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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 23, 2006

MEMBERS PRESENT: Doug Andrews, Holly Brenneise, Dennis Landguth, Mike LeMay, Mel Prairie Chicken, Ethan Schmidt and Karen Waltman. Deb Hadcock, Council Liaison was also present.

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

Staff requested that Items 12 be removed from the Non-Hearing Consent Agenda for separate consideration.

Landguth, Waltman and Schmidt requested that Items 5, 7, 8, 14 and 17 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by LeMay, Seconded by Schmidt and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 23 in accordance with the staff recommendations with the exception of Items 5, 7, 8, 12, 14 and 17. (7 to 0 with Andrews, Brenneise, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

1. Approval of the February 9, 2006 Planning Commission Meeting Minutes.
2. No. 05CA046 - Section 34, T2N, R8E
A request by City of Rapid City to consider an application for a **Summary of Adoption action 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.

Planning Commission approved the summary and authorized publication in the Rapid City Journal.

3. No. 05CA047 - Section 34, T2N, R8E
A request by City of Rapid City to consider an application for a **Summary of Adoption action for an Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use**

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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.

Planning Commission approved the summary and authorized publication in the Rapid City Journal.

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

A request by City of Rapid City to consider an application for a **Summary of Adoption action 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.

Planning Commission approved the summary and authorized publication in the Rapid City Journal.

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

A request by City of Rapid City to consider an application for a **Summary of Adoption action 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.

Planning Commission recommended approved the summary and authorized publication in the Rapid City Journal.

9. No. 05CA055 - Stoney Creek South Subdivision

A request by Boschee Engineering to consider an application for a **Summary of Adoption action 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

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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 approved the summary and authorized publication in the Rapid City Journal.

10. No. 06PL001 - The Village at Founder's Park

A request by Designworks, Inc. for Founder's Park, LLC to consider an application for a **Layout Plat** on Lots 1, 2 and 3 of Founder's Park Subdivision, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago.

Planning Commission recommended that the Layout Plat be continued to the March 9, 2006 Planning Commission meeting to allow the applicant to submit additional information.

11. No. 06PL003 - Red Rock Meadow Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 10 thru 21 of Block 2; Lots 2 thru 8 of Block 9; Lots 1 thru 4 of Block 13 of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of the NW1/4 of the NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Dunsmore Road.

Planning Commission recommended that the Preliminary Plat be continued to the March 9, 2006 Planning Commission meeting to allow the applicant time to provide additional information.

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13. No. 06PL014 - Neff's Subdivision

A request by D.C. Scott Surveyors, Inc. for West River Electric Association to consider an application for a **Preliminary Plat** on Lot 1R of Neff's Subdivision No. 3 (formerly Lot 1 of Neff's Subdivision and the unplatted portion of the SW1/4 SW1/4), Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Neff's Subdivision No. 3 and the unplatted portion of the SW1/4 SW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 400 Elk Vale Road.

Planning Commission recommended that the Preliminary Plat be continued to the March 9, 2006 Planning Commission meeting at the applicant's request.

15. No. 06SR002 - Millard Addition

A request by Hermanson Egge Engineering for City of Rapid City School District to consider an application for an **11-6-19 SDCL Review to allow the demolition of the existing General Beadle School and to construct a new school** on School Lot 582 feet by 680 feet of Block 12 of Millard Addition of Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 10 Van Buren Street.

Planning Commission approved the 11-6-19 SDCL Review to allow the demolition of the existing school and to construct a new elementary school with other public uses including a medical/dental clinic, library and a gymnasium.

16. No. 06SR003 - Section 3, T1N, R7E

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

Planning Commission approved the 11-6-19 SDCL Review to allow the installation of a sign on public property with the following stipulations:

1. **Prior to installation of the sign, a Sign Permit shall be obtained;**
2. **The sign shall comply architecturally with the design plans as submitted with this application; and,**
3. **Prior to the obtaining a sign permit, a Floodplain Development Permit shall be obtained.**

18. No. 06SR005 - Rapid City Greenway Tract

A request by Leonard Novak to consider an application for an **11-6-19 SDCL Review to allow a Farmer's Market in a public place** on Tract 17 less Lot H1 (also in Section 34, T2N, R7E), Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

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Planning Commission approved the SDCL 11-6-19 Review to allow a Farmer's Market in a public place with the following stipulations:

