



MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
May 4, 2006

MEMBERS PRESENT: Doug Andrews, Holly Brenneise, John Brewer, Gary Brown, Thomas Hennies, Dennis Landguth, Mike LeMay 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, Tim Behlings, Kevin, Lewis, and Carol Bjornstad.

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

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

**Motion by LeMay, 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. (8 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

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

1. Approval of the April 20, 2006 Planning Commission Meeting Minutes.
2. No. 06CA008 - Sections 20 and 21, T1N, R8E  
A request by Dream Design International, Inc. to consider an application for an **Summary of Adoption action for an Amendment to the Comprehensive Plan to relocate arterial streets and to eliminate a collector street on the Major Street Plan** on a parcel of land described as the N1/2 NE1/4, less Lot H1, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the SE1/4 NE1/4 and the E1/2 SE1/4 lying north of the Railroad Right-of-Way, Section 20, T1N, R8E; and the N1/2 and the W1/2 SW1/4 of Section 21, T1N, R8E, all located in BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Elk Vale Road and Old Folsom Road.

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

3. 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 approved with stipulations:**

1. **The unimproved section line highway (Promise Road) located along the western property line shall be constructed with a minimum 76 foot right-of-way and a 40 foot wide paved surface with curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained;**
2. **Golden Eagle Drive shall be constructed with a minimum 52 foot wide right-of-way and a 27 foot paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Subdivision Variance shall be obtained;**
3. **U.S. Highway 16 shall be constructed with a minimum 100 foot wide right-of-way and 36 foot wide paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Subdivision Variance shall be obtained;**
4. **Prior to Final Plat approval, the plat document title shall be revised to delete "Preliminary Plat of." In addition, the existing dedicated right-of-way widths shall be shown on the plat document along with all section line highways;**
5. **Prior to submittal of a Final Plat application, the plat document shall be revised to include the west half of the section line highway (located along the west lot line) or a Subdivision Variance shall be obtained;**
6. **All Subdivision Inspection fees shall be paid prior to approval of any construction plans or initiation of construction; and,**
7. **Prior to Final Plat approval, surety shall be posted for the design and construction of all required public improvements that have not been completed or installed.**

4. 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 May 25, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

5. No. 06PL028 - Bar P-S Subdivision

A request by Davis Engineering, Inc. for Bernita White to consider an application

for a **Preliminary Plat** on Lots A1 and A2 of Bar P-S Subdivision, located in the W1/2 SW1/4, formerly Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the south west curve of North Airport Road.

**Planning Commission recommended that the Preliminary Plat be continued to the May 25, 2006 Planning Commission meeting.**

6. No. 06SE002 - Elks Country Estates

A request by Sperlich Consulting for Steve Zandstra of Triple Z Real Estate LLLP to consider an application for an **Exception to the Street Design Criteria Manual to allow access from the higher order street, to allow two access points in lieu of one and to reduce the access restriction on Padre Drive to 50 feet from the intersection of Jolly Lane** on a parcel of land Located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Jolly Lane and Padre Drive.

**Planning Commission recommended that the Exception to the Street Design Criteria Manual to allow access from the higher order street, to allow two access points in lieu of one and to reduce the access restriction on Padre Drive to 50 feet from the intersection of Jolly Lane be continued to the May 25, 2006 Planning Commission meeting.**

7. No. 06SE004 - Stoney Creek Subdivision, Phase I

A request by Boschee Engineering to consider an application for an **Exception to the Street Design Criteria Manual to reduce the non-access easement from 50 feet to 40 feet on Winterset Drive** on Lot 1A, Block 5, Stoney Creek Subdivision, Phase I, located in the W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5225 Bendt Drive.

**Planning Commission recommended that the Exception to the Street Design Criteria Manual to reduce the non-access easement from 50 feet to 40 feet on Winterset Drive be approved.**

8. No. 06SR017 - Rapid City Greenway tract

A request by Black Hills Heritage Festival to consider an application for an **11-6-19 SDCL Review to allow a temporary use on public property** on Tract 20, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Memorial Park.

**Planning Commission approved the 11-6-19 SDCL Review to allow a temporary use on public property with the following stipulations:**

1. **Prior to initiation of the event, a copy of the evacuation plan shall be**

- submitted to the City and Pennington County Emergency Management Department for review and approval;
  2. No camping shall be permitted within the floodway or floodplain at any time;
  3. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;
  4. All requirements of the Floodplain Development Ordinance shall be met at all times;
  5. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code and adequate access for Fire Department apparatus must be continually maintained for the duration of the special event;
  6. Signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage;
  7. No banners shall be allowed within the public rights-of-way or on fences;
  8. A minimum of 18 restrooms (including at least 1 handicapped accessible restroom) shall be provided;
  9. A Temporary Use Permit shall be obtained prior to initiation of the event each year;
  10. All electrical wiring shall comply with the applicable Building and Electrical Codes;
  11. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash; and,
  12. Security shall be provided for the duration of the special event and a weather radio shall be on-site and monitored continually.
9. No. 06SR018 - Section 31, T2N, R8E  
A request by D. LaFrance for Black Hills Area Habitat for Humanity to consider an application for an **11-6-19 SDCL Review to extend a public utility** on the south side of public right-of-way (East Monroe Street) between Waterloo and Racine Streets, adjacent to Block 19, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 407 and 409 E. Monroe Street.
- Planning Commission approved the SDCL 11-6-19 Review to extend a public utility with the following stipulation:**
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.
10. No. 06SR022 - Section 17, T1N, R9E (Rapid City Regional Airport)  
A request by EnVision Design, Inc. for Zepp Air, Inc. to consider an application for an **11-6-19 SDCL Review to construct a hanger on public property** on a

portion of land located in the SE1/4 NW1/4 of Section 17, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at Rapid City Regional Airport.

