



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 20, 2006

MEMBERS PRESENT: Doug Andrews, Holly Brenneise, Gary Brown, Ida Fast Wolf, Thomas Hennies, 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, Tim Behlings, Kevin Lewis, and Carol Bjornstad.

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

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

Staff requested that Items 11 and 15 be removed from the Non-Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 6, 8 and 18 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by LeMay, Seconded by Waltman and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 18 in accordance with the staff recommendations with the exception of Items 6, 8, 11, 15 and 18. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

1. Approval of the April 6, 2006 Planning Commission Meeting Minutes.
2. No. 06CA004 - Neff's Subdivision No. 3
A request by D. C. Scott Surveyors, Inc. for West River Electric to consider an application for **A Summary of Adoption Action for an Amendment to the Comprehensive Plan to relocate a collector street on the Major Street Plan** on Lot 1 of Neff's Subdivision No. 3, and the unplatted land in the W1/2 SW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of East Anamosa Street and Elk Vale Road.

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

3. No. 06CA006 - Section 13, T1N, R7E
A request by Centerline, Inc. for PLM Land Development, LLC to consider an application for **A Summary of Adoption Action for an Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land Use**



Plan to change the land use designation from a Planned Residential Development with a maximum density of one dwelling unit per acre to a Planned Residential Development with a maximum density of 1.5 dwelling units per acre on the unplatted portion of the SW1/4 SW1/4, less the N1/2 N1/2 N1/2 SW1/4 SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Minnesota Street and West of Fifth Street.

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

4. 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 Planning Commission acknowledge the applicant's request to withdraw the Preliminary Plat.

5. 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 May 4, 2006 Planning Commission meeting to allow the applicant to submit additional information.

7. 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 May 4, 2006 Planning Commission meeting.

9. No. 06PL041 - Flesner Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Arvin and Carole Flesner to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Flesner Subdivision, formerly all of the balance of Tract A and Lot 1 of Tract A, all located in the NE1/4SE1/4, Section 12, T1N, R6E, BHM, Pennington County, South Dakota, legally described as all of the balance of Tract A and Lot 1 of Tract A, all located in the NE1/4SE1/4, Section 12, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located 6960 Nameless Cave Road.

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

1. **Prior to Preliminary Plat approval by the City Council, geotechnical information showing the depth of soil, type of soil and the location and results of percolation tests demonstrating that the soils are suitable for an on-site wastewater treatment system on proposed Lot 2 shall be submitted for review and approval. In addition, the South Dakota Department of Environment and Natural Resources shall review and approve the use of a mound system if used; and,**
2. **Prior to Preliminary Plat approval by the City Council, documentation recorded at the Register of Deed's Office shall be submitted showing the first 53 feet of the north-south access road as it extends north from Nameless Cave Road to be located in right-of-way or an access easement or the plat document shall be revised to include this portion of the north-south access road.**

10. No. 06SE002 - Elks Country Estates

A request by Sperlich Consulting for Steve Zandstra of Triple Z Real Estate LLLP to consider an application for an **Exception to the Street Design Criteria Manual to allow access from the higher order street, to allow two access points in lieu of one and to reduce the access restriction on Padre Drive to 50 feet from the intersection of Jolly Lane** on a parcel of land Located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Jolly Lane and Padre Drive.

Planning Commission recommended that the Exception to the Street Design Criteria Manual to allow access from the higher order street, to allow two access points in lieu of one and to reduce the access restriction on Padre Drive to 50 feet from the intersection of Jolly Lane be continued to the May 4, 2006 Planning Commission meeting.

12. 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 on public property** on the Sixth Street right-of-way adjacent to Lots 31 and 32 of Block 74; and Lot 14 and Lots 17 through 23 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 approved the SDCL 11-6-19 Review to allow temporary structures on public property with the following stipulations:

- 1. A Temporary Use Permit shall be obtained prior to initiation of the event;**
- 2. The portable restrooms must be secured during the event;**
- 3. Prior to initiation of the event, the applicant shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;**
- 4. The hours of the event shall be from 9:00 a.m. to 9:00 p.m. on June 30, 2006 and from 9:00 a.m. to 9:00 p.m. on July 1, 2006;**
- 5. The applicant shall provide security for the duration of the special event;**
- 6. Special event staff shall continually monitor and remove trash from the site to prevent it from entering the storm sewer system; and**
- 7. The SDCL 11-6-19 Review to allow temporary structures in association with the Festival of Presidents Event shall be valid for one year.**

13. 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 at Memorial Park.

