



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 6, 2006

MEMBERS PRESENT: Doug Andrews, Holly Brenneise, Gary Brown, Ida Fast Wolf, Thomas Hennies, Dennis Landguth, Mike LeMay and Mel Prairie Chicken. Bill Okrepkie, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Mike Maxwell, Travis Tegethoff, Bob Dominicak, Emily Fisher, Mary Bosworth, Bill Knight, Kevin Lewis, and Carol Bjornstad.

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

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

Motion by Brown, Seconded by Prairie Chicken and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 18 in accordance with the staff recommendations. (8 to 0 with Andrews, Brenneise Brown, Fast Wolf, Hennies, Landguth, LeMay and Prairie Chicken voting yes and none voting no)

1. Approval of the March 23, 2006 Planning Commission Meeting Minutes.
2. 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 a **Summary of Adoption action for an Amendment to the Comprehensive Plan to adopt the Red Rock Canyon Drainage Basin Design Plan** on the 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 Planning Commission approve the summary and authorize publication in the Rapid City Journal.

3. No. 06CA001 - The Village at Founder's Park
A request by Designworks, Inc. for Founder's Park, LLC to consider an application for **Summary of Adoption action 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 Planning Commission approve the summary and authorize publication in the Rapid City Journal.

4. No. 04PL185 - Owen Hibbard

A request by Black Hills Surveying to consider an application for a **Preliminary Plat** on Lots 4 and 5 of Owen Hibbard Subdivision, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, legally described as the unplatted portion of Tract A of Tract 1, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at the intersection of Promise Road and Golden Eagle Drive.

Planning Commission recommended that the Preliminary Plat be continued to the May 4, 2006 Planning Commission meeting.

5. No. 05PL157 - Prairiefire Subdivision

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

Planning Commission recommended that the Preliminary Plat be continued to the April 20, 2006 Planning Commission meeting to allow the applicant to submit additional information.

6. 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 April 20, 2006 Planning Commission meeting to allow the applicant to submit additional information.

7. No. 06PL021 - Cedar Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Cedar Investment Property, LLC to consider an application for a **Layout Plat** on Lots 1 thru 4, Cedar Subdivision and Dedicated Right-of-Way, formerly the unplatted portion of



the NE1/4 SW1/4 NE1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NE1/4 SW1/4 NE1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Plant Street and Deadwood Avenue.

Planning Commission recommended that the Planning Commission acknowledge the applicant's request to withdraw the Layout Plat.

8. No. 06PL025 - Canyon Springs Preserve

A request by Wyss Associates, Inc. for Canyon Springs, LLC to consider an application for a **Preliminary Plat** on Lots 1 thru 87, Block 1; Lot 1, Block 2, Canyon Springs Preserve, less Lot 1 of Firehouse Subdivision and the "Nemo" Road right-of-way, formerly the unplatted portion of the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26, T2N, R6E, BHM, Pennington County, South Dakota, legally described as a tract of land located in the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26; T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Nemo Road.

Planning Commission recommended that the Preliminary Plat be continued to the April 20, 2006 Planning Commission meeting to allow the applicant to submit additional information.

9. No. 06PL028 - Bar P-S Subdivision

A request by Davis Engineering, Inc. for Bernita White to consider an application for a **Preliminary Plat** on Lots A1 and A2 of Bar P-S Subdivision, located in the W1/2 SW1/4, formerly Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the south west curve of North Airport Road.

Planning Commission recommended that the Preliminary Plat be continued to the April 20, 2006 Planning Commission meeting.

10. No. 06PL033 - Rainbow Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1R thru 7R, 4AR and 7AR, Block 1; and Lots 1R thru 4R, 4AR, Block 3, located in the SE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 7, Block 1; and Lots 1 thru 4, Block 3, Rainbow Ridge Subdivision, located in the SE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north and south side of Alma Street and west of Bunker Drive.

Planning Commission recommended that the Preliminary Plat be approved.



11. No. 06PL035 - Grandview Tract and Parkridge Village No. 2

A request by Sperlich Consulting, Inc. for James and Patricia Mirehouse to consider an application for a **Preliminary Plat** on Lot 5R of Lot 3, Block 4, Grandview Tract, formerly Lot 5 of Lot 3, Block 4, Grandview Tract, and a portion of Lot 4, Block 2, Parkridge Village No. 2; Lot 4R, Block 2, Parkridge Village No. 2, formerly a portion of Lot 4, Block 2, Parkridge Village No. 2, all located in the SW1/4 NE1/4, NW1/4 NE1/4, SE1/4 NW1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 5 of Lot 3, Block 4, Grandview Tract, and a portion of Lot 4, Block 2, Parkridge Village No. 2; all located in the SW1/4 NE1/4, NW1/4 NE1/4, SE1/4 NW1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3821 Park Drive.

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

1. **Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the "Perpetual Use Easement" note; and,**
2. **Prior to submittal of a Final Plat application, the plat document shall be revised showing the detailed grading and drainage plan note referring to Lot 4R in lieu of Lot 4.**

12. No. 06PL036 - Rockinon Ranch Estates

A request by Executive Homes, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 14 and 21 thru 35, Rockinon Ranch Estates, Phase 1, formerly a portion of land located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of land located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3211 Bunker Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, the drainage plan shall be revised to include information identifying whether the quantity of riprap at the outlet of the storm sewer is adequate for energy dissipation;**
3. **Prior to submittal of a Final Plat application, the plat document shall be revised to include a note that states "all drainage easements shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect and repair such improvements and structures as it deems expedient (necessary) to facilitate drainage from any source" as per Chapter 16.12.22.D of the Rapid City Municipal Code;**



