

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
March 9, 2006

MEMBERS PRESENT: Doug Andrews, Holly Brenneise, John Brewer, Gary Brown, Thomas Hennies, Dennis Landguth, Mike LeMay, 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, Kevin Lewis, Dan Ladenberger 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 6, 11 and 12 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Brown, Seconded by Waltman and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 18 in accordance with the staff recommendations with the exception of Items 6, 11 and 12. (9 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay, and Schmidt voting yes and none voting no)

A member of the audience requested that Item 3, 6 and 8 be removed from the Non-Hearing Consent Agenda for separate consideration.

Amended Motion by Brown, Seconded by Waltman and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 18 in accordance with the staff recommendations with the exception of Items 3, 6, 8, 11 and 12. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the February 23, 2006 Planning Commission Meeting Minutes.
2. No. 04PL185 - Owen Hibbard
A request by Black Hills Surveying to consider an application for a **Preliminary Plat** on Lots 4 and 5 of Owen Hibbard Subdivision, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, legally described as the unplatted portion of Tract A of Tract 1, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, more generally described as being located at the intersection of Promise Road and Golden Eagle Drive.

Planning Commission recommended that the Preliminary Plat be continued to the April 6, 2006 Planning Commission meeting.

4. No. 05PL157 - Prairiefire Subdivision

A request by Britton Engineering & Land Surveying for Prairiefire Investments, LLC to consider an application for a **Preliminary Plat** on Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 NE1/4, less the Eisenbraun Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.

Planning Commission recommended that the Preliminary Plat be continued to the March 23, 2006 Planning Commission meeting to allow the applicant to submit additional information.

5. No. 05PL159 - Prairiefire Subdivision

A request by Britton Engineering for Prairiefire Investments, LLC to consider an application for a **Preliminary Plat** on Lots 11-14, Block 1; Lots 4-11, Block 2; Lots 5-8, Block 3; Lots 3-8, Block 4; Prairiefire Subdivision, located in the NE1/4, Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of NE1/4 NE1/4 less a portion of Lot 8 and all of Lot 9 of Eisenbraun Subdivision less Winton Subdivision; all of SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; all in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.

Planning Commission recommended that the Preliminary Plat be continued to the March 23, 2006 Planning Commission meeting to allow the applicant time to submit additional information.

7. 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 23, 2006 Planning Commission to allow the applicant time to provide additional information.

9. 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.

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

- 1. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show an access easement and/or right-of-way along the first 275 feet of Lots 4 and 5. In addition, construction plans shall be submitted for review and approval showing the access easement and/or right-of-way with a minimum width of 49 feet 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 or the plat document shall be revised to reconfigure the lots eliminating the flagpole configuration;**
- 2. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show an access easement and/or right-of-way along the first 650 feet of Lots 14 and 15. In addition, construction plans shall be submitted for review and approval showing the access easement and/or right-of-way with a minimum width of 49 feet 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 or the plat document shall be revised to reconfigure the lots eliminating the flagpole configuration;**
- 3. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to waive the requirement to provide intermediate turnaround(s) every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly;**
- 4. 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;**
- 5. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the 55 foot diameter emergency turn-around easement as right-of-way or the plat document shall be revised eliminating the flagpole lot configuration(s) from the easement;**
- 6. Upon submittal of a Preliminary Plat application, the plat document be revised eliminating the flagpole configuration of Lot 2;**
- 7. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 8. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall provide on-site detention as needed. In addition, the plat**

- document shall be revised to provide drainage easements as necessary;
9. 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;
 10. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval;
 11. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed and designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed;
 12. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;
 13. Upon submittal of a Preliminary Plat application, road construction plans for Lamb Road shall be submitted for review and approval. In particular, the street shall be located in a minimum 100 foot right-of-way and constructed with a minimum 40 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 plat document shall be revised to show the dedication of 17 additional feet of right-of-way;
 14. Upon submittal of a Preliminary Plat application, road construction plans for Hidalgo Court and Kimberwick Road shall be submitted for review and approval. In particular, the road construction plans shall show the streets located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or the streets shall be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street shall be posted with no parking signs. In addition, a turnaround shall be provided at the end of the street with a minimum

- 110 foot wide diameter easement or right-of-way and constructed with a minimum 96 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water or a Variance to the Subdivision Regulations shall be obtained;
15. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a 1,260 foot long cul-de-sac with no intermediate turnarounds in lieu of a maximum 1,200 foot long cul-de-sac with an intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly;
 16. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the section line highway relocated to Lamb Road and Old Folsom Road as approved by the Pennington County Board of Commissioners;
 17. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way for Old Folsom Road or a Variance to the Subdivision Regulations shall be obtained;
 18. Upon submittal of a Preliminary Plat application, the plat document shall be revised to reconfigure Lots 7 and 8 to allow access to each lot from Hidalgo Court. In addition, the plat document shall be revised to reconfigure Lots 9, 10, 15 and 16 to allow access to each lot from Kimberwick Road;
 19. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along Old Folsom Road and Lamb Road and the first 115 feet of Hidalgo Court and Kimberwick Road as they extend south from Lamb Road as per the Street Design Criteria Manual or an Exception shall be obtained;
 20. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 21. Prior to submittal of a Preliminary Plat application, the property shall be rezoned by Pennington County to a zoning district that allowed the proposed lot sizes or the plat document shall be revised accordingly;
 22. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal; or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1; or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;
 23. Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Old Folsom Road and Lamb Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen

easement shall not conflict with utility easement(s);

- 24. Upon submittal of a Final Plat application, a note shall be placed on the plat document stating that “a reserve drainfield area shall be identified upon submittal of a building permit” and that “on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile information is not sufficient for conventional systems”; and,**
- 25. 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.**

10. 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 400 Elk Vale Road.

