



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 8, 2007

MEMBERS PRESENT: Peter Anderson, John Brewer, Barb Collins, Mike Derby, Julie Gregg, Dennis Landguth, Mike LeMay and Sandra Runde. Deb Hadcock, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Karen Bulman, Travis Tegethoff, Jonathan Smith, Emily Fisher, Mary Bosworth, Todd Peckosh, Tim Behlings, Kevin Lewis and Carol Campbell.

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

Brewer 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 LeMay Seconded by Anderson and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 10 in accordance with the staff recommendations. (8 to 0 with Anderson, Brewer, Collins, Derby, Gregg, Landguth, LeMay and Runde voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the January 25, 2007 Planning Commission Meeting Minutes.
2. 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 February 22, 2007 Planning Commission meeting.

3. No. 06PL133 - Brookfield Subdivision
A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Preliminary Plat** on Lots 16 thru 23, Block 1; Lots 1 thru 5, Block 3; Lots 1 thru 10, Block 4; Lots 1 thru 16, Block 5; Lots 1 thru 6, Block 6; and drainage Lot 1, Brookfield Subdivision, formerly a portion of the NE1/4 SE1/4, Section 13, located in the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4, Section 13, 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 northern terminus of Three Rivers Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary construction easements shall be recorded at the Register of Deed's Office as needed;**
 2. **Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show Lot 1 as a drainage easement in lieu of a drainage lot or the applicant shall obtain authorization from the City Council to create a drainage lot. In addition, the applicant shall submit documentation identifying maintenance of the drainage easement;**
 3. **Prior to City Council approval, the applicant shall obtain authorization from the City Council to create and accept ownership of a detention lot located on an adjacent property or a drainage and detention easement shall be recorded at Register of Deed's Office. In addition, documentation identifying maintenance of the drainage easement shall be submitted for review and approval;**
 4. **Prior to Preliminary Plat approval by the City Council, road construction plans for the north-south section line highway shall be submitted for review and approval. In particular, the road construction plans shall show the streets constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;**
 5. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
 6. **Prior to any disturbance of soil within the 100 year federally designated floodplain, a Floodplain Development Permit shall be obtained as needed. In addition, a 404 Permit shall be obtained from the Corp of Engineers as needed;**
 7. **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,**
 8. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**
4. No. 06PL169 - Section 7, T1S, R7E
A request by Boschee Engineering for Dr. Don Oliver to consider an application for a **Preliminary Plat** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Wilderness Canyon Road and 47th Avenue West.



Planning Commission recommended that the Preliminary Plat be continued to the February 22, 2007 Planning Commission meeting to allow the applicant to submit additional information.

5. No. 06PL176 - Blake Estates

A request by Renner & Associates for Rob Livingston to consider an application for a **Preliminary Plat** on Lots 1 thru 15 of Block 1 of Blake Estates Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lot 1 and Tract A of Government Lot 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Blake Road and West Highway 44.

Planning Commission recommended that the Preliminary Plat be continued to the April 5, 2007 Planning Commission meeting at the applicant's request.

6. No. 06PL178 - Catron Crossing Subdivision

A request by Boschee Engineering for OTS, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 8 of Block 1, lots 1 thru 8 of Block 2, Lots 1 thru 17 of Block 3, and lots 1 thru 9 of Block 4, located in the SW1/4 SW1/4, W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Bendt Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, the Comprehensive Plan Amendment to the Major Street Plan relocating the street as proposed be approved or the plat document must be revised accordingly;**
2. **Prior to Preliminary Plat approval by City Council, the plat document be revised to provide a second street connection to the subject property as a part of the development or the right-of-way must be dedicated as an "H" Lot on a separate plat document or an Exception to allow 51 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual must be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway shall be submitted for review and approval, or a Variance to the Subdivision Regulations must be obtained, or the portion of the section line highway that abuts the subject property shall be vacated;**
4. **Prior to Preliminary Plat approval by the City Council, road construction plans for Nugget Gulch Road shall be submitted for review and approval as identified or a Variance to the Subdivision**