4. Prior to Preliminary Plat approval by the City Council, a private utility master plan shall be submitted for review and approval;
 5. Prior to Preliminary Plat approval by the City Council, the road construction plans for Bunker Drive shall be revised to show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide an additional five feet of right-of-way;
 6. Prior to Preliminary Plat approval by the City Council, the water plans shall be revised to incorporate the recommendations from the "North Rapid High Level and North Deadwood Avenue Water System Expansion Study" dated May 18, 2005. In addition, the revised water plans shall be submitted for review and approval;
 7. Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised verifying the capacity of downstream eight inch sewer main(s) and size this sewer main to handle full basin flows upstream of development. In addition, the revised water plans shall be submitted for review and approval;
 8. Prior to Preliminary Plat approval by the City Council, geotechnical information with pavement section recommendations shall be submitted for review and approval;
 9. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;
 1. Prior to submittal of a Final Plat application, the plat title shall be
 0. revised to read "located in the N1/2NE1/4SE1/4" in lieu of the "N1/4NE1/4SE1/4";
 1. Prior to Preliminary Plat approval by the City Council, a cost estimate
 1. of the subdivision improvements shall be submitted for review and approval; and,
 1. Upon submittal of a Final Plat application, surety for any required
 2. subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
13. No. 06SR012 - Rapid City Regional Airport
A request by EnVision Design, Inc. for Rapid Fuel, LLC to consider an application for an **11-6-19 SDCL Review to allow the installation of self-service fuel station on public property** on on Rapid City Regional Airport property located in the SW1/4 NW1/4, Section 17, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 4200 Airport Road.
- Planning Commission continued the 11-6-19 SDCL Review to allow the installation of self-service fuel station on public property to the April 20, 2006 Planning Commission.**
14. No. 06SR016 - Original Town of Rapid City
A request by Festival of Presidents for United Downtown Association to consider an application for an **11-6-19 Review to allow temporary structures in the**



public right-of-way on the Sixth Street right-of-way adjacent to Lots 31 and 32 of Block 74; and Lots 14 thru 17 of Block 75, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the Sixth Street right-of-way between Main Street and Apolda Street.

Planning Commission continued the SDCL 11-6-19 Review to allow temporary structures in the public right-of-way to the April 20, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.

15. No. 06SR017 - Rapid City Greenway tract

A request by Black Hills Heritage Festival to consider an application for an **11-6-19 SDCL Review to allow a temporary use on public property** on Tract 20, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Memorial Park.

Planning Commission continued the SDCL 11-6-19 Review to allow a temporary use on public property to the April 20, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.

16. No. 06SR018 - Section 31, T2N, R8E

A request by D. LaFrance for Black Hills Area Habitat for Humanity to consider an application for an **11-6-19 SDCL Review to extend a public utility** on the south side of public right-of-way (East Monroe Street) between Waterloo and Racine Streets, adjacent to Block 19, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 407 and 409 E. Monroe Street.

Planning Commission continued the SDCL 11-6-19 Review to extend a public utility to the April 20, 2006 Planning Commission meeting to allow the applicant time to submit the required information.

17. No. 06SR020 - Section 33, T2N, R8E

A request by Dream Design International, Inc. to consider an application for an **11-6-19 SDCL Review to construct a public street with public utilities** on the unplatted portion of the NE1/4, less Lot H2 and less right-of-way, Section 33, T2N, R8E, BHM; and Tract A of Lot 5 of K-W Subdivision and Railroad Land, located in the SW1/4 SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on North Elk Vale Road.

Planning Commission approved the 11-6-19 SDCL Review to construct a public street with public utilities with the following stipulations:

1. **Prior to the start of construction, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth**



Management Department;

2. **Prior to the start of construction, the Eglin Street right-of-way shall be dedicated as a part of a Preliminary and Final Plat or as an "H" Lot; and,**
3. **An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre.**

18. No. 06VE003 - Murphy Ranch Estates Subdivision

A request by Davis Engineering, Inc. to consider an application for a **Vacation of the Non-Access Easement** on Lot 2 of Block 10, Murphy Ranch Estates Subdivision, located in the NE1/4 NW1/4, NW1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Springfield Road and Wesson Road.

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

1. **A Special Exception is hereby granted to allow a 27 foot minimum corner clearance in lieu of the 50 foot minimum clearance required as per Section 8.2.3 of the Street Design Criteria Manual.**

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

Andrews announced that the Public Hearings on Items 19 through 25 were opened.

Staff requested that Item 20 be removed from the Hearing Consent Agenda for separate consideration.

Hennies moved, Landguth seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 19 through 25 in accordance with the staff recommendations with the exception of Item 20. (8 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, Landguth, LeMay and Prairie Chicken voting yes and none voting no)

The Public Hearings for Items 19 through 25 were closed.

---HEARING ITEMS CONSENT CALENDAR---

*19. No. 06PD007 - Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the unplatted portion of the E1/2 NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Cog Hill Lane.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the April 20, 2006 Planning Commission meeting.



*21. No. 06PD012 - Harter Addition and Donhiser Addition

A request by Scull Construction to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 1 and 2 of Lot K, and Lot 1 of Lot J of Harter Addition; and Lot B of Donhiser Addition, located in the NE1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 624 Sheridan Lake Road.

Planning Commission approved the Major Amendment to a Planned Commercial Development with the following stipulations:

1. **A Building Permit must be obtained for interior tenant finish, and a Certificate of Occupancy must be obtained prior to occupying the building;**
2. **Any additional signage must meet all Sign Code regulations and will require a Major Amendment to the Planned Commercial Development;**
3. **The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
4. **The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
5. **All applicable provisions of the International Fire Codes shall be continually met;**
6. **Any change in use will require a Major Amendment to a Planned Commercial Development;**
7. **All site lighting shall be directed away from the adjacent rights-of-way and residential zoned properties; 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.