- 1. Vendor booths shall not occupy any off street parking stalls;**
- 2. All structures associated with the Farmer's Market shall be removed nightly including any portable restrooms;**
- 3. Prior to location on the site, information regarding the materials to be used for booths including any canopies provided and information regarding any on-site cooking shall be submitted to the Fire Department to insure all applicable provisions of the Uniform Fire Code are being met;**
- 4. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040; and,**
- 5. The Farmer's Market shall be authorized for three years from 2006 through 2008. A new 11-6-19 SDCL shall be submitted for review and approval prior to the use of this site in 2009.**

19. No. 06SR006 - Deadwood Avenue Tract

A request by Renner Engineering for Gustafson Builders to consider an application for an **11-6-19 SDCL Review to construct a public utility building** on Lot 10B of Lot 10 of Tract E, Deadwood Avenue Tract, located in the NE1/4 NW1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1140 Plant Street.

Planning Commission continued the SDCL 11-6-19 Review to construct a public utility building to the March 9, 2006 Planning Commission meeting to allow the applicant time to submit the required information.

20. No. 06SR007 - Rapid City Airport No. 6

A request by Kadrmas, Lee and Jackson for Rapid City Regional Airport to consider an application for an **11-6-19 SDCL Review to construct a parking lot on public property** on Lot P-1, Rapid City Airport No. 6, Section 20, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the Terminal Road loop.

Planning Commission continued the 11-6-19 SDCL Review to construct a parking lot on public property to the March 9, 2006 Planning Commission meeting at the applicants request.

21. No. 06SR008 - Rapid City Airport No. 6

A request by Kadrmas, Lee & Jackson for Rapid City Regional Airport to consider an application for an **11-6-19 Review to construct a parking lot on public property** on Lot P-2 (also in Section 20) Rapid City Airport No. 6, and the balance of Section 17, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the Terminal Road loop.

Planning Commission continued the 11-6-19 Review to construct a parking

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lot on public property to the March 9, 2006 Planning Commission meeting.

22. No. 06SR009 - Rapid City Airport No. 1, No. 2, No. 3, No. 4, No. 5, No. 6
A request by Kadrmas, Lee & Jackson for Rapid City Regional Airport to consider an application for an **11-6-19 SDCL Review to modify runway on public property** on Lots 2 and 3 of R.C. Airport Subdivision No. 4, Section 6, T1N, R9E; and Lot 1 of R.C. Airport No. 4, Section 5, T1N, R9E; and Lots 4 and 5 of R.C. Airport Subdivision No. 4, Section 7, T1N, R9E; and Lot 6 of R.C. Airport Subdivision No. 4, Section 8, T1N, R9E; and Lots 3, 4, 5, 6 and Lot 7 of R.C. Airport Subdivision No.1, Section 8, T1N, R9E; and Lots 1 and 2 of SW1/4, Lot 1 of SW1/4 SE1/4 Section 8, T1N, R9E; and Lots 2, 3, 4, 5 and Lot 6 of R.C. Airport Subdivision No. 2, Section 8, T1N, R9E; and all of Section less PT of R.C. Airport Subdivision No. 6, Section 17, T1N, R9E; and Lot P-2 and Lot T (also in Section 20) R.C. Airport Subdivision No. 6, T1N, R9E; and Lots 1 and 2 of R.C. Airport Subdivision No. 3, Section 9, T1N, R9E; and N1/2 less PT of R.C. Airport No. 6, Section 20, T1N, R9E; and Lot P-1 of R.C. Airport No. 6, Section 20, T1N, R9E; and Lot 2 of R.C. Airport Subdivision No. 5, Section 20, T1N, R9E; and W1/2 NW1/4, NW1/4 SW1/4, PT SW1/4 SW1/4, Tract G, H & I, Section 20, T1N, R9E; and Lots 3, 4, 5, 5A and Lot 6 of R.C. Airport Subdivision No. 5, Section 21, T1N, R9E; and Lots 7 and 8 of R.C. Airport Subdivision No. 5, Section 28, T1N, R9E; and Lot H-1 of the NW1/4 N/W1/4 Section 16, T1N, R9E; and the entire Terminal Road and Airport Road rights-of-way located in Sections 17 and 20, T1N, R9E; and All located in BHM, Rapid City, Pennington County, State of South Dakota, more generally described as being located Rapid City Regional Airport.