Regulations must be obtained;

5. **Prior to Preliminary Plat approval by the City Council, road construction plans for Bendt Drive shall be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained;**
6. **Prior to Preliminary Plat approval by the City Council, road construction plans for Sourdough Road shall be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained;**
7. **Prior to Preliminary Plat approval by the City Council, road construction plans for Claimjumper Drive shall be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained;**
8. **Prior to Preliminary Plat approval by the City Council, the applicant must provide signing, lighting, and pavement marking information and must provide non-access easements in accordance with the Street Design Criteria Manual;**
9. **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;**
10. **All International Fire Codes shall be continually met;**
11. **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,**
12. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

7. No. 06PL191 - IGT Subdivision

A request by D. C. Scott Co. Land Surveyors for G. E. Commercial Finance to consider an application for a **Preliminary Plat** on Lots 1 and 2 of IGT Subdivision, located in the W1/2 of the SW1/4, and the SW1/4 of the NW1/4, formerly Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west side of South Highway 16 and south of Fox Road.

Planning Commission recommended that the Preliminary Plat be continued to the February 22, 2007 Planning Commission meeting at the applicant's request.

8. No. 07PL006 - Broadmoor Subdivision Phase 1

A request by Centerline, Inc. for Broadmoor Homeowners' Association to consider an application for a **Preliminary Plat** on Lots 39 and 40 of Broadmoor Subdivision Phase 1, formerly a portion of Lot B of Broadmoor Subdivision Phase



1 located in Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot A less Lot H1 and Lot B less Lot 12 revised thru 14 revised and Lot C Revised and Lot D of Broadmoor Subdivision Phase 1, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Sheridan Lake Road and Sunset Vista Road.

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

1. **Prior to Preliminary Plat approval by City Council, the applicant shall address all red line comments on the submitted construction plans;**
2. **Prior to Preliminary Plat approval by City Council the applicant shall record all access and utility easements, or provide documentation that these easements have been recorded;**
3. **Prior to Preliminary Plat approval by City Council, the applicant shall submit road construction plans showing Broadmoor Circle to be constructed in a minimum 49 foot right-of-way, and constructed with a minimum 24 foot wide paved service with curb, gutter, sidewalk, street light conduit, water, and sewer for review and approval, or a Variance from the Subdivision Regulations must be obtained;**
4. **Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;**
5. **Prior to Preliminary Plat approval by City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
6. **Prior to Preliminary Plat approval by City Council, a proposed grading/erosion control plan shall be submitted for review and approval;**
7. **Prior to Preliminary Plat approval by City Council, the applicant shall submit drainage calculations, show existing storm sewer in the vicinity of Lot 40, and show all private utilities on the site plan maintaining a 5 foot separation from sewer and water;**
8. **Prior to approval by City Council, the applicant shall obtain an exception to allow for six lots to be accessed by a private street in lieu of four lots, or Broadmoor Circle shall be dedicated as public right-of-way;**
9. **Prior to approval by City Council, the applicant shall provide documentation showing authorization to represent the Broadmoor's Homeowners Association; and**
10. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

9. No. 07PL008 - Carlin Subdivision

A request by Sperlich Consulting, Inc. for Joe Carlin to consider an application for a **Preliminary Plat** on Lots 12 and 13 of Carlin Subdivision located in the W1/2 of the NW1/4 of the SE1/4, Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the west 354.46 feet of the NW1/4 of



the SE1/4 except the north 158 feet thereof and except the north 375 feet of the south 641.34 feet thereof and except Bies Subdivision, Call Subdivision and Carlin Subdivision located in Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Crane Drive and Carlin Street.

