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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 9, 2006

MEMBERS PRESENT: John Brewer, Gary Brown, Dennis Landguth, Mike LeMay, Mel Prairie Chicken, Ethan Schmidt and Karen Waltman. 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, Kevin Lewis, Joel Landeen, and Carol Bjornstad.

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

Brown 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 8 be removed from the Non-Hearing Consent Agenda for separate consideration.

Planning Commissioners requested that Items 6 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Landguth, Seconded by LeMay and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 10 in accordance with the staff recommendations with the exception of Items 6 and 8. (7 to 0 with Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the January 26, 2006 Planning Commission Meeting Minute.
2. 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 March 9, 2006 Planning Commission meeting.

3. No. 05PL157 – Prairiefire Subdivision

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

Planning Commission recommended that the Preliminary Plat be continued to the March 9, 2006 Planning Commission meeting at the applicant's request.

4. No. 05PL159 – Prairiefire Subdivision

A request by Britton Engineering for Prairiefire Investments, LLC to consider an application for a **Preliminary Plat** on Lots 11-14, Block 1; Lots 4-11, Block 2; Lots 5-8, Block 3; Lots 3-8, Block 4; Prairiefire Subdivision, located in the NE1/4, Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of NE1/4 NE1/4 less a portion of Lot 8 and all of Lot 9 of Eisenbraun Subdivision less Winton Subdivision; all of SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; all in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.

Planning Commission recommended that the Preliminary Plat be continued to the March 9, 2006 Planning Commission meeting.

5. 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 Preliminary Plat be approved with the following stipulations:

1. **Upon submittal of a Preliminary Plat application, road construction plans showing the installation of curb, gutter, street light conduit, sidewalk, water, sewer and additional pavement along Starlight Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained.**
2. **Upon submittal of a Preliminary Plat application, drainage information and any necessary drainage easements shall be submitted for review and approval.**
3. **Upon submittal of the Final Plat application, a cost estimate of the subdivision improvements shall be submitted for review and**

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approval;

4. **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; and,**
5. **Upon submittal of a Preliminary Plat application, information regarding water service and sewer service shall be submitted demonstrating compliance with applicable City Requirements. The location of all wells, water service lines, septic systems holding tanks and other related utilities shall be identified.**

7. No. 06PL001 – The Village at Founder's Park

A request by Designworks, Inc. for Founder's Park, LLC to consider an application for a **Layout Plat** on Lots 1, 2 and 3 of Founder's Park Subdivision, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago.

Planning Commission recommended that the Layout Plat be continued to the February 23, 2006 Planning Commission meeting at the applicant's request.

9. No. 06SR001 – Blakes Addition

A request by John M. Rowe, Buell Consulting for Cellular Inc. Network d/b/a Verizon Wireless to consider an application for an **11-6-19 SDCL Review to allow the construction of a communication facility** on Lots 5 thru 10 of Block 4 of Blakes Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 612 East Boulevard North.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a communication facility to the February 23, 2006 Planning Commission meeting to allow the applicant time to submit the required information.

10. No. 06SR002 – Millard Addition

A request by Hermanson Egge Engineering for City of Rapid City School District to consider an application for an **11-6-19 SDCL Review to allow the demolition of the existing school and to construct a new elementary school with other public uses including a medical/dental clinic, library and a gymnasium** on School Lot 582 feet by 680 feet of Block 12 of Millard Addition of Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 10 Van Buren Street.

Planning Commission continued the 11-6-19 SDCL Review to allow the demolition of the existing school and to construct a new elementary school with other public uses including a medical/dental clinic, library and a gymnasium to the February 23, 2006 Planning Commission meeting to

allow the applicant time to submit additional information.

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

6. 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.

In response to Landguth's question, Fisher stated that the applicant must obtain an approach permit from the South Dakota Department of Transportation.

Elkins stated that Stipulation No. 8 states that upon submittal of the Preliminary Plat the Plat document shall show approach location and suggested that the stipulation be modified that the language be modified that the access approaches be coordinated to provide access to the balance of the property to the north.

Waltman stated that she would abstain from discussion and vote due to a conflict of interest.

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

- 1. Prior to Planning Commission approval of the Layout Plat, a Master Plan for the entire parcel shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat, a geotechnical report shall be submitted for review and approval. In particular, the geotechnical report shall address construction recommendations for the large, deep embankment area;**
- 3. Upon submittal of a Preliminary Plat, a grading plan including sedimentation and erosion control measures shall be submitted for review and approval;**
- 4. Upon submittal of a Preliminary Plat, a Drainage Plan in accordance with the Perrine Basin Drainage Plan shall be submitted for review and approval. The drainage plan shall also include calculations demonstrating that discharge from any site facilities will result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities shall be provided or expanded as needed. In addition, the plat document shall be revised to provide drainage easements as needed;**
- 5. Upon submittal of a Preliminary Plat, road construction plans for E. North Street shall be submitted for review and approval. In particular, the road construction plans shall show the street 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;**

