

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 26, 2006

MEMBERS PRESENT: Doug Andrews, Holly Brenneise, John Brewer, Gary Brown, Dennis Landguth, Mike LeMay, Mel Prairie Chicken, Ethan Schmidt and Karen Waltman.

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

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

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

Planning Commission requested that Items 1, 14, 17 and 19 be removed from the Non-Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 10 and 12 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Brown, Seconded by LeMay and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 22 in accordance with the staff recommendations with the exception of Items 1, 10, 12, 14, 17 and 19. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

2. Approval of the January 12, 2006 Planning Commission Meeting Minutes.
3. 06TP002 - 2006-2010 Transportation Improvement Program Amendment No. 06-003 East Anamosa Street, from North LaCrosse Street to East North Street.
4. No. 04CA029 - Hyland Park Subdivision
A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption action for an Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located east of South Highway 16 and south of Sammis Trail.

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.
5. No. 05CA045 - Buckingham Addition
A request by Baffuto Architectura for Destiny Foursquare Church to consider an



application for a **Summary of Adoption action for an Amendment to the Comprehensive Plan by revising the North Rapid Area Future Land Use Plan to change the land use designation on a 3.109 acres parcel from Light Industrial to General Commercial** on Lots 1 and 2 of Buckingham Addition all located in the N1/2 of the NW1/4 of the SE1/4 of the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 901 and 927 East Philadelphia Street.

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

6. No. 05CA051 - Sections 15, 16, 21 and 22

A request by City of Rapid City to consider an application for a **Summary of Adoption action for an Amendment to the Comprehensive Plan to amend the Major Street Plan by revising the alignment of Minnesota Street** on a parcel of land, legally described as located in Sections 15, 16, 21 and 22, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Plum Creek Subdivision and Elks Country Estates.

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

7. 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 February 9, 2006 Planning Commission meeting at the applicant's request.

8. 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 February 9, 2006 Planning Commission meeting.



9. No. 05PL231 - Forest Park Estates Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots 28 and 29 of Forest Park Estates Subdivision, formerly Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4231 Starlite Drive.

Planning Commission recommended that the Layout Plat be continued to February 9, 2006 Planning Commission.

11. No. 05PL241 - West River Electric Association Subdivision

A request by FMG Engineering for West River Elect to consider an application for a **Preliminary Plat** on Lots 1 and 2 of West River Electric Association Subdivision, located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Plat of Lot 1 and Lot 2 of West River Electric Association Subdivision and dedicated public Right-of-Way shown as Twilight Drive (formerly Lot 1 less Lot H1, Lots 2 and 3, Lot 4 less Lot H1, Lot 6 less Lot H1, Lots 7 and 8, and Lot 9 less Lot H1, all of Block 1 of Johnson School Subdivision; Lot 1 less Lot H1, Lot 2, and Lot 3 less Lot H1, all of Block 2 of Johnson School Subdivision; Lot A less Lot H1 of the NE1/4 NW1/4 of Johnson School Subdivision; Lot A less Lot H1, and Lots B and C, all of the NW1/4 NE1/4 of Johnson School Subdivision; Rapid Valley School District No. 4 Lot of the NW1/4 NE1/4; vacated School Drive Right-of-Way (Lot "RS"); Lots A and B of Lot 1 of Lot D, and Lot 2 of Lot D, all of the NW1/4 NE1/4 located in the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, and the NW1/4 NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Highway 44 and west of Twilight Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, road construction plans for Elk Vale Road 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;**
3. **Prior to Preliminary Plat approval by the City Council, road construction plans for S.D. Highway shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, sidewalk and street light conduit**



- or a Variance to the Subdivision Regulations shall be obtained;
 4. Prior to Preliminary Plat approval by the City Council, road construction plans for Twilight Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide ten additional feet of right-of-way to align with the existing right-of-way located along the northern 410 feet of proposed Lot 1;
 5. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate physical access to proposed Lot 2 from Twilight Drive or access shall be provided through proposed Lot 1 or the plat document shall be revised to combine Lot 1 and Lot 2 into one lot. In addition, road construction plans for the access road through Lot 1 shall be submitted for review and approval showing 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;
 6. Prior to Preliminary Plat approval by the City Council, road constructed plans for the section line highway shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;
 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Elk Vale Road. In addition, a non-access easement shall be shown along Twilight Drive and S. D. Highway 44 except for the approved approach locations;
 9. Prior to submittal of a Final Plat application, an Approach Permit shall be obtained from the South Dakota Department of Transportation for the proposed approach along S.D. Highway 44;
 10. Prior to submittal of a Final Plat application, an Approach Permit shall be obtained from the Pennington County Highway Department for the proposed approaches along Twilight Drive; and,
 11. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
13. No. 05PL248 - Park Meadow Subdivision
A request by CETEC Engineering Services, Inc. for Park Hill Development, Inc. to consider an application for a **Layout Plat** on Lots 19 - 36 of Block 2 and Lots 14 - 25 of Block 5 and Dedicated Public Right-of-Way, Park Meadows Subdivision, located in the SW1/4 NE1/4 and the SE1/4 NE1/4, formerly the unplatted balance of the SW1/4 NE1/4 and the SE1/4 NE1/4 less Right-of-Way,

Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 NE1/4 and the SE1/4 NE1/4 less Right-of-Way, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Merlot Drive and Smith Avenue.

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

- 1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall identify recommendations for the large deep embankment area;**
- 2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Meade-Hawthorne Drainage Basin Plan shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 4. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. The plat document shall also be revised to provide utility easements as needed;**
- 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;**
- 7. Upon submittal of a Preliminary Plat, road construction plans for Smith Avenue shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 8. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24**

foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;

9. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met;
 10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 11. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;
 12. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;
 13. Prior to submittal of a Final Plat application, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; and,
 14. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
15. No. 05PL250 - Plateau Subdivision
A request by Davis Engineering, Inc. for John Slagle to consider an application for a **Preliminary Layout Plat** on Lots A and B of Lot 7 of Lot 4, Plateau Subdivision; formerly Lot 7 of Lot 4 of Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Lot 4 of Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 4978 Bonnie Lane.

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

1. Prior to Preliminary Plat approval by City Council, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water, sewer along Bonnie Lane shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by City Council, a revised site plan showing the dimensions of all structures, setbacks and driveway

- configurations shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Growth Management Department;
 4. Prior to Building Permit approval, a complete drainage and grading plan must be submitted for review and approval;
 5. 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; and,
 6. Prior to Preliminary Plat approval by City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval.

16. No. 05PL252 - Farrar Business Park

A request by Sperlich Consulting, Inc. for Farrar Real Estate, LLC to consider an application for a **Preliminary Plat** on Lot 1R and Lot 2 of Block 2 and Lots 1 and 2 of Block 3 and Lots 2 and 3 of Block 4, Farrar Business Park; formerly Lot 1 of Block 5 of Farrar Business Park and a portion of the NE1/4 of the SE1/4 of Section 16, located in the NE1/4 of the SE1/4, Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 5 of Farrar Business Park and a portion of the NE1/4 of the SE1/4 of Section 16, located in the NE1/4 of the SE1/4, Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the south and north side of Buffalo Bill Road and adjacent to the east and west side of Hickock Trail.