**Planning Commission approved the 11-6-19 SDCL Review to construct a hanger on public property with the following stipulations:**

1. **Upon submittal of a Building Permit, plans for a fire sprinkler system shall be submitted for review and approval; and,**
2. **Prior to the construction of any improvements or the issuance of a building permit, copies of an approved lease agreement with the Rapid City Regional Airport shall be submitted to the Growth Management Staff.**

11. No. 06SR024 - Rapid City Greenway Tract

A request by Todd Gregson for Storybook Island to consider an application for an **SDCL 11-6-19 Review to allow a temporary use on public property** on Tract 8 (also in Section 4 and 10, T1N, R7E, BHM) Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, 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 allow a temporary use on public property with the following stipulations:**

1. **Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;**
2. **No camping shall be permitted within the floodway or floodplain at any time;**
3. **All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;**
4. **All requirements of the Floodplain Development Ordinance shall be met at all times;**
5. **Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;**
6. **Signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage;**
7. **No banners shall be allowed within the public rights-of-way or on fences;**
8. **A Temporary Use Permit shall be obtained prior to initiation of the event each year;**
9. **All electrical wiring shall comply with the applicable Building and Electrical Codes;**
10. **The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;**
11. **Security shall be provided for the duration of the special event and a**

**weather radio shall be on-site and monitored continually;**

- 12. The proposed event shall be allowed to operate for no more than three event days per year; and,**
- 13. Parking in the lawn area shall be for vendor parking and storage only.**

12. No. 06SR028 - Una Del Acres No. 2

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Denny Wegner c/o Scull Construction to consider an application for an **SDCL 11-6-19 Review to extend public water** on Wildwood Drive right-of-way located adjacent to Lots 20, 23A, 23B and 24R, Una Del Acres No. 2, Section 21, T1N, R7E, BHM, Rapid City, South Dakota, more generally described as being located 400 feet east and south of the intersection of Wildwood Drive and Una Del Drive.

**Planning Commission approved the SDCL 11-6-19 Review to extend public water with the following stipulations:**

- 1. Prior to the start of construction, an erosion control plan demonstrating repair and stabilization of disturbed areas shall be submitted for review and approval;**
- 2. Prior to the start of construction, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; and,**
- 3. Prior to the start of construction, a Right-of-way Permit shall be obtained.**

13. No. 06SR029 - Robbinsdale Addition No. 10

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to construct public improvement on public property** on Lot 2 of Block 11, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4415 Parkview Drive.

**Planning Commission approved the SDCL 11-6-19 Review to allow the construction of public improvements on public property with the following stipulations:**

- 1. A building permit shall be obtained prior to any construction;**
- 2. All plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A;**
- 3. All signage shall comply with Section 15.28 of the Rapid City Municipal Code; and,**
- 4. Prior to issuance of a building permit, the applicant shall obtain a Fence Height Exception for the protective netting.**

14. No. 06SR032 - Rapid City Greenway Tract

A request by Mark Owen for Soccer Rapid City to consider an application for an **SDCL 11-6-19 Review to allow a temporary use on public property** on Tract 10; Tract 10A, less Lot H1, Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 111 Mountain View Road.



**Planning Commission approved the 11-6-19 SDCL Review to allow a temporary use on public property with the following stipulations:**

- 1. Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;**
- 2. All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;**
- 3. All requirements of the Floodplain Development Ordinance shall be met at all times;**
- 4. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;**
- 5. Signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage;**
- 6. No banners shall be allowed within the public rights-of-way or on fences;**
- 7. A Temporary Use Permit shall be obtained prior to initiation of the event each year;**
- 8. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;**
- 9. A weather radio shall be on-site and monitored continually, and,**
- 10. The temporary use on public property shall be authorized for the 2006 soccer season. A new 11-6-19 SDCL shall be submitted for review and approval prior to the use of this site in 2007.**

**15. No. 06SR033 - Section 18, T1N, R8E**

A request by Mark Owen for Soccer Rapid City to consider an application for an **SDCL 11-6-19 Review to allow a temporary use on public property** on the unplatted balance of the east 223 feet of the SE1/4 SE1/4 NW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the northern terminus of Derby Lane and adjacent to Minnesota Street.

**Planning Commission approved the 11-6-19 SDCL Review to allow a temporary use on public property with the following stipulations:**

- 1. Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;**
- 2. Signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage;**
- 3. No banners shall be allowed within the public rights-of-way or on fences;**

4. **A Temporary Use Permit shall be obtained prior to initiation of the events each year;**
5. **The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash; and,**
6. **The temporary use on public property shall be authorized for the 2006 soccer season. A new 11-6-19 SDCL shall be submitted for review and approval prior to the use of this site in 2007.**

16. No. 06SR034 - Robbinsdale Park Addition

A request by Mark Owen for Soccer Rapid City to consider an application for an **SDCL 11-6-19 Review to allow a temporary use on public property** on Robbinsdale Park, less Lot 1, Robbinsdale Park Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 626 East Fairmont Boulevard.

**Planning Commission approved the 11-6-19 SDCL Review to allow a temporary use on public property with the following stipulations:**

1. **Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;**
2. **Signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage;**
3. **No banners shall be allowed within the public rights-of-way or on fences;**
4. **A Temporary Use Permit shall be obtained prior to initiation of the events each year;**
5. **The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash; and,**
6. **The temporary use on public property shall be authorized for the 2006 soccer season. A new 11-6-19 SDCL shall be submitted for review and approval prior to the use of this site in 2007.**

17. No. 06SR035 - Dairyland Subdivision

A request by Mark Owen for Soccer Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a temporary use on public property** on Lot 4, Dairyland Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1625 Sedivy Lane.

**Planning Commission approved the 11-6-19 SDCL Review to allow a temporary use on public property with the following stipulations:**

1. **Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;**
2. **All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section**



**17.28.040;**

3. **All requirements of the Floodplain Development Ordinance shall be met at all times;**
4. **Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;**
5. **Signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage;**
6. **No banners shall be allowed within the public rights-of-way or on fences;**
7. **A Temporary Use Permit shall be obtained prior to initiation of the events each year;**
8. **The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;**
9. **A weather radio shall be on-site and monitored continually; and,**
10. **The temporary use on public property shall be authorized for the 2006 soccer season. A new 11-6-19 SDCL shall be submitted for review and approval prior to the use of this site in 2007.**

18. No. 06SR036 - Rapid City Greenway Tract

A request by Mark Owen for Soccer Rapid City to consider an application for a **SDCL 11-6-19 Review to allow a temporary use on public property** on Tract 16, Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on West Omaha Street.

**Planning Commission approved the 11-6-19 SDCL Review to allow a temporary use on public property with the following stipulations:**

1. **Prior to initiation of the event, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;**
2. **All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met including the requirements for temporary structures set forth in Section 17.28.040;**
3. **All requirements of the Floodplain Development Ordinance shall be met at all times;**
4. **Prior to initiation of the event, the applicant shall submit all applicable plans to the Fire Department for approval and shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;**
5. **Signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code and a sign permit shall be obtained prior to installation of any signage;**
6. **No banners shall be allowed within the public rights-of-way or on fences;**
7. **A Temporary Use Permit shall be obtained prior to initiation of the**

- event each year;
8. The park grounds shall be cleaned daily and shall be continually kept clear of debris and trash;
  9. A weather radio shall be on-site and monitored continually; and,
  10. The temporary use on public property shall be authorized for the 2006 soccer season. A new 11-6-19 SDCL shall be submitted for review and approval prior to the use of this site in 2007.