Planning Commission approved the 11-6-19 SDCL Review to modify runway on public property.

23. No. 06SR010 - Rapid City Airport No. 1, No. 2, No. 3, No. 4, No. 5, No. 6
A request by Kadrmas, Lee and Jackson for Rapid City Regional Airport to consider an application for an **11-6-19 SDCL Review to modify runway on public property** on Lots 2 and 3 of R.C. Airport Subdivision No. 4, Section 6, T1N, R9E; and Lot 1 of R.C. Airport No. 4, Section 5, T1N, R9E; and Lots 4 and 5 of R.C. Airport Subdivision No. 4, Section 7, T1N, R9E; and Lot 6 of R.C. Airport Subdivision No. 4, Section 8, T1N, R9E; and Lots 3, 4, 5, 6 and Lot 7 of R.C. Airport Subdivision No.1, Section 8, T1N, R9E; and Lots 1 and 2 of SW1/4, Lot 1 of SW1/4 SE1/4 Section 8, T1N, R9E; and Lots 2, 3, 4, 5 and Lot 6 of R.C. Airport Subdivision No. 2, Section 8, T1N, R9E; and all of Section less PT of R.C. Airport Subdivision No. 6, Section 17, T1N, R9E; and Lot P-2 and Lot T (also in Section 20) R.C. Airport Subdivision No. 6, T1N, R9E; and Lots 1 and 2 of R.C. Airport Subdivision No. 3, Section 9, T1N, R9E; and N1/2 less PT of R.C. Airport No. 6, Section 20, T1N, R9E; and Lot P-1 of R.C. Airport No. 6, Section 20, T1N, R9E; and Lot 2 of R.C. Airport Subdivision No. 5, Section 20, T1N, R9E; and W1/2 NW1/4, NW1/4 SW1/4, PT SW1/4 SW1/4, Tract G, H & I, Section 20, T1N, R9E; and Lots 3, 4, 5, 5A and Lot 6 of R.C. Airport Subdivision No. 5, Section 21, T1N, R9E; and Lots 7 and 8 of R.C. Airport Subdivision No. 5, Section 28, T1N, R9E; and Lot H-1 of the NW1/4 N/W1/4 Section 16, T1N, R9E; and the entire Terminal Road and Airport Road rights-of-way located in Sections 17 and 20, T1N, R9E; and All located in BHM, Rapid City, Pennington County, State of

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South Dakota, more generally described as being located at Rapid City Regional Airport.

Planning Commission approved the 11-6-19 SDCL Review to modify runway on public property.

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

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

A request by City of Rapid City to consider an application for a **Summary of Adoption action 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: 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.

Waltman advised she would abstain from discussion and vote due to a conflict of interest.

Schmidt moved, LeMay seconded and carried to approve the summary and authorized publication in the Rapid City Journal. (6 to 0 to 1 with Andrews, Brenneise, Landguth, LeMay, Prairie Chicken and Schmidt voting yes and none voting no and Waltman abstaining)

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

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for a **Summary of Adoption action 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.

Waltman and Landguth advised they would abstain from discussion and vote due to a conflict of interest.

Schmidt moved, LeMay seconded and carried to approve the summary and authorized publication in the Rapid City Journal. (5 to 0 to 2 with Andrews,

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Brenneise, LeMay, Prairie Chicken and Schmidt voting yes and none voting no and Landguth and Waltman abstaining)

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

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for a **Summary of Adoption action 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.

Waltman and Landguth stated they would abstain from discussion and vote due to a conflict of interest.

Schmidt moved, LeMay seconded and carried to approve the summary and authorized publication in the Rapid City Journal. (5 to 0 to 2 with Andrews, Brenneise, LeMay, Prairie Chicken and Schmidt voting yes and none voting no and Landguth and Waltman abstaining)

12. No. 06PL012 - Darlington Estates

A request by Boschee Engineering for Mike Gould to consider an application for a **Layout Plat** on Lots 1 thru 16, Darlington Estates, formerly that portion of the NE1/4 lying west of the Railroad Right-of-Way; and the N1/2 NW1/4, Section 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as that portion of the NE1/4 lying west of the Railroad Right-of-Way; and the N1/2 NW1/4, Section 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Old Folsom Road and Lamb Road.