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

1. **Prior to submittal of a Final Plat application, a different street name for "Mary Place" shall be submitted to the Emergency Services Communication Center for review and approval, and the plat document shall be revised to show the approved street name;**
 2. **Prior to Preliminary Plat approval by the City Council, the applicant shall submit plans prepared by a Professional Engineer showing the location of proposed wells, water quantity, and storage capacity for domestic and fire flows;**
 3. **Prior to Preliminary Plat approval by the City Council, plans for the septic system prepared by a Professional Engineer shall be submitted for review and approval;**
 4. **Prior to Preliminary Plat approval by the City Council, the applicant shall obtain an exception to the Street Design Criteria Manuel to allow a T-shaped turnaround in lieu of a cul-de-sac. This T-shaped turnaround shall also be approved by the Fire Department;**
 5. **Prior to Preliminary Plat approval by Council, the applicant shall submit additional drainage information prepared by a Professional Engineer for the proposed Lot 12;**
 6. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
 7. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**
10. No. 07SR003 - Original Town of Rapid City
A request by enVision Design, Inc. for Rapid City Arts Council to consider an application for an **SDCL 11-6-19 Review to allow the remodel and construction of the Dahl Fine Arts Center** on Lots 1 thru 5, the north half of the adjacent vacated alley, the east half of Lot 26, Lots 27 thru 32, and the south half of the adjacent vacated alley, Block 103, Original Town of Rapid City, all located in the NE1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 713 Seventh Street.

Planning Commission approved the SDCL 11-6-19 Review to allow the remodel and construction of the Dahl Fine Arts Center.

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

Brewer announced that the Public Hearings on Items 11 through 23 were opened.



Staff requested that Item 17 be removed from the Hearing Consent Agenda for separate consideration.

LeMay moved, Collins seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 11 through 23 in accordance with the staff recommendations with the exception of Item 17. (8 to 0 with Anderson, Brewer, Collins, Derby, Gregg, Landguth, LeMay and Runde voting yes and none voting no)

The Public Hearings for Items 11 through 23 were closed.

---HEARING ITEMS CONSENT CALENDAR---

11. No. 06CA028 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to amend the Major Street Plan to change an arterial street to a collector street, to eliminate a collector street and to relocate a collector street** on Parcel 1 thru 15 and detention ponds, Rushmore Crossing, Sections, 29, 30, 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as DESCRIPTION No. 1: Lot BR of Lot 2 of the SE1/4 SW1/4, Section 29 in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 2: Lot C of Lot 2 of the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 3: Tract C of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 11, Page 68; DESCRIPTION No. 4: that portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying South of Lot H3 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 109 and lying South of Lot H1 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 113 and lying South of Lot H2 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 292 and lying South of Lot H4 of said SW1/4 as shown on the plat filed in Highway Plat Book 10, Page 150 (Interstate 90 right-of-way) and lying North of the Railroad right-of-way; excepting therefrom Lot A of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 10, Page 122; AND excepting therefrom Tract C of said SW1/4, as shown on the plat filed in Plat Book 11, Page 68; and excepting therefrom Lot 1R, Lot BR of Lot 2 and Lot C of Lot 2 of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 15, Page 103; and excepting therefrom the W1/2 SW1/4 SW1/4 SW1/4 lying North of said Tract C; DESCRIPTION No. 5: that portion of the N1/2 SE1/4 lying South of Lots H1 and H2 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 3, Page 288 and lying South of Lot H3 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 148 (Interstate 90 right-of-way) and the N1/2 NE1/4 SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom Lot D of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 70; and excepting therefrom Lots E and M of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 71; and excepting



therefrom Lots C and L of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 8; Page 132; and excepting therefrom Tract 1 of Flack - Hendricksen Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 16, Page 205; and excepting therefrom Lots 1 and 2 in Block 2 of Rapps Addition of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 23, Page 166; and excepting therefrom Lots 1 and 2 of Bedco Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 26, Page 61; and excepting therefrom any dedicated streets, avenues or alleys lying within said plats; and excepting therefrom the Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; and excepting therefrom that portion of the SE1/4 NW1/4 SE1/4 and that portion of the SW1/4 NE1/4 SE1/4 lying south of said Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; DESCRIPTION No. 6: Lot 1R, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 7: Lot 1 of the SW1/4 SE1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 8: Lot A of Lot 2, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 9: a portion of the unplatted portion of the SE1/4 NW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 10: the unplatted portion of the SW1/4 NE1/4 SE1/4, Section 30, lying south of Lot H1, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 11: the unplatted portion of the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 12: the unplatted portion of the SE1/4 SE1/4 and excepting therefrom the N1/2 NE1/4, SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 13: the W1/2 SW1/4, SW1/4 SW1/4, Section 29, lying north of Tract C, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 14: the Farnwood Avenue Right-of-Way, located in the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota., more generally described as being located south of I-90 between North LaCrosse Street and East North Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan to amend the Major Street Plan to change an arterial street to a collector street, to eliminate a collector street and to relocate a collector street be continued to the February 22, 2007 Planning Commission meeting to allow the applicant to submit an updated Traffic Impact Study.