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

Andrews announced that the Public Hearings on Items 19 through 28 were opened.

LeMay moved, Brown seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 19 through 28 in accordance with the staff. (8 to 0 with Andrews, Brenneise, Brewer, Brown, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no).

The Public Hearings for Items 19 through 28 were closed.

---HEARING ITEMS CONSENT CALENDAR---

- \*19. 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.

**Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the May 25, 2006 Planning Commission meeting.**

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

- \*20. No. 06PD019 - Chapel Valley Subdivision  
A request by All Star Construction for Lonny Ryman to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 21, Block 5 (Also in Section 17) Chapel Valley Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3316 Arapahoe Court.

**Planning Commission approved the Major Amendment for a Planned Residential Development with the following stipulations:**

1. The minimum required side yard setback is hereby reduced from eight

- feet to six and a half feet along the south property line;
2. Prior to initiation of construction, a Building Permit shall be obtained;
3. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
4. The Major Amendment to a 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.

*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.*

\*21. No. 06PD022 - Section 3, T1N, R7E

A request by Kennedy Design Group, Inc for Bart and Helen Boos to consider an application for a **Major Amendment to a Planned Residential Development** on the east five feet of the Lot 12 and Lots 13 and 14; the east five feet and the west 20 feet of the south 29.66 feet less the south 0.9 feet of Lot 16; Lots 17 and 18, less south 0.9 feet, all of Lot 1 of the NW1/4 NE1/4 known as Harter Tract (Clower), all in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 655 Plum Tree Lane.

**Planning Commission approved the Major Amendment to a Planned Residential Development with the following stipulations:**

1. Prior to initiation of construction, a Building Permit shall be obtained for the proposed structure, a Certificate of Occupancy shall be obtained prior to occupancy of the proposed structure and all plans shall be stamped by a Registered Professional Engineer or Architect per SDCL 36-18A;
2. The proposed structure shall conform architecturally to the plans and elevations submitted;
3. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
4. The parking plan shall continually comply with all requirements of the Zoning Ordinance;
5. Access to each of the on-site parking areas shall be through legal access easements or platted right-of-way;
6. Prior to issuance of a Certificate of Occupancy, all access to on-site parking areas shall be paved;
7. The proposed structure shall be fully fire sprinkled and alarmed;
8. All applicable provisions of the International Fire Code shall be continually met;
9. Prior to issuance of a Building Permit, a revised site plan shall be submitted showing cleanouts spaced at 100 foot intervals along the service line;

10. Prior to issuance of a Building Permit, the applicant shall provide details for erosion and sediment control during grading and construction;
11. Prior to initiation of construction, an Air Quality Permit shall be obtained;
12. Prior to issuance of a Building Permit, calculations for the three proposed retaining walls shall be submitted for review and approval;
13. A grading Permit shall be obtained prior to any grading;
14. A Special Exception is hereby granted to allow a 28 foot wide driveway opening in lieu of the maximum 24 feet in width required as per Section 8.2.1 of the Street Design Criteria Manual; and,
15. The Major Amendment to a 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.

*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.*

22. 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 May 25, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

23. 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 May 25, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

24. 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.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 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 May 25, 2006 Planning Commission meeting to be heard in conjunction with an associated Preliminary Plat.**

25. No. 06SV019 - Owen Hibbard Subdivision

A request by City of Rapid City to consider an application for a **Variance to the Subdivision Regulations to Waive the Requirement to install curb, gutter, sidewalk and street light conduit along U.S. Highway 16 and to allow platting of half of the Right-of-Way along the section line highway** on Lots 4 and 5, Owen Hibbard Subdivision, 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 South Highway 16A and Promise Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along U.S. Highway 16 and to allow platting of half of the Right-of-Way along the section line highway be approved with the**

**following stipulation:**

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

26. No. 05TI019 - East Anamosa Street

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



the East Anamosa Street right-of-way located in the NW1/4 of Section 31 and the SW1/4 of Section 30 all adjacent to LaCrosse Street, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Railroad Right-of-Way located in the NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A and Lot B and all adjacent rights-of-way, West Century Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N170' of S313.96' of Lot 2 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 and Lot 2 and all adjacent rights-of-way, Buckingham Rental Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot B of Lot 1 of SW1/4NW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A, B, C, and D of Lot 1 of NW1/4SW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 1, Century "21" and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A in NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract D in NE1/4NW1/4 including Lot 1 of Tract D of Heubner Subdivision and all adjacent rights-of-way, all located in Heubner Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N16.04' of Lot 2 of SW1/4NW1/4 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 and Lot H3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Lot H1 of Lot A of the SE1/4NW1/4, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of Lot B of Lot 1 in the NW1/4SW1/4, Lot H1 of Lot B of Lot 1 of the NW1/4SW1/4, Lot 2 of the NW1/4SW1/4, Lot H1 of Lots 7 & 8 of the NW1/4SW1/4, Lot H1 of Lots 3,4, 5 & 6 of the NW1/4SW1/4, Lot H1 and Lot H2 of the NW1/4SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Century Road, east of LaCrosse Street and south of US 1-90.