Elkins advised that the staff's recommendation is that the Layout Plat be continued to the March 9, 2006 Planning Commission meeting to allow staff to review a recently submitted revised plat with the concurrence of the applicant.

Landguth moved, LeMay seconded and unanimously carried to recommend that the Layout Plat be continued to the March 9, 2006 Planning Commission meeting. (7 to 0 with Andrews, Brenneise, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

14. No. 06SR001 - Blakes Addition

A request by John M. Rowe, Buell Consulting for Cellular Inc. Network d/b/a Verizon Wireless to consider an application for an **11-6-19 SDCL Review to allow the construction of a communication facility** on Lots 5 thru 10 of Block

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4 of Blakes Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 612 East Boulevard North.

In response to Schmidt's question, Elkins stated that policy is to avoid lighting cellular towers with red or white blinking lights.

Schmidt moved, LeMay seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the construction of a communication facility with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. All plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A and a third party shall provide inspection of the prefabricated equipment shelter;**
- 3. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 4. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 5. The tower shall not be illuminated by artificial means and shall not display strobe lights except to illuminate the flag;**
- 6. No commercial advertising signage shall be allowed on the tower;**
- 7. The tower shall remain unpainted allowing the galvanized steel color to show or painted white unless alternative colors are required by the Federal Aviation Administration or other federal or state authority;**
- 8. All applicable provisions of the International Fire Code shall be continually met; and,**
- 9. All construction shall comply with the approved plans. (7 to 0 with Andrews, Brenneise, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)**

17. No. 06SR004 - Sale Barn Subdivision

A request by Dan Ferber to consider an application for an **11-6-19 SDCL Review to extend a public sewer main** on Centre Street Right-of-Way located from Lot 4R, Sale Barn Subdivision to Lot 3, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1770 Centre Street.

In response to Schmidt's questions, Elkins advised that an exception was approved by City Council to locate the sewer main outside of the centerline of the street.

Schmidt moved, LeMay, seconded and unanimously carried to approve the 11-6-19 SDCL Review to extend a public sewer main with the following stipulations:

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

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2. Prior to the start of construction, a Right-of-way Permit shall be obtained; and,
3. Prior to Planning Commission approval, an Exception shall be obtained from City Council to allow the sewer main to be located north of the street in lieu of along the center of street as per the Utility Design Criteria Manual. (7 to 0 with Andrews, Brenneise, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

Andrews announced that the Public Hearings on Items 24 through 33 were opened.

Schmidt requested that Items 31 be removed from the Hearing Consent Agenda for separate consideration.

Landguth moved, LeMay seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 24 through 33 in accordance with the staff recommendations with the exception of Items 31. (7 to 0 with Andrews, Brenneise, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

The Public Hearings for Items 24 through 33 were closed.

---HEARING ITEMS CONSENT CALENDAR---

24. 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

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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,

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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 March 23, 2006 Planning Commission meeting.

25. No. 06CA001 - The Village at Founder's Park

A request by Designworks, Inc. for Founder's Park, LLC to consider an application for an **Amendment to the Comprehensive Plan to revise the Major Street Plan to eliminate West Street as a collector street** on the unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago.

Planning Commission recommended that the Amendment to the Comprehensive Plan to revise the Major Street Plan to eliminate West Street as a collector street be continued to the March 9, 2006 Planning Commission meeting to allow the applicant to submit additional information.

*26. No. 06PD001 - Village at Founder's Park

A request by Designworks, Inc. for Founder's Park, LLC to consider an application for a **Planned Unit Development - Initial Development Plan** on the unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago.

Planning Commission continued the Planned Unit Development - Initial and Final Development Plan to the March 9, 2006 Planning Commission meeting to allow the applicant to submit additional information.

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

27. No. 06SV001 - The Village at Founder's Park

A request by Centerline for Founder's Park, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement, and**

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to dedicate additional Right-of-Way along the access easements and to waive the requirement to install sidewalk along both sides of the internal streets as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1, 2 and 3 of Founder's Park Subdivision, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement, and to dedicate additional Right-of-Way along the access easements and to waive the requirement to install sidewalk along both sides of the internal streets as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 9, 2006 Planning Commission meeting to allow the applicant to submit additional information.

*28. No. 06PD003 - 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 Lots 1 thru 10, Block 21 and Lots 1 thru 10, Block 22, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Missoula Street between Berniece Street and Homestead Street.