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

1. Prior to Preliminary Plat approval City Council approval, the Memorandum of Understanding shall be signed and a copy delivered to the Growth management Department;
2. Prior to Preliminary Plat approval by City Council, a grading and drainage plan showing any drainage easements shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by City Council, the plat document shall be revised to provide a utility easement or a well lot for the proposed well site;
4. Prior to submittal of the Final Plat water shall be in place and operational;
5. Prior to Preliminary Platt approval by City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Growth Management Department;
6. Prior to Preliminary Plat approval by City Council, a utility distribution sheet, signed by the appropriate representatives, showing the locations of gas, telephone, electric, and cable television as per Chapter 16.0 of the Subdivision Regulations shall be submitted for review and approval;



7. Prior to Preliminary Plat approval by City Council, a revised site plan showing fire hydrants at all intersections and at intermediate points between the intersections with a spacing not to exceed 450 feet and at high points in the profile shall be submitted for review and approval;
 8. Prior to Preliminary Plat approval by City Council, the plat document shall be revised showing non-access easements in compliance with the Street Design Criteria Manual;
 9. Prior to Preliminary Plat approval by City Council, geotechnical information including soils resistivity tests shall be submitted for review and approval; If results of the soils resistivity tests results indicate severe potential towards corrosion of buried metal products, information that corrosion protection as per Rapid City Standards Specifications is adequate protection or additional corrosion protection shall be provided as need for the buried water system metal fixtures;
 10. Prior to Preliminary Plat approval by City Council, construction plans showing a 12 foot wide all weather maintenance surface for access to the sanitary sewer manholes from Hickock Trail and Buffalo Bill Road shall be submitted for review and approval;
 11. Prior to Final Plat approval, the plat document shall be revised to show 17 feet of additional Right-of-Way along the property as it abuts Deadwood Avenue;
 12. Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water and sewer along Buffalo Bill Road shall be submitted for review and approval as identified or a Variance to the Subdivision Regulations shall be obtained;
 13. Prior to Preliminary Plat approval by City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and
 14. 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.
18. No. 05PL254 - Knight's of Columbus Subdivision
A request by Fisk Land Surveying for Rapid City Columbian Club to consider an application for a **Layout Plat** on Lots A and B of Knight's of Columbus Subdivision, formerly the west 5 feet of Lot 9, Lots 10 - 16, Lots 25 - 27 and the north 70 feet of Lots 17 - 24 in Block 126 of Original Townsite of Rapid City and vacated alley adjoined thereto, less dedicated alley in Lot 9 and less Lot H-1 of Lot 17 in the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the west 5 feet of Lot 9, Lots 10 - 16, Lots 25 - 27 and the north 70 feet of Lots 17 - 24 in Block 126 of Original Townsite of Rapid City and vacated alley adjoined thereto, less dedicated alley in Lot 9 and less Lot H-1 of Lot 17 in the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 Fifth Street.

Planning Commission recommended that the Layout Plat be approved with

the following stipulations:

1. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains along 5th Street and Columbus Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 2. Prior to submittal of a Preliminary Plat application, the property shall be rezoned and an Initial and Final Planned Commercial Development and/or Conditional Use Permit shall be reviewed and approved to bring the existing use(s) of a recreational center on proposed Lot A and office use on proposed Lot B into compliance with the Rapid City Municipal Code or the use(s) shall cease on both properties;
 3. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 4. Prior to submittal of a Final Plat application, the applicant shall enter into an agreement to hold harmless the City for the existing sewer main located under the existing building on proposed Lot A;
 5. Upon submittal of a Final Plat application, the plat document shall be revised to show utility easements for the water service line and sanitary sewer line extending across proposed Lot A;
 6. Upon submittal of a Final Plat application, the formerly portion of the plat title shall be revised to read "the west 5 feet of Lot 9, Lots 10 through 16..."; and,
 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.
20. No. 05SR066 - Sections 2 and 3, T1N, R7E
A request by Tom Horan and Graham Smith for the South Dakota Department of Transportation to consider an application for an **SDCL 11-6-19 Review to obtain Right-of-Way and reconstruct a portion of a street** on Mountain View Road Right-of-Way located south of Omaha Street and north of Jackson Boulevard.
- Planning Commission recommended that the SDCL 11-6-19 Review to obtain Right-of-Way and reconstruct a portion of a street be approved with the following stipulations:**
1. Prior to the start of construction, drainage information for flows into the detention pond and the drainage facilities design shall be submitted for review and approval. The design shall be coordinated with the City of Rapid City Drainage Criteria Manual; and;
 2. Removal of landscaping shall be allowed as needed. However, at such time as a change of use/or expansion of use occurs on the affected properties the landscaping shall be modified, if needed, to comply with the City's adopted Landscaping Regulations.
21. No. 05SR069 - West Boulevard Addition
A request by Lon Van Deusen for the Parks and Recreation Department of the City of Rapid City to consider an application for an **11-6-19 SDCL Review to**

allow improvement on public land on Blocks 1 and 2, Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 515 West Boulevard.

Planning Commission recommended that the SDCL 11-6-19 Review to allow construction of a sign in a public place be approved with the following stipulations:

1. **A Sign Permit shall be obtained prior to the start of construction; and,**
2. **The sign shall be constructed in compliance with the design plans and color palette submitted.**

22. No. 05SR070 - Boulevard Addition

A request by South Dakota School of Mines and Technology to consider an application for an **11-6-19 SDCL Review to allow the installation of a sign in a public place** on all of Blocks 1 and 2 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 515 West Boulevard.

Planning Commission recommended that the 11-6-19 SDCL Review to allow the installation of a sign in a public place be approved with the following stipulations:

1. **The sign shall be constructed as per the submitted elevations and materials; and,**
2. **All previous stipulations for SDCL 11-6-19 Review (04SR049) shall remain in place.**

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

1. Approval of the January 5, 2006 Planning Commission Meeting Minutes.

Prairie Chicken requested that the January 5, 2005 Planning Commission Minutes be amended to reflect his presence.

LeMay moved, Brown seconded and unanimously carried to approve the January 5, 2005 Planning Commission Minutes as amended. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

10. No. 05PL232 - Cavern Crest Subdivision

A request by Dennis Johnson to consider an application for a **Preliminary Plat** on Lots A and B of Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 2600 Cavern Road.

Dennis Johnson, applicant, requested that the Planning Commission approve the Preliminary Plat.

Elkins advised that staff's recommendation is that the Preliminary Plat and the associated Subdivision Variance be continued to the February 9, Planning Commission meeting to allow additional time to review stipulations.

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

12. No. 05PL247 - Park Hill Subdivision

A request by CETEC Engineering for Bruce Kulpaca to consider an application for a **Preliminary Plat** on Lots 8 - 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north and south sides of Park Hill.

Michael Gibbs, area resident expressed concern with the possible increase of traffic hazards associated with the proposed development of the subject property.

Michelle Gibbs, area resident expressed concern with the safety of neighborhood children with the possible increased traffic hazards from proposed development on the subject property. Discussion followed.

Brian Pitts, area resident, expressed concern with the proposed development of the subject property. Pitts expressed his opposition to the proposed site plan submitted by the applicant for the Preliminary Plat on the subject property. Pitts expressed concerns with accesses proposed by the applicant. Pitts stated his opinion that a possible increase in traffic hazards would result from the access points submitted by the applicant on the proposed development. Pitts presented a petition in opposition to the Preliminary Plat application.

In response to Schmidt's question, Fisher presented slides of the proposed development. Fisher stated that the Planning Commission approved a Preliminary Plat on August of 2005 subdividing. Fisher advised that the minimum requirements for Low Density Residential lot size have been met and the proposed lot sizes are comparable to the existing surrounding development. Fisher advised that the applicant has modified the proposed plat document requiring that this Preliminary Plat be reviewed by the Planning Commission and the City Council. Fisher advised that the street construction of Park Hill meets the Street Design Criteria Manual requirements. Discussion followed.

In response to Brenneise's question, Fisher advised that the gradient of the streets meets the requirements of the Street Design Criteria Manual. Fisher further commented that the sidewalk slopes meets ADA standards. Fisher stated that driveway slopes must be in compliance with the adopted standards. Discussion followed.

Danielle Pitts, requested that the Planning Commission take consideration to the neighborhood opposition to the Preliminary Plat. Discussion followed.

In response to Waltman's questions, Elkins advised that the focus of discussion at the August Planning Commission meeting was the construction of town homes on the subject property.

Landguth expressed his opinion in opposition to the proposed development on the subject property. Discussion followed.

Schmidt expressed his opinion in support of the Preliminary Plat application.

In response to Landguth's question, Lewis advised that the Planning Commission has the authority to approve per staff's recommendation. Discussion followed.