22. 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 to dedicate additional right-of-way and allow platting one half of a right-of-way be continued to the April 20, 2006 Planning Commission meeting to allow the applicant to submit additional information.

23. 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 April 20, 2006 Planning Commission meeting to allow the applicant to submit additional information.

24. No. 06SV011 - 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 pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 87, Block 1; Lot 1, Block 2, Canyon Springs Preserve, less Lot 1 of Firehouse Subdivision and the "Nemo" Road right-of-way, formerly the unplatted portion of the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26, T2N, R6E, BHM, Pennington County, South Dakota, legally described as a tract of land located in the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26; T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Nemo Road.

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 along the north-south section line highway located adjacent to the west side of Section 26 and the east-west section line highway located adjacent to the south side of Section 22 shall be continued to the April 20, 2006 Planning Commission meeting to be heard in conjunction with an associated Preliminary Plat.

25. 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 May 4, 2006 Planning Commission meeting.

---END OF HEARING CONSENT CALENDAR---

***20. No. 06PD011 - Big Sky Business Park**

A request by Don Turner to consider an application for a **Major Amendment to a Planned Commercial Development to allow a coffee kiosk, pharmacy and Post Office outlet** on Lot 2 of Block 1, Big Sky Business Park, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 747 Timmons Boulevard.

Elkins presented the Major Amendment to a Planned Commercial Development to allow a coffee kiosk, pharmacy and Post Office outlet. Elkins advised that staff's recommendation is that the Major Amendment to a Planned Commercial Development to allow a coffee kiosk, pharmacy and Post Office outlet be approved with stipulations as distributed on the dais.



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

Prairie Chicken moved, LeMay seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development to allow a coffee kiosk, pharmacy and Post Office outlet with the following stipulations:

1. Prior to approval by Planning Commission, a revised site plan showing the one employee parking space and the two parking spaces on the west end of the coffee kiosk removed shall be submitted for review and approval;
2. Prior to approval by Planning Commission, a revised set of site plans stamped and signed by a Profession Engineer shall be submitted for review and approval;
3. Prior to installation of the sign, a Sign Permit shall be obtained;
4. The sign shall comply architecturally with the design plans as submitted with this application;
5. A minimum of 96,030 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced when necessary;
6. No flashing or electronic motion signs shall be allowed with out approval of the Planning Commission;
7. A minimum of 128 parking spaces shall be provided with five handicap accessible spaces. Two handicap space shall be "van" accessible. In addition, three stacking lanes and one service space shall be provided for the coffee kiosk drive through window. All provisions of the Off-Street Parking Ordinance shall be continually met; and,
8. Prior to approval by Planning Commission, a sign package for the post office substation and the coffee kiosk shall be submitted for review and approval. (8 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, Landguth, LeMay and Prairie Chicken 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

26. No. 06AN001 - South Terrace Subdivision

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on a parcel of land located in the NE1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, SE1/4 SE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located



south of the intersection of Tartan Court and Catron Boulevard.

Fisher presented the Petition for Annexation. Fisher stated that the staff's recommendation is that the Petition for Annexation be continued to the May 4, 2006 Planning Commission meeting at the applicant's request.

LeMay moved, Brenneise seconded and unanimously carried that the Petition for Annexation be continued to the May 5, 2006 Planning Commission meeting at the applicant's request. (8 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, Landguth, LeMay and Prairie Chicken voting yes and none voting no)

27. No. 06PL029 - South Terrace Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lot 1, Block 1; Lots 1 thru 29, Block 2; Lots 1 thru 29, Block 3; Lots 1 thru 13, Block 4; Lots 1 thru 27, Block 5; Lots 1 thru 6, Block 6; Lots 1 thru 22, Block 7; Lots 1 thru 26, Block 8; Lots 1 thru 16, Block 9; Lots 1 thru 8, Block 10; Lots 1 thru 27, Block 11; Lots 1 thru 13, Block 12; Lots 1 thru 16, Block 13; Lots 1 thru 6, Block 14; Lots 1 thru 14, Block 15; Lots 1 thru 14, Block 16; Lot 1, Block 17; Lot 1, Block 18; Lots 1 thru 22, Block 19; Lots 1 thru 6, Block 20; Lots 1 thru 21, Block 21; and Tracts 1 thru 10 of South Terrace Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NE1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, SE1/4 SE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Tartan Court and Catron Boulevard.

In response to LeMay's question, Fisher advised that the Ordinance stated that properties must be annexed prior to Preliminary Plat approval by the City Council.

Fisher presented the Layout Plat and reviewed the recommended stipulations of approval. Fisher advised that public comment has been received by staff and have been presented to the Planning Commission.

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

Ed Seljeskog, area resident expressed his support of development on the subject property. Seljeskog expressed his opinion that the increased density of the proposed development is too great for the subject property and is inconsistent with the development of the adjacent properties. Seljeskog expressed concerns with sewage and drainage resulting from the proposed development on the subject property.

Pat Hahn, area resident expressed her opposition to the increased density of the proposed development on the subject property. Hahn presented photos of the existing terrain on the subject property. Hahn expressed her opinion extensive grading would be required to accommodate the proposed development. Hahn stated that her understanding was that the development initially was presented at



a proposed density of three dwelling units per acre. Hahn requested that the Planning Commissioners visit the subject property and review the existing terrain.

In response to Brenneise's questions, Fisher advised that the adjacent properties are developed at approximately two dwelling units per acre. Fisher further advised that the Planning Commission would need to direct staff to prepare amendments to the US Highway 16 Future Land Use Plan for consideration by the Planning Commission and City Council if the Planning Commission feels that the density is inappropriate.

In response to Prairie Chicken's questions, Fisher stated that a traffic study would be required prior to submittal of a Preliminary Plat.