6. Upon submittal of a Preliminary Plat, road construction plans for E. Anamosa Street shall be submitted for review and approval. In particular, the road construction plans shall show the street 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;
7. Upon submittal of a Preliminary Plat, road construction plans for Century Street shall be submitted for review and approval. In particular, the road construction plans shall show the street 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;
8. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the proposed approach aligning with Menard Drive. In addition, Approach Permit(s) shall be obtained from the South Dakota Department of Transportation for the proposed approach location(s) and **that the applicant coordinate the approaches with the property and the Interstate to provide access**
9. Prior to Preliminary Plat approval by the City Council, an Exception to the Street Design Criteria Manual shall be obtained to allow access from E. North Street and E. Anamosa Street in lieu of Century Street, the lesser order, or the plat document shall be revised accordingly;
10. Upon submittal of a Preliminary Plat, a Utility Master Plan shall be submitted for review and approval. In addition, the location of the re-located Western Area Power Administration power line (WAPA) shall be shown and the plat document shall be revised to show existing and proposed utility easement(s) as needed;
11. Upon submittal of a Preliminary Plat, 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, utility easements shall be provided as needed;
12. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains and service lines shall be submitted for review and approval demonstrating that sufficient quantities for domestic and fire flows shall be provided during peak day use conditions or a Variance to the Subdivision Regulations shall be obtained. In addition, utility easements shall be provided as needed;
13. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval;
14. Upon submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the adjacent street(s) with the exception of the approved approach location(s);
15. 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 0 to 1 with Brewer, Brown, Landguth, LeMay, Prairie Chicken and Schmidt

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voting yes and none voting no and Waltman abstaining)

8. No. 06PL004 – Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 7 of Marlin Industrial Park, located in Lot A Lot A of the NE1/4 of the NW1/4 less Lot H1 and less the Right-of-Way and the unplatted portion of the NW1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot A of the NE1/4 of the NW1/4 less Lot H1 and less the Right-of-Way and the unplatted portion of the NW1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Elk Vale Road and Old Folsom Road.

LeMay moved, Landguth seconded and unanimously carried to recommend that the Preliminary Plat continued to the February 23, 2006 Planning Commission meeting. (7 to 0 with Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

Brown announced that the Public Hearings on Items 11 through 29 were opened.

Staff requested that Items 16 be removed from the Hearing Consent Agenda for separate consideration.

LeMay moved, Landguth seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 11 through 29 in accordance with the staff recommendations with the exception of Items 16. (7 to 0 with Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

The Public Hearings for Items 11 through 29 were closed.

---HEARING ITEMS CONSENT CALENDAR---

11. No. 05CA054 - Sections 7, 8 16 17 18, 19 20 21, 28 29 30 31 and 32, T1N, R7E and Sections 25 and 36, T1N, R6E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the Red Rock Canyon Drainage Basin Design Plan** on Red Rock Canyon Drainage Basin, located in all or portions of Sections 7, 8, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31 and 32, T1N, R7E, and Sections 25 and 37, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located between Rapid Creek and Spring Creek in and adjacent to the Western Corporate Limits of the City of Rapid City.

Planning Commission recommended that the Amendment to the Comprehensive Plan to the Red Rock Canyon Drainage Basin Design Plan be approved with the following stipulation:

- 1. Prior to City Council approval, all necessary changes shall be made to the design plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management**

Department.

12. 01TI004 - Relocation of Red Rock Detention Ponds - Tax Increment District No. 32.

Planning Commission recommended approval of the proposed relocation of three detention ponds in lieu of the one detention pond as per the revised Public Improvement map for Tax Increment District #32 – Red Rock Estates.

13. 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, D, H, J, K, 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 approved the Major Amendment to a Planned Commercial Development with the following stipulations:

1. **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;**
2. **The uses allowed within the Planned Commercial Development shall be limited to the private reception area and micro-winery area, as per the site plan submitted, in addition to the current uses allowed for a motel, Laundromat, storage, and restaurant with on-sale liquor to include outdoor seating;**
3. **Any additional signage on the property will require a Major Amendment to the Planned Commercial Development;**
4. **All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met and all required landscaping shall be maintained in a live vegetative state;**
5. **All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met. The parking lots shall be paved, striped and wheel guards placed in areas that abut a public or private sidewalk, public right-of-way, building entrance or exit or plant material located within a parking lot. All access to parking lots shall be paved;**
6. **All requirements of the 2003 International Fire Code must be continually met and the structures intended for alcohol use shall be sprinklered;**
7. **Prior to obtaining a building permit, grading and drainage plans, and a water system analysis to verify source and water quantity for domestic and fire flows, shall be submitted for review and approval;**
8. **Prior to obtaining a building permit for the micro-winery or the private reception area, a complete set of building plans shall be submitted for any change in use to show compliance with the International Building Codes and related codes;**
9. **All stipulations of the Planned Commercial Development and Major**

Amendments to the Planned Commercial Development shall be continually met to include:

- 1. All applicable life, safety, building and fire codes shall be met;**
 - 2. The requirements of the Off-street Parking and Landscaping Ordinance be met with all subsequent development;**
 - 3. Any future development modification to the restaurant or motel complex would require a Major Amendment of the Planned Commercial Development;**
 - 4. All development on the site shall be done in compliance with the Rapid City Floodplain Ordinance requirements;**
 - 5. That the use of the property continues as shown on the approved site plan or a Major Amendment to the Planned Commercial Development shall be obtained; and,**
- 10. The Major Amendment to a Planned Commercial 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.