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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as needed;**
- 3. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a maximum 2% cross slope for the sidewalk along Merlot Drive or an Exception to the Street Design Criteria Manual shall be obtained;**
- 4. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a maximum 16% driveway grade for the approaches to Lots 11 and 12 or an Exception to the Street Design Criteria Manual shall be obtained;**
- 5. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;**
- 6. Prior to Preliminary Plat approval by the City Council, a revised cost estimate shall be submitted for review and approval. In particular, the cost estimate shall include the calculation of the Subdivision Inspection Fee at a rate of 2.0% in lieu of 1.5%; and,**
- 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. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)**



14. No. 05PL249 - The Villagio at Golden Eagle

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for a **Layout Plat** on Lots 1 - 16 of Block 1, and Lots 1 - 4 of Block 2, the Villagio at Golden Eagle, formerly the unplatted portion of the E1/2 NW1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NW1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the east and west sides of Golden Eagle Drive north of Catron Boulevard.

Landguth stated that he would abstain from the vote due to a conflict of interest.

Fred Weishaupl, area resident, and President of the Springbrook Homeowners Association, expressed his opposition to the proposed development on the subject property. Discussion followed.

In response to Schmidt's question, Elkins advised that the Layout Plat has been recommended for approval with stipulations that address either the approval or denial of the Variance requests.

Doug Sperlich, representing the petitioner, stated that the proposed development is in the Layout Plat stage of development. Sperlich requested that the Layout Plat be approved by the Planning Commission. Discussion followed.

Waltman stated that he would abstain from vote due to a conflict of interest.

Brown expressed his opinion in support of the proposed development.

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

1. **Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures**
2. **Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
3. **Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall**

- be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
4. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;
 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed on an interim basis, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In addition, the on-site wastewater systems shall be designed to allow the connection to a central sewer system when it becomes available. The plat document shall also be revised to provide utility easements as needed;
 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
 7. Upon submittal of a Preliminary Plat application, road construction plans for Golden Eagle Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, if the applicant proposes to relocate the northern portion of Golden Eagle Drive as shown on the Layout Plat, then a Comprehensive Plan Amendment to the Major Street Plan to relocate the collector street shall be obtained. If the Comprehensive Plan Amendment to the Major Street Plan is obtained, then that portion of the existing 60 foot wide private drive previously dedicated for Golden Eagle Drive extending through proposed Lot 3 shall be vacated or improved to City Street Design Standards with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. If this portion of Golden Eagle Drive is vacated, then an alternate street connection shall be provided to the properties located west of the subject property;
 8. Upon submittal of a Preliminary Plat application, road construction plans for that portion of Golden Eagle Drive extending south of the subject property to Catron Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 68 foot wide right-of-way and

- constructed with a minimum 32 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
9. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a private drive to serve more than four lots as per the Street Design Criteria Manual or Golden Eagle Drive shall be dedicated as right-of-way. If the Exception is granted, the applicant shall obtain written approval to use and improve the private drive located on the adjacent property;
 10. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 11. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a 560 foot long cul-de-sac in lieu of a maximum 500 foot long cul-de-sac as per the Street Design Criteria Manual or the plat document shall be revised accordingly;
 12. Upon submittal of a Preliminary Plat application, road construction plans for the access road shown across proposed Lot 4 to the residence located on the unplatted parcel directly west of the subject property shall be submitted for review and approval. In particular, the street shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 13. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met;
 14. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 15. Prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Area Future Land Use Plan to change the designation of the subject property from a Planned Residential Development with a maximum density of 1 dwelling unit per acre to a Planned Residential Development with a maximum density of 2.5 dwelling units per acre shall be obtained or the Preliminary Plat shall be

adjusted accordingly;

16. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;
17. Prior to submittal of a Final Plat application, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
18. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
19. Prior to submittal of a Final Plat application, the applicant shall enter into an agreement to abandon the on-site wastewater systems in compliance with the South Dakota Department of Environment and Natural Resources requirements and to connect to the City sewer system when it becomes available within 500 feet of the property; and,
20. 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. (7 to 0 to 2 with Andrews, Brenneise, Brewer, Brown, LeMay, Prairie Chicken and Schmidt voting yes and none voting no and Landguth and Waltman abstaining)

17. No. 05PL253 - Stoney Creek South Subdivision

A request by Boschee Engineering to consider an application for a **Layout Plat** on a parcel of land located in a portion of the NW1/4 SW1/4, lying south of Catron Boulevard, in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the northeast corner of said NW1/4 SW1/4, Thence S26°10'06"W, 609.71 feet to the true point of beginning, said point is lying on the south right-of-way line of Catron Boulevard; Thence departing said south right-of-way line, S25°54'04"W, 195.40 feet; Thence N70°48'41"W, 292.78 feet to a point lying on the easterly right-of-way line of Bendt Drive as shown on the final plat of Stoney Creek South Subdivision; said point is also lying on a curve concave to the southeast and whose chord bears N44°11'25"E, 11.07 feet; Thence northerly along the arc of said curve to the right whose radius is 174.00 feet; and whose delta angle is 03°38'45", an arc distance of 11.07 feet to a point of reversed curvature; Thence continuing northerly along said easterly right-of-way line of Bendt Drive the following two courses; Thence northerly along the arc of said curve to the left whose radius is 226.00 feet, and whose delta angle is 33°41'44", an arc distance of 132.91 feet to a point of tangency; Thence N12°19'03"E, 57.83 feet to a point lying on the southerly right-of-way line of Catron Boulevard; Said point is also lying on a curve concave to the southwest and whose chord bears S70°20'35"E, 295.17 feet; Thence southeasterly along said right-of-way line and along the arc of said curve to the right whose radius is 1356.92 feet, and whose delta angle is 12°29'18", an arc distance of 295.76 feet to the true point of beginning, containing 1.302 acres more or less, legally described as the unplatted balance of the N1/2 NW1/4 SW1/4; and a portion of the S1/2 NW1/4 SW1/4, less Stoney

Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Catron Boulevard and Bendt Drive.

In response to Schmidt's question, Fisher advised that an Initial and Final Planned Residential Development must be submitted for review and approval to issuance of a building permit.

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

- 1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;**
- 2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is needed, design calculations and details for the detention element shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 4. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. The plat document shall also be revised to provide utility easements as needed;**
- 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;**
- 7. Upon submittal of a Preliminary Plat, road construction plans for Catron Boulevard shall be submitted for review and approval. In**



particular, the road construction plans shall show the construction of sewer and sidewalk or a Variance to the Subdivision Regulations shall be obtained;

8. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met;
 9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 10. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;
 11. Prior to submittal of a Final Plat application, the plat document shall be revised to show a maximum approach width of 28 feet in lieu of 30 feet along Bendt Drive or an Exception to the Street Design Criteria Manual shall be obtained; and,
 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)
19. No. 05RD009 - Section 6, T1N, R8E
A request by City of Rapid City for South Dakota School of Mines to consider an application for a **Resolution to name internal streets University Loop, Campus Loop Road, Technology Court and Hardrocker Road** on the unplatted balance of SE1/4 SW1/4 NW1/4; the unplatted balance of the SW1/4 SE1/4 NW1/4, less Lot H3; the unplatted balance of the N1/2 SW1/4, less South Dakota School of Mines & Technology Campus Subdivision; that part of the vacated Clark Street in the NW1/4 SW1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 501 East St. Joseph Street.

Waltman stated that she would be abstaining from discussion and voting due to a conflict of interest.

Brewer moved, Landguth seconded and unanimously carried to recommend the road names Technology Court, Hardrocker Road, Stadium Lane Tech Access Road and University Loop be approved. (8 to 0 to 1 with Andrews, Brenneise, Brewer, Brown, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no and Waltman abstaining)

Andrews announced that the Public Hearings on Items 23 through 56 were

opened.

Staff requested that Items 30 and 32 be removed from the Hearing Consent Agenda for separate consideration.

Brown and Landguth requested that Items 23, 24, 25, 26, 27, 28, 29, 39, 40, 41, 42, 43 and 51 be removed from the Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 28, 29, 51 and 53 be removed from the Hearing Consent Agenda for separate consideration.

LeMay moved, Brewer seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 23 through 56 in accordance with the staff recommendations with the exception of Items 23, 24, 25, 26, 27, 28, 29, 30, 32, 39, 40, 41, 42, 43, 51 and 53 (9 to 0 with Andrews, Brenneise, Brewer, Brown, Fast Wolf, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

The Public Hearings for Items 23 through 56 were closed.