**Planning Commission recommended that the Tax Increment District No. 49 Project Plan be continued to the May 25, 2006 Planning Commission meeting.**

27. No. 06RZ010 - Knight's of Columbus Subdivision  
A request by Fisk Land Surveying & Consulting Engineers, Inc. for Del Solano for the Rapid City Columbian Club, Inc. to consider an application for a **Rezoning from High Density Residential to Office Commercial** on a parcel of land located in Block 126 of the Original Townsite of Rapid City, located in the NW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as follows: Beginning at the northwest corner of said Block 126, of the Original townsite of Rapid City, said point of being coincident with the northwest corner of Lots 16 of Block 126 and also coincident with the south right-

of-way of Columbus Street, said point being marked by a mag nail in asphalt; Thence, southeasterly along the north edge of Block 126 and along the south right-of-way of Columbus Street and along the north line of Lots 16, 15, 14, 13, 12, 11, 10 and the west five feet of Lot 9, S77°34'35"E, a distance of 180.17 feet more or less to the northwest corner of the alley adjoining the west five feet of Lot 9 of Block 126, said point being marked by a mag nail in asphalt; Thence, southwesterly along the easterly line of the west five feet of said Lot 9 of Block 126 and along the westerly edge of the alley right-of-way, S12°32'24"W, a distance of 159.82 feet, more or less to the southwest corner of the intersecting alleys in Block 126, said point being located on the north line of Lot 24 of said Block 126, and said point being marked by a rebar with a survey cap "LS 7719"; Thence, continuing southwesterly in said Lot 24 of Block 126, S12°40'28"W, a distance of 9.00 feet, more or less, to a point marked by rebar with survey cap "LS 7719"; Thence, northwesterly through Lots 24, 23, 22, 21, 20, 19, 18 and 17 of Block 126, N77°36'11"W, a distance of 180.18 feet, more or less to a point on the westerly line of Lot 17 of Block 126, said point being coincident with the easterly line of Fifth Street right-of-way, and said point being marked by a mag nail in asphalt; Thence, northeasterly along the westerly line of Block 126 and along the westerly line of Lot 17, along the westerly line of the vacated alley in Block 126 and along the westerly line of Lot 16 of Block 126, and coincident with the easterly edge of Fifth Street right-of-way, N12°33'06"E, a distance of 168.90 feet, more or less to the point of beginning. Said parcel contains 0.70 acres, more or less, more generally described as being located at 910 Fifth Street.

**Planning Commission recommended that the Rezoning from High Density Residential to Office Commercial be approved in conjunction with the Initial and Final Planned Commercial Development and the Comprehensive Plan Amendment to the Future Land Use Plan.**

- \*28. No. 06UR011 - Knight's of Columbus Subdivision  
A request by Fisk Land Surveying & Consulting Engineers, Inc. for Del Solano for the Rapid City Columbian Club, Inc. to consider an application for a **Conditional Use Permit to allow an office use in the High Density Residential District** on a parcel of land located in Block 126 of the Original Townsite of Rapid City in the Northwest One-Quarter (NW1/4) of Section One (1) of Township One North (T1N), Range Seven East (R7E), of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 27 of said Block 126, said corner being coincident with the northwest corner of Lot 28 of said Block 126, and coincident with the south right-of-way line of the east-west Alley located in said Block 126, and said point being marked by a rebar with survey cap "LS 7719"; Thence, southwesterly along the easterly line of said Lot 27 of Block 126 coincident with the westerly line of said Lot 28 of Block 126, South 12 degrees 31 minutes 17 seconds West, a distance of 139.49 feet, more or less to the southeast corner of said Lot 27 of Block 126, said point being coincident with the southwest corner of said Lot 28 of Block 126, said point being coincident with the north right-of-way of South Street, and said point being marked by a rebar with survey cap "LS 7719"; Thence, northwesterly along the southerly line of Lots 27, 26 and 25 of said Block 126 and along the north right-of-way of South Street, North 77 degrees 27 minutes 36 seconds West, a distance of 75.09 feet, more or less, to the southwest corner of

said Lot 25 of Block 126, said point being coincident with the southeast corner of Lot 24 of said Block 126, and said point being marked by a rebar with survey cap "LS 7719"; Thence, northeasterly along the westerly line of said Lot 25 of Block 126, coincident with the easterly line of Lot 24 of said Block 126, North 12 degrees 31 minutes 04 seconds East, a distance of 69.23 feet, more or less, said point being marked by a rebar with survey cap "LS 7719"; Thence, northwesterly across Lots 24, 23, 22, 21, 20, 19, 18 and 17 of said Block 126, North 77 degrees 35 minutes 35 seconds West, a distance of 195.13 feet, more or less to a point on the westerly line of the balance of Lot 17 of said Block 126, said point also being located on the easterly line of Lot H-1 of said Lot 17 of Block 126, and said point being marked by mag nail in concrete; Thence, northwesterly along the westerly line of the balance of said Lot 17 of said Block 126 and along the easterly line of said Lot H-1 of Lot 17 of Block 126, North 00 degrees 25 minutes 42 seconds West, a distance of 22.67 feet, more or less, said point being located on the easterly line of Fifth Street right-of-way, and said point being marked by a mag nail in concrete; Thence, northerly along the westerly line of said Lot 17 of Block 126 and along the easterly line of Fifth Street right-of-way, North 12 degrees 33 minutes 36 seconds East, a distance of 38.87 feet, more or less to a point marked by a mag nail in concrete; Thence southeasterly across Lots 17, 18, 19, 20, 21, 22, 23 and the westerly five feet of Lot 24 of said Block 126, South 77 degrees 36 minutes 11 seconds East, a distance of 180.18 feet, more or less to a point located in Lot 24 of Block 126, said point being marked by a rebar with survey cap "LS 7719"; Thence, northeasterly across said Lot 24 in Block 126, North 12 degrees 40 minutes 28 seconds East, a distance of 9.00 feet, more or less, to the north line of said Lot 24 and the southwest corner of the intersecting Alleys in said Block 126, said point being marked by a rebar with survey cap "LS 7719"; Thence, southeasterly along the north line of Lots 24, 25, 26 and 27, and along the south line of the east-west Alley in Block 126, South 77 degrees 38 minutes 35 seconds East, a distance of 95.07 feet, more or less, to the point of beginning. Said tract of land contains 0.52 acres, more or less, more generally described as being located at 910 Fifth Street.

**Planning Commission approved the Conditional Use Permit to allow an office use in the High Density Residential District with the following stipulations:**

- 1. The structure shall be used for offices. Any other use shall require a Major Amendment to the Conditional Use Permit;**
- 2. A minimum of 20,932 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 3. A minimum of nine parking spaces shall be provided. One of the spaces shall be van handicap accessible. In addition, the parking lot shall be paved. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 4. All signage shall continually conform to the design, color and location as shown in the sign package submitted as a part of the Initial and Final Planned Commercial Development. Any additional signage shall require a Major Amendment to the Planned Commercial Development;**

5. Any additions to the existing building and/or new structures on the property shall meet all of the setback requirements of the High Density Residential District;
6. All International Fire Codes shall be met. In particular, any change in use shall require that the building be sprinklered;
7. The 14 foot X 39 foot structure located directly east of the office building shall be removed from the property as proposed. In addition, the dumpster shall be located within this area and shall be screened on all four sides with an opaque screening fence; and,
8. The structure shall continue to conform architecturally to the plans and elevations and color palette submitted as part of this Initial and Final Planned Commercial Development.

