

**DRAFT**

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
November 10, 2005

MEMBERS PRESENT: Peter Anderson, Doug Andrews, John Brewer, Gary Brown, Ida Fast Wolf, Thomas Hennies, Dennis Landguth, Mike LeMay and Ethan Schmidt. Deb Hadcock, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Mike Maxwell, Michelle Horkey, Bob Dominicak, Emily Fisher, Bill Knight, Joel Landeen, 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.**

**A member of the audience requested that Item 4 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Motion by Brown, Seconded by Hennies and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 6 in accordance with the staff recommendations with the exception of Items 4. (9 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Schmidt voting yes and none voting no)**

**---NON HEARING ITEMS CONSENT CALENDAR---**

1. Approval of the October 27, 2005 Planning Commission Meeting Minutes.
2. No. 05PL157 - Prairiefire Subdivision  
A request by Britton Engineering & Land Surveying for Prairiefire Investments, LLC to consider an application for a **Preliminary Plat** on Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 NE1/4, less the Eisenbraun Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.  
  
**Planning Commission recommended that the Preliminary Plat be continued to the November 23, 2005 Planning Commission meeting at the applicant's request.**
3. 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 November 23, 2005 Planning Commission meeting.**

5. No. 05SR061 - Section 3, T1N, R7E

A request by Rosenbaum's Signs to consider an application for an **SDCL 11-6-19 Review to allow the installation of a sign on public property** on Lot 1, SE1/4 NE1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 915 Mountain View Road.

**Planning Commission denied the SDCL 11-6-19 Review to allow the installation of a sign on public property without prejudice.**

6. No. 05SR062 - Section 29, T2N, R8E

A request by Ferber Engineering Company, Inc. for FMLC, Inc. to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sanitary sewer extension and a street in conjunction with South Dakota Department of Transportation's extension of the street** on that portion of the SE1/4 lying north of Interstate 90, less Tract A, NE1/4 SE1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Interstate 90 and Dyess Avenue.

**Planning Commission approved the SDCL 11-6-19 Review to allow the construction of a sanitary sewer extension in conjunction with South Dakota Department of Transportation's extension of the street with the following stipulations:**

1. **Prior to the start of construction, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to the start of construction, a complete drainage plan shall be submitted for review and approval;**
3. **Prior to the start of construction, utility and drainage easements shall be recorded at the Register of Deed's Office as needed. In addition, E. North Street right-of-way shall be dedicated as a part of a Preliminary and Final Plat or as an "H" Lot;**
4. **All South Dakota Department of Environment and Natural Resource standards shall be continually met; and,**
5. **An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre.**

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

4. No. 05SR060 - Section 9, T1N, R8E

A request by Alliance of Architects for Donald Smith to consider an application for an **SDCL 11-6-19 Review to install sanitary sewer improvement and storm drainage improvements for South Valley Mobile Estates** on Lot 3, (South Valley Mobile Estates), located in the SW1/4 NW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Orchard Lane and East of South Valley Drive.

Bob Rothermel, Alliance of Architects, requested that the SDCL 11-6-19 Review be approved.

Elkins advised that the sanitary sewer easements would need to be in place in order for the application to be approved.

Rothermel stated that easement agreements have been received from all adjacent property owners.

Elkins cautioned the Planning Commission that the City Attorney's office has recommended that Planning Commission not approve the SDCL 11-6-19 Review with stipulations. Elkins advised that the Planning Commission could approve a portion of the SDCL 11-6-19 Review with respect to the sanitary sewer and that prior to any construction being initiated, the applicant provide copies of the recorded easements.

**Brown requested that the SDCL 11-6-19 Review to install sanitary sewer improvements for South Valley Mobile Estates be approved with the stipulation that the staff has an opportunity to review the documents and that the recorded easements are in place prior to construction. Brown stated that the balance of the request with respect to the Storm Drainage should be continued.**

**Brown moved, Anderson seconded and unanimously carried to approve the SDCL 11-6-19 Review to install sanitary sewer improvements for South Valley Mobile Estates with the stipulation that staff review the documents and that the recorded easements be in place prior to construction and continue the request for an SDCL 11-6-19 Review for the storm drainage improvements to the November 23, 2005 Planning Commission. (9 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Schmidt voting yes and none voting no)**

**---HEARING ITEMS CONSENT CALENDAR---**

**Andrews announced that the Public Hearings on Items 7 through 24 were opened.**

**Hadcock requested that Item 8, 9 and 11 be removed from the Hearing Consent Agenda for separate consideration.**

**Landguth moved, Anderson seconded and unanimously carried to recommend**

**approval of the Hearing Consent Agenda Items 7 through 24 in accordance with the staff recommendations with the exception of Items 8, 9, and 11. (9 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Schmidt voting yes and none voting no)**

**The Public Hearings for Items 7 through 24 were closed.**

7. No. 05CA015 - Section 34, T2N, R8E

A request by the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximate 55.3 acre parcel from Light Industrial to General Commercial** on the eastern most 504 feet of the SW1/4 NW1/4 and the SE1/4 NW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by amending the Elk Vale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximate 55.3 acre parcel from Light Industrial to General Commercial be continued to the November 23, 2005 Planning Commission meeting.**