12. No. 06SV066 - Section 7, T1S, R7E

A request by Boschee Engineering for Dr. Don Oliver 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, pavement; and to allow 10 foot wide dirt road to serve as access to Lot 1 and to allow Wilderness Canyon Road to remain a 24 foot paved street with water as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection



of Wilderness Canyon Road and 47th Avenue West.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the Requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement along Wilderness Canyon Road and an access easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the February 22, 2007 Planning Commission meeting to allow the applicant to submit additional information.

13. No. 06SV075 - Blake Estates

A request by Renner & Associates for Rob Livingston to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway and to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 15 of Block 1 of Blake Estates Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lot 1 and Tract A of Government Lot 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of the intersection of West Highway 44 and Blake 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 Section Line Highway and to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 5, 2007 Planning Commission meeting at the applicant's request.

14. No. 06SV079 - IGT Subdivision

A request by D. C. Scott Co. Land Surveyors for G. E. Commercial Finance to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along the section line highway and Berglund Road; to waive the requirement to install street light conduit along Berglund Road and Fox Road; to allow platting half the Right-of-way, to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and water along the section line highway, and the US Hwy 16 service road as per Chapter 16.16 of the Rapid City Municipal Code** on Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Promise Road and U.S. Highway 16 South.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Berglund Road, to waive the requirement to install street light conduit along Berglund Road and Fox Road and to allow platting half a right-of-way, to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer



and water along the section line highway, and the US Hwy 16 service road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the February 22, 2007 Planning Commission meeting at the applicant's request.

15. No. 07CA004 - New Park Subdivision

A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Low Density Residential with a Planned Residential Development** on Lots 1 thru 6 of Tract A and Lots 7 and 8 of Tract B all of Lot 1 of New Park Subdivision (formerly Tracts A and B of Lot 1 of New Park Subdivision) located in the NW1/4 of the SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and south of Kathryn Avenue.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Low Density Residential with a Planned Residential Development be approved.

16. No. 07CA005 - Section 22, T1N, R7E

A request by Boschee Engineering for OTS, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a collector street** on a parcel of land described as the SW1/4 of Section 22, T1N, R7E, and the N1/2 of the NW1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Nugget Gulch Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a collector street be approved.

*18. No. 07PD001 - Stoney Creek South Subdivision

A request by Sperlich Consulting, Inc. for William Donhiser to consider an application for a **Planned Commercial Development - Initial & Final Development Plan** on Lot 7 of Block 2 of Stoney Creek South Subdivision, located in the NW1/4 of the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Bendt Drive and Catron Boulevard.

Planning Commission continued the Planned Commercial Development - Initial & Final Development Plan to the February 22, 2007 Planning Commission meeting at the applicant's request.

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



19. No. 07RZ001 - Auburn Hills Subdivision
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on the north 405.96 feet strip of land, 33 feet wide adjacent to the easterly boundary of the SE1/4 of the NE1/4, located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Country Road West.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be approved.

20. No. 07RZ002 - Auburn Hills Subdivision
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a 33 foot wide strip of land adjacent to the easterly boundary of Section 14 beginning 430.21 feet north of the southeast corner of the NE1/4 of the SE1/4 and ending 405.96 feet south of the northeast corner of the SE1/4 of the NE1/4, located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Country Road West.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential be approved.