14. 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 approved the Planned Residential Development - Initial and Final Development Plan with the following stipulations:

- 1. The approved uses include three 12 unit multi-family dwelling unit buildings, two eight unit multi-family dwelling units buildings, two five stall garage buildings, and two ten stall garage buildings;**
- 2. All on site signage shall comply with all provisions of the Sign Code;**
- 3. The landscaping plan shall continually comply with the requirements of the Zoning Ordinance;**
- 4. The proposed structures shall conform architecturally to the plans and elevations submitted;**
- 5. All applicable provisions of the Uniform Fire Code shall be continually met. In particular, hydrants shall be in place and operational prior to or in conjunction with building construction, and all structures within the apartment complex portion of the Planned Residential Development, except for the garages, shall be fully fire sprinkled and alarmed;**
- 6. The minimum required 15 foot set back for parking lots is hereby reduced to five feet with the requirement that landscaping shall be**

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- provided as a buffer between the parking lot and the single family residential district as shown on the approved site plan;
7. The Parking Plan shall continually comply with all requirements of the Zoning Ordinance;
 8. Prior to Planning Commission approval, revised construction plans must be submitted addressing the redline comments by Staff; and;
 9. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by Planning Commission, or if the use as proposed 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.

15. No. 05PD091 - Professional Plaza Subdivision

A request by Centerline, Inc. for CSU Properties to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 1, Professional Plaza Subdivision, Section 36, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 550 North 5th Street.

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

1. In addition to the office uses allowed with the Planned Commercial Development, the uses allowed within the Major Amendment to a Planned Commercial Development shall be the addition of a waterfall feature, the relocation of the dumpster, and wall signs as per the site plans submitted;
2. A sign permit shall be obtained prior to installation of the wall signs and the provisions of the Sign Code shall be continually met. Any additional signage on the property will require a Major Amendment to the Planned Commercial Development;
3. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met and all required landscaping shall be maintained in a live vegetative state;
4. All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met;
5. All requirements of the 2003 International Fire Code shall be continually met;
6. The structure screening the dumpster shall be constructed as per the submitted site plan;
7. All stipulations of the Planned Commercial Development (02PD025) shall be continually met to include:
 1. All access, turnarounds and parking areas shall comply with all requirements of the Uniform Fire Code and the Rapid City Street

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Design Criteria Manual;

2. A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy;
3. The use of the structures shall be limited to those uses permitted in the Office Commercial District. Additional uses such as those allowed as a Use on Review in the Office Commercial Zoning District may be allowed with the approval of a Major Amendment to this Planned Commercial Development;
4. All signs shall conform to the design and location as shown in the sign package submitted as part of the Planned Commercial Development. A minimal amendment may be reviewed and approved by the Planning Director for any changes to the sign package that are deemed insignificant and continue to comply with all requirements of the Sign Code;
5. All lighting, excluding street lighting, shall be directed to reflect away from the adjacent residential development, and shall be situated to not reflect directly onto any public rights-of-way creating a traffic hazard;
6. The proposed structures shall conform architecturally to the plans and elevations submitted as part of this Planned Commercial Development; and,
8. The Major Amendment to a Planned Commercial 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.

17. No. 05SV060 - Prairiefire Subdivision

A request by Britton Engineering & Land Surveying for Prairiefire Investments, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, streetlight conduit; and dedicate additional right-of-way; and allow platting one half of a right-of-way** on Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 NE1/4, less the Eisenbraun Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, street light conduit; and dedicate additional right-of-way; and allow platting one half of a right-of-way be continued to the March 9, 2006

Planning Commission meeting at the applicant's request.

18. No. 05SV061 - Prairiefire Subdivision

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

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 9, 2006 Planning Commission meeting at the applicant's request.

19. 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 and additional pavement along Starlite Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

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 denied without prejudice.

20. No. 05TI019 - East Anamosa Street

A request by Centerline to consider an application for a **Tax Increment District No. 49 Project Plan** on Lot 1 – 28 and all adjacent rights-of-way, Block 11,

Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 – 14 and all adjacent rights-of-way, Tract A (formerly lots 15A thru 25A) and all adjacent rights-of-way, Lot 15-28 less lot 15A -25A and all adjacent rights-of-way, all located in Block 12, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted balance of SW1/4SE1/4 and the unplatted balance of SE1/4SE1/4 and all adjacent rights-of-way, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 3 and Lot 4 and all adjacent rights-of-way, Tract A & S1/2 vacated part of alley adjacent to Tract A and all adjacent rights-of-way, Lot A of Lot 1, Lot 2 and the S1/2 vacated Watertown St adjacent to said lot, Lot B of Lot 1, all located in Block 2, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract I and the N1/2 vacated portion of alley adjacent to Tract I and the S1/2 vacated Watertown St adjacent to Tract I and all adjacent rights-of-way, Block 2, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Block 3 and W375' of N1/2 vacated Watertown Street adjacent to Block 3 less W150' & less Lot 1-2 and the S1/2 vacated Madison Street adjacent to E475' Block 3 and the vacated alley in Block 3 less portion between Lots 1 & 2 and all adjacent rights-of-way, all located in Block 3, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1-2 and the S1/2 vacated Madison St adjacent to Lot 1 and the N1/2 vacated Watertown Street adjacent to Lot 2 and the vacated alley between Lots 1-2, Block 3 and all adjacent rights-of-way, all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of Block 1 and all adjacent rights-of-way, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 -2 and the balance of Block 4 and all adjacent rights-of-way, all located in Block 4, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4NE1/4 including Meadowlark Hills Sub & all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A & E1/2 vacated Cherry Ave of NE1/4NE1/4 and all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract B, C, D, F, G, and H and all adjacent rights-of-way, all of Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract E & E15' of vacated Cherry St adjacent to said Tract E, Block 1 and all adjacent rights-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, E100' of Tract A, Block 1 and adjacent right-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A less the E100' and the E15' of vacated Cherry St adjacent to said Tract A and adjacent right-of-way, Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of the 90' wide East Anamosa Street right-of-way located in the NE1/4 of Section 31 and the SE1/4 of Section 30, and the East Anamosa Street right-of-way located in the NW1/4 of Section 31 and the SW1/4 of Section 30 all adjacent to LaCrosse Street, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Railroad Right-of-Way located in the NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A and Lot B and all adjacent rights-of-way, West Century Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N170' of S313.96' of Lot 2 and adjacent right-of-way, Section 32, T2N, R8E,

BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 and Lot 2 and all adjacent rights-of-way, Buckingham Rental Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot B of Lot 1 of SW1/4NW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A, B, C, and D of Lot 1 of NW1/4SW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 1, Century "21" and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A in NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract D in NE1/4NW1/4 including Lot 1 of Tract D of Heubner Subdivision and all adjacent rights-of-way, all located in Heubner Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N16.04' of Lot 2 of SW1/4NW1/4 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 and Lot H3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Lot H1 of Lot A of the SE1/4NW1/4, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of Lot B of Lot 1 in the NW1/4SW1/4, Lot H1 of Lot B of Lot 1 of the NW1/4SW1/4, Lot 2 of the NW1/4SW1/4, Lot H1 of Lots 7 & 8 of the NW1/4SW1/4, Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4SW1/4, Lot H1 and Lot H2 of the NW1/4SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Century Road, east of LaCrosse Street and south of US 1-90.

Planning Commission recommended that the Tax Increment District No. 49 Project Plan be continued to the February 23, 2006 Planning Commission meeting.

21. No. 05VR015 - Plainsview Second Addition

A request by Peter Hendricksen to consider an application for a **Vacation of Right-of-Way** on Sunnyside Avenue Right-of-Way lying adjacent to Lots 1 thru 14; the Poplar Avenue Right-of-Way lying adjacent to Lots 14, 15 and 20 foot alley Right-of-Way; and the 20 foot alley Right-of-Way lying adjacent to Lots 8 thru 14 and Lots 15 thru 21, all located in Block 11, Plainsview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Poplar Street and Sunnyside Avenue.

This item was previously acted upon at the January 26, 2006 Planning Commission meeting. No action is required.

22. No. 05VR016 - Roher Subdivision

A request by Paul Lowe to consider an application for a **Vacation of Right-of-**

Way on that portion of Croyle Avenue in Lot A of Lot 1 of Roher Subdivision lying easterly of a line which is 33 feet easterly and parallel to the centerline of Croyle Avenue, located in the SW1/4 SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 2011 Croyle Avenue.

Planning Commission acknowledged the applicant's request to withdraw the Vacation of Right-of-Way request.

23. No. 06CA001 - The Village at Founder's Park

A request by Designworks, Inc. for Founder's Park, LLC to consider an application for an **Amendment to the Comprehensive Plan to revise the Major Street Plan to eliminate West Street as a collector street** on the unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago.

Planning Commission recommended that the Amendment to the Comprehensive Plan to revise the Major Street Plan to eliminate West Street as a collector street be continued to the February 23, 2006 Planning Commission meeting at the applicant's request.

24. No. 06CA003 - Stoney Creek South No. 2 Subdivision

A request by FMG, Inc. for Belgarde Enterprises to consider an application for an **Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Neighborhood Commercial with a Planned Commercial Development to a Medium Density Residential with a Planned Residential Development** on that part of the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 5/8" rebar with survey cap marked "FMG Inc. LS SD 1019" at the Center-South-South 1/64 corner of Section 22; Thence N00°08'29"W, along the Section 1/4 Line, a distance of 505.50', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", on the south right of way line of Catron Boulevard; Thence Northwesterly, along the south right of way line of Catron Boulevard, on a curve to the left, said curve having a radius of 2230.97' a length of 263.77', a chord bearing of N60°12'09"W and a chord length of 263.62', more or less, to a point, said point being a 5/8" rebar; Thence N63°35'34"W, along the south right of way line of Catron Boulevard, a distance of 665.49', more or less, to the point of beginning; Thence S26°23'14"W a distance of 270.0', more or less, to a point; Thence N63°35'34"W a distance of 400.0', more or less, to a point; Thence N26°23'14"E a distance of 270.0', more or less, to a point; Thence S63°35'34"E, along the south right of way line of Catron Boulevard, a distance of 400.0' to the point of beginning; all located within the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian; said parcel containing 2.5 acres more or less, more generally described as being located at the southeast corner of the intersection of Catron Boulevard and Nugget Gulch Drive.

Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Neighborhood Commercial with a Planned Commercial Development to a Medium Density Residential with a Planned Residential Development be approved.

25. No. 06PD001 - Village at Founder's Park

A request by Designworks, Inc. for Founder's Park, LLC to consider an application for a **Planned Unit Development - Initial Development Plan** on the unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago.

Planning Commission continued the Planned Unit Development - Initial and Final Development Plan to the February 23, 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.

26. No. 06RZ001 - Stoney Creek South No. 2 Subdivision

A request by FMG, Inc. for Belgarde Enterprises to consider an application for a **Rezoning from General Agriculture District to Medium Density Residential District** on that part of the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 5/8" rebar with survey cap marked "FMG Inc. LS SD 1019" at the Center-South-South 1/64 corner of Section 22; Thence N00°08'29"W, along the Section 1/4 Line, a distance of 505.50', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", on the south right of way line of Catron Boulevard; Thence Northwesterly, along the south right of way line of Catron Boulevard, on a curve to the left, said curve having a radius of 2230.97' a length of 263.77', a chord bearing of N60°12'09"W and a chord length of 263.62', more or less, to a point, said point being a 5/8" rebar; Thence N63°35'34"W, along the south right of way line of Catron Boulevard, a distance of 317.69', more or less, to the point of beginning; Thence S26°24'26"W a distance of 82.06', more or less, to a point; Thence N90°00'00"W a distance of 550.47', more or less, to a point; Thence S00°00'00"E a distance of 173.49', more or less, to a point; Thence Southwesterly on a curve to the left, said curve having a radius of 208.00', a length of 36.47', a chord bearing of S55°01'23"W and a chord length of 36.42', more or less, to a point; Thence S50°00'00"W a distance of 64.59', more or less, to a point; Thence Southwesterly on a curve to the right, said curve having a radius of 92.00', a length of 57.40', a chord bearing of S67°52'30"W and a chord length of 56.48', more or less, to a point; Thence S00°00'00"W a distance of 32.25', more or less, to a point; Thence S90°00'00"W a distance of 142.80', more or less, to a point;

Thence N45°02'54"W a distance of 14.15', more or less, to a point; Thence N00°05'48"W a distance of 197.85', more or less, to a point; Thence Northeasterly on a curve to the right, said curve having a radius of 341.00', a length of 157.62', a chord bearing of N13°08'43"E and a chord length of 156.22', more or less, to a point; Thence N26°23'14"E a distance of 374.54', more or less, to a point; Thence S63°35'34"E a distance of 18.09', more or less, to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" on the south right of way line of Catron Boulevard; Thence S63°35'34"E, along the south right of way line of Catron Boulevard, a distance of 729.71' to the point of beginning; all located within the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian; said parcel containing 6.270 acres more or less., more generally described as being located at the southeast corner of the intersection of Catron Boulevard and Nugget Gulch Drive.

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

27. No. 06SV001 - The Village at Founder's Park

A request by Centerline for Founder's Park, 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 pavement, and to dedicate additional Right-of-Way along the access easements and to waive the requirement to install sidewalk along both sides of the internal streets as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3 of Founder's Park Subdivision, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago.

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 pavement, and to dedicate additional Right-of-Way along the access easements and to waive the requirement to install sidewalk along both sides of the internal streets as per Chapter 16.16 of the Rapid City Municipal Code be continued to the February 23, 2006 Planning Commission meeting at the applicant's request.

28. No. 06SV003 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to allow a lot twice as long as it is wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 7 of Marlin Industrial Park, located in Lot A Lot A of the NE1/4 of the NW1/4 less Lot H1 and less the Right-of-Way and the unplatted portion of the NW1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot A of the NE1/4 of the NW1/4 less Lot H1 and less the Right-of-Way and the unplatted portion of the NW1/4 of the NE1/4 of

Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Elk Vale Road and Old Folsom Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to allow a lot twice as long as it is wide be denied without prejudice.

Planning Commission recommended that 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 as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

29. No. 06VR001 - The Village at Founder's Park

A request by Centerline for Founder's Park, LLC to consider an application for a **Vacation of Right-of-Way** on West Street Right-of-Way adjacent to Philadelphia Street and West Chicago Street, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago.

Planning Commission recommended that the Vacation of Right-of-Way be continued to the February 23, 2006 Planning Commission meeting at the applicant's request.

---END OF HEARING CONSENT CALENDAR---

16. No. 05PD092 - Marshall Heights Tract

A request by CETEC Engineering Services, Inc. for ARC International to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 1 of C1 and 1/2 vacated Marshall Boulevard, Lot C2 and 1/2 vacated Marshall Boulevard all located in Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1202 and 1404 North Maple Avenue.

Elkins advised that staff's recommendation is that the Planned Residential Development - Initial and Final Development Plan be approved with stipulations.