10. No. 05CA041 - Sections 5, 6, 7, 8, 17, 20, 29, 19, 30, 31, 29, T1N, R8E, and 25, 26, 27, 34, 35, 36, T1N, R7E

A request by Dion Lowe for the City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan adopting the East Highway 79-Landfill Drainage Basin Design Plan** on includes the SW1/4, Section 5; the SE1/4, Section 6; NE1/4 NE1/4, Section 7; NE1/4 NW1/4, NW1/4 NE1/4, the SE1/4 SW1/4, SW1/4 SE1/4, Section 8; E1/2 W1/2, SW1/4 SW1/4, W1/2 E1/2, Section 17; less the NE1/4 NE1/4, Section 20; S1/2 SE1/4, NW1/4, Section 29, SE1/4 NE1/4, E1/2 SW1/4, SE1/4, Section 19, Section 30 less the NW1/4 NW1/4; S1/2 SE1/4, NW1/4 NW1/4, Section 31; NW1/4 SW1/4, SW1/4 NW1/4, Section 29, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and; the S1/2 N1/2, S1/2, Section 25; S1/2 SW1/4, SE1/4, Section 26; E1/2 SE/14, Section 27, S1/2 NE1/4, NE1/4 NE1/4, Section 34; N1/2 less the SE1/4 SE1/4, Section 35; N1/2 N1/2, Section 36, all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as including the SW1/4, Section 5; the SE1/4, Section 6; NE1/4 NE1/4, Section 7; NE1/4 NW1/4, NW1/4 NE1/4, the SE1/4 SW1/4, SW1/4 SE1/4, Section 8; E1/2 W1/2, SW1/4 SW1/4, W1/2 E1/2, Section 17; less the NE1/4 NE1/4, Section 20; S1/2 SE1/4, NW1/4, Section 29, SE1/4 NE1/4, E1/2 SW1/4, SE1/4, Section 19, Section 30 less the NW1/4 NW1/4; S1/2 SE1/4, NW1/4 NW1/4, Section 31; NW1/4 SW1/4, SW1/4 NW1/4, Section 29, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and; the S1/2 N1/2, S1/2, Section 25; S1/2 SW1/4, SE1/4, Section 26; E1/2 SE/14, Section 27, S1/2 NE1/4, NE1/4 NE1/4, Section 34; N1/2 less the SE1/4 SE1/4, Section 35; N1/2 N1/2, Section 36, all located in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located from US Highway 16, South of Catron Boulevard,

across SD Highway 79 to Elk Street and North of East St. Patrick.

**Planning Commission recommended that the Amendment to the Comprehensive Plan adopting the East Highway 79-Landfill Drainage Basin Design Plan be approved.**

\*12. No. 05PD063 - Riverside Addition

A request by ARC International to consider an application for a **Major Amendment to a Planned Commercial Development** on Tract A, Block 4 and a portion of vacated 11th Street Right-of-Way, Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 West Boulevard.

**Planning Commission continued the Major Amendment to a Planned Commercial Development to the November 23, 2005 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.***

\*13. No. 05PD064 - Meridian Subdivision

A request by PNPA Pathways for Wal-Mart Facility Maintenance to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 5R, Meridian Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1200 LaCrosse Street.

**Planning Commission continued the Major Amendment to a Planned Commercial Development to the November 23, 2005 Planning Commission 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.***

\*14. No. 05PD074 - 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 Lots 1 - 7, Block 1; Lots 1 - 9, Block 2; Lots 1 - 49, Block 3; Lots 1 - 19, Block 4; Lots 1 - 9, Block 5; Lots 1 - 2, Block 6; Lots 1 - 2, Block 7; Lots 1 - 2, Block 8; Lot 1, Block 9; dedicated streets and drainage lot located in the NW1/4 NW1/4, SW1/4 NW1/4, NW1/4 SW1/4 and the SW1/4 SW1/4, Red Rock Meadows Subdivision; Section 28, and the SE1/4 NE1/4, NE1/4 SE1/4 and a portion of Lot 2, located in the SE1/4 SE1/4, Red Rock Meadows Subdivision; Section 29, T1N,

R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Muirfield Drive.

**Planning Commission approved the Planned Residential Development - Initial and Final 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. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;**
- 3. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;**
- 4. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development; and,**
- 5. The Planned Residential Development shall allow for the construction of single family residence(s). 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.***

\*15. No. 05PD075 - South Pointe Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1 - 18, Block 1; Lots 1 - 21, Block 2; Lots 1 - 16, Block 3, Lots 1 - 7, Block 4; South Pointe Subdivision, formerly a portion of Lot 2, Block 11, Robbinsdale Addition No. 10, located in the SE1/4 SE1/4, Section 13, T1N, R7E; and a portion of Government Lot 1, Section 19, T1N, R8E; and a portion of the E1/2 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Fifth Street and west of Parkview Drive and south of Enchanted Pines Drive.

**Planning Commission approved the Planned Residential Development - Initial and Final 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. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;**
- 3. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial**

and Final Planned Residential Development or a subsequent Major Amendment;

4. The proposed structures shall conform architecturally to the proposed elevations, design plans and color scheme submitted as part of this Final Planned Residential Development; and,
5. The Planned Residential Development shall allow for the construction of single family residences 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.*

16. No. 05RZ023 - Section 34, T2N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the eastern most 504 feet of the SW1/4NW1/4 and the SE1/4NW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

**Planning Commission recommended that the Rezoning from No Use District to General Commercial District be continued to the November 23, 2005 Planning Commission meeting.**

17. No. 05RZ024 - Section 34, T2N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the northern most 210 feet of the SE1/4SW1/4SW1/4; the NE1/4SW1/4SW1/4; the northern most 870 feet of the SE1/4SW1/4; the E1/2 NW1/4SW1/4; the NE1/4SW1/4; the NW1/4SE1/4; and the NE1/4SE1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

**Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the November 23, 2005 Planning Commission meeting.**

18. No. 05RZ025 - Section 34, T2N, R8E and Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on the north 200 feet of Lot 1, Neffs Subdivision #3; the eastern most 440 feet and southern most 450 feet of the SW1/4SW1/4; and the southern most 450 feet of the SE1/4SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 670 feet of the NE1/4NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally

described as being located east of the intersection of East Anamosa Street and Elk Vale Road.

**Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be continued to the November 23, 2005 Planning Commission meeting.**

19. No. 05RZ026 - Sections 27 and 34, T2N, R8E and Section 3, T1N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the SW1/4SW1/4SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; the west 130 feet of NW1/4NW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the west 130 feet lying adjacent to RR ROW and south of RR ROW, located in the SW1/4SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 670 feet of the NW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of East Anamosa Street and Elk Vale Road.

**Planning Commission recommended that the Rezoning from No Use District to General Commercial District be continued to the November 23, 2005 Planning Commission meeting.**

20. No. 05RZ027 - Section 34, T2N, R8E

A request by the City of Rapid City to consider an application for a **Rezoning from No Use District to Office Commercial District** on the west 816 feet of the SW1/4NW1/4; the W1/2NW1/4SW1/4; and the NW1/4SW1/4SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

**Planning Commission recommended that the Rezoning from No Use District to Office Commercial District be continued to the November 23, 2005 Planning Commission meeting.**

21. No. 05RZ055 - McMahon Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential to General Commercial** on a Tract of land located in the NE1/4 SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: beginning at a point on the east/west 1/4 line of said Section 24 from which the center 1/4 corner of said Section 24 bears S89°48'44"E, a distance of 55.80 feet; thence N89°48'44"W a distance of 451.01 feet; thence S00°10'09"W a distance of 399.73 feet; thence S89°49'51"E a distance of 449.00 feet; thence N00°27'22"E a distance of 399.59 feet to the point of beginning; said Tract containing 4.13 acres more or less, more generally described as being located on the southeast corner of the intersection of Kathryn Avenue and Haines Avenue.



**Planning Commission recommended that the Rezoning of a Tract of land located in the NE1/4 SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: beginning at a point on the east/west 1/4 line of said Section 24 from which the center 1/4 corner of said Section 24 bears S89°48'44"E, a distance of 55.80 feet; thence N89°48'44"W a distance of 451.01 feet; thence S00°10'09"W a distance of 399.73 feet; thence S89°49'51"E a distance of 449.00 feet; thence N00°27'22"E a distance of 399.59 feet to the point of beginning from Low Density Residential to General Commercial be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Development Designation.**

22. No. 05RZ056 - McMahon Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential to Medium Density Residential** on a Tract of land located in the NE1/4 SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: beginning at a point on the east/west 1/4 line of said Section 24 from which the center 1/4 corner of said Section 24 bears S89°48'44"E a distance of 506.81 feet; thence S00°10'09"W a distance of 399.73 feet; thence N89°49'51"W a distance of 230.30 feet; thence N00°10'09"E a distance of 399.80 feet; thence S89°48'44"E a distance of 230.30 feet to the point of beginning: said Tract containing 2.11 acres more or less, more generally described as being located at the northeast corner of the intersection of Katheryn Drive and Haines Avenue.

**Planning Commission recommended that the Rezoning of a Tract of land located in the NE1/4 SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: beginning at a point on the east/west 1/4 line of said Section 24 from which the center 1/4 corner of said Section 24 bears S89°48'44"E a distance of 506.81 feet; thence S00°10'09"W a distance of 399.73 feet; thence N89°49'51"W a distance of 230.30 feet; thence N00°10'09"E a distance of 399.80 feet; thence S89°48'44"E a distance of 230.30 feet to the point of beginning from Low Density Residential to Medium Density Residential be approved in conjunction with the associated Comprehensive Plan Amendment.**

23. 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 November 23, 2005 Planning Commission meeting at the applicant's request.**

24. 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 November 23, 2005 Planning Commission meeting at the applicant's request.**

**---END OF HEARING CONSENT CALENDAR---**

8. No. 05CA039 - McMahon Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation from Low Density Residential to General Commercial** on a Tract of land located in the NE1/4 SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: beginning at a point on the east/west 1/4 line of said Section 24 from which the center 1/4 corner of said Section 24 bears S89°48'44"E, a distance of 55.80 feet; thence N89°48'44"W a distance of 451.01 feet; thence S00°10'09"W a distance of 399.73 feet; thence S89°49'51"E a distance of 449.00 feet; thence N00°27'22"E a distance of 399.59 feet to the point of beginning: said Tract containing 4.13 acres more or less, more generally described as being located at the northeast corner of Kathryn Avenue and Chief Drive and west of Haines Avenue.

Hadcock expressed concern with rezoning property to a General Commercial Zoning District in such close proximity to the existing Low Density Residential land uses.

Elkins advised that the application came before the Future Land Use Committee. Elkins reviewed slides of the proposed development locations. Elkins stated that

the applicant expressed concerns with the marketability of lots for single family dwellings within close proximity to the overhead power lines. Discussion followed.

Elkins advised that the Planned Development process would provide a mechanism to insure the residential uses are properly screened and buffered and allow light issues to be addressed. Discussion followed.

