance of the N1/2 NW1/4, Section 26; a portion of the E1/2 SE1/4, Section 22; and a portion of the SW1/4 less Fire House Subdivision, less Lot H1 of the SE1/4 SW1/4 and less lot H2 all located in Section 23, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8885 Nemo Road.

Fisher presented slides of the proposed development of the subject property.

Fisher identified the boundaries of the platting jurisdictions for the City and County lines. Fisher reviewed the stipulations for approval identified by staff. Fisher stated that staff's recommendation is to approve the Layout Plat and the Variance to the Subdivision Regulations with stipulations. Discussion followed.

Mike Stanley, Wyss Associates, requested that the Variance to the Subdivision Regulations to reduce the pavement width be approved.

Andrews expressed his opinion in concern with reduction of the lot and the increase of residential density and the impact on improvements. Discussion followed.

Landguth expressed concern with grading of the road in the proposed development. Discussion followed.

**Schmidt moved, Brown seconded and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:**

- 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall provide on-site detention as needed. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval. In addition, the individual wastewater disposal systems shall be designed by a Professional Engineer meeting all requirements as per the South Dakota Department of Environment and Natural Resources;**
- 4. Upon submittal of a Preliminary Plat application, a water system analysis verifying the source and adequacy of water quantity and storage capacity for domestic and fire flows shall be submitted for review and approval. In addition, fire hydrants shall be provided at all intersections and intermediate points between intersections with spacing not to exceed 450 feet and at high points in the profile or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Upon submittal of a Preliminary Plat application, road construction plans for Nemo Road shall be submitted for review and approval. In**

- particular, the construction plans shall show the installation of curb, gutter, street light conduit, water and sewer along Nemo Road or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat application, road construction plans for Mainline 1, Spur 1-A and Spur 2-F shall be submitted for review and approval. In particular, the streets shall be located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  7. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs and an intermediate turnaround every 600 feet, where applicable, with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
  8. Upon submittal of a Preliminary Plat application, road construction plans for Spur 1-G shall be submitted for review and approval. In particular, the street shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  9. Upon submittal of a Preliminary Plat application, road construction plans for the north-south section line highway and the east-west section line highway shall be submitted for review and approval. In particular, the road construction plans shall show the streets constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highways shall be vacated;
  10. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval;
  11. An Exception to the Street Design Criteria Manual to allow a 1,400 foot long cul-de-sac in lieu of a maximum 500 foot long cul-de-sac shall be granted for Spur 1-L with the stipulation that one intermediate turnaround be provided to accommodate fire apparatus and that the street be constructed with a minimum 24 foot wide paved surface;
  12. An Exception to the Street Design Criteria Manual to allow a 655 foot long cul-de-sac in lieu of a maximum 500 foot long cul-de-sac shall be granted for Spur 1-K with the stipulation that the street be constructed with a minimum 24 foot wide paved surface;
  13. An Exception is hereby granted to allow a 15% gradient along a

- portion of Mainline 1 in lieu of a maximum 12% gradient as per the Street Design Criteria Manual and a maximum 10% gradient as per the International Fire Code with the stipulation that the street be constructed with a minimum 27 foot wide paved surface;
14. An Exception is hereby denied to waive the requirement to provide visitor parking at a ratio of one paved parking stall per dwelling located within three hundred feet of the residence along Mainline 1, Spur 1-G, Spur 1-L, Spur 2-F and Spur 1-A;
  15. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  16. Prior to Preliminary Plat approval by the City Council, Approach Permit(s) shall be obtained from the Pennington County Highway Department. In addition, acceleration and turning lane(s) shall be provided along Nemo Road as determined by the Pennington County Highway Department;
  17. Prior to submittal of a Final Plat, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;
  18. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
  19. 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;
  20. 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;
  21. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the community water facility for review and approval;
  22. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the common area for review and approval;
  23. Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Nemo Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s);
  24. 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”. In addition, a note shall be placed on the plat document stating that “all wastewater disposal systems be a minimum of 50 feet from all exposed rock cliffs and major drainage ditches within the development; and,

25. 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.

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

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

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer along Spur 1-A and 2-F 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 sewer along Mainline 1, Spur 1-B, Spur 1-C, Spur 1-D, Spur 1-E, Spur 1-F, Spur 1-G, Spur 1-H, Spur 1-J, Spur 1-K, and Spur 1-L be approved with the following stipulations:

1. Upon submittal of a Preliminary Plat application, the applicant shall submit construction plans showing a minimum five foot wide pedestrian walk-way throughout the development; and,
2. 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 additional pavement along Mainline 1 and Spur 1-A be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Spur 1-L and Spur 2-F be tabled at applicant’s request. (7 to 0 with Andrews, Brewer, Brown, Fast Wolf, Landguth, LeMay and Schmidt voting yes and none voting no)

Maxwell requested that items 52 and 53 be taken concurrently.