Planning Commission recommended that the Preliminary Plat be continued to the March 23, 2006 Planning Commission meeting at the applicant's request.

13. 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 approved the 11-6-19 SDCL Review to construct a parking lot on public property.

14. 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 approved the 11-6-19 Review to construct a parking lot on public property.

15. No. 06SR011 - Rapid City Greenway Tract

A request by Todd Greyson for Storybook Island to consider an application for

an **11-6-19 SDCL Review to construct utilities on Public Property** on Tract 8 (also in Sections 4 and 10, T1N, R7E), Rapid City Greenway Tract, Section 3, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located at 1301 Sheridan Lake Road.

Planning Commission approved the 11-6-19 SDCL Review to construct utilities on Public Property with the following stipulations:

1. **An electrical permit shall be obtained for any wiring over 50V and an electrician shall do any such wiring;**
2. **Prior to construction the applicant shall verify that equipment is constructed at or above the regulatory flood protection elevation for the particular area or floodproofed; and,**
3. **All plans shall be stamped and signed by a professional engineer.**

16. No. 06SR014 - Section 18, T2N, R8E

A request by Dream Design International, Inc. to consider an application for an **11-6-19 SDCL Review to extend public sewer** on the 20 foot Sanitary Sewer easement located in Government Lot 4, located in the SE1/4 SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Country Road and West Nike Road.

Planning Commission approved the SDCL 11-6-19 Review to extend public sewer 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 redlined drawings. In addition, the redlined drawings shall be returned to the Development Service Center Division;**
2. **Prior to the start of construction, a Floodplain Development Permit shall be obtained as needed;**
3. **Prior to the start of construction, a 404 Permit shall be obtained from the Corp of Engineers as needed;**
4. **Prior to the start of construction, a utility easement and/or right-of-way shall be recorded at the Register of Deed's Office for the location of the proposed sewer main(s); and,**
5. **Prior to the start of construction, an Air Quality Permit shall be obtained.**

17. No. 06SR015 - Section 29, T1N, R7E

A request by Dream Design International, Inc. to consider an application for an **11-6-19 SDCL Review to construct a street in public Right-of-Way** on the NE1/4 and the SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 and the SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Dunsmore Road and Portrush Road.

Planning Commission approved the SDCL 11-6-19 Review to construct a street in public right-of-way with the following stipulations:

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1. **Prior to Planning Commission approval, the Traffic Analysis shall be stamped by a Professional Engineer; and,**
2. **Prior to the start of construction, 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 Development Service Center Division.**

18. No. 06VE001 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Vacation of the Non-Access Easement** on Lots 1 and 4 of Block 20; and Lot 1 of Block 19, Red Rock Estates, located in the NE1/4 SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Portrush Road and Kennemer Drive and at the northeast and northwest corners of the intersection of Portrush Road and Ainsdale Court.

Planning Commission recommended that the Vacation of Non-Access Easement request be continued to the March 23, 2006 Planning Commission meeting at the applicant's request.

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

3. No. 06CA003 - Stoney Creek South No. 2 Subdivision

A request by FMG, Inc. for Belgarde Enterprises to consider an application for an **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 Neighborhood Commercial with a Planned Commercial Development to a Medium Density Residential with a Planned Residential Development** on that part of the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 5/8" rebar with survey cap marked "FMG Inc. LS SD 1019" at the Center-South-South 1/64 corner of Section 22; Thence N00°08'29"W, along the Section 1/4 Line, a distance of 505.50', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", on the south right of way line of Catron Boulevard; Thence Northwesterly, along the south right of way line of Catron Boulevard, on a curve to the left, said curve having a radius of 2230.97' a length of 263.77', a chord bearing of N60°12'09"W and a chord length of 263.62', more or less, to a point, said point being a 5/8" rebar; Thence N63°35'34"W, along the south right of way line of Catron Boulevard, a distance of 665.49', more or less, to the point of beginning; Thence S26°23'14"W a distance of 270.0', more or less, to a point; Thence N63°35'34"W a distance of 400.0', more or less, to a point; Thence N26°23'14"E a distance of 270.0', more or less, to a point; Thence S63°35'34"E, along the south right of way line of Catron Boulevard, a distance of 400.0' to the point of beginning; all located within the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian; said parcel containing 2.5 acres more or less, more generally described as being located at the southeast corner of the intersection of Catron Boulevard and Nugget Gulch Drive.

Brenden, expressed opposition to the notification procedure used for the approval of the zoning application considered at the March 2, 2006 Planning Commission meeting. Discussion followed.

Elkins explained that the item is not the rezoning item that was addressed at the March 2, 2006 Special Planning Commission meeting. She noted that the earlier item addressed development in the Stone Ridge Subdivision and this item addressed development in the Stoney Creek Subdivision. Elkins stated that there was no error by staff in the notification procedure on the rezoning application for the Stone Ridge Subdivision. Elkins stated that in that situation the applicant failed to make the application and that building permits were issued prior to the rezoning application being considered.