*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.*

---END OF HEARING CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

29. No. 06AN001 - South Terrace Subdivision  
A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on a parcel of land located in the NE1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, SE1/4 SE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Tartan Court and Catron Boulevard.
  
30. No. 06PL029 - South Terrace Subdivision  
A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lot 1, Block 1; Lots 1 thru 29, Block 2; Lots 1 thru 29, Block 3; Lots 1 thru 13, Block 4; Lots 1 thru 27, Block 5; Lots 1 thru 6, Block 6; Lots 1 thru 22, Block 7; Lots 1 thru 26, Block 8; Lots 1 thru 16, Block 9; Lots 1 thru 8, Block 10; Lots 1 thru 27, Block 11; Lots 1 thru 13, Block 12; Lots 1 thru 16, Block 13; Lots 1 thru 6, Block 14; Lots 1 thru 14, Block 15; Lots 1 thru 14, Block 16; Lot 1, Block 17; Lot 1, Block 18; Lots 1 thru 22, Block 19; Lots 1 thru 6, Block 20, Lots 1 thru 21, Block 21; and Tracts 1 thru 10 of South Terrace Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NE1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, SE1/4 SE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Tartan Court and Catron Boulevard.

Elkins stated that the applicant has submitted a revised site plan. Elkins advised that staff recommends that the Layout Plat and Petition for Annexation be continued to the May 25, 2006 Planning Commission meeting to allow the staff

an opportunity to review the revised site plan.

Hani Shafi, reviewed the revisions to the Petition for Annexation and the Layout Plat. Shafi requested that the Petition for Annexation be approved. Shafi reviewed the revisions have been made to address the adjacent property owner's concerns with regard to the density of the proposed development.

LeMay expressed his concerns on the provision that only two points of access from the proposed development site. Shafi advised that they are working with the Department of Transportation to provide a second access. Discussion followed.

In response to LeMay's questions, Elkins stated that staff would support approval of the Layout Plat and the Petition for Annexation with stipulations presented at the previous Planning Commission meeting. Elkins requested that staff be allowed to add additional stipulations if issues are identified during the staff review.

In response to Landguth's question, Elkins advised that the grading plan would be reviewed by staff upon the submittal of the Preliminary Plat. Elkins further commented that the Planning Commission could place a stipulation on the Layout Plat that would require that there be no disturbance of the areas shown as greenways on the plan until a grading and drainage plan has been reviewed by the Planning Commission. Discussion followed.

Pat Hahn, area resident reviewed the topography of the subject property and concerns regarding the proposed density of the project. Hahn stated her support for development while maintaining the topographic attributes of the land. Hahn requested that the Petition for Annexation and Layout Plat be continued to allow staff time to review the revisions presented by the applicant.

In response to Brown's question, Elkins stated that if the Planning Commission wished to recommend approval of the Layout Plat and the Petition for Annexation, with the stipulations presented by staff at the previous Planning Commission meeting, the stipulation that if a grading permit is issued that there will be no grading in the greenway area prior to Planning Commission review of the Preliminary Plat; and, that authorize staff to bring forward additional stipulations to City Council with regard to additional issues for approval. Discussion followed.

In response to Hadcock's question, Shafi reviewed the locations of road crossings and grading plans. Discussion followed.

**Brown moved, Brewer seconded and unanimously carried to recommend that the Petition for Annexation be approved contingent on any payment due to the Whispering Pines Fire Protection District being paid by the City of Rapid City; and**

**That the Layout Plat be approved with the following stipulations:**

- 1. Prior to Layout Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan eliminating the minor arterial street and relocating a collector street as they extend through**



the subject property, respectively, shall be approved as proposed and/or the plat document shall be revised accordingly. In addition, if the proposed Comprehensive Plan Amendment is approved, the plat document shall be revised to provide a collector street along the east lot line of the subject property or the proposed Comprehensive Plan Amendment shall be revised to relocate the collector street approximately 150 feet west of its current proposed location. In addition, the adjacent property owner shall concur with the relocation of the collector street;

2. Prior to submittal of a Preliminary Plat application, the plat document shall be revised eliminating the western approach to Catron Boulevard. In addition, the plat document shall be revised to provide a second access street to the development or an Exception to allow 768 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual shall be obtained;
3. Prior to Preliminary Plat approval by the City Council, Approach Permit(s) shall be obtained from the South Dakota Department of Transportation. In addition, acceleration and turning lane(s) shall be provided along Catron Boulevard as determined by the South Dakota Department of Transportation;
4. Upon submittal of a Preliminary Plat application, a traffic impact study shall be submitted for review and approval;
5. 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 tests for review and approval. If results of the soils resistivity test indicate severe potential towards corrosion of buried metal products, then information shall be provided demonstrating that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protection as needed for buried water system metal fixtures shall be provided;
6. 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;
7. Upon submittal of a Preliminary Plat application, a drainage plan addressing the design of all drainage components shall be submitted for review and approval. In particular, the drainage plan shall incorporate the local or regional facilities needed in order to detain flows to pre-developed flow rates. In addition, the drainage plan shall include calculations demonstrating that discharge from any project facilities shall result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities shall be provided. The plat document shall also be revised to provide drainage easements as necessary;
8. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;
9. 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. In addition, the sewer plans shall address the issue of where and how this project shall connect to the City of Rapid City Sanitary sewer system. The plat document shall also be revised to provide utility easements as needed;
10. 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 identify the source and demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
  11. Upon submittal of a Preliminary Plat application, road construction plans for the section line highways located along the north and south lot lines shall be submitted for review and approval. In particular, the road construction plans shall show the section line highways constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;
  12. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the east lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway 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 highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way. If the proposed Comprehensive Plan Amendment to the Major Street Plan is approved showing a collector street along the east lot line than the construction plans for the section line highway 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 section line highway shall be vacated;
  13. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the east-west collector street in its current location as per the Major Street Plan or the proposed Comprehensive Plan Amendment to the Major Street Plan shall be approved relocating the collector street approximately 800 feet south of its current location. In addition, road construction plans for the east-west collector 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;
14. Upon submittal of a Preliminary Plat application, road construction plans for the minor arterial street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 100 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 a Comprehensive Plan Amendment to the Major Street Plan eliminating the minor arterial street shall be obtained;
  15. Upon submittal of a Preliminary Plat application, road construction plans for the collector street(s) shall be submitted for review and approval. In particular, the road construction plans shall show the streets 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 a Comprehensive Plan Amendment to the Major Street Plan eliminating and/or relocating the collector streets shall be obtained;
  16. Upon submittal of a Preliminary Plat application, road construction plans for the sub-collector streets, or those streets serving more than twenty lots, shall be submitted for review and approval. In particular, the streets shall be located in a minimum 52 foot 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;
  17. Upon submittal of a Preliminary Plat, road construction plans for the lane place streets, or those street serving not more than twenty lots, 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, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  18. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
  19. 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;
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 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;
  22. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City;
  23. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along the minor arterial street or a Variance to the Subdivision Regulations shall be obtained or the proposed Comprehensive Plan Amendment to the Major Street Plan shall be approved eliminating the minor arterial street from the subject property;
  24. 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;
  25. 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,
  26. 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;
  27. The greenway areas shall not be disturbed, prior to Preliminary Plat approval (including the drainage and grading plan) by the Planning Commission; and,
  28. The Plat document shall be revised to show an east-west arterial street extending from the east lot line to the proposed north-south collector street or a Comprehensive Plan Amendment to the Major Street Plan eliminating and/or relocating this portion of the arterial street shall be obtained. (8 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)
31. No. 06PL047 - New Park Subdivision  
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Tracts A and B of Lot 1, New Park Subdivision; Tracts F, G and H of McMahon Subdivision; located in the NW1/4 SW1/4 and the NE1/4 SW1/4, Section 24 T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a Tract of land located in the NE1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota described as follows; Beginning at the southwest corner of Tract D of found rebar and cap this being the true point of beginning; Thence S00°58'28"E a distance of 928.44 feet