In response to Schmidt's questions, Elkins advised that the Future Land use Committee agreed that the zoning of the subject property would be appropriate for General Commercial District with the caveat that the Planned Development be in place to address concerns relative to the impacts on the adjacent residential land uses.

Shafi, applicant, stated that Planned Commercial Development would insure the review of potential impacts upon submittal of a Planned Development application.

In response to LeMay's question, Bulman advised that green cards have been returned by area residents surrounding the subject property. Bulman stated that she has received a phone call from an adjacent property owner expressing concerns with the potential development. Discussion followed.

In response to Schmidt's question, Shafi expressed his opinion that Haines Avenue is a major street through Rapid City and would eventually be expanded to accommodate larger volumes of traffic. Shafi stated that planning for future development has been considered in the development of the subject property. Discussion followed.

**Anderson moved, LeMay seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a Tract of land located in the NE1/4 SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: beginning at a point on the east/west 1/4 line of said Section 24 from which the center 1/4 corner of said Section 24 bears S89°48'44"E, a distance of 55.80 feet; thence N89°48'44"W a distance of 451.01 feet; thence S00°10'09"W a distance of 399.73 feet; thence S89°49'51"E a distance of 449.00 feet; thence N00°27'22"E a distance of 399.59 feet to the point of beginning from Low Density Residential to General Commercial be approved with a Planned Commercial Development. (9 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Schmidt voting yes and none voting no)**

9. No. 05CA040 - McMahon Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation from Low Density Residential to Medium Density Residential** on a Tract of land located in the NE1/4 SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as

follows: beginning at a point on the east/west 1/4 line of said Section 24 from which the center 1/4 corner of said Section 24 bears S89°48'44"E a distance of 506.81 feet; thence S00°10'09"W a distance of 399.73 feet; thence N89°49'51"W a distance of 230.30 feet; thence N00°10'09"E a distance of 399.80 feet; thence S89°48'44"E a distance of 230.30 feet to the point of beginning: said Tract containing 2.11 acres more or less, more generally described as being located at the northeast corner of the intersection of Katheryn Drive and Haines Avenue.

**Anderson moved, Brown seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the future land use designation on a Tract of land located in the NE1/4 SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: beginning at a point on the east/west 1/4 line of said Section 24 from which the center 1/4 corner of said Section 24 bears S89°48'44"E a distance of 506.81 feet; thence S00°10'09"W a distance of 399.73 feet; thence N89°49'51"W a distance of 230.30 feet; thence N00°10'09"E a distance of 399.80 feet; thence S89°48'44"E a distance of 230.30 feet to the point of beginning from Low Density Residential to Medium Density Residential be approved. (9 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Schmidt voting yes and none voting no)**

11. No. 05OA010 -

A request by David St. Pierre to consider an application for an **Ordinance Amendment to amend Section 17.50.040 (B.2) of the Rapid City Municipal Code to change the maximum density of townhouse dwelling units permitted as a Conditional Use from 3,500 square feet per dwelling unit to 2,250 square feet per dwelling unit.**

In response to LeMay's question, Elkins advised that the increase in the maximum density would create options for additional affordable housing options. She noted that the proposed Ordinance would accommodate an increase in the densities allowed. Elkins advised that staff supports the request for the increase in density. Elkins stated that a Conditional Use Permit application would be required for review of the appropriateness of any proposed development. Discussion followed.

**LeMay moved, Anderson seconded and unanimously carried to recommend that the Ordinance Amendment to amend Section 17.50.040 (B.2) of the Rapid City Municipal Code to change the maximum density of townhouse dwelling units permitted as a Conditional Use from 3,500 square feet per dwelling unit to 2,250 square feet per dwelling unit be approved. (9 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Schmidt voting yes and none voting no)**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

Elkins requested that items 25 and 26 be taken concurrently.

25. No. 05TI013 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Resolution Creating Tax Increment District No. 56** on that portion of the Interstate 90 right of way lying east of North LaCrosse Street located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right of way located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right of way located in the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot L-1 of SE1/4 NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tracts A, B, C, D, Lots 1 and 2 of Tract E and Tract F all located in Marshall Heights Subdivision No. 2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the East Disk Drive right of way lying east of North LaCrosse Street located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot K-4 less Lot H-1, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2 and the south ½ of the vacated alley and Pine Street right of way adjacent to said lots, Block 2, Rapps Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Farnwood Avenue right of way, entire Spruce Street right of way, and that portion of the Rapp Street right of way intersecting and extending south from the intersection of Farnwood Avenue, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the North LaCrosse Street right of way lying adjacent to Lots A and B of Lot 6 of Lot K-3, Lots A and B of Lot 7 of Lot K-3, Lot 8 of Lot K-3, Lot 9 of Lot K-3 and Lot 10 of Lot K-3, all located in Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The entire intersection of North LaCrosse Street and East Anamosa Street rights of way located in Sections 30 and 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 located in N1/2 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the Unplatted portion of the N1/2 SE1/4 lying south of Interstate 90, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2, Bedco Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Vacated LaCrosse Street right of way located in the SE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, S1/2 SE1/4 lying north of the railroad right of way, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A and east ½ of vacated Cherry Avenue right of way of the NE1/4 NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the East Anamosa Street right of way extending east from the intersection of North LaCrosse Street right of way located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the S1/2 lying south of Interstate 90 and north of the railroad right of way, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the NE1/4 NW1/4 and N1/2 NE1/4 lying north of the railroad right of way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the S1/2 SW1/4 lying south of Interstate 90 and north of the railroad right of way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally

described as being located East of LaCrosse Street and west of East Boulevard and south of Interstate 90.