Elkins explained that State Statute requires that the Planning Commission approve the Summary of Adoption Action prior to publication in the Rapid City Journal.

Brown moved, LeMay seconded and unanimously carried to approve the summary and authorized publication in the Rapid City Journal. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

6. 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.

Elkins stated that a copy of public comment has been presented on the dais to the Planning Commissioners. Elkins stated that staff's recommendation is for approval of the Layout Plat with stipulations.

Brenden, stated his concerns for portions of the development that, in his opinion, lie in the flood zone. Brenden expressed concerns with the private access easement from parking lots. Discussion followed

Elkins explained the Layout Plat procedure and reviewed the recommended stipulations for approval that must be met prior to Preliminary Plat approval, including a stipulation requiring a flood plan development permit. Discussion followed.

Brown moved, LeMay 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 Morningside 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. 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. In particular, the master plan shall identify sanitary sewer service to the entire project and demonstrate the ability to serve developable property within the collection basin outside of the boundaries of the property;
 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 application, road construction plans for the north-south commercial street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 8. Upon submittal of a Preliminary Plat application, road construction plans for West Street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 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 street shall be vacated. If the street is vacated, than a

- Comprehensive Plan Amendment to the Major Street Plan shall be obtained eliminating West Street as a collector street;
9. Upon submittal of a Preliminary Plat application, road construction plans for the 60 foot wide road easement shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the easement shall be vacated. If the easement is vacated, than an alternate street connection shall be provided to the adjacent property located west of the subject property;
 10. Upon submittal of a Preliminary Plat application, road construction plans for the proposed private access easement extending west from the commercial street to the southwest corner of the subject property shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 49 foot wide right-of-way and/or easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 11. Upon submittal of a Preliminary Plat application, construction plans for the proposed 15 foot wide pedestrian access easement shall be submitted for review and approval. In particular, the construction plans shall show the construction of an eight foot wide sidewalk. In addition, the Parks and Recreational Department shall review and approve that portion of the pedestrian access proposed to be located through the adjacent City park. The City Council shall also review and approve the use of the City property for the location of pedestrian access. In addition, a SDCL 11-6-19 Review shall be submitted for review and approval for the construction of a sidewalk on public property or the construction plans for the sidewalk shall be included with the Preliminary Plat of the subject property;
 12. Prior to the start of any development, a Floodplain Development Permit and a 404 Permit shall be obtained if and as needed;
 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 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;
 16. 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,

17. 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, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

8. 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.

Brenden, expressed his concerns with traffic counts, approaches and turnarounds of the proposed development on the subject property.

LeMay reviewed stipulations for approval of the Preliminary Plat.

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

1. An exception to the Street Design Criteria Manual to allow a cul-de-sac length to 1316 feet in lieu of 1200 feet in an industrial area and to allow more than 200 trips per day on the cul-de-sac is hereby granted;
2. Prior to start of construction an Air Quality permit shall be obtained;
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 start of construction, access easements for utilities shall be obtained and recorded with the Register of Deeds and a copy shall be submitted to Growth Management;
5. Prior to start of construction, a South Dakota Department of Transportation approach permit for Creek Drive shall be obtained and a copy submitted to Growth Management;
6. Prior to start of construction, a grading permit from the South Dakota Department of Transportation for work in the right-of-way along Elk Vale Road shall be obtained and a copy submitted to Growth Management;
7. Prior to Preliminary Plat approval by City Council, the Iowa, Chicago & Eastern Railroad Corporation shall enter into an agreement with the City of Rapid City to allow the construction of City water and sewer lines in the Railroad right-of-way. In addition the agreement shall be

- recorded at the Register of Deeds Office;
8. **Upon submittal of the Final Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval; and;**
 9. **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. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)**

11. No. 06PL021 - Cedar Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Cedar Investment Property, LLC to consider an application for a **Layout Plat** on Lots 1 thru 4, Cedar Subdivision and Dedicated Right-of-Way, formerly the unplatted portion of the NE1/4 SW1/4 NE1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NE1/4 SW1/4 NE1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Plant Street and Deadwood Avenue.

Elkins stated that staff's recommendation is to continue the Layout Plat to the April 6, 2006 Planning Commission meeting at the applicant's request.

Schmidt moved, LeMay seconded and unanimously carried to recommend that the Layout Plat be continued to the April 6, 2006 Planning Commission meeting at the applicant's request. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

12. No. 06PL025 - Canyon Springs Preserve

A request by Wyss Associates, Inc. for Canyon Springs, LLC to consider an application for a **Preliminary Plat** on Lots 1 thru 87, Block 1; Lot 1, Block 2, Canyon Springs Preserve, less Lot 1 of Firehouse Subdivision and the "Nemo" Road right-of-way, formerly the unplatted portion of the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26, T2N, R6E, BHM, Pennington County, South Dakota, legally described as a tract of land located in the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26; T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Nemo Road.

Elkins stated that staff's recommendation is to continue the Preliminary Plat to the April 6, 2006 Planning Commission meeting at the applicant's request.

LeMay moved and Waltman seconded and unanimously carried to recommend that the Preliminary Plat be continued to the April 6, 2006 Planning Commission meeting. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

Andrews announced that the Public Hearings on Items 19 through 31 were opened.