Planning Commission continued the SDCL 11-6-19 Review to allow a temporary use on public property to the May 4, 2006 Planning Commission meeting to allow the applicant time to submit the required information.

14. 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 recommended that the SDCL 11-6-19 Review to extend a public utility be continued to the May 4, 2006 Planning Commission meeting to allow the applicant time to submit the required information.

16. No. 06SR022 - Section 17, T1N, R9E (Rapid City Regional Airport)

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 Rapid City Regional Airport.

Planning Commission recommended that the 11-6-19 SDCL Review to construct a hanger on public property be continued to the May 4, 2006 Planning Commission meeting.

17. No. 06SR025 - Rapid City Greenway Tract

A request by Kathy Cook for KSLT/KLMP/88.3 The Point to consider an application for an **SDCL 11-6-19 Review to allow a temporary use on public property** on Tract 20, less Lot H1, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 301 North 5th Street.

Planning Commission recommended that the 11-6-19 SDCL Review to allow a temporary use on public property be approved with the following stipulations:

1. Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;
2. No camping shall be permitted within the floodway or floodplain at any time;
3. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;
4. All requirements of the Floodplain Development Ordinance shall be met at all times;
5. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;
6. Signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage;
7. No banners shall be allowed within the public rights-of-way or on fences;
8. 44 restrooms (including at least 2 handicapped accessible restrooms) shall be provided;
9. A Temporary Use Permit shall be obtained prior to initiation of the event each year;
10. All electrical wiring shall comply with the applicable Building and Electrical Codes;
11. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;
12. Security shall be provided for the duration of the special event and a weather radio shall be on-site and monitored continually;
13. The proposed event shall be allowed to operate for no more than three event days per year; and,



- 14. The SDCL 11-6-19 Review for a Summer Music Festival shall be valid for three years.**

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

6. 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.

Steve Brenden expressed his concerns with drain fields and soil permeability. Brenden stated his opinion that the proposed development may be too large for the subject property.

Mike Stanley, Wyss Associates, stated that the applicant is reviewing an alternate septic system for the subject property.

Hennies moved, Brown seconded and unanimously carried to recommend that the Preliminary Plat be continued to the May 4, 2006 Planning Commission meeting to allow the applicant to submit additional information. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

8. No. 06PL040 - Pitman Subdivision

A request by Fisk Land Surveying for Tom Pitman to consider an application for a **Layout and Preliminary Plat** on Lots 1 and 2, Pitman Subdivision, formerly all of Lot 5, less the east 25 feet, located in the NW/14 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 5, less the east 25 feet, located in the NW/14 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7919 Spring Canyon Trail.

Jo Schmits, area resident, expressed his concerns with the lot sizes, set backs and drainage on the subject property.

Janelle Fink, Fisk Land Surveying, expressed her opinion that the density on the subject property is appropriate for the proposed lot size in accordance of the zoning ordinance. Fink stated that the proposed infrastructure improvements on the subject property are consistent with surrounding developments.

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



stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, water plans and a water system analysis prepared by a Registered Professional Engineer shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the water plans shall show the location of existing and proposed water mains and service lines. In addition the water plans and water system analysis shall identify the source and demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;**
- 2. Prior to Preliminary Plat approval by the City Council, a Utility Permit from the Pennington County Highway Department for the extension of water service line(s) across Spring Canyon Trail shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, a drainage plan with appropriate calculations shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 4. Prior to Preliminary Plat approval by the City Council, road construction plans for Spring Canyon Trail shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;**
- 6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 7. Prior to submittal of a Final Plat application, the shed on proposed Lot 2 shall be removed or surety posted to insure that it will be removed in a timely manner or a Conditional Use Permit shall be obtained from Pennington County to allow an accessory structure to be located on a property prior to the location of a permanent structure;**
- 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Spring Canyon Trail except for the approved shared approach location;**
- 9. Prior to submittal of a Final Plat application, the plat title shall be revised to include within the formerly statement..."all of Lot 5 (less the East 25 feet) of NW1/4NE1.4, Section 31, located in the NW1/4NE1/4..." ; and,**
- 10. 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. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)**



11. 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.