21. No. 07RZ003 - Auburn Hills Subdivision
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on a 33 foot wide strip of land adjacent to the easterly boundary and extending 430.21 feet north of the southeast corner of the NE1/4 of the SE1/4, and a 33 foot wide strip of land adjacent to the easterly boundary of the N1/2 of the SE1/4 of the SE1/4, all located in Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Country Road West.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be approved.

22. No. 07RZ004 - Catron Crossing
A request by Boschee Engineering for OTS, Inc. to consider an application for a **Rezoning from General Commercial District to Low Density Residential District** on a parcel of land located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at the found corner No. 3977 of the southwest corner of Section 22; thence N89°51'52"E along south section line of Section 22, 298.47 feet to the true point of beginning; beginning at a point; thence N89°51'52E 195.37 feet; thence N00°01'07"W 458.25 feet; thence N00°02'33"E 199.35 feet; thence N00°02'33"E 317.97 feet; thence S53°48'13"W 78.46 feet; thence N68°58'39"W 24.58 feet; thence S23°19'30"W 120.85 feet; thence S12°21'02"W 160.14 feet; thence S00°00'00"E 112.04 feet; thence S26°16'50"W 217.16 feet;



thence S16°04'27"W 91.13 feet; thence S16°04'27"W 46.34 feet; thence S10°12'24"W 126.12 feet; thence S88°50'10"E 129.50 feet; thence S00°04'44"W 105.50 feet; to the point of beginning; containing 4.48 acres more or less, more generally described as being located at the southern terminus of Bendt Drive.

Planning Commission recommended that the Rezoning from General Commercial District to Low Density Residential District be continued to the February 22, 2007 Planning Commission meeting to be heard in conjunction with the associated Comprehensive Plan Amendment(s) to the U.S. Highway 16 Area Future Land Use Plan.

23. No. 07RZ005 - Catron Crossing

A request by Boschee Engineering for OTS, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on a parcel of land located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the found corner No. 3977 of the southwest corner of Section 22; thence N89°51'52"E along south section line of Section 22, 493.84 feet to the true point of beginning; thence N89°51'52"E 818.42 feet; thence N00°00'36"E 564.46 feet; thence N89°59'24"W 709.07 feet; thence N76°18'05"W 108.67 feet; thence N00°00'00"W 63.32 feet; along a curve to the left having a radius of 274.00 feet through a central angle of 23°19'30" along said curve having a chord direction of N11°39'45"E; thence N23°19'30"E 113.52 feet; along a curve to the right having a radius of 476.00 feet through a central angle of 27°58'03" along said curve having a chord direction of N09°20'29"E; thence N04°38'33"W 36.30 feet; thence S85°21'27"W 69.30 feet; thence S06°18'31"W 135.46 feet; thence S53°48'13"W 26.53 feet; thence S00°02'33"W 317.97 feet; thence S00°02'33"W 199.35 feet; thence S00°01'07"E 458.25 feet; to the point of beginning; containing 11.31 acres more or less, more generally described as being located at the southern terminus of Bendt Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be continued to the February 22, 2007 Planning Commission meeting to be heard in conjunction with the associated Rezoning and Comprehensive Plan Amendment(s).

---END OF HEARING CONSENT CALENDAR---

17. No. 07OA001 – Ordinance Amendment

A request by Faulk & Foster for Western Wireless Corp. to consider an application for an **Ordinance Amendment to add communication towers and antennas as a Conditional Use in the Heavy Industrial and Light Industrial Zoning District by amending Chapter 17.24.030 and Chapter 17.22.030 of the Rapid City Municipal Code.**

Elkins presented the Ordinance Amendment. Elkins advised that applicant's name is incorrect. Elkins stated that staff's recommendation is that the Ordinance Amendment be denied without prejudice.