26. No. 05TI014 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Tax Increment District No. 56 - Project Plan** on that portion of the Interstate 90 right of way lying east of North LaCrosse Street located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right of way located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right of way located in the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot L-1 of SE1/4 NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tracts A, B, C, D, Lots 1 and 2 of Tract E and Tract F all located in Marshall Heights Subdivision No. 2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the East Disk Drive right of way lying east of North LaCrosse Street located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot K-4 less Lot H-1, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2 and the south ½ of the vacated alley and Pine Street right of way adjacent to said lots, Block 2, Rapps Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Farnwood Avenue right of way, entire Spruce Street right of way, and that portion of the Rapp Street right of way intersecting and extending south from the intersection of Farnwood Avenue, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the North LaCrosse Street right of way lying adjacent to Lots A and B of Lot 6 of Lot K-3, Lots A and B of Lot 7 of Lot K-3, Lot 8 of Lot K-3, Lot 9 of Lot K-3 and Lot 10 of Lot K-3, all located in Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The entire intersection of North LaCrosse Street and East Anamosa Street rights of way located in Sections 30 and 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 located in N1/2 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the Unplatted portion of the N1/2 SE1/4 lying south of Interstate 90, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2, Bedco Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Vacated LaCrosse Street right of way located in the SE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, S1/2 SE1/4 lying north of the railroad right of way, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A and east ½ of vacated Cherry Avenue right of way of the NE1/4 NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the East Anamosa Street right of way extending east from the intersection of North LaCrosse Street right of way located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the S1/2 lying south of Interstate 90 and north of the railroad right of way, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the NE1/4 NW1/4 and N1/2 NE1/4 lying north of the railroad right of way, Section 32, T2N, R8E, BHM, Rapid City,

Pennington County, South Dakota; and, That portion of the S1/2 SW1/4 lying south of Interstate 90 and north of the railroad right of way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located East of LaCrosse Street and west of East Boulevard and south of Interstate 90.

Elkins presented slides indicating the proposed boundaries for the Resolution Creating Tax Increment District No. 56 and Tax Increment District No. 56 - Project Plan.

In response to Anderson's question, Elkins advised that the areas in the northwest corner of the proposed boundaries are existing developments that would not be affected by the improvements. Elkins expressed concern with the percentage of the total taxable value included in Tax Increment Districts. Elkins suggested that the proposed boundaries be modified to eliminate the developed properties. Discussion followed.

In response to Anderson's question, Elkins stated that previous applications for Tax Increment District would need to be paid off before revenue could apply to this proposed application for the overlapping portions of these two districts. She commented that the Tax Increment Financing Committee has recommended approval of this application. Discussion followed.

In response to LeMay's question, Elkins advised that the lack of infrastructure on the subject properties prohibit development on the subject property and therefore the Tax Increment Financing Committee funds the lack of infrastructure creates the blighted condition required for Tax. Discussion followed.

Hennies expressed his support for eliminating developed properties that were unnecessary to support the Tax Increment Financing District on the proposed boundaries. Discussion followed.

In response to Hennies' questions, Shafi expressed his opinion regarding the value of the Tax Increment Financing tool to the community and his support for eliminating the developed properties from the proposed district. Discussion followed.

**Hennies moved, Fast Wolf seconded and unanimously carried to recommend that the Resolution Creating Tax Increment District No. 56 and the resolution approving Project Plan for Tax Increment Financing District No. 56 be approved on the condition that the staff to work with the applicant to eliminate as much as possible the developed properties without impacting the project improvements. (9 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Schmidt voting yes and none voting no)**

Bulman requested that Items 27 and 28 be taken concurrently.

27. No. 05TI015 - Plum Creek Subdivision  
A request by Centerline to consider an application for a **Resolution Creating**

**Tax Increment District No. 57** on the W1/2 SW1/4, less Plum Creek Subdivision and including Elk Vale Road right-of-way, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of South Valley Drive.

28. No. 05TI016 - Plum Creek Subdivision

A request by Centerline to consider an application for a **Tax Increment District No. 57 - Project Plan** on the W1/2 SW1/4, less Plum Creek Subdivision and including Elk Vale Road right-of-way, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of South Valley Drive.

Bulman presented the Resolution and Project Plan No. 57. Bulman advised that the Tax Increment Financing Committee recommended that the Resolution and Project Plan be denied. Discussion followed.

**Schmidt moved and LeMay seconded and unanimously carried to recommend that the Resolution Creating Tax Increment District No. 57 and the Project Plan for Tax Increment District No. 57 be denied. (9 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Schmidt voting yes and none voting no)**

29. No. 05PL190 - Section 24, T1N, R7E

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1-4, Block 1; Lots 1-8, Block 2; Lots 1-5, Block 3, Plat of the Black Hills Center and the dedicated public road located in the SW1/4 NE1/4 and the SE1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion located in the SE1/4 NW1/4 and the SW1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Catron Boulevard and Fifth Street.

Fisher presented the Preliminary Plat. Fisher advised that the stipulations have not been met by the applicant. Fisher stated that staff's recommendation is to continue the Preliminary Plat to the November 23, 2005 Planning Commission meeting to allow staff to review stipulations as they are being met, or revise stipulations 3, 4, 5 and 6 to state that those conditions must be met "Prior to Preliminary Plat approval by City Council." Fisher stated that staff's recommendation is that the exception be granted to reduce the separation between approaches between Catron Boulevard and Lots 1 and 4 from 230 feet to 190 feet with the contingency that they function as a right-in, right-out approach. In addition, Fisher recommended that the Exception to allow curb side sidewalk in lieu of property line sidewalk along Black Hills Boulevard be granted with the stipulation that one sidewalk be constructed as a bike path. Discussion followed.