Elkins presented the 11-6-19 SDCL Review to allow the installation of self-service fuel station on public property. Elkins further commented that the applicant has provided the required information for approval. Elkins requested that the 11-6-19 SDCL Review to allow the installation of self-service fuel station on public property be approved with stipulations as per staff's recommendations.

Brown moved, Schmidt seconded and unanimously carried to approve the 11-6-19 SDCL Review to allow the installation of self-service fuel station on public property with the following stipulations:

1. **All Federal Aviation Administration requirements shall be continually met;**
2. **That a building permit shall be obtained prior to the start of construction; and,**
3. **Prior to the construction of any improvements or the issuance of a building permit, copies of an approved lease agreement with the Rapid City Regional Airport shall be submitted to the Growth Management Staff. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)**

15. 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.

Elkins presented the 11-6-19 SDCL Review to allow a public utility improvement. Elkins advised that the applicant has provided the required information for approval. Elkins stated that staff's recommendation is that the 11-6-19 SDCL Review to allow a public utility improvement be approved with one stipulation.

Brown moved, Hennies seconded and unanimously carried to approve the 11-6-19 SDCL Review to allow public improvement on private property with the following stipulation:

1. **A Building permit shall be obtained prior to the start of construction. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)**

18. No. 06SR027 - Rapid City Greenway Tract



A request by Centerline for Founders Park, LLC to consider an application for an **SDCL 11-6-19 Review to relocate a portion of a public street** on Tract 18 and a portion of the West Street and West Chicago Street rights-of-way lying adjacent to Tract 18, Rapid City Greenway Tracts, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located North of Omaha Street and the southwest corner of the Executive Golf Course.

Brenden expressed his opposition to the proposed development on the subject property.

Hennies moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to relocate a portion of a public street with the following stipulations:

1. **Prior to the start of construction, complete construction plans shall be submitted for review and approval. In particular, the construction plans shall include street and utility design and grading and drainage information. In addition, all necessary changes shall be made to the construction plans as identified on the red lined drawings. The red lined drawings shall also be returned to the Growth Management Department;**
2. **Prior to the start of construction, an H-Lot shall be recorded for that portion of W. Chicago Street to be located outside of the existing right-of-way or the right-of-way shall be dedicated as a part of a Preliminary and Final Plat;**
3. **Prior to the start of construction, the applicant shall coordinate the project with the Golf Course Superintendent to insure that access is being maintained as needed to the golf course and to clearly identify the boundaries of the project; and,**
4. **An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)**

Andrews announced that the Public Hearings on Items 19 through 29 were opened.

Brown requested that Items 21 be removed from the Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 27 be removed from the Hearing Consent Agenda for separate consideration.

Brenneise moved, LeMay seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 19 through 29 in accordance with the staff recommendations with the exception of Items 21 and 27. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)



The Public Hearings for Items 19 through 29 were closed.

---HEARING ITEMS CONSENT CALENDAR---

19. No. 06CA009 - Tittle Springs Subdivision

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Flood Hazard to Park Forest** on a parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE1/4SW1/4 of Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Said parcel bears N10°05'26"W a distance of 814.22 feet from the southeast corner of Lot 2, marked with a 5/8" rebar with survey cap "LS 4371", of Tittle Springs Subdivision Commencing at the point of beginning: Thence First Course: along a line with a bearing of N89°21'58"W and a distance of 50.00 feet; Thence Second Course: along a line common to Lots 5 and 6 of Tittle Springs Subdivision a bearing of N00°31'31"E and a distance of 44.09 feet; Thence Third Course: along said 500-year flood boundary line a bearing of S82°43'30"E and a distance of 9.86 feet; Thence Fourth Course: along said 500-year flood line a bearing of S83°29'39"E and a distance of 14.28 feet; Thence Fifth Course: along said 500-year flood line a bearing of S72°02'10"E and a distance of 11.45 feet; Thence Sixth Course: along said 500-year flood line a bearing of S78°26'08"E and a distance of 9.22 feet; Thence Seventh Course: along said 500-year flood line a bearing of S68°50'57"E a distance 3.22 feet; Thence Eighth Course along said 500-year flood line a bearing of S64°03'45"E a distance of 3.16 feet; Thence Ninth Course: along the line common with Lots 4 and 5 of Tittle Springs Subdivision with a bearing of S00°31'31"W a distance of 34.43 feet to the point the beginning. Said parcel of land contains 2.021.6 square feet or 0.0464 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE1/4 of the SW1/4 of Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6201 Magic Canyon Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation on a .0494 acre parcel from Flood Hazard to Park Forest be approved.