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

1. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre;**
3. **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;**
4. **All Uniform Fire Codes shall be met;**
5. **The proposed single family residences shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development;**
6. **All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Residential Development or a subsequent Major Amendment;**
7. **The Planned Residential Development shall allow for the construction of 20 single family residences on the property; and;**
8. **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.**

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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.

29. No. 06SV006 - Neff's Subdivision

A request by D.C. Scott Surveyors, Inc. for West River Electric Association to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb gutter, sidewalk, street light, sewer, water and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R of Neff's Subdivision No. 3 (formerly Lot 1 of Neff's Subdivision and the unplatted portion of the SW1/4 SW1/4), Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Neff's Subdivision No. 3 and the unplatted portion of the SW1/4 SW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 400 Elk Vale Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light, sewer, water and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 9, 2006 Planning Commission meeting at the applicant's request.

30. No. 06SV007 - Neff Subdivision, Phase V

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 4, Block 1; Lots 1 thru 9, Block 2; and outlot A of Neff Subdivision, formerly the unplatted portion of the NW1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Avenue A and Sweetbriar Street.

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

*32. No. 06UR002 - South Park Subdivision

A request by Lon Nygaard to consider an application for a **Conditional Use Permit to allow an oversized garage in a Medium Density Residential District** on the East 16.5 feet of Lot 17 and all of Lots 18 and 19, South Park Subdivision, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 240 East Meade Street.

Planning Commission approved the Conditional Use Permit to allow the

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construction of an oversized garage in a Medium Density Residential District with following stipulations:

1. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy of the garage;
2. Prior to issuance of a Building Permit, the applicant must submit an elevation certificate to show the proposed building is not effected by the 100 year storm;
3. Prior to issuance of a Building Permit, a statement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Register of Deeds Office;
4. The garage shall be constructed and maintained of the same general materials and the same color(s) as the existing residence; and,
5. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit.

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.

33. No. 06VR001 - The Village at Founder's Park

A request by Centerline for Founder's Park, LLC to consider an application for a **Vacation of Right-of-Way** on West Street Right-of-Way adjacent to Philadelphia Street and West Chicago Street, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1350 West Chicago.

Planning Commission recommended that the Vacation of Right-of-Way be continued to the March 9, 2006 Planning Commission meeting to allow the applicant to submit additional information.

---END OF HEARING CONSENT CALENDAR---

*31. No. 06UR001 - Carriage Hills Subdivision

A request by Independent Building Design for Thomas Martley to consider an application for a **Conditional Use Permit to allow the Construction of an oversized garage in a Low Density Residential District** on Lots 6 and 7 of Block 8, Carriage Hills Subdivision, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4401 North Glen Place.

In response to Schmidt's question, Elkins stated that the City would be required to take legal action if the garage is used for commercial purposes in the event of transfer of ownership. Elkins advised that the purpose of the Notice is to make any future purchaser of the property aware of the restrictions on the uses of the garage.

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LeMay moved, Prairie Chicken seconded and unanimously carried to approve the Conditional Use Permit to allow the construction of an oversized garage in a Low Density Residential District with the following stipulations:

1. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy of the garage;
2. Prior to issuance of a Building Permit, a revised site plan must be submitted showing the location of the septic/drain field;
3. All construction shall comply with the approved plans and elevations;
4. Prior to issuance of a Building Permit, a Wild Fire Hazard Mitigation Plan must be submitted for review and approval;
5. Prior to issuance of a Building Permit, a statement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Register of Deeds Office;
6. The garage shall be constructed and maintained of the same general materials and the same color(s) as the existing residence; and,
7. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit. (7 to 0 with Andrews, Brenneise, 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

34. No. 06PL004 - Marlin Industrial Park
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 7 of Marlin Industrial Park, located in Lot A Lot A of the NE1/4 of the NW1/4 less Lot H1 and less the Right-of-Way and the unplatted portion of the NW1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot A of the NE1/4 of the NW1/4 less Lot H1 and less the Right-of-Way and the unplatted portion of the NW1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Elk Vale Road and Old Folsom Road.

Elkins advised that staff's recommendation is that the Preliminary Plat be continued to the March 9, 2006 Planning Commission meeting to allow the applicant to provide additional information.