Staff requested that Items 25 and 29 be removed from the Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 19, 22, 26, 27, 28, 29 and 30 be removed from the Hearing Consent Agenda for separate consideration.

LeMay moved, Brown seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 19 through 31 in accordance with the staff recommendations with the exception of Items 19, 22, 25, 26, 27, 28, 29 and 30. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

The Public Hearings for Items 19 through 31 were closed.

---HEARING ITEMS CONSENT CALENDAR---

20. 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 March 23, 2006 Planning Commission meeting to allow the applicant to submit additional information.

21. 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 March 23, 2006 Planning Commission meeting to allow the applicant to submit additional information.

23. 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 23, 2006 Planning Commission meeting at the applicant's request.

24. No. 06SV008 - Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to reduce the Right-of-Way width on Shooting Star Trail from 76 feet to 68 feet and request a Variance for sidewalk on both sides of the road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 10 thru 21, Block 2; Lots 2 thru 8, Block 9; Lots 1 thru 4, Block 13, Red Rock Meadows Subdivision, (formerly the unplatted portion of the E1/2 NW1/4 NW1/4), Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Cog Hill Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to reduce the Right-of-Way width on Shooting Star Trail from 76 feet to 68 feet and to request a variance for sidewalk on both sides of the road as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

31. No. 06VR002 - Neff's Subdivision

A request by D.C. Scott Surveyors, Inc. for West River Electric Association to consider an application for a **Vacation of Section Line Right-of-Way** on the east 744.72 feet of the west 869.72 feet of the Section Line Right-of-way, located in the NW1/4 NW1/4, Section 3, T1N, R8E, BHM and in the SW1/4 SW1/, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Anamosa Street.

Planning Commission recommended that the Vacation of Section Line Highway be continued to the March 23, 2006 Planning Commission meeting at the applicant's request.

---END OF HEARING CONSENT CALENDAR---

19. 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.

Brenden, expressed his opinion in opposition of the vacation of West Street noting his concerns with the impact on the golf course, the effects on storm drainage and expressing his concern for the Fire Department access.

Randy Fisher, representing Design Works, reviewed the proposed development plans for the subject property. Fisher stated his opinion that the proposed road relocation would benefit emergency vehicle access to the structures in the proposed development. Fisher stated that the vacated West Sstreet would revert back to the City of Rapid City as park land and would remain utility easements. Discussion followed.

In response to Schmidt's question, Randy Fisher stated that drainage would be addressed in another manner. Discussion followed.

Brenneise stated that she would abstain from discussion and vote. Brenneise expressed her opinion in support of the proposed development.

Brenden expressed his opinion in support of the proposed development noting his opposition to the vacation of West Street. Discussion followed.

Pat Tlustos, applicant, stated his opinion that the proposed structures will not be located in the floodway. Tlustos stated that the Fire Department supports the proposed alternate street location.

Elkins stated that staff has reviewed the proposed development plans. Elkins

advised that emergency vehicle access to the subject property has been addressed. Elkins stated that the recommended stipulations of approval address the issues of aesthetics and access to the golf course adjacent to the subject property.

Schmidt moved, Brown seconded and carried to recommend that the Amendment to the Comprehensive Plan to revise the Major Street Plan to eliminate West Street as a collector street be approved. (8 to 0 to 1 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no and Brenneise abstaining)

22. 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 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.

Brenden expressed his opposition to waiving the requirement to install sidewalks in the proposed development.

Brenneise stated she would abstain from discussion and vote due to a conflict of interest.

Schmidt moved, Brewer seconded and carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 60 foot wide road easement be approved;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter sidewalk, street light conduit, water, sewer and to reduce the right-of-way/easement widths from 49 feet to 20 feet and 24 feet, respectively, for the proposed private access easement be approved with the following stipulation:

The private access easement shall be constructed with a minimum 20 foot wide paved surface;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the commercial street be approved with the following stipulation:

A sidewalk shall be provided along one side of the street; and,

An Exception is hereby granted to allow a five foot wide curb side sidewalk in lieu of a four foot wide property line sidewalk along the commercial street as per the Street Design Criteria Manual. (8 to 0 to 1 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting

yes and none voting no and Brenneise abstaining)

25. No. 06SV011 - Canyon Springs Preserve

A request by Wyss Associates, Inc. for Canyon Springs, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 87, Block 1; Lot 1, Block 2, Canyon Springs Preserve, less Lot 1 of Firehouse Subdivision and the "Nemo" Road right-of-way, formerly the unplatted portion of the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26, T2N, R6E, BHM, Pennington County, South Dakota, legally described as A tract of land located in the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26; T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Nemo Road.

Elkins stated staff's recommendation is that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 6, 2006 Planning Commission meeting at the applicant's request.

Brown moved, Waltman seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the north-south section line highway located adjacent to the west side of Section 26 and the east-west section line highway located adjacent to the south side of Section 22 shall be continued to the April 6, 2006 Planning Commission meeting. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

*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.

Brenden expressed his opinion in opposition to the proposed development within the flood plain.

Brenneise stated she would abstain from discussion and vote due to a conflict of interest.