*20. 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 May 4, 2006 Planning Commission meeting.

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



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

*22. No. 06PD016 - Kateland Subdivision

A request by Sperlich Consulting, Inc. for Lifestyle Homes to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1 of Block 5 and Lot 11 of Block 4, Kateland Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Country Road and Erleen Street.

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

1. Prior to approval of the Final Development Plan, the applicant shall submit a revised site plan for review and approval showing a minimum 22 foot access lane between garages, relocating the parking lot a minimum of 5 feet from the west property line and addressing all red line comments;
2. An exception is hereby granted to reduce the minimum required front yard setback for the 16 unit detached garage from 25 feet to 21 feet along Country Road;
3. An exception is hereby granted to increase the maximum allowable lot coverage from 30% to 31%;
4. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
5. All International Fire Codes shall be continually met;
6. Prior to approval of the Final Development Plan, the applicant shall submit a revised landscape plan for review and approval showing a 5 foot landscape buffer along the west property line and a 5 foot high opaque fence adjacent to the parking lot;
7. An Air Quality Permit shall be obtained prior to issuance of a building permit;
8. A Special Exception is hereby granted to allow 26 feet wide driveway openings in lieu of the maximum 20 feet in width required as per Section 8.2.1 of the Street Design Criteria Manual;
9. A Special Exception is hereby granted to allow access from the higher order street as per Section 8.2.1 of the Street Design Criteria Manual; and,
10. Prior to approval of the Final Development Plan, the applicant shall submit a revised set of drawings for review and approval showing that the building plans comply with all building codes.

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.



23. No. 06RZ007 - Tittle Springs Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from Flood Hazard District to Park Forest District** on a parcel of land located in Lot 5 of Tittle Springs Subdivision more particularly described as follows: located in the NE1/4SW1/4 of Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Said parcel bears N10°05'26"W a distance of 814.22 feet from the southeast corner of Lot 2, marked with a 5/8" rebar with survey cap "LS 4371", of Tittle Springs Subdivision Commencing at the point of beginning: Thence First Course: along a line with a bearing of N89°21'58"W and a distance of 50.00 feet; Thence Second Course: along a line common to Lots 5 and 6 of Tittle Springs Subdivision a bearing of N00°31'31"E and a distance of 44.09 feet; Thence Third Course: along said 500-year flood boundary line a bearing of S82°43'30"E and a distance of 9.86 feet; Thence Fourth Course: along said 500-year flood line a bearing of S83°29'39"E and a distance of 14.28 feet; Thence Fifth Course: along said 500-year flood line a bearing of S72°02'10"E and a distance of 11.45 feet; Thence Sixth Course: along said 500-year flood line a bearing of S78°26'08"E and a distance of 9.22 feet; Thence Seventh Course: along said 500-year flood line a bearing of S68°50'57"E a distance 3.22 feet; Thence Eighth Course along said 500-year flood line a bearing of S64°03'45"E a distance of 3.16 feet; Thence Ninth Course: along the line common with Lots 4 and 5 of Tittle Springs Subdivision with a bearing of S00°31'31"W a distance of 34.43 feet to the point the beginning. Said parcel of land contains 2.021.6 square feet or 0.0464 acres, more or less. All located in Lot 5 of Tittle Springs Subdivision in the NE1/4 of the SW1/4 of Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6201 Magic Canyon Road.

Planning Commission recommended that the Rezoning from Flood Hazard District to Park Forest District be approved in conjunction with the associated Amendment to the Comprehensive Plan.

24. 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 May 4, 2006 Planning Commission meeting to allow the applicant to submit additional information.



25. 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 May 4, 2006 Planning Commission meeting to allow the applicant to submit additional information.

26. 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 May 4, 2006 Planning Commission meeting to be heard in conjunction with an associated Preliminary Plat.

28. No. 06SV017 - Bar P-S Subdivision

A request by Davis Engineering for Bernita White to consider an application for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Airport Road and Aviation Road as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A1 and A2 of Bar P-S Subdivision, 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 southwest curve of North Airport Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Airport Road and to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, and sewer along Aviation Road as it abuts the subject property 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 assessment for the improvements along Airport Road and Aviation Road as it abuts the subject property;**

That the Variance to the Subdivision Regulations to waive the requirement to install pavement along Aviation Road be denied.