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

Landguth moved, Schmidt seconded and unanimously carried to recommend that the Planned Residential Development - Initial and Final Development Plan be approved with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. All plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A;**

3. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
4. The lighting plan shall continually comply with all requirements of the Zoning Ordinance and the approved lighting plan;
5. One 8'x8' sign consistent with the building materials and colors and with no internal lighting on the east elevation and one 6' x 10' sign consistent with the building materials and colors and with no internal lighting on the west elevation will be allowed under a minimal amendment (17.50.070 (B)). All other changes to signage including quantity, color, materials, and size must be approved as a Major Amendment (17.50.070 (A));
6. Prior to issuance of a building permit a revised plan must be submitted for review and approval showing the location and screening of air handling units. The noise levels emitted from the HVAC system shall not exceed 65 DNL at the property line. If concerns are raised regarding the noise levels, the owner shall conduct testing and provide documentation for review and approval by the Development Service Center Coordinator that the noise levels are in compliance with the 65 DNL standards or shall construct all necessary improvements to comply with the standards;
7. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
8. The new additions to the existing structure shall be fully fire sprinkled and fire alarmed/detected and any changes to the existing structure shall also be fully fire sprinkled and fire alarmed/detected at the time of construction. Any portion of the existing structure not immediately affected by the additions shall be fully fire sprinkled at a later date to be determined;
9. All applicable provisions of the International Fire Code shall be continually met;
10. The drainage, grading, and water system plans shall continually comply with all requirements of the Rapid City Drainage Criteria Manual and City of Rapid City Standard Specifications for Public Works Construction, 2004 Edition;
11. Prior to issuance of a building permit a covenant agreement must be submitted to the Development Service Center Coordinator for approval and recorded with the Register of Deeds office;
12. All construction shall comply with the approved building elevations; and,
13. 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. (6 to 0 to 1 with Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no and Brewer 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

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business on the seventh full calendar day following action by the Planning Commission.

---BEGINNING OF REGULAR AGENDA ITEMS---

Maxwell requested that items 30 and 31 be taken concurrently.

30. 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.
31. 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 presented slides of the subject property. Maxwell stated that the applicant wishes to split the existing lot to accommodate the existing business. Maxwell stated that staff's recommendation is that the Preliminary Plat and the 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 approved with stipulations.

Dennis Johnson, applicant, requested that the Variance to waive the requirement to install curb, gutter, and street light conduit, sidewalks, water and sewer along the access easement be approved and that the Variance to wave the pavement requirements along the access easement be approved. Johnson stated that he receives no benefit from the road. Discussion followed.

In response to LeMay's questions, Elkins advised that at the time property is subdivided; development requirements are that the applicant is responsible for improvements to the frontage of the property. Discussion followed.

Johnson stated that density would not be increased through development of the subject property.

In response to Schmidt's questions, Elkins stated that a Waiver of Right to Protest would not apply to an access easement and not a right-of-way. Elkins further commented that a Waiver would not be valid until the subject property

was within the City limits. Discussion followed.

LeMay and Landguth expressed their opinion in opposition to deny the variance request for the paving requirement.

Prairie Chicken stated that Planning Commission makes a recommendation to City Council to either deny or approve and would allow the applicant to address concerns to the City Council.

Schmidt moved, Prairie Chicken seconded and carried to recommend that the Preliminary Plat be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by Planning Commission, road construction plans showing the installation of curb, gutter, street light conduit, water, sewer and additional pavement along Cavern Road shall be submitted for review and approval as identified 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, street light conduit, water, sewer, 27 feet of pavement for the access easement shall be submitted for review and approval as identified or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by City Council, the plat document shall be revised to secure an easement for a turn-around with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface for fire apparatus at the end of Cavern Road;**
- 4. Prior to Preliminary Plat approval by City Council, road construction plans for the turn-around with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface for fire apparatus at the end of Cavern Road shall be submitted for review and approval as identified or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Prior to Preliminary Plat approval by City Council, a drainage, grading and erosion control plan for any required improvements shall be submitted for review and approval;**
- 6. Prior to Preliminary Plat approval by City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains must be submitted for review and approval;**
- 7. Prior to Preliminary Plat approval by City Council, plans for the septic system on Lot A shall be submitted for review and approval;**
- 8. Prior to submittal of the 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 "all future on-site wastewater disposal systems should be mound systems, holding tanks or evapotranspiration systems only";**
- 9. Prior to Preliminary Plat approval by City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and**
- 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.

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water, sewer and additional pavement along Cavern Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and street light conduit, sidewalks, water and sewer along the Access Easement be approved and that the Variance to waive the pavement requirements along the access easement be denied. (Roll Call vote 4 to 3 with Brown, Prairie Chicken, Schmidt and Waltman voting yes and Brewer, Landguth and LeMay voting no)

32. No. 05PL251 - Blakes Estates

A request by Rob Livingston to consider an application for a **Layout Plat** on Lots 1 - 31 and Common Lots 1 - 3 of Block 1; and Lots 1 - 12 and Common Lot 1 of Block 2, Blakes Estates, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lots 1 and 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6620 West Highway 44.

Elkins stated that staff's recommendation is to acknowledge the applicant's withdrawal of the Layout Plat.