to an angle point; Thence S86°46'02"E a distance of 824.85 feet to an angle point; Thence N00°10'09"E a distance of 929.35 feet to a found rebar and cap; Thence N89°49'51" a distance of 819.76 feet to the point of beginning. Said Tract of land containing 17.54 acres more or less, more generally described as being located west of Haines Avenue and south of Kathryn Avenue.

Maxwell presented the Preliminary Plat noting that the staff's recommendation is that the Preliminary Plat be continued to the May 25, 2006 Planning Commission meeting.

**LeMay moved, Waltman seconded and unanimously carried to recommend that the Preliminary Plat be continued to the May 25, 2006 Planning Commission meeting. (8 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

32. No. 06PL048 - LaGrand Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 and 2 of block 1, LaGrand Subdivision, located in the SE1/4, Section 28, and the NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the SE1/4, Section 28, and the NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located North Elk Vale Road and Eglin Street.

Maxwell presented the Preliminary Plat noting that the staff's recommendation is that the Preliminary Plat be continued to the May 25, 2006 Planning Commission meeting.

**Hennies moved, Brenneise seconded and unanimously carried to recommend that the Preliminary Plat be continued to the May 25, 2006 Planning Commission meeting. (8 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

33. No. 06SV020 - LaGrand Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to Waive the Requirements to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Eglin Street and to waive the requirements to install, curb, gutter, sidewalk, street light conduit, and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of block 1, LaGrand Subdivision, located in the SE1/4, Section 28, and the NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the SE1/4, Section 28, and the NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at North Elk Vale Road and Eglin Street.

Maxwell presented the Variance to the Subdivision Regulations to Waive the

Requirements to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Eglin Street and to waive the requirements to install, curb, gutter, sidewalk, street light conduit, and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code. Maxwell stated that staff's recommendation is that the Variance to the Subdivision regulations be approved in part with stipulations and denied in part without prejudice.

Steven Brenden stated that he supported the staff's recommendations for approval.

**Brown moved, Landguth seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to Waive the Requirements to install, curb, gutter, sidewalk, street light conduit, and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:**

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements along Elk Vale Road as it abuts the subject property;**

**That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Eglin Street be denied without prejudice. (8 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

34. No. 06SR030 - Section 3, T1N, R7E

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Tom Collins to consider an application for an **SDCL 11-6-19 Review to allow improvements in the public right-of-way** on Harter Drive Right-of-Way adjacent to the south 237 feet of Lot 5 of the NW1/4 NE1/4, Harter Subdivision, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2326 Canyon Lake Drive.

Maxwell presented slides of the subject property and recommended. that the SDCL 11-6-19 Review to allow improvements in the public right-of-way be approved with stipulations.

**Brown moved, Hennies seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow improvements in the public right-of-way with the following stipulations:**

- 1. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red line drawings. In addition, the red line drawings shall be returned to the Growth Management Department;**
- 2. Prior to the start of construction all appropriate permits shall be obtained;**
- 3. Prior to initiation of construction information shall be submitted demonstrating that the disturbed area is located outside of the flood hazard area or a Flood Plain Development Permit shall be obtained;**
- 4. Prior to Planning Commission approval, a geotechnical report**

including pavement design, typical section and soil resistivity shall be submitted for review and approval; and,

5. Prior to Planning Commission approval, a revised plan shall be submitted demonstrating that the minimum 35 foot separation requirement is being met or an exception to the Street Design Criteria Manual to allow the approaches closer than 35 feet shall be obtained. (8 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)

\*35. No. 06PD018 - Section 3, T1N, R7E

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Tom Collins to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on the south 237 feet of Lot 5 of the NW1/4 NE1/4, Harter Subdivision, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2326 Canyon Lake Drive.

Maxwell presented the Planned Commercial Development - Initial and Final Development Plan. Maxwell stated that revised stipulations have been placed on the dais he recommended that the Planned Commercial Development - Initial and Final Development Plan be approved with revised stipulations.

Steve Brenden expressed his support for the proposed development on the subject property. Brenden expressed his concerns with fire access to the proposed development.

Janelle Fink, reviewed the layout of the proposed development. Fink expressed her opinion that fire safety access have been adequately addressed. Discussion followed.