Brown moved, LeMay seconded and carried to approve the Planned Unit 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. Prior to issuance of a Building Permit, a Final Plat shall be reviewed and approved;
3. 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 southern portion of the property and a 404 Permit shall be obtained as needed;
4. Upon submittal of a Final Planned Unit Development application, geotechnical information including pavement design shall be submitted for review and approval;
5. Upon submittal of a Final Planned Unit Development application, a water and sewer plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the applicant shall demonstrate that adequate domestic water and fire flows are being provided;
6. Upon submittal of a Final Planned Unit Development application, a grading plan shall be submitted for review and approval;
7. Upon submittal of a Final Planned Unit Development application, a drainage plan as well as an erosion and sediment control plan shall be submitted for review and approval. In particular, the drainage plan shall be designed in compliance with the Morningside Drainage Basin Plan. In addition, drainage easements shall be provided as needed;
8. Upon submittal of a Final Planned Unit Development application, a complete landscaping plan shall be submitted for review and approval identifying specific plant material and the irrigation system;
9. Upon submittal of a Final Planned Unit Development application, a sign and lighting package shall be submitted for review and approval;
10. Upon submittal of a Final Planned Unit Development application for Lot 1, a revised parking plan for Lot 1 shall be submitted for review and approval. In particular, the parking plan shall identify a minimum of 72 parking spaces with three of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. The parking plan shall also be revised eliminating any portion of the parking area from the 60 foot wide road easement or the easement shall be vacated. Prior to vacating the access easement, an alternate street connection shall be provided to the property located west of the subject property. In addition, the alternate street connection shall be reviewed and approved by the adjacent property owner. Any parking within a drive-under parking garage shall be designed to meet the minimum requirements of the Parking Regulations and provide a minimum height to allow emergency vehicle access as per Fire Department standards;
11. Upon submittal of a Final Planned Unit Development application, a revised parking plan for Lot 2 shall be submitted for review and approval. In particular, the parking plan shall identify a minimum of 280 parking spaces with seven of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. Any parking within a drive-under parking garage shall be

- designed to meet the minimum requirements of the Parking Regulations and provide a minimum height to allow emergency vehicle access as per Fire Department standards;
12. Upon submittal of a Final Planned Unit Development application, a revised parking plan for Lot 3 shall be submitted for review and approval. In particular, the parking plan shall identify a minimum of 240 parking spaces with seven of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible;
 13. Vehicles within the parking spaces on Lot 3 abutting the proposed 20 foot wide private access easement shall be allowed to back into the easement with the provision that the stalls be constructed at a 60 degree angle to allow a 20 foot wide access aisle and that the access aisle be signed to indicate one way traffic;
 14. Upon submittal of a Final Planned Unit Development application, structural elevations of the proposed condominium building on Lot 1 shall be submitted for review and approval;
 15. Upon submittal of a Final Planned Unit Development application, an elevation of any proposed fencing and/or retaining walls shall be submitted for review and approval. In addition, any retaining wall above four feet in height shall be designed by a Professional Engineer;
 16. Upon submittal of a Final Planned Unit Development application, the location, size and noise rating of any exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
 17. Upon submittal of a Final Planned Unit Development application, the location and size of the dumpsters shall be submitted for review and approval. In addition, the dumpsters shall be screened;
 18. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrant shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
 19. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;
 20. The rear yard setback for the three commercial buildings on proposed Lot 2 is hereby reduced from 25 feet to 10 feet with the stipulation that West Street be vacated prior to or in conjunction with approval of the Final Planned Unit Development application. In addition, the applicant shall enter into an agreement with the City to keep West Street open until the commercial street located through the subject property is dedicated as right-of-way and constructed;
 21. The rear yard setback along the south lot line for the two commercial buildings on proposed Lot 3 is hereby reduced from 25 feet to 10 feet for two proposed commercial buildings. In addition, the side yard

- setback along the west lot line is hereby reduced from 25 feet to 10 feet for one proposed commercial building. Unless otherwise stipulated, all other setback requirements as per the Office Commercial District shall be met;
22. Upon submittal of a Final Planned Unit development application, the terms of the proposed private access easement shall be submitted for review and approval. The access easement shall be gated and secured with a Knox box if the terms of the easement so warrant the restricted access;
 23. West Street shall be vacated prior to or in conjunction with approval of the Final Planned Unit Development application. In addition, the applicant shall enter into an agreement with the City coordinating the removal and construction of access street(s) as needed;
 24. A maximum building height of 75 feet and six stories in lieu of 35 feet and three stories as required per the Office Commercial District shall be allowed for the condominium building to be constructed on Lot 1 with the stipulation that additional landscaping be provided along the perimeter of the proposed lot. The landscaping plans shall be submitted for review and approval upon submittal of a Final Planned Unit Development application; and,
 25. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Initial Planned Unit Development;
 26. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Unit Development application or a subsequent Major Amendment.
 27. Approval of this Initial Planned Unit Development allows the proposed construction of a parking area and an eight foot wide pedestrian walkway to be located on City park property located directly east and south of the subject property. Prior to the start of construction, the Parks and Recreational Department shall review and approve the location and design of the proposed improvements. In addition, the City Council shall also review and approve the use of the City property as identified. (8 to 0 to 1 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay, 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 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. 06PD006 - Harter Addition

A request by Johnny Sundby to consider an application for a **Major Amendment to a Planned Unit Development** on Lot 1 of Lot H Revised, Harter Addition, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 770 Sheridan Lake Road.

Brenden, expressed his opposition to the Major Amendment of the proposed development on the subject property noting concerns with the elimination of the residential uses and inclusion of additional commercial activities. Discussion followed.