---HEARING ITEMS CONSENT CALENDAR---

31. No. 05CA055 - Stoney Creek South Subdivision

A request by Boschee Engineering to consider an application for an **Amendment to the Comprehensive Plan by revising the Southwest Connector Neighborhood Future Land Use Plan to change the land use designation from Planned Residential Development with a maximum density of four to eight dwelling units per acre to General Commercial with a Planned Commercial Development** on a parcel of land located in a portion of the NW1/4 SW1/4, lying south of Catron Boulevard, in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the northeast corner of said NW1/4 SW1/4, Thence S26°10'06"W, 609.71 feet to the true point of beginning, said point is lying on the south right-of-way line of Catron Boulevard; Thence departing said south right-of-way line, S25°54'04"W, 195.40 feet; Thence N70°48'41"W, 292.78 feet to a point lying on the easterly right-of-way line of Bendt Drive as shown on the final plat of Stoney Creek South Subdivision; said point is also lying on a curve concave to the southeast and whose chord bears N44°11'25"E, 11.07 feet; Thence northerly along the arc of said curve to the right whose radius is 174.00 feet; and whose delta angle is 03°38'45", an arc distance of 11.07 feet to a point of reversed curvature; Thence continuing northerly along said easterly right-of-way line of Bendt Drive the following two courses; Thence northerly along the arc of said curve to the left whose radius is 226.00 feet, and whose delta angle is 33°41'44", an arc distance of 132.91 feet to a point of tangency; Thence N12°19'03"E, 57.83 feet to a point lying on the southerly right-of-way line of Catron Boulevard; Said point is also lying on a curve concave to the southwest and whose chord bears S70°20'35"E, 295.17 feet; Thence southeasterly along said right-of-way line and along the arc of said curve to the right whose radius is 1356.92 feet, and whose

delta angle is 12°29'18", an arc distance of 295.76 feet to the true point of beginning, containing 1.302 acres more or less, more generally described as being located at the southeast corner of the intersection of Catron Boulevard and Bendt Drive.

Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the Southwest Connector Neighborhood Future Land Use Plan to change the land use designation from a Planned Residential Development with a maximum density of four to eight dwelling units per acre to General Commercial with a Planned Commercial Development be approved.

33. No. 05PD086 - West River Electric Association Subdivision

A request by Geiger Architecture for West River Electric Association to consider an application for a **Planned Light Industrial Development - Initial Development Plan** on a tract of land located in the NE1/4 of NW1/4 of Section 9, T1N, R8E, BHM, and in the NW1/4 of NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with 2" survey cap marked "D.O.T." marking the southwest corner of Lot A Less Lot H1 of NE1/4 of NW1/4 of Johnson School Subdivision, in the NE1/4 of NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, Thence N29°28'44"E a distance of 172.23', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N69°32'35"E a distance of 106.73', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N18°20'21"E a distance of 174.21', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N29°29'52"E a distance of 615.05', more or less, to a point on the section line between Section 9, T1N, R8E, BHM and Section 4, T1N, R8E, BHM, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the northwest corner of Lot 3 Less Lot H1 of Block 2 of Johnson School Subdivision; Thence N89°48'18"E a distance of 382.99', more or less, to a point on the section line between Section 9, T1N, R8E, BHM and Section 4, T1N, R8E, BHM; Thence southwesterly on a curve to the left with a radius of 167.85' and an arc length of 267.88', with a chord bearing S27°52'22"W and a distance of 240.34', more or less, to a point; Thence S28°46'44"E a distance of 62.63', more or less, to a point; Thence southwesterly on a curve to the right with a radius of 149.97' and an arc length of 104.99', with a chord bearing S01°28'08"W a distance of 102.86', more or less, to a point; Thence S21°31'29"W a distance of 222.14', more or less, to a point; Thence S24°42'12"W a distance of 40.23', more or less, to a point; Thence S71°23'31"E a distance of 12.58', more or less, to a point; Thence S21°23'15"W a distance of 153.47', more or less, to a point; Thence S21°18'43"W a distance of 106.02', more or less, to a point; Thence S21°18'54"W a distance of 66.04', more or less, to a point; Thence S21°25'00"W a distance of 388.69', more or less, to a point; Thence N51°26'00"W a distance of 255.41', more or less, to a point, said point being a 5/8" rebar marking the southwest corner of Lot 2 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°27'40"W a distance of 128.62', more or less, to a point, said point being a 1/2" rebar marking the

southwest corner of Lot B of Lot 1 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°23'47"W a distance of 95.89', more or less, to a point, said point being a 1" pipe marking the southwest corner of Lot A of Lot 1 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°33'53"W a distance of 151.26', more or less, to the point of beginning. Said area includes 12.988 acres, more or less, more generally described as being located east of Elk Vale Road, north of Highway 44 and west of Twilight Drive.

Planning Commission approved the Planned Light Industrial Development - Initial Development Plan with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to the start of construction, a Floodplain Development Permit shall be obtained for any work within the federally designated 100 year floodplain located in the northern portion of the property, if applicable;**
- 3. Upon Final Planned Light Industrial Development submittal, the applicant shall demonstrate physical access to proposed Lot 2 from Twilight Drive or access shall be provided through proposed Lot 1 or the lots shall be combined into one lot. In addition, the site plan shall be revised accordingly. Any internal access to Lot 2 shall be constructed to City Street Design Standards, located in a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer;**
- 4. Upon Final Planned Light Industrial Development submittal, a water and sewer plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the applicant shall demonstrate that adequate domestic water and fire flows are being provided;**
- 5. Upon Final Planned Light Industrial Development submittal, a grading plan shall be submitted for review and approval;**
- 6. Upon Final Planned Light Industrial Development submittal, a drainage plan as well as an erosion and sediment control plan shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that discharge from any site facilities shall be provided. In addition, the drainage plan shall be designed in compliance with the Unnamed Tributary Drainage Basin Plan addressing the potential increase in impervious area created by the proposed industrial use. An amendment to the Drainage Basin Design Plan shall be submitted for review and approval if it's identified that the proposed development will increase the impervious area;**
- 7. Upon Final Planned Light Industrial Development submittal, a landscaping plan shall be submitted for review and approval;**
- 8. Upon Final Planned Light Industrial Development submittal, a sign and lighting package shall be submitted for review and approval;**
- 9. Upon Final Planned Light Industrial Development submittal, a parking plan shall be submitted for review and approval. In particular, the**

- parking plan shall include parking for the proposed office use, including any community/assembly use, storage and the proposed antenna tower. In addition, the parking plan shall be designed in compliance with the Americans with Disabilities Act (ADA) Regulations and Design Standards. Any proposed exceptions or reductions in the parking requirements shall require that they be addressed as part of the Final Planned Light Industrial Development or a Major Amendment to the Planned Light Industrial Development;
10. Upon Final Planned Light Industrial Development submittal, elevations of the proposed structures shall be submitted for review and approval. In particular, elevations of the office building, storage building(s) and the proposed antennae tower shall be submitted. In addition, a list of building materials and color palette shall be submitted for review and approval;
 11. Upon Final Planned Light Industrial Development submittal, a floor plan of the proposed buildings shall be submitted for review and approval. In particular, the applicant shall identify any proposed "community rooms" within the proposed office building;
 12. Upon Final Planned Light Industrial Development submittal, the site plan shall be revised eliminating the proposed fence from the drainage easement;
 13. Upon Final Planned Light Industrial Development submittal, the site plan shall be revised to provide a sidewalk along the east side of the property in compliance with the City's Bike Path Plan. In particular, the sidewalk shall be extended along Twilight Drive to the intersection of S.D. Highway 44 and Twilight Drive;
 14. Upon Final Planned Light Industrial Development submittal, an elevation of the proposed fence shall be submitted for review and approval;
 15. Upon Final Planned Light Industrial Development submittal, a detailed list the materials to be stored outdoors shall be submitted for review and approval;
 16. Upon Final Planned Light Industrial Development submittal, the location, size and noise rating of any exterior air handling equipment proposed for the community center shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
 17. Upon Final Planned Light Industrial Development submittal, the location and size of the dumpsters shall be submitted for review and approval. In addition, the dumpsters shall be screened;
 18. Prior to submittal of a Final Planned Light Industrial Development application, an Approach Permit shall be obtained from the South Dakota Department of Transportation for the proposed approaches along S.D. Highway 44;
 19. Prior to submittal of a Final Planned Light Industrial Development application, an Approach Permit shall be obtained from the Pennington County Highway Department for the proposed approaches along Twilight Drive;
 20. An Air Quality Permit shall be obtained prior to any development work



or construction in excess of one acre;

21. All provisions of the Light Industrial District shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Light Industrial Development or a subsequent Major Amendment.