Shafi requested that the application be approved with the modifications to the stipulations. Discussion followed.



**Brewer moved, Brown seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:**

- 1. Prior to Preliminary Plat approval by the Planning Commission, the plat document shall be revised to show a non-access easement the first 230 feet of Black Hills Boulevard as it extends north from Catron Boulevard or an Exception to reduce the separation between the intersection and driveway locations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement the first 230 feet of Stumer Road as it extends west from Fifth Street or an Exception to reduce the separation between the intersection and driveway locations shall be obtained or the applicant shall submit documentation identifying that the City has previously approved the approach location(s);**
- 3. Prior to Preliminary Plat approval by the City Council, additional typical cross sections for Black Hills Boulevard shall be submitted for review and approval. In particular, the cross sections shall clarify the lane transitions along the street;**
- 4. Prior to Preliminary Plat approval by the City Council, water plans shall be submitted for review and approval providing an analysis with calculations demonstrating that required fire and domestic flows are being provided as well as fire hydrants, system looping and plan and profile(s). In addition, a water system model and report of the water distribution system shall be submitted for review and approval demonstrating that adequate flows and pressures are being provided to serve the development. Information identifying that corrosion protection as per Rapid City Standard Specifications is adequate shall be submitted for review and approval or additional corrosion protection shall be provided as needed for the buried water system metal fixtures;**
- 5. Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised and submitted for review and approval verifying and including pipe information between manholes #3 and #4, verifying the length of pipe between manholes #4 and #5 and submit information for manhole #2;**
- 6. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to provide property line sidewalks in lieu of curb side sidewalks or an Exception to the Street Design Criteria Manual shall be obtained;**
- 7. 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;**
- 8. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In particular, the drainage information shall verify the slopes on the storm sewer, include information for inlets #12 and #13 and clarify the calculations used on the spreadsheet for the 100 year design storm. In addition, the drainage report shall be sealed, signed and dated by a**

- Registered Professional Engineer;**
9. **Prior to Preliminary Plat approval by the City Council, road construction plans for Catron Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
  10. **Prior to Preliminary Plat approval by the City Council, road construction plans for Eagle Ridge Lane shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
  11. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
  12. **Prior to submittal of a Final Plat application, the applicant shall enter into an agreement with the City regarding the funding for the signalization of the intersection of Stumer Road and Fifth Street. In addition, the agreement shall identify the installation schedule for the signalization;**
  13. **Prior to submittal of a Final Plat application, the applicant shall enter into an agreement with the South Dakota Department of Transportation regarding the funding for the signalization of the intersection of Black Hills Boulevard and Catron Boulevard. In addition, a Connection Permit shall be obtained for the South Dakota Department of Transportation for the proposed intersection;**
  14. **Prior to submittal of a Final Plat application, the applicant shall submit a different street name for Eagle Ridge Lane to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names. The plat document shall also be revised to show the street suffixes "Road" as "Rd.," "Boulevard" as "Blvd.," etc.; and,**
  15. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid, and**
  16. **That the exception be granted to reduce the separation between approaches between Catron Boulevard and Lots 1 and 4 from 230 feet to 190 feet with the contingency that they function as a right-in, right-out approach, and**
  17. **That the Exception to allow curb side sidewalk in lieu of property line sidewalk along Black Hills Boulevard be granted with the stipulation that one sidewalk be constructed as a bike path. (9 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Schmidt voting yes and none voting no)**
30. No. 05SV073 - Section 24, T1N, R7E  
A request by Dream Design International to consider an application for a

**Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement width along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** on Black Hills Center Plat of Lots 1-4, Block 1; Lots 1-8, Block 2; Lots 1-5, Block 3; Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SE1/4 NW1/4 and the SW1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of Catron Boulevard and Fifth Street.

Fisher advised that the Subdivision Variance is associated with the Preliminary Plat application. Fisher advised that the applicant is requesting a variance to waive the required improvements in Catron Boulevard. Fisher stated that the staff's recommendation is to approve the Subdivision Variance with the stipulation that the applicant sign a Waiver of Right to Protest any subsequent improvements.

**Brown moved, Hennies 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, water, sewer and additional pavement width along Catron Boulevard 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 assessments for the improvements. (9 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Schmidt voting yes and none voting no)**

\*31. No. 05PD069 - Boulevard Addition

A request by Alliance of Architects for Ray Elliott to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on the west 72.15 feet of the North 60 feet, Lot 1, Block 36, Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1204 Mount Rushmore Road.

Bulman presented the Planned Commercial Development – Initial and Final Development Plan request. Bulman stated that staff has concerns with the lack of off-street parking spaces available. Bulman advised that staff's recommendation is to approve the Planned Commercial Development with stipulations. Bulman commented that the applicant has requested that the parking requirement be eliminated.

Schmidt left the meeting at this time.

In response to Andrews' question, Bulman advised that the recommendation from the Fire Department is to have the structure sprinklered. Discussion followed.

In response to Landguth's question, Elkins advised that the development of a request for proposals to undertake a corridor plan for the Rushmore Road

corridor is currently under review with Department of Transportation. Discussion followed.

Discussion followed regarding sidewalk repair on the subject property.