LeMay moved, Anderson seconded and unanimously carried to recommend that the Ordinance Amendment to add communication towers and antennas as a Conditional Use in the Heavy Industrial and Light Industrial Zoning District by amending Chapter 17.24.030 and Chapter 17.22.030 of the Rapid City Municipal Code be denied without prejudice. (8 to 0 with Anderson, Brewer, Collins, Derby, Gregg, Landguth, LeMay and Runde voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

24. No. 06SR071 - Forkner Addition

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 Review to reconstruct an existing street** on Lot A of Lots 7 and 12; Lot B of Lots 7, 8, 9 and 12, Forkner Addition, all located in the NW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Cambell Street and E. North Street along the south side of the E. North Street right-of-way.

Fisher presented the SDCL 11-6-19 Review request. Fisher advised that the applicant has requested that the SDCL 11-6-19 Review be approved. Fisher stated that staff recommends that the SDCL 11-6-19 request be continued to the February 22, 2007 Planning Commission meeting.

In response to Brewer's questions, Fisher identified the existing and proposed access to the subject property. Discussion followed.

In response to Anderson's questions, Fisher stated that the street would be a state right-of-way and that the street would need to be improved to City standards. Discussion continued.

Runde moved, Anderson seconded and unanimously carried to approve the SDCL 11-6-19 Review to modify an existing road be continued to the February 22, 2007 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Collins, Derby, Gregg, Landguth, LeMay and Runde voting yes and none voting no)

25. No. 06SR088 - Marshall Heights Subdivision No. 2

A request by Centerline, Inc. for R.C. Implement Company to consider an application for an **SDCL 11-6-19 Review to extend a private sewer in a public right-of-way** on Tract F of Marshall Heights Subdivision No. 2 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 751 East Disk Drive.

Tegethoff presented the SDCL 11-6-19 Review request recommending that the request be continued to the February 22, 2007 Planning Commission meeting as the stipulations have not been met.



LeMay moved, Runde seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the extension of a private sewer main to the February 22, 2007 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Collins, Derby, Gregg, Landguth, LeMay and Runde voting yes and none voting no)

26. No. 06SR089 - Rapid Valley Subdivision

A request by Sperlich Consulting, Inc. for Jamie Gerlach to consider an application for an **SDCL 11-6-19 Review to allow the extension of public utilities** on Lots 1 thru 12 of Block 5 of Rapid Valley Subdivision located in the N1/2 of the NE1/4 of Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sedivy Lane and East St. Francis Street.

Tegethoff presented the SDCL 11-6-19 Review request. Tegethoff stated that staff recommends that the SDCL 11-6-19 Review request be continued to the February 22, 2007 Planning Commission meeting as the stipulations have not been met.

LeMay moved, Runde seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the extension of public utilities to the February 22, 2007 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Collins, Derby, Gregg, Landguth, LeMay and Runde voting yes and none voting no)

27. No. 07CA002 - Fountain Springs Park Subdivision

A request by CETEC Engineering for Franklin O. Simpson to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan** on a parcel of land in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26 and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Commencing at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°09'18"W along the Right-of-Way of Harmony Heights Lane a distance of 52.00 feet to the True Point of Beginning, a point to become the new Northeast corner of Block 3 of Fountain Springs Park Subdivision. From said point, thence S72°11'11"W along the Right-of-Way of Harmony Heights Lane a distance of 267.40 feet; Thence through a non-tangent curve to the right having a radius of 230.00 feet and a chord bearing of N89°07'20"W and a chord length of 147.40 feet; Thence N70°22'48"W, 53.56 feet to a point, Said point being monumented with an Iron rod; Thence through a non-tangent curve to the right having a radius of 333.35 feet and a chord bearing of S38°32'11"W and a chord length of 158.68 feet to a point: Thence S00°01'15"E, 367.96 feet to a point, Said point being monumented with an Iron rod; Thence N89°40'53"E, 407.99 feet, Said point being monumented with an Iron rod and defining the location of the North-South section line between Sections 26 & 27. Thence N89°55'22"E, 375.38 feet to a point; Thence N00°04'38"W, 316.22 feet to a point; Thence N84°29'24"W, 52.96'; Thence N79°46'11"W, 113.48 feet; Thence N17°50'42"W, 220.00 feet to the Northeast corner of Block 3, being the True Point of Beginning, more generally



described as being located near Harmony Heights Lane, Plaza Drive and Sunny Springs Drive.