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.

34. No. 05PD088 - Section 8, T1N, R7E

A request by Bob Westlake for Derby Advertising, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots B, C, D, H, J, K, L, M and W of Kashmir Subdivision, located in the NE1/4 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2720 Chapel Lane.

Planning Commission continued the Major Amendment to a Planned Commercial Development to the February 9, 2006 Planning Commission meeting.

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

35. No. 05PD089 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Tract G of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Homestead Street and Aurora Drive.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the February 9, 2005 Planning Commission.

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.

36. No. 05PD091 - Professional Plaza Subdivision

A request by Centerline, Inc. for CSU Properties to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 1, Professional Plaza Subdivision, Section 36, T1N, R7E, BHM, Rapid City,

Pennington County, South Dakota, more generally described as being located at 550 North 5th Street.

Planning Commission continued the Major Amendment to a Planned Commercial Development to the February 9, 2006 Planning Commission meeting.

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

37. No. 05PD092 - Marshall Heights Tract

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

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the February 9, 2006 Planning Commission meeting at the applicant's request.

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

38. No. 05PD093 - Stoney Creek Subdivision Phase I

A request by Boschee Engineering to consider an application for a **Planned Residential Development - Final Development Plan** on Lots 1 - 12, Block 5 of Stoney Creek Subdivision, formerly Lots 1A and 1B, Block 5 of Stoney Creek Subdivision, Phase I, located in the W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1A and 1B, Block 5, Stoney Creek Subdivision Phase I, located in the W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5225 Bendt Drive.

Planning Commission approved the Planned Residential Development - 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. **An exception to reduce the separation between an intersection and an approach location from 50 feet to 25 feet along Winterset Drive is hereby denied;**



3. An exception to reduce the separation between an intersection and an approach location from 50 feet to 25 feet along Princeton Court is hereby denied;
4. An exception to reduce the separation between an intersection and an approach location from 50 feet to 25 feet along Yale Court is hereby denied;
5. 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 on Lots 1 thru 12, Block 5;
6. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Final Planned Residential Development or a subsequent Major Amendment;
7. The proposed structures shall conform architecturally to the proposed elevations, design plans and color scheme submitted as part of this Final Planned Residential Development;
8. An amendment to the Air Quality Permit shall be obtained or a new permit shall be obtained prior to construction;
9. All International Fire Codes shall be continually met;
10. All signage shall comply with Section 15.28 of the Rapid City Municipal Code; and;
11. The Planned Residential Development shall allow for the construction of town homes 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.

44. No. 05RZ069 - Stoney Creek South Subdivision

A request by Boschee Engineering to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** on a parcel of land located in a portion of the NW1/4 SW1/4, lying south of Catron Boulevard, in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the northeast corner of said NW1/4 SW1/4, Thence S26°10'06"W, 609.71 feet to the true point of beginning, said point is lying on the south right-of-way line of Catron Boulevard; Thence departing said south right-of-way line, S25°54'04"W, 195.40 feet; Thence N70°48'41"W, 292.78 feet to a point lying on the easterly right-of-way line of Bendt Drive as shown on the final plat of Stoney Creek South Subdivision; said point is also lying on a curve concave to the southeast and whose chord bears N44°11'25"E, 11.07 feet; Thence northerly along the arc of said curve to the right whose radius is 174.00 feet; and whose delta angle is 03°38'45", an arc distance of 11.07 feet to a point of reversed curvature; Thence continuing northerly along said easterly right-of-way line of Bendt Drive the following two courses; Thence northerly along the arc of said curve to the left



whose radius is 226.00 feet, and whose delta angle is $33^{\circ}41'44''$, an arc distance of 132.91 feet to a point of tangency; Thence $N12^{\circ}19'03''E$, 57.83 feet to a point lying on the southerly right-of-way line of Catron Boulevard; Said point is also lying on a curve concave to the southwest and whose chord bears $S70^{\circ}20'35''E$, 295.17 feet; Thence southeasterly along said right-of-way line and along the arc of said curve to the right whose radius is 1356.92 feet, and whose delta angle is $12^{\circ}29'18''$, an arc distance of 295.76 feet to the true point of beginning, containing 1.302 acres more or less, more generally described as being located at the southeast corner of the intersection of Catron Boulevard and Bendt Drive.

Planning Commission recommended that the Rezoning from Low Density Residential District to General Commercial District be approved in conjunction with the Planned Development Designation and the Comprehensive Plan Amendment to the Southwest Connector Neighborhood Future Land Use Plan.

45. 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 February 9, 2006 Planning Commission meeting at the applicant's request.

46. 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 February 9, 2006 Planning Commission meeting at the applicant's request.

47. No. 05SV079 - Forest Park Estates Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, additional pavement and additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 28 and 29 of Forest Park Estates Subdivision, formerly Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4231 Starlite Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, additional pavement and additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code be continued to the February 9, 2006 Planning Commission so that it may be heard in conjunction with Layout Plat 05PL231.

48. No. 05SV080 - Cavern Crest Subdivision

A request by Dennis Johnson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and pavement along Cavern Road and the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 2600 Cavern Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and pavement along Cavern Road and the access easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the February 9, 2006 Planning Commission so that it may be heard in conjunction with the associated Preliminary Plat (05PL232).

49. No. 05SV083 - West River Electric Association Subdivision

A request by FMG Engineering for West River Electric Assn. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code** on a tract of land

located in the NE1/4 of NW1/4 of Section 9, T1N, R8E, BHM, and in the NW1/4 of NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with 2" survey cap marked "D.O.T." marking the southwest corner of Lot A Less Lot H1 of NE1/4 of NW1/4 of Johnson School Subdivision, in the NE1/4 of NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, Thence N29°28'44"E a distance of 172.23', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N69°32'35"E a distance of 106.73', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N18°20'21"E a distance of 174.21', more or less, to a point, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the east right of way line of Elk Vale Road; Thence N29°29'52"E a distance of 615.05', more or less, to a point on the section line between Section 9, T1N, R8E, BHM and Section 4, T1N, R8E, BHM, said point being a 5/8" rebar with 2" survey cap marked "D.O.T.", on the northwest corner of Lot 3 Less Lot H1 of Block 2 of Johnson School Subdivision; Thence N89°48'18"E a distance of 382.99', more or less, to a point on the section line between Section 9, T1N, R8E, BHM and Section 4, T1N, R8E, BHM; Thence southwesterly on a curve to the left with a radius of 167.85' and an arc length of 267.88', with a chord bearing S27°52'22"W and a distance of 240.34', more or less, to a point; Thence S28°46'44"E a distance of 62.63', more or less, to a point; Thence southwesterly on a curve to the right with a radius of 149.97' and an arc length of 104.99', with a chord bearing S01°28'08"W a distance of 102.86', more or less, to a point; Thence S21°31'29"W a distance of 222.14', more or less, to a point; Thence S24°42'12"W a distance of 40.23', more or less, to a point; Thence S71°23'31"E a distance of 12.58', more or less, to a point; Thence S21°23'15"W a distance of 153.47', more or less, to a point; Thence S21°18'43"W a distance of 106.02', more or less, to a point; Thence S21°18'54"W a distance of 66.04', more or less, to a point; Thence S21°25'00"W a distance of 388.69', more or less, to a point; Thence N51°26'00"W a distance of 255.41', more or less, to a point, said point being a 5/8" rebar marking the southwest corner of Lot 2 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°27'40"W a distance of 128.62', more or less, to a point, said point being a 1/2" rebar marking the southwest corner of Lot B of Lot 1 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°23'47"W a distance of 95.89', more or less, to a point, said point being a 1" pipe marking the southwest corner of Lot A of Lot 1 of Lot D of the NW1/4 of the NE1/4 of Section 9, T1N, R8E, BHM; Thence N51°33'53"W a distance of 151.26', more or less, to the point of beginning. Said area includes 12.988 acres, more or less, more generally described as being located east of Elk Vale Road and north of Highway 44 and west of Twilight Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Elk Vale Road be approved with the following stipulation:

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



to install curb, gutter, sidewalk and street light conduit along S.D. Highway 44 be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Twilight Drive be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along Twilight Drive be approved with the following stipulation;

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

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Twilight Drive be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement be denied; and,

That the Variance to the Subdivision Regulations to allow platting half a right-of-way be approved.