In response to Brown's questions, Elkins stated that notices have been sent and staff has not received any response from the surrounding neighbors.

Johnny Sundby, applicant, explained his plans for the proposed development on the subject property. Sundby expressed his opinion that the commercial use would be more appropriate than a residential use on the subject property. Sundby stated that he has received support from the adjacent neighbors.

Brenneise expressed her support for the proposed development.

Elkins clarified that the area is zoned Office Commercial District and noted that retail sales would not be permitted on the subject property. Elkins stated that the set-back was required to accommodate the future expansion of Sheridan Lake Road. Elkins reviewed the stipulation addressing the noise issue associated with the HVAC systems. Discussion followed.

Brenneise moved, Brewer seconded and unanimously carried to approve the Major Amendment to a Planned Unit 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. A sign permit shall be obtained prior to construction of any signage;**
- 3. The construction of the office building shall comply with the colors and materials identified on the submitted drawings and photos and shall be similar in design character with the approved studio/office;**
- 4. The parking and landscaping shall continually comply with all requirements of the Zoning Ordinance and the approved site plan. All landscaping shall be maintained in a live vegetative state at all times;**
- 5. All signage shall comply with the design package submitted and shall comply with all applicable requirements of the adopted sign code. Any changes to signage including quantity, color, materials, and size will be required to go through a major amendment (17.50.070 (A));**
- 6. The noise levels emitted from the HVAC system shall not exceed 65 DNL at the property line. If concerns are raised regarding the noise levels, the owner shall conduct testing and provide documentation for review and approval by the Growth Management Director that the noise levels are in compliance with the 65 DNL standards or shall construct all necessary improvements to comply with the standards;**
- 7. Prior to issuance of a certificate of occupancy, curb stops must be installed on the water service lines and access and maintenance easements to the curb stops be provided;**
- 8. All applicable provisions of the International Fire Code shall be continually met; and,**
- 9. Construction of the office building shall occur within two years of the**

date of the approval of the Major Amendment to a Planned Unit Development, or another Major Amendment to a Planned Unit Development must be obtained. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, 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.

*28. No. 06PD007 - Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the unplatted portion of the E1/2 NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Cog Hill Lane.

Brenden expressed his opposition to the reduction of set backs and road right of way widths on the proposed development on the subject property. Discussion followed.

Elkins stated that staff's recommendation is that the Planned Residential Development - Initial and Final Development Plan be continued to the March 23, 2006 Planning Commission meeting.

Brewer moved, Brenneise seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the March 23, 2006 Planning Commission. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, 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.

*29. No. 06PD008 - Rainbow Ridge 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 11 and 18 thru 34, Block1; and, Lots 1 thru 8, Lots 27 thru 38 and Lot CL, Block 2, Rainbow Ridge Subdivision, all located in Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Bunker Drive.

Elkins stated that staff's recommendation is to approve the Planned Residential Development with the revised stipulations presented on the dais to the Planning

Commission members.

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

Elkins reviewed the proposed set back reductions noting other developments in the City of Rapid City where they have been allowed. She encouraged the Planning Commission to visit those developments to see how they are working. Discussion followed.

Hennies moved, Brown seconded and unanimously carried to approve the Planned Residential Development - Initial and Final Development Plan 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 structures;**
- 2. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;**
- 3. All provisions of the 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;**
- 4. The proposed structures shall conform architecturally to the plans and elevations submitted;**
- 5. All International Fire Codes shall be continually met;**
- 6. All driveways shall be constructed as per Section 8.2.7 and Figure 8-5 of the Street Design Criteria Manual;**
- 7. A complete revised site plan for the entire Planned Residential Development boundaries shall be submitted for review and approval prior to issuance of a Building Permit;**
- 8. Prior to issuance of a Certificate of Occupancy, all service lines needing to serve the revised lot layout shall be installed or abandoned at the developer's cost as necessary; and,**
- 9. The Planned Residential Development shall allow 51 single family residences. Any change in use shall require a Major Amendment. In addition, 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 a period of two years. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, 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.

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.

Brenden expressed his opposition to the Vacation of Right-of-Way of West Street.

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

Landguth expressed his support for the Vacation of West Street right-of-way and the proposed development of the subject property. Discussion followed.

Schmidt expressed his support for City staff and the recommended stipulations for approval of the development.

Brown moved, Hennies seconded and carried to recommend that the Vacation of Right-of-Way be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall enter into an agreement with the City to insure that West Street shall remain in place with adequate easement(s) being recorded at the Register of Deed's Office and to insure the coordination of the removal and construction of access street(s) as needed. (8 to 0 to 1 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no and Brenneise abstaining)**

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that items 32 and 33 be taken concurrently.

32. 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.

33. No. 06SV004 - Morrison Subdivision

A request by D.C. Scott Surveyors, Inc., for William Morrison to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on Parcel B of Lot 3, located in the SW1/4 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally

described as being located adjacent to the north side of Green Valley Drive and east of Reservoir Road.

Fisher stated that staff's recommendation is that the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 23, 2006 at the applicant's request.

Brown moved, Waltman 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 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 23, 2006 Planning Commission meeting at the applicant's request. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

Fisher requested that items 34 and 35 be taken concurrently.

34. 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.

35. 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 stated that staff's recommendation is that the Preliminary Plat be approved with stipulations and that 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 denied.