Schmidt moved, LeMay seconded and unanimously carried to recommend that the Preliminary Plat be continued to the March 9, 2006 Planning

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Commission meeting. (7 to 0 with Andrews, Brenneise, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

35. No. 06PL015 - Neff Subdivision, Phase V

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 4, Block 1; Lots 1 thru 9, Block 2; and outlot A of Neff Subdivision, formerly the unplatted portion of the NW1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Avenue A and Sweetbriar Street.

Maxwell stated that the staff's recommendation is that the Preliminary Plat be approved with stipulations.

In response to Schmidt's questions, Maxwell advised that the information required for the Preliminary Plat has been submitted, routed and approved.

LeMay moved, Prairie Chicken seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:

1. **Prior to start of construction an Air Quality permit shall be obtained;**
2. **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;**
3. **Prior to Preliminary Plat approval by Planning Commission, road construction plans showing the cul-de-sac's constructed with a 96 foot paved surface and with the installation of curb, gutter, street lights, sidewalk, water and sewer along Avenue A shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by Planning Commission, road construction plans showing the cul-de-sac constructed with a 96 foot paved surface and with the installation of curb, gutter, street lights, sidewalk, water and sewer along Sweetbrier Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
5. **Prior to Preliminary Plat approval by Planning Commission, 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;**
6. **Prior to Preliminary Plat approval by Planning Commission, a revised plat showing that the Outlot has been re-identified as a lot;**
7. **Prior to Preliminary Plat approval by Planning Commission, a revised**

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- drainage plan shall be submitted for review and approval;
8. Prior to Preliminary Plat approval by Planning Commission, the applicant shall verify that the sanitary system complies with the requirements of the Rapid Valley Sanitary District and a copy of the approval shall be submitted to the Growth Management Staff;
 9. Prior to Preliminary Plat approval by Planning Commission approval, the plat document shall be revised removing the outdated standard details and revised to include appropriate current Standard Details, per 2004 edition;
 10. Prior to Preliminary Plat approval by Planning Commission, a revised site plan showing that the fire hydrants and service curb stops are located in the public right-of-way shall be submitted for review and approval;
 11. Upon submittal of the Final Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; and;
 12. 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. (7 to 0 with Andrews, Brenneise, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

Fisher requested that items 36 and 37 be taken concurrently.

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

Fisher stated staff's recommendation is that the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 9, 2006 Planning Commission meeting to allow the applicant time to provide

additional information.

Prairie Chicken moved, LeMay seconded and unanimously carried to recommend that the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Green Valley Drive and the Variance to the Subdivision Regulations to waive the requirement to dedicate a ten foot wide planting screen easement be continued to the March 9, 2006 Planning Commission meeting. (7 to 0 with Andrews, Brenneise, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

Fisher requested that items 38 39 be taken concurrently.

38. No. 06PL013 - PLM Subdivision

A request by Centerline, Inc. for PLM Land Development, LLC to consider an application for a **Layout Plat** on Lots 1 thru 92, PLM Subdivision, Phase 2A, Section 13 T1N, R7E, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 less N1/2 N1/2 N1/2 N1/2 SW1/4 SW1/4; the unplatted balance of the N1/2 NW1/4; and the unplatted balance of the SW1/4 NW1/4, Section 13 T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located south of Minnesota Street and west of Fifth Street.

39. No. 06SV005 - PLM Subdivision

A request by Centerline, Inc. for PLM Development, LLC to consider an application for a **Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 24 feet and reduce the Right-of-Way width from 52 feet to 49 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 92, PLM Subdivision, Phase 2A, Section 13 T1N, R7E, Rapid City, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 less N1/2 N1/2 N1/2 N1/2 SW1/4 SW1/4; the unplatted balance of the N1/2 NW1/4; and the unplatted balance of the SW1/4 NW1/4, Section 13 T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located south of Minnesota Street and west of Fifth Street.

Fisher requested that the Layout Plat and the Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 24 feet and reduce the Right-of-Way width from 52 feet to 49 feet as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 9, 2006 Planning Commission meeting at the applicant's request.

LeMay moved, Waltman seconded and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 24 feet and reduce the right-of-way width from 52 feet to 49 feet as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 9, 2006 Planning Commission meeting. (7 to 0 with Andrews, Brenneise, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

*40. No. 06PD004 - Calvary Lutheran Church Subdivision

A request by TSP, Inc. for Calvary Lutheran Church to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 2, Calvary Lutheran Church Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5275 Sheridan Lake Road.