50. No. 05SV088 - Park Hill Subdivision

A request by CETEC Engineering for Bruce Kulpaca to consider an application for a **Variance to the Subdivision Regulations to allow a Lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 8 - 12 of Block 1, Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Park Hill Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the north and south sides of Park Hill.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code be approved.

52. No. 05SV090 - Plateau Subdivision

A request by Davis Engineering, Inc. for John Slagle to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement width along Bonnie Lane as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Lot 7 of Lot 4, Plateau Subdivision; formerly Lot 7 of Lot 4 of Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Lot 4 of Plateau Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 4978 Bonnie Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit along Bonnie Lane as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation;

1. Prior to City Council approval, the applicant shall sign a waiver of

right to protest any future assessment for the improvements.

54. No. 05TI019 - East Anamosa Street

A request by Centerline to consider an application for a **Tax Increment District No. 49 Project Plan** on Lot 1 – 28 and all adjacent rights-of-way, Block 11, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 – 14 and all adjacent rights-of-way, Tract A (formerly lots 15A thru 25A) and all adjacent rights-of-way, Lot 15-28 less lot 15A -25A and all adjacent rights-of-way, all located in Block 12, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted balance of SW1/4SE1/4 and the unplatted balance of SE1/4SE1/4 and all adjacent rights-of-way, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 3 and Lot 4 and all adjacent rights-of-way, Tract A & S1/2 vacated part of alley adjacent to Tract A and all adjacent rights-of-way, Lot A of Lot 1, Lot 2 and the S1/2 vacated Watertown St adjacent to said lot, Lot B of Lot 1, all located in Block 2, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract I and the N1/2 vacated portion of alley adjacent to Tract I and the S1/2 vacated Watertown St adjacent to Tract I and all adjacent rights-of-way, Block 2, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Block 3 and W375' of N1/2 vacated Watertown Street adjacent to Block 3 less W150' & less Lot 1-2 and the S1/2 vacated Madison Street adjacent to E475' Block 3 and the vacated alley in Block 3 less portion between Lots 1 & 2 and all adjacent rights-of-way, all located in Block 3, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1-2 and the S1/2 vacated Madison St adjacent to Lot 1 and the N1/2 vacated Watertown Street adjacent to Lot 2 and the vacated alley between Lots 1-2, Block 3 and all adjacent rights-of-way, all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of Block 1 and all adjacent rights-of-way, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 -2 and the balance of Block 4 and all adjacent rights-of-way, all located in Block 4, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4NE1/4 including Meadowlark Hills Sub & all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A & E1/2 vacated Cherry Ave of NE1/4NE1/4 and all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract B, C, D, F, G, and H and all adjacent rights-of-way, all of Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract E & E15' of vacated Cherry St adjacent to said Tract E, Block 1 and all adjacent rights-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, E100' of Tract A, Block 1 and adjacent right-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A less the E100' and the E15' of vacated Cherry St adjacent to said Tract A and adjacent right-of-way, Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of the 90' wide East Anamosa Street right-of-way located in the NE1/4 of Section 31 and the SE1/4 of Section 30, and the East Anamosa Street right-of-way located in the NW1/4 of Section 31 and the SW1/4 of Section 30 all adjacent to LaCrosse Street, T2N, R8E, BHM, Rapid



City, Pennington County, South Dakota; and, All Railroad Right-of-Way located in the NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A and Lot B and all adjacent rights-of-way, West Century Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N170' of S313.96' of Lot 2 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 and Lot 2 and all adjacent rights-of-way, Buckingham Rental Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot B of Lot 1 of SW1/4NW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A, B, C, and D of Lot 1 of NW1/4SW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 1, Century "21" and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A in NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract D in NE1/4NW1/4 including Lot 1 of Tract D of Heubner Subdivision and all adjacent rights-of-way, all located in Heubner Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N16.04' of Lot 2 of SW1/4NW1/4 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 and Lot H3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Lot H1 of Lot A of the SE1/4NW1/4, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of Lot B of Lot 1 in the NW1/4SW1/4, Lot H1 of Lot B of Lot 1 of the NW1/4SW1/4, Lot 2 of the NW1/4SW1/4, Lot H1 of Lots 7 & 8 of the NW1/4SW1/4, Lot H1 of Lots 3,4, 5 & 6 of the NW1/4SW1/4, Lot H1 and Lot H2 of the NW1/4SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Century Road, east of LaCrosse Street and south of US 1-90.

Planning Commission recommended that the Tax Increment District No. 49 Project Plan be continued to the February 9, 2006 Planning Commission meeting.

55. No. 05VR014 - Sletten Addition

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the north to east curve of West Nike Road.

Planning Commission recommended that the Vacation of Section Line Highway be continued to the June 8, 2006 Planning Commission at the

request of the applicant.

56. No. 05VR015 - Plainsview Second Addition

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

Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulation:

1. **Prior to City Council approval, a developmental lot agreement shall be signed and on file with the Growth Management Department or the lots shall be re-plated into one lot.**

---END OF HEARING CONSENT CALENDAR---

Brown stated that due to a conflict of interest he would abstain from discussion and vote on 23, 24, 25, 26, 27, 39, 40, 41, 42 and 43.

23. No. 05CA046 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Light Industrial to Low Density Residential with a Planned Residential Development** on the eastern most 504 feet of the SW1/4 NW1/4, 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.

24. No. 05CA047 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Low Density Residential with a Planned Residential Development** on the western most 816 feet of the SW1/4 NW1/4, 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.

25. No. 05CA048 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Planned Residential Development with a 1.5 dwelling unit per acre land use to Medium Density Residential with a Planned Residential Development** on a parcel of land described as the NE1/4 NE1/4 SW1/4, 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.

26. No. 05CA049 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** on the property described as: the north 200 feet of Lot 1, Neff's Subdivision No.3; and the eastern most 440 feet and southern most 450 feet of the SW1/4 SW1/4 lying east of Lot1, Neff's Subdivision; all located in Section 34, T2N, 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.

27. No. 05CA050 - Section 34, T2N, R8E and Section 3, T1N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development** on the southern most 450 feet of the SE1/4 SW1/4, located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 670 feet of the NE1/4 NW1/4, 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.

39. No. 05RZ064 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the following parcels of land: the SW1/4 NW1/4; the northern most 210 feet of the SE1/4 SW1/4 SW1/4; the NE1/4 SW1/4 SW1/4; the northern most 870 feet of the SE1/4 SW1/4; the E1/2 NW1/4 SW1/4; the SE1/4 NE1/4 SW1/4; and the W1/2 NE1/4 SW1/4 all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington, more generally described as being located south of Interstate 90 and east of Elk Vale Road.

40. No. 05RZ065 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on the following parcels of land: the SE1/4 NW1/4; the NW1/4 SE1/4; and the NE1/4 SE1/4 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.

41. No. 05RZ066 - Section 34, T2N, R8E

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 parcel of land described as the NE1/4 NE1/4 SW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located

south of Interstate 90 and East Elk Vale Road.

42. No. 05RZ067 - Section 34, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the following parcels of land: the north 200 feet of Lot 1 of Neff's Subdivision No. 3; the eastern most 440 feet and southern most 450 feet of the SW1/4 SW1/4 lying east of Lot1, Neff's Subdivision all located in Section 34, T2N, 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.