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

- 1. An Exception to allow a five foot wide curb side sidewalk in lieu of a four foot wide property line sidewalk is hereby granted with the stipulation that a minimum five foot wide clear area be maintained along the sidewalk with no encroachments, including mailboxes or other appurtenances;**
- 2. 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;**
- 3. 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;**
- 4. Upon submittal of a Preliminary Plat application, a drainage plan in accordance with the South Robbinsdale 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. 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;**
- 5. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;**
- 6. 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;**
- 7. 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;**
- 8. Upon submittal of a Preliminary Plat application, road construction plans for the east-west street located in the northern portion of the property 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;

9. Upon submittal of a Preliminary Plat application, road construction plans for the proposed 30 foot wide access and utility easement shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or the street shall be located in a minimum 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street shall be posted with no parking signs. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the access and utility easement with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a hammerhead turnaround as approved by the Fire Department or a Variance to the Subdivision Regulations shall be obtained;
10. Upon submittal of a Preliminary Plat application, road construction plans for Enchanted Pines Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
11. Upon submittal of a Preliminary Plat application, road construction plans for Stumer Road 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;
12. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac street located in the southern portion of the property shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sac 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
13. Upon submittal of a Preliminary Plat application, road construction

plans for the north-south street located in the western portion of the property 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;

14. Upon submittal of a Preliminary Plat application, road construction plans for the north-south section line highway and the east-west section line highway shall be submitted for review and approval. In particular, the road construction plans shall show the streets 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 or the section line highways shall be vacated;
15. Prior to submittal of a Preliminary Plat application, the plat document shall be revised providing access to the northern portion of the subject property and to an area located east of the cul-de-sac street or these areas shall be incorporated into the adjacent proposed lot(s);
16. Prior to submittal of a Preliminary Plat application, the applicant shall coordinate access points with the property owners for those properties located west of the subject property and the Rapid City School District property and the Youth and Family Services property located east of the subject property;
17. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a 950 foot long cul-de-sac with no intermediate turnarounds in lieu of an intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly;
18. Prior to submittal of a Preliminary Plat application, the US Highway 16 Neighborhood Area Future Land Use Plan shall be revised to allow the proposed densities or the plat document shall be revised accordingly;
19. 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;
20. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
21. 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;
22. 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;
23. Prior to submittal of a Final Plat application, the plat title shall be

revised replacing "PLM Subdivision Phase 2A" with an acceptable subdivision heading as per the Register of Deed's Office, such as "PLM Subdivision #2"; and,

24. 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.

That 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 denied. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

36. No. 06PL022 - Forest Park Estates

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

Maxwell presented slides of the proposed development of the subject property. Maxwell advised that the Layout Plat was approved by City Council. Maxwell stated that staff's recommendation is that the Preliminary Plat be approved with stipulations.

In response to Brewer's question, Maxwell stated that the Layout Plat was approved with stipulations. Discussion followed.

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

1. Prior to Preliminary Plat approval by City Council, construction plans for the sidewalk, curb and gutter along Starlite Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
2. Upon submittal of the Final Plat, a note shall be placed on the plat stating "Prior to any, additions, remodeling or demolition of the existing structure, the water system must be brought up to the 2003 International Fire Code requirements for firefighting by providing a minimum of 1000 gallons per minute fire flow";
3. Upon submittal of the Final Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval; and,
4. 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. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

Fisher requested that items 37 and 38 be considered concurrently.

37. No. 06PL023 - Grandview Tract

A request by Sperlich Consulting, Inc. for Richard Huffman and James and Patricia Mirehouse to consider an application for a **Layout Plat** on Lot 5R of Lot 3, Block 4, Grandview Tract, formerly Lot 5 of Lot 3, Block 4, Grandview Tract, and a portion of Lot 4, Block 2, Parkridge Village No. 2; Lot 4R, Block 2, Parkridge Village No. 2, formerly a portion of Lot 4, Block 2, Parkridge Village No. 2, all located in the SW1/4 NE1/4, NW1/4 NE1/4, SE1/4 NW1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 5 of Lot 3, Block 4, Grandview Tract, and a portion of Lot 4, Block 2, Parkridge Village No. 2; and a portion of Lot 4, Block 2, Parkridge Village No. 2, all located in the SW1/4 NE1/4, NW1/4 NE1/4, SE1/4 NW1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3821 Park Drive and 3810 Ponderosa Court.

38. No. 06SV009 - Grandview Tract & Parkridge Village No. 2

A request by Sperlich Consulting, Inc. for Richard Huffman and James and Patricia Mirehouse to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along Park Drive; to waive the requirement to dedicate additional Right-of-Way along Park Drive; and, to waive the requirement to install a ten foot wide planting screen easement along Park Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 5R of Lot 3, Block 4, Grandview Tract, formerly Lot 5 of Lot 3, Block 4, Grandview Tract, Lot 4R, Block 2, Parkridge Village No. 2, formerly a portion of Lot 4, Block 2, Parkridge Village No. 2, all located in the SW1/4 NE1/4, NW1/4 NE1/4, SE1/4 NW1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 5 of Lot 3, Block 4, Grandview Tract, and a portion of Lot 4, Block 2, Parkridge Village No. 2; all located in the SW1/4 NE1/4, NW1/4 NE1/4, SE1/4 NW1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3821 Park Drive and 3810 Ponderosa Court.