Jian Ying Huang Cying, area resident expressed her opposition to the proposed development on the subject property. Cying stated that the selling point for her property was the view and the surrounding natural landscape. Cying requested that the Planning Commission deny the proposed Layout Plat on the subject property.

Steve Brenden expressed his opposition to the increased density on the subject property. Brendan expressed concern for the increased storm water runoff from the proposed development.

Hani Shafi, representative for the land owner stated that the density of the Layout Plat is in compliance with the density identified on the adopted U.S. Highway 16 Future Land Use Plan. Shafi further commented that layout will be determined after review of various engineering studies during the Preliminary Plat phase. Shafi stated that the purpose of a Layout Plat is to allow an opportunity for review by staff, adjacent property owners. Shafi reviewed the layout of the proposed development in relation to the existing terrain. Shafi stated that the density will be dictated by engineering studies. Shafi commented on the improvements that would be applied to mitigate any negative impact from development on the subject property. Shafi reviewed access options on the subject property. Shafi requested that the Layout Plat be continued to the May 4, 2006 Planning Commission meeting. Discussion followed.

Landguth expressed his opinion that after the engineering studies the Layout Plat will change considerably. Landguth expressed his concerns for the increased density on the proposed development. Discussion followed.

In response to a question from Okrepkie, Shafi stated that there would be no concerns with the traffic study on Catron Boulevard. Discussion followed.

In response to question from Okrepkie, Elkins advised that 4.8 dwelling units per acre have been adopted by City Council as part of the Comprehensive Plan. Discussion followed.

Okrepkie expressed his support of the proposed development on the subject property. Discussion followed.



Elkins advised that the issue of density has already been determined by approval of the Comprehensive Plan Amendment by the Planning Commission and City Council. Elkins further commented that the issue before the Planning Commission is a Layout Plat and that action would need to be based on drainage, access and public improvements. Elkins stated that the issue before the Planning Commission is the layout and design of the Plat and the proposed improvements.

LeMay expressed concerns with impact possible increased traffic from development on the subject property.

Hahn stated her opinion that Kent Hagg had not purchased the open space around the adjacent development for development purposes. Hahn expressed her support for reducing the proposed density of the area surrounding the subject property.

Brenneise expressed her opinion that the density was determined in June of 2006. Brenneise stated her opinion that based on the drainage and traffic issues, the Layout Plat can be continued or denied without prejudice. Brenneise expressed her support to deny the Layout Plat without prejudice.

Brenneise moved, Landguth seconded to deny the Layout Plat without prejudice.

Shafi requested that the Planning Commission either deny or approve the Layout Plat.

Substitute motion by Hennies, Fast Wolf seconded to continue the Layout Plat to May 4, 2006 Planning Commission meeting. Discussion followed.

Fast Wolf expressed her support in either approving or denying the Layout Plat. Discussion followed.

Hennies moved, Prairie Chicken seconded and carried that the Layout Plat be continued to the May 4, 2006 Planning Commission meeting. (7 to 0 to 1 with Andrews, Brenneise, Fast Wolf, Hennies, Landguth, LeMay and Prairie Chicken voting yes and none voting no and Brown abstaining)

28. No. 06CA008 - Sections 20 and 21, T1N, R8E

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to relocate arterial streets and to eliminate a collector street on the Major Street Plan** on a parcel of land described as the N1/2 NE1/4, less Lot H1, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the SE1/4 NE1/4 and the E1/2 SE1/4 lying north of the Railroad Right-of-Way, Section 20, T1N, R8E; and the N1/2 and the W1/2 SW1/4 of Section 21, T1N, R8E, all located in BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Elk Vale Road and Old Folsom Road.



Fisher presented the Amendment to the Comprehensive Plan to relocate arterial streets and to eliminate a collector street on the Major Street Plan. Fisher stated that staff's recommendation is that the Amendment to the Comprehensive Plan be approved with stipulations.

Ray Elliott, area resident expressed concerns with the possible increased traffic impact on the existing access off of Jolly Lane from the proposed development. Elliott stated his opinion that a secondary access would need to be provided prior to development. Elliott expressed his opinion that storm water detention ponds need to be in place to mitigate potential increased water run-off on to Plum Creek.

Elkins stated that the issue before the Planning Commission is the appropriateness of the proposed realignment of the road network.

**Brown moved, Hennies seconded and unanimously carried that the Comprehensive Plan Amendment to the Major Street Plan to relocate a portion of Creek Drive be approved; and,
That the Comprehensive Plan Amendment to the Major Street Plan to relocate an arterial street be approved, and
That the City Council acknowledges the applicant's request to withdraw the elimination of a collector street(s). (8 to 0 with Andrews, Brenneise Brown, Fast Wolf, Hennies, Landguth, LeMay and Prairie Chicken voting yes and none voting no)**

29. No. 06SV013 - Sections 20 and 21, T1N, R8E

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, pavement, water, and sewer along the temporary access road as per Chapter 16.16 of the Rapid City Municipal Code** on a parcel of land described as the N1/2 NE1/4, less Lot H1, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the SE1/4 NE1/4 and the E1/2 SE1/4 lying north of the Railroad Right-of-Way, Section 20, T1N, R8E; and the N1/2 and the SW1/4 of Section 21, T1N, R8E, all located in BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Elk Vale Road and Old Folsom Road.

Fisher presented the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, pavement, water, and sewer along the temporary access road as per Chapter 16.16 of the Rapid City Municipal Code. Fisher stated that staff's recommendation is that the Variance be denied in part and approved in part with stipulations.