52. No. 05PL232 - Cavern Crest Subdivision

A request by Dennis Johnson to consider an application for a **Preliminary Plat** on Lots A and B of Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 2600 Cavern Road.

53. No. 05SV080 - Cavern Crest Subdivision



A request by Dennis Johnson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and pavement along Cavern Road and the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 2600 Cavern Road.

Maxwell advised that staff's recommendation is to continue the Preliminary Plat and the Variance to the Subdivision regulations to the January 26, 2006 Planning Commission meeting.

**Schmidt moved, Landguth seconded and unanimously carried to recommend that the Preliminary Plat and Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and pavement along Cavern Road and the access easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the January 26, 2006 Planning Commission to allow the applicant time to submit additional information. (7 to 0 with Andrews, Brewer, Brown, Fast Wolf, Landguth, LeMay and Schmidt voting yes and none voting no)**

54. No. 05UR019 - Log Cabin Park Subdivision

A request by Walter Banovic to consider an application for a **Conditional Use Permit to allow an on-site alcohol establishment** on Tracts 1 and 2 of Log Cabin Park Subdivision of the NW1/4 of the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 556 Kirkeby Lane.

Maxwell stated that staff's recommendation is that the Conditional Use Permit be approved with stipulations.

**LeMay moved, Landguth seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District with the following stipulations:**

- 1. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant;**
- 2. All applicable provisions of the International Fire Codes shall be continually met;**
- 3. The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
- 4. The landscaping plan shall continually comply with all provisions of the Zoning Ordinance and be maintained in a live vegetative state and replaced as necessary; and,**
- 5. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a**

period of two years. (7 to 0 with Andrews, Brewer, Brown, Fast Wolf, Landguth, LeMay 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.***

55. No. 05UR020 - Riverside Addition

A request by Jim Berger for Rhonda Berger to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on a portion of the W1/2 of Lot 4; Lots 5 through 13 of Block 3, Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1109 Omaha Street.

Maxwell advised that staff's recommendation is that the Conditional Use Permit be approved with stipulations.

**Landguth moved, Brewer seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment in the General Commercial Zoning District with the following stipulations:**

- 1. The on-sale liquor establishment shall be operated in conjunction with a full service restaurant;**
- 2. All applicable provisions of the International Fire Codes shall be continually met;**
- 3. The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
- 4. The landscaping plan shall continually comply with all provisions of the Zoning Ordinance and be maintained in a live vegetative state and replaced as necessary; and,**
- 5. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 with Andrews, Brewer, Brown, Fast Wolf, Landguth, LeMay 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.***

56. No. 05UR021 - South Boulevard Addition

A request by Kennedy Design Group, Inc. for Cimarron Casino, Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lots 1-4 of Block 26 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 703 and 705 Indiana Street.

Bulman advised that the Conditional Use Permit application has been brought forward to allow commercial retail office space and a video lottery casino and remove the current multi-family structures. Bulman advised that the application for the Conditional Use Permit meets the zoning requirements set forth by the City of Rapid City Municipal Code. Bulman reviewed the site plan of the proposed development on the subject property. Bulman advised that staff's recommendation is to approve the Conditional Use Permit with stipulations.

Bulman advised that staff has received objections to the Conditional Use Permit application.

Rich Huffman, attorney representing the applicant, stated that the application for the Conditional Use Permit has met the criteria set for the by the Rapid City Municipal Code. Huffman requested that the Conditional Use Permit be approved. Huffman expressed his opinion that neighborhoods historically oppose liquor license applications.

Twyla Luedtke, area resident, expressed her opinion in opposition to the Conditional Use Permit application. Luedtke expressed her concern with possible decline in property values as a result of a video lottery casino on the subject property.

In response to Schmidt's question, Martin Luedtke advised that the petition he signed did not indicate a casino or liquor store would be constructed on the subject property. Discussion followed.

Elkins advised that Council direction would be that the applicant proceeds with the Conditional Use Permit prior to issuing additional liquor and video lottery licenses.

Melissa Martin, area resident, expressed her opinion in opposition to the construction of a video lottery establishment in close proximity to a residential area. Martin expressed concern with increased traffic as a result of the video lottery establishment within close proximity to schools and a residential area. Martin requested that the Planning Commission deny the Conditional Use permit.

In response to Schmidt's question, Martin stated that she was opposed to the increased traffic associated with businesses on the subject property.

LeMay expressed his opinion opposing the Conditional Use Permit application.

In response to Schmidt's questions, Landeen advised that the Planning Commission has discretion to either deny or approve the Conditional Use Permit application with consideration of the character of the development.

Elkins reviewed the Rapid City Municipal Code criteria for a Conditional Use Permit application.

Brewer expressed his opinion supporting the Conditional Use Permit application.

Brewer stated that there is a stipulation to screen the dumpster on the subject property.