***29. No. 06UR008 - Sections 29 and 32, T2N, R8E**

A request by R.C.S. Construction for American Indian Relief Council to consider an application for a **Conditional Use Permit to construct a 40,000 square foot warehouse, parking lot and loading dock in a General Commercial District** on Lot 2, less Lot H2 located in the SE1/4 SE1/4, Section 29, T2N, R8E, BHM; and Tract F, less Lot 1, located in the N1/2 NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Eglin Street and at the southwest corner of the intersection of Dyess Avenue and Eglin Street.

Planning Commission approved the Conditional Use Permit to construct a 40,000 square foot warehouse, parking lot and loading dock in a General Commercial District 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 applicable provisions of the International Fire Codes shall be continually met;**
- 3. A sign permit shall be obtained prior to the construction of any signs;**
- 4. The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
- 5. Upon submittal of a building permit application, water utility plans must be submitted for review and approval showing the extension of a water main to the subject property;**
- 6. The landscaping plan shall continually comply with all provisions of the Zoning Ordinance and be maintained in a live vegetative state and replaced as necessary; and,**
- 7. 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.**



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

---END OF HEARING CONSENT CALENDAR---

***21. No. 06PD015 - Stoney Creek South Subdivision**

A request by Bank West, Inc. to consider an application for a **Planned Commercial Development - Initial Development Plan** on Lot 1A of Block 1, Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5550 Sheridan Lake Road.

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

Brendan expressed his concerns with the increased impact of drainage from the proposed development on the subject property.

LeMay moved, Hennies seconded and carried to approve the Planned Commercial Development - Initial Development Plan with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Upon submittal of a Final Commercial Development Plan application, the applicant shall submit a copy of a recorded permanent access easement in lieu of a temporary access easement to serve as access to the subject property as the easement extends across portions of Lot 1B, Lot 2 and Lot 7;**
- 3. Upon submittal of a Final Commercial Development Plan application, geotechnical information including pavement design shall be submitted for review and approval;**
- 4. 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;**
- 5. Upon submittal of a Final Commercial Development Plan application, a grading plan shall be submitted for review and approval;**
- 6. 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 incorporate the local and regional facilities in order to determine if detention of flows to pre-developed flow rates is required. The drainage plan shall also demonstrate how run-off from this lot will be discharged or routed to show that the adjacent property will not be impacted under the design flows. In addition, the plans shall show**



- how erosion will be controlled for flows from the paved areas and demonstrate where the flows will enter the existing storm drainage system;
7. 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;
 8. 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;
 9. 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;
 10. Upon submittal of a Final Commercial Development Plan application, the location and size of the dumpsters shall be submitted for review and approval. In addition, the dumpsters shall be screened;
 11. Upon submittal of a Final Commercial Development Plan application, a color palette for the proposed building shall be submitted for review and approval;
 12. 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;
 13. 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 hydrants 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. The proposed structure shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;
 14. All provisions of the Office 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,
 15. The proposed structure shall be used as a bank unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment. (8 to 0 to 1 with Andrews, Brenneise, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no and Brown abstaining)



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

27. No. 06SV014 - Pitman Subdivision

A request by Fisk Land Surveying for Tom Pitman to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer, and to reduce the pavement width from 27 feet to 21.5 feet along Spring Canyon Trail as per Chapter 16 of the Rapid City Municipal Code as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2, Pitman Subdivision, formerly all of Lot 5, less the east 25 feet, located in the NW/14 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 5, less the east 25 feet, located in the NW/14 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7919 Spring Canyon Trail.

Brendan expressed his concern that adequate right-of-way be provided to the proposed subdivision on the subject property. Discussion followed.

Brown moved, Waltman seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer, and to reduce the pavement width from 27 feet to 21.5 feet along Spring Canyon Trail 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; and, That the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be approved. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)**

---BEGINNING OF REGULAR AGENDA ITEMS---

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

*30. No. 06PD017 - Madison's Subdivision

A request by DGM Development and Echo Development to consider an application for a **Planned Residential Development - Initial Development Plan** on Lots 10 & 11 of Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 500 feet north of Country Road and adjacent to the west side of Haines Avenue.