**Brown moved, Brenneise seconded and unanimously carried that the Variance to the Subdivision Regulations to waive the requirement to install pavement along the temporary access road as per Chapter 16.16 of the Rapid City Municipal Code be denied; and,
That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, and sewer along**



the temporary access road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;
2. The street shall be constructed with a minimum 24 foot wide paved surface; and,
3. The street shall be located in dedicated right-of-way and/or an easement. If the street is to be located within an easement, then an Exception to the Street Design Criteria Manual shall be obtained to allow an easement to serve more than four properties. (8 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, Landguth, LeMay and Prairie Chicken voting yes and none voting no)

Fisher requested that Items 30, 31 and 32 be taken concurrently.

30. No. 06SE001 - Mediterranean Subdivision

A request by FMG, Inc. for FICACS, LLC to consider an application for a **Special Exception to the Street Design Criteria Manual to allow three points of access to street system and allow access from both adjoining streets in lieu of lesser traveled streets** on Lots 1 and 2 of Mediterranean Subdivision, located in the SE1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1805 38th Street.

*31. No. 06PD013 - Mediterranean Subdivision

A request by FMG, Inc. for FICACS, LLC to consider an application for a **Planned Commercial Development - Initial Development Plan** on Lots 1 and 2 of Mediterranean Subdivision, located in the SE1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1805 38th Street.

32. No. 06VE004 - Mediterranean Subdivision

A request by FMG, Inc. for FICACS, LLC to consider an application for a **Vacation of Non-access Easement** on Lots 1 and 2 of Mediterranean Subdivision, located in the SE1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1805 38th Street.

Fisher presented the Special Exception to the Street Design Criteria Manual to allow three points of access to the street system and allow access from both adjoining streets in lieu of lesser traveled streets, the Planned Commercial Development - Initial Development Plan and the Vacation of the Non-access Easement. Fisher presented slides of the subject property. Fisher stated that area residents have not expressed opposition to the applications but rather requested that the Planning Commission mitigate any negative impact on the existing residential uses. Fisher stated that staff's recommendation is that the Special Exception to the Street Design Criteria Manual to allow three points of access to street system and allow access from both adjoining streets in lieu of lesser traveled streets be denied, that the Planned Commercial Development -



Initial Development Plan be approved with stipulations and that the Vacation of the Non-access Easement be denied.

In response to LeMay's question, Fisher stated that the staff's recommendation is that access be taken only from 38th Street. Discussion followed.

In response to Landguth's questions, Fisher stated that the non-access easement was obtained when the lot was platted off. Discussion followed.

Jerry Foster, FMG Engineering requested that the Special Exception to the Street Design Criteria Manual to allow three points of access to the street system and allow access from both adjoining streets in lieu of the lesser traveled streets, the Planned Commercial Development - Initial Development Plan, and the Vacation of the Non-access Easement be approved. Foster expressed his support for the approval of the proposed the development of the subject property. Foster reviewed the requirements for stacking lanes, parking requirements and the internal layout of the structure.

Lori Derr, co-owner of the subject property stated that the business would be open year round and they will implement a drive-thru access for coffee customers. Derr expressed her opinion that the existing and proposed business should be defined as a specialty business. Derr stated that business as a specialty store, the drive thru would be open for morning traffic only. Sylvia Mitzak co-owner of the subject property expressed her opinion that the impact of the increased traffic from the subject property would be mitigated if constructed as indicated on the proposed site plan.

Brown expressed his support for the staff's recommendation for stacking requirements, access and parking lanes on the subject property noting the amount of traffic that would be generated by the successful business. Discussion followed.

Brenneise expressed her support for increase the length of the stacking lane and allowing access on to Canyon Lake Drive.

LeMay expressed his support in maintaining the Canyon Lake Drive entrance. Discussion followed.

LeMay moved, Brenneise seconded to approve the Exception to the Street Design Criteria Manual to allow three points of access to street system and allow access from both adjoining streets in lieu of lesser traveled streets, the Planned Commercial Development - Initial Development Plan, and the Vacation of Non-access Easement.

Steven Brenden expressed support for the staff's recommendations for approval with stipulations. Brendan expressed his concern for the proposed stacking and parking submitted by the applicant and the possible safety issues for vehicle and pedestrian traffic. Brendan stated his opposition to commercial development encroaching into residential areas. Discussion followed.



LeMay moved, Brown seconded to continue the Planning Commission meeting past the 9:00 deadline. (8 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, Landguth, LeMay and Prairie Chicken voting yes and none voting no)

In response to LeMay's questions as to what would happen if the plan is approved with access from Canyon Lake Drive and a safety problem resulted, Elkins stated that staff would work with the owners to mitigate any problems created by the increased traffic. Discussion followed.

In response to Hennies' question, Elkins advised that one of the stipulations of approval could be modified to specify that the drive up is open from 7a.m to 11a.m only and that the lane be gated when not in use.

LeMay moved, Brenneise seconded and carried that the Exception to the Street Design Criteria Manual to allow three points of access in lieu of two points of access and to allow access from Canyon Lake Drive, the higher order street, be approved.

To approve the Planned Commercial Development - Initial Development Plan with the following stipulations:

- 1. Prior to submittal of a Final Commercial Development Plan application, the site plan shall be revised eliminating access from Canyon Lake Drive or an Exception shall be obtained to allow three approaches to the subject property and to allow access from a street which is not the lesser order street;**
- 2. Prior to submittal of a Final Commercial Development Plan application, the site plan shall be revised to show an opaque ornamental screening fence not more than five feet or less than six feet in height located along the south and west lot lines, except for the first 25 feet of the fence as it extends from Canyon Lake Drive and/or 38th Street. This portion of the fence shall not be more than four feet in height or a Fence Height Exception shall be obtained to allow a fence in excess of four feet in height to be located in the 25 foot front yard setback;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Upon submittal of a Final Commercial Development Plan application, the site plan shall be revised to provide four stacking spaces for the drive-up window;**
- 5. Upon submittal of a Final Commercial Development Plan application, geotechnical information including pavement design shall be submitted for review and approval;**
- 6. Upon submittal of a Final Commercial Development Plan application, a water and sewer plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the applicant shall demonstrate that adequate domestic water and fire flows are being provided. A fire hydrant site plan showing the location of fire hydrants located within 500 feet of the property shall also be submitted for review and approval;**