33. No. 05SV087 - Blakes Estates

A request by Rob Livingston 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 additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 - 31 and Common Lots 1 - 3 of Block 1; and Lots 1 - 12 and Common Lot 1 of Block 2, Blakes Estates, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lots 1 and 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6620 West Highway 44.

LeMay moved, Landguth seconded and unanimously carried to recommend that the Layout Plat; the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highways and to waive the requirement to dedicate the right-of-way; the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the interior streets; the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and street light conduit along the interior streets; and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along West S.D. Highway 44 be withdrawn at the applicant's request. (7 to 0 with Brewer, Brown,

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Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

34. No. 06PL003 - Red Rock Meadow Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 10 thru 21 of Block 2; Lots 2 thru 8 of Block 9; Lots 1 thru 4 of Block 13 of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of the NW1/4 of the NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Dunsmore Road.

LeMay moved, Landguth seconded and unanimously carried to recommend that the Preliminary Plat be continued to the February 23, 2006 Planning Commission to allow the applicant time to provide additional information. (7 to 0 with Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

Fisher requested that items 35 and 36 be taken concurrently.

35. No. 06PL002 - Stoney Creek South No. 2 Subdivision

A request by FMG, Inc. for Belgarde Enterprises to consider an application for a **Preliminary Plat** on Lot 1 of Stoney Creek South No. 2 Subdivision located in the E1/2 of the SW1/4; and located in the S1/2 of the NW1/4 of the SW1/4; and located in the SW1/4 of the SW1/4; all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 of the SW1/4; a portion of SW1/4 of the SW1/4; and a portion of the S1/2 of the NW1/4 of the SW1/4; all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Catron Boulevard and Nugget Gulch Drive.

36. No. 06SV002 - Stoney Creek South No. 2 Subdivision

A request by FMG, Inc. for Belgarde Enterprises 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 as per Chapter 16.16 of the Rapid City Municipal Code** on that part of the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 5/8" rebar with survey cap marked "FMG Inc. LS SD 1019" at the Center-South-South 1/64 corner of Section 22; Thence S00°12'38"E a distance of 152.63', more or less, to a point; Thence N90°00'00"W a distance of 726.50', more or less, to a point; Thence N64°41'13"W a distance of 267.41', more or less, to a point; Thence Northwesterly, on a curve to the left, said curve having a radius of 226.00', a length of 64.26', a chord bearing of N44°48'37"W and a chord length of 64.04', more or less, to a point; Thence N52°57'20"W a distance of 189.40', more or less, to a point; Thence Northwesterly, on a curve to the right, said curve having a radius of 174.00', a length of 160.82', a chord bearing of N26°28'40"W and a chord length of 155.16', more or less, to a point; Thence N00°00'00"W a

distance of 154.75', more or less, to a point; Thence N90°00'00"W a distance of 142.80', more or less, to a point; Thence N45°02'54"W a distance of 14.15', more or less, to a point; Thence N00°05'48"W a distance of 197.85', more or less, to a point; Thence Northeasterly on a curve to the right, said curve having a radius of 341.00', a length of 157.62', a chord bearing of N13°08'43"E and a chord length of 156.22', more or less, to a point; Thence N26°23'14"E a distance of 374.54', more or less, to a point; Thence S63°35'34"E a distance of 18.09', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" on the south right of way line of Catron Boulevard; Thence S63°35'34"E, along the south right of way line of Catron Boulevard, a distance of 1047.40', more or less, to a point, said point being a 5/8" rebar; Thence Southeasterly, along the south right of way line of Catron Boulevard, on a curve to the right, said curve having a radius of 2230.97' a length of 263.77', a chord bearing of S60°12'09"E and a chord length of 263.62', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119"; Thence S00°08'29"E, along the Section 1/4 Line, a distance of 505.50', more or less, to the point of beginning; all located within the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian; said parcel containing 27.497 acres more or less, more generally described as being located at the southeast corner of the intersection of Catron Boulevard and Nugget Gulch Drive.

Fisher presented slides of the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the sub-collector street; the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Catron Boulevard; and the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Catron Boulevard. Fisher stated that staff's recommendation is to approve Plat and approve in part and deny in part the Variance to the Subdivision Regulations.

Al Foster, FMG Engineering, reviewed the proposed development plans for the subject property. Foster requested that the Variance to install curb, gutter and sidewalk be approved. Foster expressed his concern with the distribution of storm water run-off. Discussion followed.

Schmidt expressed his opinion in support of installation of improvements along Catron Boulevard. Discussion followed.

In response to Brewer's question, Fisher advised as to the locations of the sidewalks for pedestrian traffic. Discussion followed.