Fisher presented the Amendment to the Comprehensive Plan request. Fisher advised that the request had been approved previously; however, staff was advised that the legal description was incorrect. Fisher stated that staff recommends that the Comprehensive Plan Amendment be approved.

Collins stated that she would be abstaining from the discussion and vote due to a conflict of interest.

In response to LeMay's question, Fisher identified the location of the realignment of the subject street. Discussion followed.

In response to Anderson's question, Fisher stated that the subject property is different than items 28 and 29.

Ed Carpenter, representing Bailey Associates, Inc. stated that the Jim Bailey opposes the Amendment to the Adopted Comprehensive Plan. Carpenter stated that Bailey has concerns with construction of the access road and that the applicant be required to dedicate the right-of-way or sign a waiver of right to protest. Carpenter identified similar developments on adjacent properties. Carpenter reviewed Ordinances for development requirements, an Ordinance requiring a phasing development to have a schedule submitted. Carpenter identified the section line on the subject property. Carpenter requested that the developer be required to submit development intentions and dates of development. Carpenter requested that the applicant be required to dedicate the right-of-way and provide a waiver of right to protest any future assessments.

Elkins reminded the commission that the item before them for consideration is the proposed revision to the Major Street Plan. Discussion followed.

Gary Renner, Renner and Associates, expressed his opinion that the proposed realignment would prohibit the developer from completing future phases of the subject property. Renner expressed concerns that road connections not completed by the applicant would negatively impact adjacent property owners.

Jim Bailey, adjacent property owner, presented handouts and expressed concerns for the proposed street plan amendment and the placement of fill on the subject property. Discussion followed.

Hadcock expressed her concerns with the request to Amend the Comprehensive Plan.

Elkins reminded the Planning Commissioners that the request has been previously approved by the Planning Commission and City Council and is a revised application to correct a legal description. Discussion followed.

Landguth moved, Gregg seconded to recommend that the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan be



approved.

Derby moved, Runde seconded to continue the Amendment to the Comprehensive Plan to the February 22, 2007 Planning Commission meeting. Lengthy discussion followed.

In response to LeMay's question, Elkins identified the proposed location of the arterial street. Elkins further reviewed the requirements to reopen a vacated section line highway. Discussion followed.

Ted Schultz, CETEC Engineering requested that the Amendment to the Comprehensive Plan request be approved. Schultz identified the division of lots and the advantages associated with the realignment of the street section. Discussion followed.

Derby withdrew the motion to continue the Comprehensive Plan Amendment to the February 22, 2007 Planning Commission meeting, Runde concurred.

Landguth moved, Gregg seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan be approved. (6 to 1 to 1 with Anderson, Brewer, Derby, Gregg, Landguth and LeMay voting yes and Runde voting no and Collins abstaining)

28. No. 07CA003 - Fountain Springs Park Subdivision

A request by CETEC Engineering for Franklin O. Simpson to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial** on Tract P of Fountain Springs Business Park and dedicated public right-of-way in the S1/2 of the NE1/4 and the N1/2 of the SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the corner of North Plaza Drive and Fountain Plaza Drive.

Collins abstained from discussion and voting due to a conflict of interest.

Fisher presented the Amendment to the Comprehensive Plan and Rezoning requests. Fisher stated that staff recommends that the Amendment to the Comprehensive Plan and the Rezoning requests be approved.

29. No. 07RZ006 - Fountain Springs Park Subdivision

A request by CETEC Engineering for Franklin O. Simpson to consider an application for a **Rezoning from General Agriculture to Light Industrial** on Tract P of Fountain Springs Business Park and dedicated public right-of-way in the S1/2 of the NE1/4 and the N1/2 of the SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the corner of North Plaza Drive and Fountain Plaza Drive.