7. Upon submittal of a Final Commercial Development Plan application, a grading plan shall be submitted for review and approval;
8. Upon submittal of a Final Commercial Development Plan application, a drainage plan as well as an erosion and sediment control plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that storm water is being collected on site and routed to the existing public storm sewer system located in the 38th Street right-of-way in appropriately sized facilities;
9. Upon submittal of a Final Commercial Development Plan application, a complete landscaping plan shall be submitted for review and approval identifying specific plant material. In particular, the landscaping plan shall comply with all requirements of the Zoning Ordinance;
10. Upon submittal of a Final Commercial Development Plan application, a complete sign package, including any proposed signage on the building and direction signs within the parking lot, shall be submitted for review and approval;
11. Upon submittal of a Final Commercial Development Plan application, a complete lighting package identifying the design of the proposed lighting shall be submitted for review and approval. In addition, the lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
12. Upon submittal of a Final Commercial Development Plan application, a complete parking plan shall be submitted for review and approval. In particular, parking at a ratio of 11 parking spaces per 1,000 square feet gross floor area shall be provided for the proposed restaurant use within the building and for the outdoor seating area as shown on the site plan;
13. Upon submittal of a Final Commercial Development Plan application, structural elevations including a list of building materials and color palette for the proposed building shall be submitted for review and approval;
14. Upon submittal of a Final Commercial Development Plan application, an elevation of the proposed fencing and/or screening shall be submitted for review and approval;
15. Upon submittal of a Final Commercial Development Plan application, the location, size and noise rating of any exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
16. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrant shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;



17. Prior to issuance of a building permit, a Developmental Lot Agreement shall be signed by the property owner(s) or the property shall be platted into one lot;
18. Upon submittal of a Final Commercial Development application, the site plan shall be revised to comply with the Canyon Lake Overlay Zoning District. In particular, a streetscape landscaping buffer of ten feet in the front yard setback shall be provided which includes a minimum of 10% of the required landscaping points. In addition, heating and cooling systems shall be screened. The screening may consist of shrubs, berms, fences or other appropriate materials;
19. All provisions of the Neighborhood Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment; and,
20. The proposed structure shall be used as an ice cream store unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment.
21. The hours of operation for the drive-up window shall be limited to 7:00 a.m to 11:00 a.m. That the access lane to the drive-up window shall be gated when the drive-up is not in use.

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.

That the Vacation of Non-access Easement be approved. (5 to 3 with Anderson, Andrews, Brenneise Brewer, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and Brown, Fast Wolf and Hennies voting no)

*33. No. 06PD014 - Section 12, T1N, R7E

A request by Lund Associates, Ltd. For Rapid City Regional Hospital to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on the unplatted portion of the SE1/4 SW1/4, lying east of Fifth Street, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west and north of the intersection of Wisconsin Avenue And Elk Street.

Fast Wolf left meeting at this time.

Fisher presented the Planned Commercial Development - Initial and Final Development Plan. Fisher stated that staff's recommendation to approve the Planned Commercial Development - Initial and Final Development Plan with stipulations.

Brenneise moved, Landguth seconded and unanimously carried to approve the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:



1. An Exception is hereby granted to reduce the separation between the approach to the subject property and the intersection of Black Fox Drive and Elk Street from 75 feet to 35 feet;
2. Prior to Planning Commission approval, drainage information shall be submitted for review and approval demonstrating that discharge from the facilities shall result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities shall be provided;
3. Prior to Planning Commission approval, a water system analysis shall be submitted for review and approval verifying that a six inch water service line is adequate to provide water quantities for domestic and fire flows or the water service line shall be adjusted accordingly;
4. Prior to Planning Commission approval, the site plan shall be revised to show a four foot high opaque ornamental fence in lieu of a six foot high opaque ornamental fence the first 25 feet as it extends north from Elk Street along the east lot line of the subject property or a Fence Height Exception shall be obtained to allow a six foot high fence in the front yard setback;
5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. Prior to issuance of a building permit, 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 Development Service Center Division;
7. Prior to issuance of a building permit, the plans shall be revised providing all weather surface access roads to the sanitary sewer mains and manholes as needed;
8. Prior to issuance of a building permit, the plans shall be revised to show the four foot high landscaping wall designed and stamped by a Registered Professional Engineer;
9. Prior to issuance of a building permit, geotechnical information addressing fill to be placed on the property shall be submitted for review and approval;
10. Prior to issuance of a building permit, a utility easement for the extension of City sewer and water across the subject property shall be recorded at the Register of Deed's Office. A condition of the easement shall state that any disturbance of improvements within the easement for the repair, replacement or maintenance of City sewer and/or water, such as landscaping, pavement, etc. shall be at the sole expense of the property owner to repair;
11. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
12. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
13. The proposed commercial structure shall be used as a hospice facility and offices as shown on the application. Any other use shall require a Major Amendment to the Planned Commercial



Development;

14. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. The lighting for the sign shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
15. A minimum of 249,977 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
16. A minimum of 78 parking spaces shall be provided. Four of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
17. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
18. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;
19. All International Fire Codes shall be met; and,
20. The 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. (7 to 0 with Andrews, Brenneise, Brown, Hennies, Landguth, LeMay and Prairie Chicken 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.

Requested that items 34 and 35 be taken concurrently.