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

1. Prior to Planning Commission approval, a revised set of site plans stamped and signed by a Professional Engineer shall be submitted for review and approval;
2. Any additional signage must meet all Sign Code regulations and will require a Major Amendment to the Planned Commercial Development;
3. A minimum of 15,200 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced when necessary;
4. A minimum of 14 parking spaces shall be provided with one handicap van accessible space being provided. All provisions of the Off-Street Parking Ordinance shall be continually met;
5. Prior to the start of construction a Building Permit shall be obtained;
6. A minimum 13 foot side yard setback shall be provided along the east side property line;
7. All provisions of the Office Commercial District shall be met unless



otherwise specifically authorized as a stipulation of the Initial and Final Planned Commercial Development or a subsequent Major Amendment;

8. All Uniform Fire Codes shall be met;
10. The proposed structures shall conform architecturally to the proposed elevations, design plans and color scheme submitted as part of this Initial and Final Planned Commercial Development;
11. Prior to Planning Commission approval, 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;
12. Prior to Planning Commission approval, a revised grading and erosion control plan showing more spot elevations or contours to demonstrate that the grading will not have an adverse effect on the adjacent lot shall be submitted for review and approval;
13. Prior to Planning Commission approval, the applicant shall provide a revised drainage plan, clarifying how runoff from the lot will be discharged or routed to show that the adjacent property will not be impacted under the design flow. In addition, drainage calculations demonstrating that discharge from the site facilities will result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities shall be provided as necessary;
14. An exception to the Street Design Criteria Manual to allow approaches to be less than 35 feet apart is here by granted.
15. Prior to the issuance of a grading or building permit, information shall be provided that documents that the property is located outside of the flood plain or a Flood Development Permit shall be obtained;
16. The Planned Commercial Development shall allow for the construction of an office complex on the property; and,
17. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years. (8 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth, LeMay, 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.***

\*36. No. 06PD023 - Knight's of Columbus Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Del Solano for the Rapid City Columbian Club, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on a parcel of land located in Block 126 of the Original Townsite of Rapid City, located in the NW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as follows: Beginning at the northwest corner of said Block 126, of the Original townsite of Rapid City, said point of being coincident

with the northwest corner of Lots 16 of Block 126 and also coincident with the south right-of-way of Columbus Street, said point being marked by a mag nail in asphalt; Thence, southeasterly along the north edge of Block 126 and along the south right-of-way of Columbus Street and along the north line of Lots 16, 15, 14, 13, 12, 11, 10 and the west five feet of Lot 9, S77°34'35"E, a distance of 180.17 feet more or less to the northwest corner of the alley adjoining the west five feet of Lot 9 of Block 126, said point being marked by a mag nail in asphalt; Thence, southwesterly along the easterly line of the west five feet of said Lot 9 of Block 126 and along the westerly edge of the alley right-of-way, S12°32'24"W, a distance of 159.82 feet, more or less to the southwest corner of the intersecting alleys in Block 126, said point being located on the north line of Lot 24 of said Block 126, and said point being marked by a rebar with a survey cap "LS 7719"; Thence, continuing southwesterly in said Lot 24 of Block 126, S12°40'28"W, a distance of 9.00 feet, more or less, to a point marked by rebar with survey cap "LS 7719"; Thence, northwesterly through Lots 24, 23, 22, 21, 20, 19, 18 and 17 of Block 126, N77°36'11"W, a distance of 180.18 feet, more or less to a point on the westerly line of Lot 17 of Block 126, said point being coincident with the easterly line of Fifth Street right-of-way, and said point being marked by a mag nail in asphalt; Thence, northeasterly along the westerly line of Block 126 and along the westerly line of Lot 17, along the westerly line of the vacated alley in Block 126 and along the westerly line of Lot 16 of Block 126, and coincident with the easterly edge of Fifth Street right-of-way, N12°33'06"E, a distance of 168.90 feet, more or less to the point of beginning. Said parcel contains 0.70 acres, more or less, more generally described as being located at 910 Fifth Street.

Elkins presented slides of the Planned Commercial Development - Initial and Final Development Plan and recommended that the Planned Commercial Development - Initial and Final Development Plan be approved with stipulations.

**Hennies moved, LeMay seconded and unanimously carried to approve the Planned Commercial Development - Initial and Final Development Plan in conjunction with associated Rezoning Request and the Comprehensive Plan Amendment to the Future Land Use Plan with the following stipulations:**

- 1. The structure shall be used as an assembly hall and/or office(s). Any other use shall require a Major Amendment to the Planned Commercial Development;**
- 2. The landscape points are hereby reduced from 16,953 points to 6,500 points. In addition, an Exception is hereby granted to allow 100% in lieu of a maximum of 25 % of the landscaping points to be located in the adjacent right-of-way. Any removal of the building in whole or part shall require that additional landscaping be provided as per the City's adopted Landscape Regulations;**
- 3. The parking requirement is hereby reduced from 303 parking spaces to 39 parking spaces. Two of the parking spaces shall be handicap accessible with one of the handicap spaces being "van accessible". Any removal of the building in whole or part or any change in use shall require that additional parking be provided as per the City's adopted Off-Street Parking Ordinance;**

4. The front yard setback is hereby reduced from 25 feet to 12.4 feet for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be provided;
5. The side yard setback is hereby reduced from 25 feet to .8 feet for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot side yard setback be provided;
6. The rear yard setback is hereby reduced from 25 feet to 7.7 feet for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot rear yard setback be provided;
7. A maximum lot coverage of 44% in lieu of 35% shall be allowed. Any removal of the building in whole or part shall require that a maximum 35% lot coverage be maintained;
8. An Exception is hereby granted to allow access from 5<sup>th</sup> Street, the higher order street. In addition, an Exception is hereby granted to reduce the separation between the driveway approach on 5<sup>th</sup> Street and the intersection of 5<sup>th</sup> Street and Columbus Street from 230 feet to 36 feet. If and/or when the building is removed and the property redevelops, the access along 5<sup>th</sup> Street shall be removed;
9. An Exception is hereby granted to allow the retaining wall and parking to remain in the sight triangle located at the corner of 5<sup>th</sup> Street and Columbus Street. If and/or when the building is removed and the property redevelops, no encroachments into the sight triangle shall be allowed;
10. All signage shall continually conform to the design, color and location as shown in the sign package submitted as a part of the Initial and Final Planned Commercial Development. Any additional signage shall require a Major Amendment to the Planned Commercial Development;
11. All International Fire Codes shall be met. In particular, any change in use shall require that the building be sprinklered;
12. Prior to Planning Commission approval, the applicant shall enter into an agreement to hold harmless the City for the existing sewer main located under the existing building; and,
13. The structure shall continue to conform architecturally to the plans and elevations and color palette submitted as part of this Initial and Final Planned Commercial Development. (8 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth, LeMay, 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.***

Items 37 and 38 taken concurrently

37. No. 06CA010 - Flormann Addition  
A request by Sperlich Consulting for Black Hills Health and Wellness Center to

consider an application for an **Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to General Commercial** on Lots 21 thru 22 of Block 9, Flormann Addition, located in the NW1/4 SE1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 716 Fairview Street.