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

- 1. Prior to Planning Commission approval of the Preliminary Plat, the applicant shall demonstrate that a developable area exists between Nugget Gulch and the sub-collector street extending along the south lot line of the subject property or the plat document shall be revised accordingly;**
- 2. Prior to Planning Commission approval of the Preliminary Plat, the plat document shall be revised to show the reconfiguration of the**

- intersection of Nugget Gulch Drive, Belgarde Drive and the sub-collector street. In particular, the intersection shall be revised showing the sub-collector street directly intersecting with Nugget Gulch Drive and the elimination of Belgarde Drive;
3. Prior to City Council approval of the Preliminary Plat, 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;
 4. Prior to City Council approval of the Preliminary Plat, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;
 5. Prior to City Council approval of the Preliminary Plat, additional drainage information shall be submitted for review and approval. In particular, drainage calculations, report and plan shall be submitted demonstrating that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
 6. Prior to City Council approval of the Preliminary Plat, a private utility master plan shall be submitted for review and approval. In particular, a utility distribution sheet shall be submitted, signed by the appropriate representatives, showing the locations of gas, telephone, electric and cable television lines;
 7. Prior to City Council approval of the Preliminary Plat, the water plans shall be revised demonstrating that adequate fire and domestic flows are being provided. In addition, the revised water plans shall be submitted for review and approval;
 8. Prior to City Council approval of the Preliminary Plat, road construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, sidewalk and sewer or a Variance to the Subdivision Regulations shall be obtained;
 9. Prior to City Council approval of the Preliminary Plat, road construction plans for the sub-collector street located along the south lot line shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 10. Prior to City Council approval of the Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and

approval;

11. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements along Catron Boulevard and Nugget Gulch Road except for the approved approach location(s);
12. Prior to submittal of a Final Plat application, the applicant shall submit a street name for the sub-collector street to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name;
13. Upon submittal of Final Plat application, the plat document shall be revised to show ten foot wide planting screen easement along Catron Boulevard or a Variance to the Subdivision Regulations shall be obtained; and,
14. 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 the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the sub-collector street be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Catron Boulevard be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Catron Boulevard be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement. (7 to 0 with Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

37. No. 06OA001 -

A request by City of Rapid City to consider an application for an **Ordinance Amendment to Section 17.50.185 to provide a specific distance between residential areas and on-sale liquor establishments with and without video lottery.**

Bulman presented the Ordinance Amendment to provide specific distance requirements between residences and on-sale liquor establishments. Bulman reviewed the Rapid City Municipal Code and the staff report. Discussion followed.

In response to Schmidt's question, Bulman advised that the distance criteria would be prohibit sale liquor establishments within 500 feet of residential uses rather than buffering the establishment so as to not adversely affect residential uses.

LeMay expressed his opinion that "sit-down" restaurants be excluded from the 500 foot distance requirement.

In response to Prairie Chicken's question, Bulman stated that a proposed liquor establishment adjacent to a residential district before the previous Planning

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Commission meeting prompted the proposed revisions to the existing Ordinance. Discussion followed.

Elkins suggested that the Planning Commission continue the Ordinance Amendment to Section 17.50.185 to provide a specific distance between residential areas and on-sale liquor establishments with and without video lottery to a date specific Planning Commission meeting to allow staff to review the suggested language in the proposed Ordinance Amendment. Discussion followed.

Twila Ludtke, expressed concern with guidelines for the casino and on-sale liquor industry. Ludtke expressed her opinion in opposition to Video Lottery Casino licenses being issued. Ludtke requested that the Planning Commission allow staff to modify the Ordinance language to include a distance requirement for "residential" properties.

Brewer moved and LeMay seconded and unanimously carried to recommend that the Ordinance Amendment to Section 17.50.185 to provide a specific distance between residential areas and on-sale liquor establishments with and without video lottery be continued to the February 23, 2006 Planning meeting and direct staff to draft language to provide a restaurant exception. (7 to 0 with Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

38. Discussion Items

A. Revisions to the Tax Increment Financing Policy.

Elkins presented the revisions to the Tax Increment Financing Policy. Elkins advised that the Planning Commission have requested that additional criteria be included. Discussion followed.

In response to LeMay's question, Elkins advised that having more than one applicant present provides an unfair advantage for subsequent applicant's. Elkins stated that the City Attorney has indicated that the Committee is not subject to open meetings laws.

Landguth expressed his opinion in support of providing incentives for development improvement for the down-town core area.

Elkins reviewed the target areas that could be expanded or restricted for Tax Increment Financing funds. Discussion followed.

In response to Landguth's comment, Elkins advised that staff would attempt additions to include an analysis of the Tax Increment Finance funding benefits to the general public in the staff reports.

Brewer requested more information of the 1991 Downtown Plan.

LeMay expressed his opinion that all of the general public should benefit from Tax Increment Financing. LeMay expressed his opinion that the

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Historic District homeowners should benefit from Tax Increment Financing funds. Discussion followed.

Brown expressed his opinion in support of holding an informational meeting to review the proposed Tax Increment Financing Policy at a Special Planning Commission meeting on March 2, 2006.

Hadcock invited Planning Commission members to attend meetings for improvements for the downtown district. Discussion followed.

Brewer moved, Waltman and unanimously carried to continue the Revisions to the Tax Increment Financing Policy to the March 9, 2006, Planning Commission meeting. (7 to 0 with Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

40. Planning Commission Items

A. Approval of the Planning Commission By-Laws.

Elkins stated that the Planning Commission By-Laws must be presented to the Planning Commission for approval in two continuous meeting prior to moving forward to City Council. Discussion followed.

LeMay moved, Landguth and unanimously carried to approve the Planning Commission By-Laws. (7 to 0 with Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

There being no further business, Brewer moved, LeMay seconded and unanimously carried to adjourn the meeting at 8:44 a.m. (7 to 0 with Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)