Fisher presented slides of the subject property. Fisher reviewed the staff's recommended stipulations for approval. Fisher requested that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install sewer along Park Drive; and, to waive the requirement to install a ten foot wide planting screen easement along Park Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with revised stipulations. In addition, Fisher requested that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Park Drive be denied.

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

Brown moved, LeMay seconded and carried to recommended that the Layout Plat be approved with the following stipulations:

1. **Upon submittal of a Preliminary Plat, construction plans showing the**

- extension of a sewer main from Park Drive to Ponderosa Court shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document shall be revised to show public utility easements as needed;
2. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessment for the installation of water along Ponderosa Court to serve proposed Lot 5R;
 3. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the dedication of 20 additional feet of right-of-way along Park Drive or a Variance to the Subdivision Regulations shall be obtained;
 4. Upon submittal of a Preliminary Plat, a note be placed on the plat document stating that "a detailed grading and drainage plan for Lot 4R shall be submitted for review and approval prior to issuance of a building permit. In addition, the top of the driveway shall not exceed the existing elevation of the existing detention cell embankment";
 5. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the major drainage easement following the 3434 elevation contour;
 6. Upon submittal of a Preliminary Plat, a cost estimate for any required subdivision improvements shall be submitted for review and approval;
 7. Upon submittal of a Preliminary Plat, the existing drainage structure with elevations shall be shown on the topographic information and submitted for review and approval;
 8. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a ten foot wide planting screen easement along Park Drive or a Variance to the Subdivision Regulations shall be obtained; and,
 9. 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.

That the Variance to the Subdivision Regulations to waive the requirement to install sewer from Park Drive be approved;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate a ten foot wide planting screen easement along Park Drive be approved; and,

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-Way along Park Drive be denied. (8 to 0 to 1 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay and Schmidt voting yes and none voting no and Waltman abstaining)

Maxwell requested that items 39 and 40 be taken concurrently.

39. No. 06PL024 - Harmony Heights No. 2

A request by Renner & Associates for Sean Doyle to consider an application for a **Layout Plat** on Lots 1 and 2, Block 1, Harmony Heights No. 2, formerly the NE1/4 NE1/4 SW1/4, less Tract 8R, Harmony Heights, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the

NE1/4 NE1/4 SW1/4, less Tract 8R, Harmony Heights, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Vista Ridge Road and Harmony Heights Lane.

40. No. 06SV010 - Harmony Heights No. 2

A request by Renner & Associates for Sean Doyle to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, water, sewer, pavement on Harmony Heights or the access easement; a variance to the Subdivision Regulations to not dedicate additional Right-of-Way along Harmony Heights or the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2, Block 1, Harmony Heights No. 2, formerly the NE1/4 NE1/4 SW1/4, less Tract 8R, Harmony Heights, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 NE1/4 SW1/4, less Tract 8R, Harmony Heights, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Vista Ridge Road and Harmony Heights Lane.

Maxwell presented slides of the subject property. Maxwell advised that staff's recommendation is that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, water, sewer, pavement on Harmony Heights or the access easement; a Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-Way along Harmony Heights or the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

Dean McKay, area resident, expressed concerns with dust control and drainage from the proposed development on the subject property. McKay expressed his opinion in opposition to the easement access. Discussion followed.

Brown moved, Landguth seconded and unanimously carried to recommend that the Layout Plat be denied without prejudice; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, water, sewer, and pavement on Harmony Heights or the access easement and the Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-Way along Harmony Heights and the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

41. 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.

Tegethoff stated that staff's recommendation is to approve the 11-6-19 SDCL Review to construct a public utility building with stipulations.

LeMay moved, Brenneise seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct a public utility building 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. Air Quality Permit 05-AQ-072 was issued for grading only. The applicant shall obtain an air quality permit modification or obtain a new air quality permit prior to construction;**
- 3. Prior to Planning Commission approval, a revised site plan must be submitted for review and approval;**
- 4. A separate SDCL 11-6-19 Review for signage shall be submitted in the future for review and approval;**
- 5. Prior to Planning Commission approval, a revised landscape plan must be submitted for review and approval;**
- 6. Fire hydrants shall be in place and operational prior to building construction; and,**
- 7. All applicable provisions of the International Fire Code shall be continually met. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)**

42. No. 06SR012 - Rapid City Regional Airport

A request by EnVision Design, Inc. for Rapid Fuel, LLC to consider an application for an **11-6-19 SDCL Review to allow the installation of self-service fuel station on public property** on on Rapid City Regional Airport property located in the SW1/4 NW1/4, Section 17, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 4200 Airport Road.

Maxwell presented the 11-6-19 SDCL Review to allow the installation of self-service fuel station on public property. Maxwell advised that staff's recommendation is that the 11-6-19 SDCL Review be continued to the March 23, 2006 Planning Commission meeting. Discussion followed.

Schmidt moved, Waltman seconded and unanimously carried to continue the 11-6-19 SDCL Review to allow the installation of self-service fuel station on public property to the March 23, 2006 Planning Commission meeting. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

43. Discussion Items

Andrews stated that he has discussed dimming the sign on West Main Street during evening hours with the Caldwell Banker property owners.

There being no further business, Brown moved, Waltman seconded and

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unanimously carried to adjourn the meeting at 8:33 a.m. (9 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)