LeMay moved, Landguth seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial and the Rezoning from General Agriculture to Light Industrial be approved in conjunction with the Comprehensive Plan Amendment to the Future Land Use Plan. (7 to 0 to 1 with Anderson, Brewer, Derby, Gregg, Landguth, LeMay and Runde voting yes and none voting no and Collins abstaining)

*30. No. 07PD002 - Regional Hospital Addition

A request by Trey Heaton for Vern Osterloo to consider an application for a **Major Amendment to a Planned Commercial Development** on Tract AR-1 and the north 30 feet of vacated Third Street of said Lot of the Regional Hospital Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Fairmont Boulevard and Fifth Street.

Tegethoff presented the Major Amendment request and recommended approval with stipulations.

In response to LeMay's questions, Tegethoff identified the proposed location of the central utility plant on the subject property.

Vern Osterloo, Rapid City Regional Hospital, identified the adjacent property owners and existing structures and landscaping on the subject property.

LeMay moved, Gregg seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development 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 construction of any signage;**
4. **An Air Quality Permit shall be obtained prior to construction if one acre or more is disturbed;**
5. **Prior to issuance of a Building Permit the applicant shall obtain the Department of Environmental and Natural Resources permits for the proposed underground storage tanks and the proposed boilers;**
6. **All applicable provisions of the International Fire Code shall be continually met;**
7. **The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
8. **The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
9. **All construction shall comply with the approved building elevations;**
10. **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 Growth Management Department;**



11. Prior to issuance of a building permit a revised grading and drainage plan must be submitted for review and approval;
12. Prior to issuance of a building permit a revised water plan must be submitted for review and approval;
13. Prior to Planning Commission approval, information documenting that the noise levels emitted from the proposed facility and the related equipment shall not exceed 65 DNL at the property line. If concerns are raised regarding the noise levels, the owner shall conduct testing and provide documentation for review and approval by the Growth Management Director that the noise levels are in compliance with the 65 DNL standards or shall construct all necessary improvements to comply with the standards;
14. Prior to Planning Commission approval, a master plan for the entire property shall be submitted for review and approval showing all existing and proposed structures and utilities;
15. All applicable stipulations of the original Planned Commercial Development shall still apply; and,
16. The Major Amendment to the Planned Commercial Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 0 with Anderson, Brewer, Collins, Derby, Gregg, Landguth, LeMay and Runde 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.

31. No. 07SR001 - Starlite Subdivision

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 Review to extend sanitary sewer on public property** on the public right-of-way at the intersection of Beale Street and Lowry Lane; the public right-of-way for Offutt Street and Interstate I90 right-of-way immediately north of the intersection of Beale Street and Lowry Lane; and the unplatted portion of the SW1/4 north of I90 less Lot 3 of Starlite Subdivision, less GLM Subdivision; and the unplatted portion of the NW1/4 of the SE1/4 of I90; Lot E of the S1/2 of the SE1/4, all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of I90 and Lowry Lane.

Fisher presented the SDCL 11-6-19 Review and the recommendation to continue the request to the February 22, 2007 Planning Commission meeting as the stipulations of approval have not been met.

LeMay moved, Runde seconded and unanimously carried to continue the SDCL 11-6-19 Review to extend sanitary sewer on public property to the February 22, 2007 Planning Commission meeting at the applicant's



request. (8 to 0 with Anderson, Brewer, Collins, Derby, Gregg, Landguth, LeMay and Runde voting yes and none voting no)

32. Discussion Items

33. Staff Items

Elkins advised that a binder has been provided to the Planning Commissioners with regard to Night Sky regulations. She encouraged the commission to review the information and suggested that the issue be discussed at a future meeting.

34. Planning Commission Items

Brewer requested discussion or training on the sign ordinance. Elkins advised that the electronic sign and sign ordinance would be added to the list of topics for training purposes.

35. Committee Reports

- A. City Council Report (January 15, 2007)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Runde moved, LeMay seconded and unanimously carried to adjourn the meeting at 8:29 a.m. (8 to 0 with Anderson, Brewer, Collins, Derby, Gregg, Landguth, LeMay and Runde voting yes and none voting no)