31. No. 06PL042 - Madison's Subdivision

A request by DGM Development and Echo Development to consider an



application for a **Layout Plat** on Lots 1 thru 190 Madison's Subdivision, formerly Lots 10 & 11 of Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 10 & 11 of Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 500 feet north of Country Road and adjacent to the west side of Haines Avenue.

32. No. 06SV015 - Madison's Subdivision

A request by DGM Development and Echo Development to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along the access easements and to waive the requirement to install sidewalk and street light conduit along Pearl Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 190 Madison's Subdivision, formerly Lots 10 & 11 of Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 10 & 11 of Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 500 feet north of Country Road and adjacent to the west side of Haines Avenue.

Fisher presented the Planned Residential Development the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along the access easements and to waive the requirement to install sidewalk and street light conduit along Pearl Boulevard as per Chapter 16.16 of the Rapid City Municipal Code. Fisher reviewed the proposed site plan of the subject property. Fisher stated that staff's recommendation is that the Planned Residential Development the Layout Plat and the Variance to the Subdivision Regulations be denied in part and approved in part with one stipulation. Fisher advised that letters from surrounding property owners in opposition to the proposed development have been submitted on the dias for review by the Planning Commission.

In response to LeMay's question, Fisher reviewed the proposed visitor parking, lot size and structure elevations that have been submitted by the applicant. Discussion followed.

Dave St. Pierre, representing the applicant stated that lighting will be directed so as not to negatively impact adjacent properties. Discussion followed with regard to lot density, visitor parking and separation of the driveways.

In response to Brown's question, Dominicak stated that infrastructure and water analysis is required as a stipulation of approval.

Behlings stated that the Fire Department has taken into consideration the fire flow requirements for the proposed development. Lengthy discussion followed regarding, parking requirements, fire sprinkler requirements and other aspects of the proposed development.



Brendan expressed his opposition to the proposed development on the subject property. Discussion followed.

Brown moved, Hennies seconded and carried to approve the Planned Residential Development - Initial Development Plan with the following stipulations:

- 1. A Final Plat shall be approved prior to or in conjunction with a Final Planned Residential Development;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. A maximum overall density of 2,250 square feet per townhome lot shall be allowed;**
- 4. A minimum open space of 600 square feet per townhome lot shall be provided;**
- 5. Upon submittal of a Final Planned Residential Development, covenants or some other mechanism shall be established to insure that the development will provide affordable housing as proposed and that the housing will remain affordable;**
- 6. Upon submittal of a Final Residential 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;**
- 7. Upon submittal of a Final Residential Development Plan application, a complete sign package shall be submitted for review and approval;**
- 8. Upon submittal of a Final Residential Development Plan application, a complete lighting package identifying the design of the proposed lighting shall be submitted for review and approval. In particular, the light package shall show street lights within the median along Pearl Boulevard. In addition, the lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 9. Upon submittal of a Final Residential Development Plan application, the location and size of the dumpsters shall be submitted for review and approval. In addition, the dumpsters shall be screened;**
- 10. Upon submittal of a Final Residential Development Plan application, complete elevations showing all sides of the building(s) and any proposed deck(s) shall be submitted for review and approval. In addition, a list of building materials shall be submitted for review and approval;**
- 11. Upon submittal of a Final Residential 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;**
- 12. Upon submittal of a Final Residential Development Plan application, construction plans for the bike/walk trail shall be submitted for review and approval;**
- 13. Prior to submittal of a Final Residential Development plan, the site**



plan shall be revised to show Roberta Drive extended to the north lot line of the subject property;

14. 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 hydrants 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. The proposed structure(s) shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;
15. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of the Final Residential Development Plan application or a subsequent Major Amendment; and,
16. The Planned Residential Development shall allow for the construction of townhomes on the property. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for 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.

To recommend that the Layout Plat be approved with the following stipulations:

1. An Exception is hereby granted to waive the requirement to provide visitor parking at a ratio of one space per unit located within 300 feet of the unit with the stipulation that a minimum of 57 visitor parking spaces be provided along Pearl Boulevard and within the common area;
2. An Exception is hereby granted to reduce separation between driveways from 35 feet to five feet with the stipulation that no on-street parking be allowed along the access easements;
3. An Exception is hereby granted to allow the access easements to serve ten lots in lieu of four lots as per the Street Design Criteria Manual with the exception of Roberta Drive and Pearl Boulevard which shall be dedicated as right-of-way;
4. Prior to submittal of a Preliminary Plat application, an Initial and Final Planned Residential Development shall be submitted for review and approval to allow a 190 townhome lot development on the subject property or the plat document shall be revised to meet the minimum lot size requirement of 4,000 square foot per townhome lot;
5. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show Roberta Drive extending to the north lot line of the subject property;



6. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity tests for review and approval. If results of the soils resistivity test indicate severe potential towards corrosion of buried metal products, then information shall be provided demonstrating that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protection as needed for buried water system metal fixtures shall be provided;
7. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
8. Upon submittal of a Preliminary Plat application, a drainage plan designed in accordance with the Haines Avenue Drainage Basin Plan shall be submitted for review and approval. In particular, the drainage plan shall 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 necessary. In addition, the plat document shall provide drainage easements as needed;
9. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;
10. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed;
11. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
12. Upon submittal of a Preliminary Plat application, a traffic analysis shall be submitted for review and approval. In addition, turn and/or deceleration lanes shall be provided along Haines Avenue as needed based on the Traffic Impact Analysis;
13. Upon submittal of a Preliminary Plat application, road construction plans for Pearl Boulevard 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. In addition, the permanent turnaround at the end of the cul-de-sac shall have a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface;



14. Upon submittal of a Preliminary Plat application, road construction plans for Roberta Drive 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;
15. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
16. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met;
17. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
18. Prior to submittal of a Final Plat, the plat document shall be revised to show a ten foot wide planting screen easement along Haines Avenue or a Variance to the Subdivision Regulations shall be obtained;
19. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;
20. Prior to submittal of a Final Plat application, the existing single family residence and shed shall be removed from the subject property or surety shall be posted to insure that the structures are removed;
21. Prior to submittal of a Final Plat application, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
22. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for road maintenance of the access easement(s) for review and approval;
23. 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; and,
24. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow 120 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual or the plat document shall be revised accordingly.

To recommended that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along Pearl Boulevard be



denied;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the access easements and Pearl Boulevard be approved with the following stipulation:

1. **Upon submittal of a Preliminary Plat application, the applicant shall submit construction plans showing a minimum eight foot wide bike/walk trail along the perimeter of the development as proposed; and,**

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit along the access easements be approved. (5 to 4 with Andrews, Brenneise, Brown, Hennies and Prairie Chicken voting yes and Fast Wolf, LeMay, Schmidt and Waltman voting no)

Fisher requested that items 33 and 34 be taken concurrently.

33. 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.

34. 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 staff's recommendation is that 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 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 be continued to the May 4, 2006 Planning Commission meeting.

Brenneise moved, Schmidt seconded and unanimously carried to recommend that the Preliminary Plat, 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 Variance to the Subdivision Regulations to waive the requirement to dedicate a ten foot wide planting screen easement be continued to the May 4, 2006 Planning Commission meeting. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt



and Waltman voting yes and none voting no)

35. No. 06SR024 - Rapid City Greenway Tract

A request by Todd Gregson for Storybook Island to consider an application for an **SDCL 11-6-19 Review to allow a temporary use on public property** on Tract 8 (also in Section 4 and 10, T1N, R7E, BHM) Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1301 Sheridan Lake Road.

Tegethoff presented the SDCL 11-6-19 Review to allow a temporary use on public property. Tegethoff stated that staff's recommendation is that the SDCL 11-6-19 Review to allow a temporary use on public property be continued to the May 4, 2006 Planning Commission meeting to allow the applicant additional time to present information required for approval.

Brown moved, Hennies seconded and unanimously carried to continue the 11-6-19 SDCL Review to allow a temporary use on public property to the May 4, 2006 Planning Commission meeting. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

36. No. 06SV016 – Rockinon Ranch Estates

A request by Executive Homes, Inc. to consider an application for a **Variance to the Subdivision Regulations to reduce the right-of-way width from 76 feet to 52 feet and to reduce pavement width from 40 feet to 27 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 61, Rockinon Ranch Estates, located in N1/2 NE1/4 SE1/4, Section 23, T2N, R8E, BHM, Pennington County, South Dakota, legally described as N1/2 NE1/4 SE1/4, Section 23, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Gladys Street and Bunker Drive.