34. No. 06PL011 - Morrison Subdivision
A request by D.C. Scott Surveyors, Inc., for William Morrison to consider an application for a **Preliminary Plat** on Lots 1, 2 and 3 of Morrison Subdivision (formerly Parcel B of Lot 3), located in the SW1/4 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Parcel B of Lot 3, located in the SW1/4 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Green Valley Drive and east of Reservoir Road.
35. No. 06SV004 - Morrison Subdivision
A request by D.C. Scott Surveyors, Inc., for William Morrison 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 a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code on Parcel B of Lot 3, located in the SW1/4 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Green Valley Drive and east of Reservoir Road.

Fisher stated that the staff's recommendation is to continue the Preliminary Plat and the Subdivision Variance request to the April 20, 2006 Planning Commission meeting.

LeMay moved, Brown seconded and unanimously carried that the Preliminary Plat, the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Green Valey Drive, and the the Variance to the Subdivision Regulations to waive the requirement to dedicate a ten foot wide planting screen easement be continued to the April 20, 2006 Planning Commission meeting to allow the applicant time to submit additional information. (7 to 0 with Andrews, Brenneise, Brown, Hennies, Landguth, LeMay and Prairie Chicken voting yes and none voting no)

36. No. 06PL032 - Willard Addition

A request by Gail Hanson to consider an application for a **Layout Plat** on Lots C1 and C2, Willard Addition, Section 4, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, legally described as Lot C, Willard Addition, Section 4, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at 1622 Evergreen Drive.

Maxwell presented slides of the Layout Plat. Maxwell stated that staff's recommendation is that the Layout Plat be denied without prejudice as the proposed lot sizes do not comply with the minimum requirements of the Zoning Ordinances; he noted that the applicant has the option of seeking a lot size variance before pursuing the Layout Plat approval again.

Brenneise moved, LeMay seconded and unanimously carried that the Layout Plat be denied without prejudice. (7 to 0 with Andrews, Brenneise Brown, Hennies, Landguth, LeMay and Prairie Chicken voting yes and none voting no)

37. No. 06SR019 - Rapid City Greenway Tract

A request by EnVision Design for the City of Rapid City to consider an application for an **11-6-19 SDCL Review to allow the expansion of a public building on public property** on Tract 20 (less Lot H1) of Greenway Tracts; Lot ER (less Hotel Lot); Lot B and Lot 5, all located in the Original Township of Rapid City, located in the SW1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 444 Mount Rushmore Road.

Tegethoff presented the request for an 11-6-19 SDCL Review to allow the



expansion of a public building on public property. Tegethoff stated that staff's recommendation is that the 11-6-19 SDCL Review to allow the expansion of a the Civic Center be approved with stipulations.

Brown moved, Hennies seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the expansion of a public building on public property 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. A sign permit shall be obtained prior to installation of signage and the signs shall be on-premise signs only;
4. An air quality permit shall be obtained prior to construction;
5. Prior to issuance of a building permit City Council shall make a determination as to the amount of off-street parking required;
6. The reduction in the setback from 25 feet to 15 feet on the east side of the addition and from 25 feet to 0 feet on the south and west sides of the addition is hereby approved;
7. Access to the building for the purpose of firefighting shall be provided and construction material shall not block access to buildings, hydrants, and fire appliances;
8. Temporary access roads of a width, vertical clearance, and an all weather surface, which provide access for fire department apparatus, are required until permanent roads are installed;
9. All applicable provisions of the International Fire Code shall be continually met;
10. Prior to issuance of a building permit utility plan and profile drawings must be submitted for review and approval;
11. Prior to construction a floodplain development permit shall be obtained;
12. Prior to issuance of a building permit drainage calculations must be submitted for review and approval; and,
13. All construction shall comply with the approved plans. (7 to 0 with Andrews, Brenneise, Brown, Hennies, Landguth, LeMay and Prairie Chicken voting yes and none voting no)

38. No. 06SR021 – Section 13, T2N, R7E

A request by Doeck, LLC to consider an application for an **11-6-19 SDCL Review to allow a public utility improvement** on a portion of land located in the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Adonia Lane and Cobalt Drive.

Maxwell presented the staff's recommendation to continue the 11-6-19 SDCL Review request to the April 20, 2006 Planning Commission meeting.

Brown moved, Landguth seconded and unanimously carried to continue the 11-6-19 SDCL Review to allow public improvement on private property



to the April 20, 2006 Planning Commission meeting. (7 to 0 with Andrews, Brenneise, Brown, Hennies, Landguth, LeMay and Prairie Chicken voting yes and none voting no)

39. No. 06SR022 - Rapid City Airport Subdivision

A request by EnVision Design, Inc. for Zepp Air, Inc. to consider an application for an **11-6-19 SDCL Review to construct a hanger on public property** on a portion of land located in the SE1/4 NW1/4 of Section 17, T1N, R9E, BHM, Pennington County, South Dakota more generally described as being located at the Rapid City Regional Airport.

Maxwell stated that the staff is recommending to continue the 11-6-19 SDCL Review to construct a hanger on public property to the April 20, 2006 Planning Commission meeting.

LeMay moved, Brown seconded and unanimously carried to continue the 11-6-19 SDCL Review to construct a hanger on public property to the April 20, 2006 Planning Commission meeting. (7 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, Landguth, LeMay and Prairie Chicken voting yes and none voting no)

40. No. 06TI001 - Nowlin Addition and Wood Addition

A request by City of Rapid City to consider an application for a **Resolution Creating Tax Increment District No. 60** on Lot 16, Block 31, Nowlin & Wood Replat, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the LaCrosse Street right-of-way from the north boundary of the railroad right-of-way in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota to the south boundary of I-90 Interstate right-of-way, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and Lot H-1 in the SW1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Anamosa Street and west of LaCrosse Street, and a portion of LaCrosse Street and the southern on/off ramps to US Interstate 90 at Exit 59.