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

- 1. That the use of the property shall be limited to the following: professional offices which include real estate, insurance, appraiser, accountants and one unit apartment located on the second floor. Any other use must be approved as a Major Amendment to the Planned Commercial Development;**
- 2. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met;**
- 3. Prior to obtaining a building permit, a revised landscaping plan shall be submitted for review and approval;**
- 4. That signage for the property shall be limited to one two-faced ground sign and one wall sign. The size of the ground sign shall be limited to five foot in height and six foot in width and shall be indirectly lighted. The size of the wall sign shall be limited to four square feet and shall be indirectly lighted (no back lighted signs shall be allowed);**
- 5. That the clear sight vision requirement be waived for the proposed sign to be located at the intersection of Clark Street and Mt Rushmore Road;**
- 6. That all requirements of the 2003 International Fire Code shall be continually met to include the provision of smoke detection devices;**
- 7. That the site shall be graded to insure that no additional steps are required in the reconstruction of the Clark Street sidewalk;**
- 8. That the screening fence requirement be waived along the east property line;**
- 9. That a Certificate of Occupancy shall be obtained prior to occupancy of the building;**
- 10. That one paved off-street parking space be provided on site and the exceptions to the city standards be granted for the eighteen percent slope and the size of the driveway width; and**
- 11. The Planned Commercial Development approval shall expire if the use is not undertaken 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, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay 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.***

\*32. No. 05PD070 - Black Hills Estates

A request by Wyss Associates, Inc. for Eagle Ridge I, LP to consider an application for a **Planned Residential Development - Initial and Final Development Plan** legally described as commencing at the center of Section 24, travel 201.3 feet at a bearing N00 11'58"E to the Point of Beginning. Continuing at the Point of Beginning; thence travel N89 37'05"W at distance of 230.98 feet to a point; thence 636.20 feet along the arc of a curve curving to the left and having a radius of 2109.86 feet and a tangent length of 320.53 feet and a chord bearing of S81 44'37"W with a distance of 633.79 feet; thence N24 48'52"E a distance of 735.16 feet to a point; thence N43 31'04"E a distance of 129.39 feet to a point; thence N54 29'09"E a distance of 150.20 feet to a point; thence 182.83 feet along the arc of a curve curving to the left and having a radius of 224.00 feet and a tangent length of 96.85 feet and a chord bearing of S66 37'03"E with a distance of 177.80 feet; thence east a distance of 66.19 feet to a point; thence 112.97 feet along the arc of a curve curving to the right and having a radius of 374.00 feet and a tangent length of 56.92 feet and a chord bearing of S81 20'47"E with a distance of 112.54 feet; thence travel S00 11'58"W a distance of 671.39 feet to the Point of Beginning; containing 10.84 acres or 472341.11 square feet more or less or more generally described as the property located in the SE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Catron Boulevard and Fifth Street.

Fisher presented the Planned Residential Development – Initial and Final Development Plan. Fisher advised that stipulations have been met and that staff's recommendation is to approve the Planned Residential Development – Initial and Final Development Plan.

**Hennies moved, LeMay seconded and unanimously carried to approve the Planned Residential Development - Initial and Final Development Plan with the following stipulations:**

- 1. Prior to Planning Commission approval, the site plan shall be revised to show the proposed ground sign. In particular, the proposed seven foot four inch high by ten foot wide ground sign shall be located a minimum ten feet from the lot line abutting Stumer Road. In addition, the signage shall comply with Section 15.28 of the Rapid City Municipal Code and shall conform architecturally to the proposed elevations and design plans submitted as part of this Initial and Final Planned Residential Development;**
- 2. Prior to Planning Commission approval, construction sheets L2.20, L2.21 and L2.23 shall be sealed and signed by a Professional Engineer for the civil construction details, pavement sections and retaining wall design over four feet in height;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a building permit, a Final Plat shall be approved to insure that the access streets are located in public right(s)-of-way. In addition, all subdivision improvements shall be completed or surety posted for the improvements;**

5. Prior to issuance of a building permit, the grading plan shall be revised to show drainage flow arrows indicating the direction of drainage. In addition, the drainage plan shall be revised to show the correct silt fence installation details in compliance with the Rapid City Standard Details;
6. A minimum of 246,698 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
7. The dumpster(s) shall be screened with an opaque screening fence;
8. A minimum of 222 parking spaces shall be provided with seven of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. A minimum of six planter islands shall be provided within the parking lot. Each planter island shall contain a minimum of one hundred square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. All provisions of the Off-Street Parking Ordinance shall be continually met;
9. 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 addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. All of the residential dwelling units or structures shall be sprinklered;
10. An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre;
11. A storm water discharge permit shall be obtained as needed;
12. Prior to issuance of a building permit, revised water and sewer plans shall be submitted for review and approval;
13. Prior to issuance of a building permit, geotechnical information verifying design and pavement section shall be submitted for review and approval;
14. Prior to issuance of a building permit, the construction plans shall be revised to show signing and pavement markings at access points and other appropriate locations;
15. All provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Residential Development or a subsequent Major Amendment;
16. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development; and,
17. The Planned Residential Development shall allow for the construction of a 148 unit apartment complex with a leasing/administration office, a basketball court and accessory garages 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. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf,

**Hennies, Landguth and LeMay voting yes and none voting no)**

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

Fisher requested that items 33 and 34 be taken concurrently.