43. No. 05RZ068 - Section 34, T2N, R8E and Section 3, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Office Commercial District** on the following parcels of land: the southern most 450 feet of the SE1/4 SW1/4; the W1/2 NW1/4 SW1/4; and the NW1/4 SW1/4 SW1/4 all located in Section 34, T2N, R8E; and the north 670 feet of the NE1/4 NW1/4, 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.

LeMay moved, Brewer seconded and carried to recommend that the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Light Industrial to Low Density Residential with a Planned Residential Development (05CA046); that the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Low Density Residential with a Planned Residential Development (05CA047); that the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Planned Residential Development with a 1.5 dwelling unit per acre land use to Medium Density Residential with a Planned Residential Development (05CA048); that the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development (05CA049); that the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development (05CA050); that the Rezoning from No Use District to Low Density Residential District (05RZ064); that the Rezoning from No Use District to General Agriculture District (05RZ065); that the Rezoning from No Use District to Medium Density Residential District be approved in conjunction with the Amendment to the Comprehensive Plan and a Planned Development Designation (05RZ066); that the Rezoning from No Use District to General Commercial District be approved in conjunction with the Amendment to the Comprehensive Plan and a Planned Development Designation (05RZ067); and that the Rezoning

from No Use District to Office Commercial District be approved in conjunction with the Amendment to the Comprehensive Plan and a Planned Development Designation (05RZ068) be approved. (8 to 0 to 1 with Andrews, Brenneise, Brewer, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no and Brown abstaining)

28. No. 05CA052 - The Villagio at Golden Eagle

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for an **Amendment to the Comprehensive Plan amending the Major Street Plan to relocate a street on the Major Street Plan** on Lots 1 - 16 of Block 1, and Lots 1 - 4 of Block 2, the Villagio at Golden Eagle, formerly the unplatted portion of the E1/2 NW1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NW1/4 SE1/4 of Section 22, T1N, R7E; Lot 3 of Tract B, Spring Brook Acres; Lot 1R of Tract B, Spring Brook Acres; W1/2 NW1/4 SE1/4 less Spring Brook Acres and less Lot H2; and the unplatted portion of the NW1/4 SW1/4 SE1/4 all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the east and west sides of Golden Eagle Drive north of Catron Boulevard.

Fred Weishaupl, area resident, expressed opposition of the Amendment to the Comprehensive Plan by amending the Major Street Plan. Weishaupl expressed his concern with dividing the parcel with the proposed road. Weishaupl stated his preference to maintain the existing road with a "rural" appearance.

In response to Andrew's question, Elkins stated that a separate application would need to be submitted to eliminate the road through the Spring Creek Subdivision on the Major Street Plan.

In response to Schmidt's question, Elkins advised that the Major Street Plan would only affect the internal alignment across the property that the applicant controls. Discussion followed.

Waltman advised that she would be abstaining from discussion and voting due to a conflict of interest.

Sperlich, expressed his opinion that the proposed relocation of a street on the Major Street Plan would not negatively affect the adjacent property owners. Sperlich requested that the Planning Commission approved the Amendment to the Comprehensive Plan amending the Major Street Plan to relocate a street on the Major Street Plan. Discussion followed.

LeMay moved, Brown seconded and carried to recommend that the Amendment to the Comprehensive Plan amending the Major Street Plan to relocate a street on the Major Street Plan be approved. (7 to 0 to 2 with Andrews, Brenneise, Brewer, Brown, LeMay, Prairie Chicken and Schmidt and voting yes and none voting no and Landguth and Waltman abstaining)

29. No. 05CA053 - The Villagio at Golden Eagle



A request by Sperlich Consulting, Inc. for Signature Development to consider an application for an **Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Planned Residential Development with a maximum density of 1 dwelling unit per acre to a Planned Residential Development with a maximum density of 2.5 dwelling units per acre** on Lots 1 - 16 of Block 1, and Lots 1 - 4 of Block 2, the Villagio at Golden Eagle, formerly the unplatted portion of the E1/2 NW1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NW1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the east and west sides of Golden Eagle Drive north of Catron Boulevard.

In response to Schmidt's question, Sperlich advised that the zoning on the proposed subject property is Medium Density Residential with a Planned Residential Development. Discussion followed.

LeMay expressed his opposition to the the Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Planned Residential Development with a maximum density of 1 dwelling unit per acre to a Planned Residential Development with a maximum density of 2.5 dwelling units per acre.

Elkins stated that the Future Land Use Committee has reviewed the appropriate densities in these areas. Elkins advised that the Future Land Use Committee would support development plans from an applicant would provide a greater density in a realistic and feasible manner. Elkins advised that staff's recommendation is to approve the Amendment to the Comprehensive Plan. Discussion followed.

Sperlich stated his opinion that as development progresses on the subject property that the separation requirements for access will be met. Discussion followed.

Brown expressed his concern with diminished green space resulting from the development on the subject property.

In response to LeMay's questions, Elkins stated that additional road connection will occur along Catron Boulevard as development progresses. Discussion followed.

Fred Weishaupl, area resident expressed his opinion in opposition to the Amendment to Comprehensive Plan Amendment by revising the US Highway 16 Neighborhood Future Land Use Plan.

Sperlich requested that the Planning Commission approve the Amendment to the Comprehensive Plan Amendment application.

Brenneise moved, Brewer seconded recommend that the Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Neighborhood

Future Land Use Plan to change the land use designation from a Planned Residential Development with a maximum density of 1 dwelling unit per acre to a Planned Residential Development with a maximum density of 2.5 dwelling units per acre be approved. (7 to 0 to 2 with Andrews, Brenneise, Brewer, Brown, LeMay, Prairie Chicken and Schmidt and voting yes and none voting no and Landguth and Waltman abstaining)

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

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

Elkins requested that the Amendment to the Comprehensive Plan to adopt the Red Rock Canyon Drainage Basin Design Plan be continued to the February 9, 2006, Planning Commission meeting.

Brown moved, Schmidt seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to the Red Rock Canyon Drainage Basin Design Plan be continued to the February 9, 2006 Planning Commission. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

32. No. 05PD080 - Summit Industrial Park

A request by Owen H. Emme for Summit, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 1R Revised and 2R Revised, Summit Industrial Park and the balance of Lot X of Lot H2 of the NW1/4 of the SW1/4, Section 22, T2N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Deadwood Avenue North and Tatanka Road.

Elkins stated that staff's recommendation is that the Major Amendment to the Planned Commercial Development approved with revised stipulations. Elkins state that the applicant is in agreement with the proposed changes.

Brown moved, Landguth seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations;

1. **The number of off-street parking spaces shall be reduced from 288 with eight handicapped accessible spaces to 102 with six handicapped accessible spaces;**
2. **The Overnight camping shall be allowed on the property for vendors only. The vendor camping shall be allowed only in fully self contained**

- recreational vehicles. No other overnight camping shall be allowed on the site. In addition, a sign stating "No Overnight Camping" shall be posted on the subject property at all times ;
3. No open fires shall be allowed on the property at any time;
 4. Vendors shall continuously comply with the International Fire Code;
 5. A 24 hour security/fire watch shall be maintained on site during all vendor events;
 6. A 4000 gallon tanker shall be on site and available for fire fighting purposes during all vendor events. At such time as central water is available to the area, the applicant shall connect to the facility to the central water system and provide fire hydrants as required;
 7. Fire access of a minimum of 20 feet shall be continually provided between vendor sites;
 8. The parking lot shall be striped as shown on the site plan prior to the initiation of any vendor events on the site;
 9. A Temporary Use Permit shall be obtained for any temporary structures located on the subject property;
 10. The Major Amendment to the Planned Commercial Development is hereby approved for a three year period. A subsequent Major Amendment to the Planned Commercial Development shall be obtained prior to continuation of the use;
 11. Prior to issuance of a grading permit, a right-of-way permit or a temporary use permit, drainage calculations for the site must be submitted for review and approval;
 12. The site shall be secured so that vehicles may not enter the site and shall be posted with a "No Parking" or other appropriate signs when not in use as a vendor park;
 13. If any on-site signage is proposed, a Major Amendment to the Planned Commercial Development shall be submitted for review and approval. In addition, a Sign Permit shall be obtained for any on-site signage;
 14. All trash receptacles shall be secured to preclude trash from blowing around on the site or receptacles from being overturned. In addition, a schedule for removing debris from the site shall be posted; and:
 15. The vendor park site shall be assigned one address with site numbers assigned to the separate vendor booths. In addition, the site numbers for vendor booths shall be painted on the ground or displayed on a sign. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

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

51. No. 05SV089 - The Villagio at Golden Eagle
A request by Sperlich Consulting, Inc. for Signature Development to consider an application for a **Variance to the Subdivision Regulations to waive the**

requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1 - 16 of Block 1, and Lots 1 - 4 of Block 2, the Villagio at Golden Eagle, formerly the unplatted portion of the E1/2 NW1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NW1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the east and west sides of Golden Eagle Drive north of Catron Boulevard.