41. No. 06TI002 - Nowlin Addition and Wood Addition

A request by City of Rapid City to consider an application for a **Project Plan for Tax Increment District No. 60** on Lot 16, Block 31, Nowlin & Wood Replat, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the LaCrosse Street right-of-way from the north boundary of the railroad right-of-way in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota to the south boundary of I-90 Interstate right-of-way, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and Lot H-1 in the SW1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Anamosa Street and west of LaCrosse Street, and a portion of LaCrosse Street and the southern on/off ramps to US Interstate 90 at Exit 59.

Bulman presented the Resolution Creating Tax Increment District No. 60 and the Project Plan for Tax Increment District No. 60. Bulman stated that the Tax



Increment Financing Committee recommends denial of the Resolution Creating and the Project Plan for Tax Increment District No. 60. Discussion followed.

Shafi expressed his opinion that the goal of the Tax Increment District would be to enhance the LaCrosse Street neighborhood. Shafi stated that the objective is to install landscaping and to help the City of Rapid City Weed and Seed program. Discussion followed.

In response to Landguth's questions, Elkins stated that part of the improvement is located on private property and would not be eligible for Enhancement Funding.

LeMay moved, Hennies seconded and carried to deny the Resolution Creating Tax Increment District No. 60 and that the Project Plan for Tax Increment District No. 60. (6 to 1 with Andrews, Brown, Hennies, Landguth, LeMay and Prairie Chicken voting yes and Brenneise voting no)

42. No. 06VE001 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Vacation of the Non-Access Easement** on Lots 1 and 4 of Block 20; and Lot 1 of Block 19, Red Rock Estates, located in the NE1/4 SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Portrush Road and Kennemer Drive and at the northeast and northwest corners of the intersection of Portrush Road and Ainsdale Court.

Fisher presented slides of the subject property. Fisher advised that potential traffic hazards could be mitigated by relocating the accesses to the proposed development on the subject property. Fisher stated that staff's recommendation is that the Vacation of Non-Access Easement be denied.

LeMay left the meeting at this time.

Dave Reyelts requested that the proposed accesses be approved as submitted. He presented pictures of the various sites and the layout of the proposed townhouses.

Landguth expressed his opinion in support of staff's recommendation due to the safety concerns.

Landguth moved, Brown seconded and unanimously carried that the Vacation of Non-Access Easement request be denied; and, That the Exception to the Street Design Criteria Manual to allow access from a street other than the lesser order street be denied. (6 to 0 with Andrews, Brenneise, Brown, Hennies, Landguth and Prairie Chicken, voting yes and none voting no)

*43. No. 06UR003 - Section 5, T1N, R8E

A request by M. G. Oil Company to consider an application for a **Conditional**



Use Permit to allow an on-sale liquor establishment on Lot B of Lot 3 of Tract D, located in the SW1/4 SW1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 1624 East St. Patrick Street.

Tegethoff presented the Conditional Use Permit to allow an on-sale liquor establishment. Tegethoff stated that staff's recommendation is that the Conditional Use Permit be approved with stipulations.

Hennies moved, Landguth seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment with the following stipulations:

1. A building permit shall be obtained prior to any construction on the tenant space and a certificate of occupancy shall be obtained prior to occupancy;
2. A sign permit shall be obtained prior to installation of any signage;
3. Any additional signage must meet all Sign Code regulations and will require a Minimal Amendment to the Conditional Use Permit;
4. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
5. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
6. All applicable provisions of the International Fire Codes shall be continually met;
7. Prior to Planning Commission approval, a revised legal description for only the portion of the subject property that includes the on-sale liquor establishment shall be submitted for review and approval; and,
8. 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. (6 to 0 with Andrews, Brenneise, Brown, Hennies, Landguth and Prairie Chicken 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.

**ADDENDUM TO
AGENDA
CITY OF RAPID CITY PLANNING COMMISSION
April 6, 2006 at 7:00 a.m.**

43A. No. 06SR026 - Rapid City Greenway Tract

A request by Rapid City Exchange Club to consider an application for an **SDCL 11-6-19 Review to allow temporary structures in a public place** on 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 Memorial Park.

Tegethoff stated that staff's recommendation is that the SDCL 11-6-19 Review to allow temporary structures in a public place be approved with stipulations.

Prairie Chicken moved, Brenneise seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow a temporary use on public property with the following stipulations:

- 1. No banners or signage shall be allowed within the public rights-of-way;**
- 2. All site lighting shall be directed away from the adjacent rights-of-way;**
- 3. Security for the event shall be provided from noon on Friday, April 28, 2006 until 10:00 a.m. Sunday, April 30, 2006;**
- 4. Event staff must ensure that continual clean-up of the area occurs during the display;**
- 5. The display shall be cleared from the area and the site shall be available for general public use by 5:00 p.m. Sunday, April 30, 2006; and,**
- 6. The applicant shall meet with Park Division staff prior to the event to verify the exact location of the display. (6 to 0 with Andrews, Brenneise, Brown, Hennies, Landguth and Prairie Chicken voting yes and none voting no)**

44. Discussion Items

45. Staff Items

46. Planning Commission Items

Bill Okrepkie invited Planning Commission members to attend the Smart Growth discussion.

Brown expressed concerns with density issues on U.S. Highway 16. Brown suggested that density issues be set as an item for discussion.

Brown suggested further discussion on the proposed ordinance requiring a 500 foot distance from residential properties for on-sale liquor establishments.

Elkins reminded the Planning Commission members of Noise Mitigation training on April 11, 2006.

There being no further business, Brown moved, Landguth seconded and unanimously carried to adjourn the meeting at 9:50 a.m. (6 to 0 with Andrews, Brenneise, Brown, Hennies, Landguth and Prairie Chicken voting yes and none voting no)