Fisher presented the Variance to the Subdivision regulations to reduce the right-of-way width from 76 feet to 52 feet and to reduce pavement width from 40 feet to 27 feet as per Chapter 16.16 of the Rapid City Municipal Code. Fisher advised that staff's recommendation is that the Variance to the Subdivision Regulations to reduce the right-of-way width from 76 feet to 52 feet and to reduce pavement width from 40 feet to 27 feet be denied.

Schmidt moved, LeMay seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to reduce the right-of-way width from 76 feet to 52 feet and to reduce pavement width from 40 feet to 27 feet as per Chapter 16.16 of the Rapid City Municipal Code be denied. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

37. No. 06TI003 - Walpole Heights Subdivision and Arches Addition

A request by Wyss Associates for Web Real Estate Holding Co., LLC to consider an application for a **Tax Increment District No. 47 Project Plan** on Lot H1 of the SW1/4, Lot 1 of the SE1/4 SW1/4, the eastern most 402.4 feet of section line



right-of-way in the SW1/4, all located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; the N1/2 SE1/4 less Walpole Heights Subdivision less Lot AB of the E1/2 SE1/4 and less Fairmont Boulevard dedicated right-of-way, Lots H1 and H2 of the SE1/4, Lots B and C of the SW1/4SE1/4, Lots A and B of the SE1/4 SE1/4, Lots H3, H4, H5, H6, H7 and H8 of the E1/2 SE1/4, and all of the section line right-of-way in the SE1/4 less that portion of section line right-of-way abandoned as recorded in Miscellaneous Book 54, Page 1976, all located in the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Lot H2 of the W1/2 SW1/4 less Lot X of the W1/2SW1/4, Lot H4 of the W1/2 SW1/4, and that portion of a 60 foot dedicated public right-of-way located between Tract 3R and 4R of Arches Addition in the SW1/4, all located in the SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Bulman presented the Tax Increment Financing District No. 47 Project Plan. Bulman stated that Tax Increment Financing Committee's recommendation is that the Tax Increment Financing District No. 47 Project Plan be approved.

In response to Schmidt's question, Elkins advised that Tower Road is in poor condition and would be reconstructed as part of the public improvement from the Tax Increment Financing Funds. Discussion followed.

Brendan expressed his support for the Tax Increment Financing District.

Brown moved, LeMay seconded and unanimously carried to recommend that the Project Plan for Tax Increment District #47 be approved. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

- *38. No. 06UR009 - St. Cloud Subdivision of Forest Hills Subdivision
A request by Gary G. Barber for Roger & Janice Knutsen to consider an application for a **Conditional Use Permit to allow an oversized garage in Low Density Residential District** on Lot 2BR of Block 1, Revised of St. Cloud Subdivision of Forest Hills Subdivision, located in the NE1/4 SW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1518 Forest Hills Drive.

Tegethoff presented the Conditional Use Permit request to allow an oversized garage in the Low Density Residential District. Tegethoff stated that staff's recommendation is that the Conditional Use Permit to allow an oversized garage in Low Density Residential District be approved with stipulations.

Brenneise moved, Waltman seconded and unanimously carried to approve the Conditional Use Permit to allow the construction of an oversized garage in a Low Density Residential District 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;**
- 2. Prior to Planning Commission approval the applicant shall submit revised plans for review and approval or obtain a variance to the height regulation of an accessory building;**



3. All construction shall comply with the approved plans and elevations;
4. Prior to issuance of a Building Permit, a Wild Fire Hazard Mitigation Plan must be submitted for review and approval;
5. All applicable provisions of the International Fire Code shall be continually met;
6. Prior to issuance of a Building Permit, a Covenant Agreement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Register of Deeds Office;
7. The addition shall be constructed and maintained of the same general materials and the same color(s) as the existing residence; and,
8. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman 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.

39. Discussion Items

40. Staff Items

Elkins requested clarification of a previous request for discussion regarding density issues within the Adopted U.S. Highway 16 land use plan to be placed on a future agenda. Andrews advised that no discussion would be required.

Elkins advised the Planning Commission that a Smart Growth Seminar is scheduled for May 2nd and 3rd.

Elkins advised the Planning Commission that Holly Brenneise has resigned from the Planning Commission as she is taking a job in Minneapolis. Elkins thanked Brenneise for her contributions to the Planning Commission and the community.

There being no further business, LeMay moved, Brown seconded and unanimously carried to adjourn the meeting at 8:21 a.m. (9 to 0 with Andrews, Brenneise, Brown, Fast Wolf, Hennies, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)