Fred Weishaupl, expressed his opinion in opposition to the Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code. Discussion followed.

Sperlich expressed his opinion in support of staff's recommendation to deny the Variance to the Subdivision request.

Landguth and Waltman stated that they would be abstaining from discussion and voting due to a conflict of interest.

Brown moved, LeMay seconded and carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code be denied. (7 to 0 to 2 with Andrews, Brenneise, Brewer, Brown, LeMay, Prairie Chicken and Schmidt and voting yes and none voting no and Landguth and Waltman)

53. No. 05SV091 - Knight's of Columbus Subdivision

A request by Fisk Land Surveying for Rapid City Columbian Club to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Knight's of Columbus Subdivision, formerly the west 5 feet of Lot 9, Lots 10 - 16, Lots 25 - 27 and the north 70 feet of Lots 17 - 24 in Block 126 of Original Townsite of Rapid City and vacated alley adjoined thereto, less dedicated alley in Lot 9 and less Lot H-1 of Lot 17 in the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the west 5 feet of Lot 9, Lots 10 - 16, Lots 25 - 27 and the north 70 feet of Lots 17 - 24 in Block 126 of Original Townsite of Rapid City and vacated alley adjoined thereto, less dedicated alley in Lot 9 and less Lot H-1 of Lot 17 in the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 910 Fifth Street.

In response to LeMay's questions, Fisher stated that a sewer currently exists in the vacated alley and serves the adjacent structures.

Brown moved, Landguth seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install sewer 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 Andrews, Brenneise, Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)**

Brown moved, Landguth seconded and unanimously carried to continue the Planning Commission meeting beyond the 9:00 a.m. deadline. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Bulman requested that items 57 and 58 be taken concurrently.

57. No. 05TI020 - Farrar Business Park

A request by Tom and Chuck Farrar to consider an application for a **Resolution Creating Tax Increment District No. 59** on a portion of land located in the NE1/4 of the SE1/4 of Section 16, including Lots 1 and 2 of Block 1, Lot 1 of Block 4 and Lot 1 of Block 5, and all rights-of-way all located in Farrar Business Park; and that portion of the NW1/4 of the SE1/4 of Section 16 lying north and east of the right-of-way of Interstate 90; all located in the N1/2 of the SE1/4 of Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Interstate 90 and Deadwood Avenue.

58. No. 05TI021 - Farrar Business Park

A request by Tom and Chuck Farrar to consider an application for a **Tax Increment District No. 59 Project Plan** on a portion of land located in the NE1/4 of the SE1/4 of Section 16, including Lots 1 and 2 of Block 1, Lot 1 of Block 4 and Lot 1 of Block 5, and all rights-of-way all located in Farrar Business Park; and that portion of the NW1/4 of the SE1/4 of Section 16 lying north and east of the right-of-way of Interstate 90; all located in the N1/2 of the SE1/4 of Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Interstate 90 and Deadwood Avenue.

Bulman presented the Project Plan and the Resolution for Tax Increment District No. 59. Bulman stated that the applicant's request is to assist in the development of the Deadwood Avenue water supply for the construction of a well and oversize transmission lines in the area of the subject property. Bulman advised that the Tax Increment Finance Committee recommends that the Project Plan and the Resolution for Tax Increment District No. 59 be approved. Discussion followed.

Sperlich requested that the Tax Increment District No. 59 Project Plan be approved. Sperlich stated that the water system will be supervised by the Public Works Department. Discussion followed.

LeMay moved, Brewer seconded and unanimously carried to recommend that the Resolution Creating Tax Increment District No. 59 and the Tax

Increment District No. 59 Project Plan be approved. (7 to 1 to 1 with Andrews, Brewer, Landguth, Prairie Chicken and Schmidt voting yes and LeMay voting no)

Fisher requested that items 59 and 60 be taken concurrently.

59. No. 05PL251 - Blakes Estates

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

60. No. 05SV087 - Blakes Estates

A request by Rob Livingston to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 - 31 and Common Lots 1 - 3 of Block 1; and Lots 1 - 12 and Common Lot 1 of Block 2, Blakes Estates, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lots 1 and 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6620 West Highway 44.

Fisher stated that staff's recommendation is to continue the Layout Plat and the Variance to the Subdivision Regulations to the February 9, 2006 Planning Commission meeting at the applicant's request.

LeMay moved, Brown seconded and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highways and to waive the requirement to dedicate the right-of-way be continued to the February 9, 2006 Planning Commission meeting. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

61. No. 05PD085 - Kateland Subdivision

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

Prairie Chicken left the meeting at this time.

Bulman presented the Planned Residential Development – Initial and Final Development Plan. Bulman stated that staff has concerns with parking, specifically off-street parking behind the garages, landscaping, sight triangle issues and Fire lane access. Bulman stated that staff has not resolved the fire lane access issue, but requested a revised site-plan to resolve all other issues. Bulman advised that staff recommends that the Planned Residential Development – Initial and Final Development Plan be denied without prejudice.

Sperlich requested that the Planning Commission approve the Planned Residential Development – Initial and Final Development Plan.

Andrews expressed his opinion in support of the applicant's Planned Residential Development for affordable low-income housing.

In response to Schmidt's question, Elkins stated staff has concerns with the density of the proposed development that could potentially create traffic and parking conflicts.

Schmidt moved, LeMay seconded and unanimously carried to deny the Planned Residential Development - Initial and Final Development Plan without prejudice. (8 to 0 with Andrews, Brenneise, Brewer, Brown, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

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

62. No. 05UR022 - Jones Tract

A request by Lamar Advertising to consider an application for a **Conditional Use Permit to allow an off-premise sign** on Lots 7 and 8 and the W12 feet of Lot 6 of Block 2, Jones Tract, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1925 West Main Street.

Bulman presented the Conditional Use Permit. Bulman advised that the applicant will replace the current billboard with a smaller digital display billboard.

Terry Olsen, Lamar Advertising, expressed his opinion that the reduction of the existing sign would be reduced by two-thirds with new smaller digital display billboard. Olsen identified the proposed sign location and sign characteristics.

LeMay left the meeting at this time.

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

Landguth moved, Brewer seconded and unanimously carried to approve

the Conditional Use Permit to allow an off-premise sign with the following stipulations:

- 1. A Sign Permit shall be obtained prior to construction of the sign;**
- 2. The sign shall be located as per submitted plans;**
- 3. The maximum height of the sign shall be 30 feet and the maximum size of the sign shall be 250 square feet;**
- 4. The billboard sign shall continually comply with all provisions of the Sign Ordinance; and,**
- 5. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 0 to 1 with Brenneise, Brewer, Brown, Landguth, Schmidt and Waltman 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.

Brown moved, Landguth seconded and unanimously carried to continue the remaining Agenda Items 65 to the February 9, 2006 Planning Commission meeting. (7 to 0 with Andrews, Brenneise, Brewer, Brown, Landguth, Schmidt and Waltman voting yes and none voting no)

There being no further business, Schmidt moved, Landguth seconded and unanimously carried to adjourn the meeting at 9:39 a.m. (7 to 0 with Andrews, Brenneise, Brewer, Brown, Landguth, Schmidt and Waltman voting yes and none voting no)