Tegethoff stated that the Major Amendment to a Planned Residential Development has been brought forward by the applicant to reduce the size of the structure, parking and landscaping on the subject property. Tegethoff stated that staff's recommendation is that the Major Amendment to a Planned Residential Development be approved with stipulations as outlined in the staff report. Discussion followed.

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

Landguth moved, Waltman seconded and unanimously carried to approve the Major Amendment to a Planned Residential Development with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. All plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A;**
- 3. A sign permit shall be obtained prior to construction of any signage;**
- 4. An air quality permit shall be obtained prior to construction;**
- 5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 6. The lighting plan shall continually comply with all requirements of the Zoning Ordinance and the approved lighting plan;**
- 7. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 8. Fire hydrants shall be required to be installed and operational prior to any building construction;**
- 9. All applicable provisions of the International Fire Code shall be continually met;**
- 10. All construction shall comply with the approved building elevations;**
- 11. The subject property shall be used as a church. Any other use shall require a Major Amendment to the Planned Residential Development; and,**
- 12. The Major Amendment to the Planned Residential Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 0 to 1 with Andrews, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no and Brenneise abstaining)**

The Rapid City Planning Commission's action on this item is final unless

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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.

41. No. 06OA001 –Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to Section 17.50.185 to provide a specific distance between residential areas and on-sale liquor establishments with and without video lottery.**

Bulman stated that the Ordinance Amendment was a request from the City Council to establish the distance requirements. Bulman reviewed the proposed Ordinance Amendment. Bulman stated that the Planning Commission requested that staff draft an exception for sit-down restaurants. Bulman advised that language to read “any on-sale liquor establishments that have facilities to serve prepared meals with a seating capacity of at least 50 patrons and do not contain video lottery are exempt from this provision” has been added to the proposed Ordinance Amendment. Discussion followed.

In response to Brenneise’s questions, Bulman advised that the language has been proposed to define restrictions on future Conditional Use Permit applications as it pertains to on-sale liquor and video lottery establishments.

Elkins advised that the City Council has requested an Ordinance Amendment with a more definitive standard. Discussion followed.

Brenneise requested that the Ordinance Amendment be continued to allow additional time for information to be provided to the Planning Commission on whether variances to the distance requirement may be granted. Discussion followed.

Twila Ludtke, area resident, expressed her opinion in opposition to adding an exception to allow on-sale liquor establishments in a sit-down restaurant. Discussion followed.

Schmidt moved to approve the Ordinance Amendment with the modification excepting sit down restaurants The motion died for the lack of a second.

Waltman requested that more information be provided to the Planning Commission members on the current number of restaurants within the 500 foot radius.

Karen Gunderson-Olsen, Council member expressed her concern with proposed language of the Ordinance Amendment stating the on-sale liquor establishment “must” be waived if it meets certain requirements. Discussion followed.

In response to Schmidt’s question, Elkins stated that Planning Commission’s request was for staff to draft language that would exempt sit-down restaurants

Draft

without video lottery from the 500 foot radius of on-sale liquor establishments. Elkins advised that staff is requesting direction from the Planning Commission as to the language in the proposed Ordinance Amendment.

Brenneise requested that more information regarding variances to the Ordinance be provided to Planning Commission members. Discussion followed.

Brenneise moved, Waltman seconded and unanimously carried to recommend that the Ordinance Amendment to Section 17.50.185 to provide a specific distance between residential areas and on-sale liquor establishments with and without video lottery, excluding restaurants without video lottery, be continued to the March 23, 2006 Planning Commission meeting. (7 to 0 with Andrews, Brenneise, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

42. Discussion Items

43. Staff Items

44. Planning Commission Items

A. Approval of the Planning Commission By-Laws.

Elkins stated that Planning Commission approved the Planning Commission By-Laws at February 9, 2006 Planning Commission. Elkins stated that approval of the By-laws in two consecutive meetings meets the requirement for adoption and can be forwarded to Legal and Finance and City Council for final approval.

LeMay moved, Landguth seconded and unanimously carried to approve the Planning Commission By-Laws. (7 to 0 with Andrews, Brenneise, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

There being no further business, Landguth moved, LeMay seconded and unanimously carried to adjourn the meeting at 7:48 a.m. (7 to 0 with Andrews, Brenneise, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)