**Brewer moved to approve the Conditional Use Permit to allow an on-sale liquor establishment. The motion died for lack of a second.**

Landguth expressed his opinion to deny the Conditional Use Permit. Discussion followed.

**Landguth moved, Brown seconded to deny the Conditional Use Permit to allow an on-sale liquor establishment.** Discussion followed.

Schmidt expressed his opinion opposing the motion to deny the Conditional Use Permit.

Brown expressed his opinion in opposition to the application for the Conditional Use Permit to allow an on-sale liquor establishment. Discussion followed.

Andrews stated that he would abstain from vote due to a conflict of interest

**Landguth moved, Brown seconded and carried to deny the Conditional Use Permit to allow an on-sale liquor establishment. (4 to 2 to 1 with Brown, Fast Wolf, Landguth and LeMay voting yes and Brewer and Schmidt voting no with Andrews abstaining)**

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

57. No. 05CA051 - Sections 15, 16, 21 and 22

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to amend the Major Street Plan by revising the alignment of Minnesota Street** on located in Sections 15, 16, 21 and 22, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Plum Creek Subdivision and Elks Country Estates.

Elkins advised the Amendment to the Comprehensive Plan to Amend the Major Street Plan by revising the alignment of Minnesota Street. Elkins stated that the application has been brought forward from City Council. Elkins identified the proposed alignment of Minnesota Street. Elkins stated that staff reviews three criteria for approval on Major Street Plan Amendments: 1) continuity of the road way network; 2) appropriate geometric positioning; and 3) agreement of the adjacent landowners. Elkins commented that the landowners are currently not in agreement with the proposed realignment of the Minnesota Street. Elkins advised that staff has deferred to the discretion of the Planning Commission to either deny or approve at their determination of appropriateness.

Fast Wolf left the meeting at this time.

In response to LeMay's question, Elkins stated the continuation of the roadway along the section line would eliminate the right-of-way from adjacent lots. Elkins advised that the owners of the adjacent lots would be required to share a cost burden for construction of the proposed roadway. Discussion followed.

In response to Landguth's question, Elkins advised that Major Street Plans are advertised in the newspaper and individual property owners are not notified by certified mailing.

Hadcock expressed her opinion that the revision to the Major Street Plan would benefit all the surrounding property owners. Hadcock commented that the application made sense to City Council.

Elkins advised that City Council has not taken any formal action on the Amendment to the Comprehensive Plan to amend the Major Street Plan by revising the alignment of Minnesota Street. Discussion followed.

**LeMay moved, Landguth seconded and unanimously carried that the Comprehensive Plan Amendment to the Major Street Plan realigning Minnesota Street be approved. (6 to 0 with Andrews, Brewer, Brown, Landguth, LeMay and Schmidt voting yes and none voting no)**

58. No. 05SR068 - Rapid City Greenway Tract

A request by Rushmore Plaza Civic Center to consider an application for an **SDCL 11-6-19 Review to allow a horse stalling barn on public property** on Lot ER less Hotel Lot ER original Town of Rapid City, Tract 20 less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 30 North Fifth Street, Memorial Park.

Elkins advised that staff's recommendation is to approve the SDCL 11-6-19 application to allow a horse stalling barn on public property.

**LeMay moved, Schmidt seconded and carried to approve the SDCL 11-6-19 Review to allow a horse stalling barn on public property with the following stipulations:**

- 1. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;**
- 2. All requirements of the Floodplain Development Ordinance shall be met at all times;**
- 3. A Temporary Use Permit shall be obtained prior to initiation of the event;**
- 4. All electrical wiring shall comply with the applicable International Building and Electrical Codes; and,**



5. **The stalling barn shall be constructed in the location as shown on the attached site plan and shall be allowed for no more than three weeks each year during the Black Hills Stock Show and Rodeo and shall be allowed in 2006, 2007 and 2008. (5 to 0 to 1 with Andrews, Brewer, Landguth, LeMay and Schmidt voting yes and none voting no and Brown abstaining)**

59. Discussion Items

60. Staff Items

61. Planning Commission Items

A. Amendments to the By-Laws.

Elkins advised that the By-Laws have come forward to the Planning Commission from the City Attorney's office to incorporate the Alternates that are in the process of being appointed to the Planning Commission.

Elkins stated that staff's recommendation is to approve the Amendments to the By-Laws. Discussion followed.

**LeMay moved, Brown seconded and unanimously carried to approve the Amendments to the By-Laws. (5 to 1 with Andrews, Brewer, Brown, Landguth and LeMay voting yes and Schmidt voting no)**

**There being no further business, LeMay moved, Landguth seconded and unanimously carried to adjourn the meeting at 8:42 a.m. (6 to 0 with Andrews, Brewer, Brown, Landguth, LeMay and Schmidt voting yes and none voting no)**