33. No. 05PL186 - Section 21, T1N, R7E

A request by Fisk Land Surveying for Harley Taylor to consider an application for a **Layout Plat** on Lots 1 through 3, Elysian Heights Subdivision, located in the E1/2 SW1/4, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a portion of the E1/2 SW1/4, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the southern terminus of Carriage Hills Drive.

34. No. 05SV067 - Section 21, T1N, R7E

A request by Fisk Land Surveying for Harley Taylor to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit and sewer, to reduce the pavement width from 40 feet to 27 feet and to waive the requirement to dedicate additional right-of-way along Carriage Hills Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 3, Elysian Heights Subdivision, located in the E1/2 SW1/4, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a portion of the E1/2 SW1/4, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the southern terminus of Carriage Hills Drive.

Fisher stated that the applicant has requested that the Layout Plat and the Variance to the Subdivision Regulations be continued to the November 23, 2005 Planning Commission meeting.

**Brown moved, Brewer seconded and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit and to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive be continued to the November 23, 2005 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Schmidt voting yes and none voting no)**

35. No. 05RD006 - MJK Subdivision

A request by Hagen Glass to consider an application for a **Resolution renaming Heartland Drive from East Minnesota Street to Catron Boulevard to Quality Boulevard** on located adjacent to Parcel A, Lot 1 and 2, Parcel A, MJK Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Heartland Drive from East Minnesota Street to Catron Boulevard.

Bulman presented the Road Name Change application. Bulman stated that staff's recommendation is to approve the Road Name Change to Quality Boulevard.

Mr. Tredwell, Sentinel Federal Credit Union, requested that the name Heartland Drive be retained or the alternative name of Triple Crown Drive be considered.

In response to Anderson's questions, Bulman advised that the previous property owner was asked to make the name change. Bulman advised that the Emergency Services Center recommends that the name be changed. Discussion followed.

Doug Pavel, Director of Emergency Services, expressed concerns with regard to confusion for response for emergency units by using similar names. Pavel stated that there are two Heartland Drives with different spellings. Discussion followed.

**Hennies moved to approve the Resolution renaming Heartland Drive from East Minnesota Street to Catron Boulevard to Quality Boulevard, the motion died for lack of a second.**

**Brewer moved, Anderson seconded and unanimously carried to recommend that the Resolution renaming Heartland Drive from East Minnesota Street to Catron Boulevard to Triple Crown Drive be approved. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no)**

36. No. 05SV077 - Robbinsdale Addition No. 10

A request by Sperlich Consulting, Inc. for Walgar Development to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 through 9, Block 3, Minnesota Park Subdivision, located in the NE1/4 SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A, Robbinsdale Addition No. 10, located in the NE1/4 SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of East Minnesota Street and Maple Avenue.

Brown left the meeting at this time.

Fisher presented the Variance to the Subdivision Regulations. Fisher advised that staff's recommendation is to approve the Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-Way with the stipulation that a 10 foot wide pedestrian access and utility easement be provided.

Sperlich, presented slides of the topographic attributes of the proposed subject property. Sperlich expressed his opinion that similar variance requests have been approved previously by the Planning Commission. Sperlich stated that a



bike path is identified along the north side of the street. In addition, Sperlich indicated that a sidewalk can be constructed within the existing Right-of-Way for Minnesota Street. Discussion followed.

**Brewer Moved, Fast Wolf seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved. (7 to 0 with Anderson, Andrews, Brewer, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no)**

\*37. No. 05UR018 – Robbinsdale Addition No. 8

A request by Lund Associates for Garry H. Denker to consider an application for a **Major Amendment to a Conditional Use Permit to allow an addition to an existing church/school** on Lot A, Lot 16, Block 2, Robbinsdale Addition No. 8, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 835 E Fairmont Blvd.

Maxwell presented the Major Amendment to a Conditional Use Permit to allow an addition to an existing church/school. Maxwell advised that staff's recommendation is to approve with stipulations.

**Hennies moved, Brewer seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit to allow an addition to an existing church/school 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. Prior to Planning Commission approval, a grading plan signed and sealed by a registered engineer shall be submitted and approved;**
- 3. Prior to the start of construction an Air Quality Permit must be obtained;**
- 4. A minimum of 154,922 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 5. Prior to issuance of a Building Permit, building plans shall be submitted showing the sprinkler system and fire alarm system;**
- 6. The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
- 7. Prior to Planning Commission approval, a revised site plan showing a 35 foot setback from all streets to the addition must be submitted and approved or a variance must be obtained for the minimum setback requirements;**
- 8. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years;**
- 9. The proposed structures shall conform architecturally with the proposed elevations, Design plans and color scheme submitted as part of this Major Amendment to a Conditional Use Permit. (6 to 0 to 1 with**

**Anderson, Brewer, Fast Wolf, Hennies, Landguth and LeMay, and voting yes and none voting no and Andrews abstaining)**

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

38. Discussion Items

39. Staff Items

40. Planning Commission Items

Election of new officers to the Planning Commission.

**LeMay moved, Brewer seconded and unanimously carried to approve Doug Andrews as Chairperson, Peter Anderson as Vice chairperson and Gary Brown as Secretary of the Planning Commission, (6 to 0 with Anderson, Andrews, Brewer, Fast Wolf, Hennies, Landguth, and LeMay voting yes and none voting no)**

**There being no further business, Hennies moved, Anderson seconded and unanimously carried to adjourn the meeting at 9:19 a.m. (6 to 0 with Anderson, Andrews, Brewer, Fast Wolf, Hennies, Landguth, and LeMay voting yes and none voting no)**