38. No. 06RZ009 - Flormann Addition

A request by Sperlich Consulting for Black Hills Health and Wellness Center to consider an application for a **Rezoning from Medium Density Residential to General Commercial** on Lots 21 thru 22 of Block 9, Flormann Addition, located in the NW1/4 SE1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 716 Fairview Street.

Tegethoff presented the Amendment to the Comprehensive Plan revising the Future Land Use Plan to change the land use designation from Residential to General Commercial and the Rezoning from Medium Density Residential to General Commercial. Tegethoff presented the staff's recommendations to continue the requests to the May 25, 2006 Planning Commission at the applicant's request. Discussion followed.

Curt Pochardt, area resident expressed concerns

Kale McNaboe, agent for the applicant requested that the Comprehensive Plan Amendment and the Rezoning be continued to allow an additional exhibit to be submitted for review and approval by the staff.

Brenden expressed his opposition to the Comprehensive Plan Amendment and the Rezoning requests. Discussion followed.

**Hennies moved and Waltman seconded to continue the Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to General Commercial and Rezoning from Medium Density Residential to General Commercial be continued to the May 25, 2006 Planning Commission meeting.**

Elkins stated that concerns have been submitted by surrounding homeowners and have been presented on the dais.

Curt Pochardt, area resident expressed his concern with the increased traffic and encroachment into the existing residential neighborhood from the proposed Amendment to the Comprehensive Plan and Rezoning by revising the Future Land Use Plan to change the land use designation from Residential to General Commercial presented by the applicant.

McNaboe reviewed the applicant's proposed changes to the subject property contained in the site plan exhibit. Discussion followed.

Elkins reviewed staff's concerns that the proposal would negatively impact the existing neighborhood. Discussion followed.

**Hennies withdrew his motion to continue the Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to General Commercial and Rezoning from Medium Density Residential to General Commercial to the May 25, 2006 Planning Commission meeting.**

Hadcock expressed support for the Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to General Commercial and Rezoning from Medium Density Residential to General Commercial.

**LeMay moved and Brown seconded to deny the Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to General Commercial and Rezoning from Medium Density Residential to General Commercial.**

Brenneise expressed her support to continue the requests. Discussion followed.

**Upon a roll call vote the motion failed (Roll call vote 4 to 4 with Andrews, Brown, LeMay, and Waltman voting yes and Brenneise, Brewer, Hennies, and Landguth voting no)**

**Pursuant to the By-laws, the item is forwarded without recommendation.**

39. No. 06PL045 - Plateau Subdivision

A request by Sperlich Consulting, Inc. for Gordon Howie to consider an application for a **Preliminary Plat** on Lots J and K of Lot 12, Plateau Subdivision, formerly the west 165 feet of the east 331.2 feet of Lot 12, Plateau Subdivision, located in the SW1/4 NE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the west 165 feet of the east 331.2 feet of Lot 12, Plateau Subdivision, located in the SW1/4 NE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 4753 Carol Street.

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

Elkins requested that the Preliminary Plat be denied without prejudice at the applicant's request.

**LeMay moved, Landguth seconded and carried to recommend that the Preliminary Plat be denied without prejudice. (7 to 0 to 1 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no and Brenneise abstaining)**

Elkins requested that Items 40 and 41 be taken concurrently.

40. No. 06PL050 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for a **Preliminary Plat** on Lots 1 thru 7 of Block 1; and Lots 1 thru 14 of Block 2 of the Villaggio at Golden Eagle, formerly a portion of the E1/2 NW1/4 SE1/4, Section 22, located in the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 NW1/4 SE1/4, Section 22, located in the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and east of the intersection of Catron Boulevard and Golden Eagle Drive.

41. No. 06SV022 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for a **Variance to the Subdivision Regulations to reduce the right-of-way width from 49 feet to 20 feet and 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 7 of Block 1; and Lots 1 thru 14 of Block 2 of the Villaggio at Golden Eagle, formerly a portion of the E1/2 NW1/4 SE1/4, Section 22, located in the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 NW1/4 SE1/4, Section 22, located in the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and east of the intersection of Catron Boulevard and Golden Eagle Drive.

Elkins presented slides of the Layout Plat and the Subdivision Variances. Elkins stated that staff's recommendation is to approve the Layout Plat and the Subdivision Variance with revised stipulations. Discussion followed.

McNaboe, representing the applicant stated that the applicant has agreed to sign a Waiver of Right to Protest.

Landguth stated that he would be abstaining from discussion and vote due to a conflict of interest.

**Brown moved, LeMay 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 is hereby granted to allow a 680 foot long cul-de-sac, with no intermediate turnarounds, in lieu of a maximum 500 foot long cul-de-sac with intermediate turnarounds every 600 feet with the stipulation that a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented prior to submittal of a Final Plat application;**
2. **An Exception to the Street Design Criteria Manual is hereby granted to allow access to Lot 1 and Lots 10 thru 14 of Block 1 from Golden Eagle Drive, the higher order street;**
3. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the**



- red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
4. Prior to Preliminary Plat approval by the City Council, a utility distribution plan signed by the appropriate representative(s) showing the location of gas, telephone, electric and cable shall be submitted for review and approval;
  5. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In particular, the drainage information shall include calculations demonstrating that the inlets, storm sewer pipe, size and quantity of riprap and that any discharge from development facilities shall result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities shall be provided. In addition, the drainage information shall identify that riprap at the outlets of the storm sewers, located to the right of Golden Eagle Drive and Golden Eagle Court, are not required for energy dissipation. The drainage information shall also include the dimensions of the riprap at all locations;
  6. Prior to Preliminary Plat approval by the City Council, the water plans shall be revised to provide a ten inch water main along Golden Eagle Drive. In addition, water information shall be submitted for review and approval demonstrating that the proposed eight inch water main is sufficient to provide domestic and fire flows at 20 psi during peak day use conditions. If it is determined that an eight inch water line can serve the proposed development, the applicant shall submit an oversizing cost request to be reviewed and approved by the City Council;
  7. Prior to Preliminary Plat approval by the City Council, a Master Plan identifying the extension of dry sewer to City services shall be submitted for review and approval;
  8. Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised to show the extension of a sewer main to the north lot line of the subject property and from the subject property to the south property line;
  9. Prior to Preliminary Plat approval by the City Council, road construction plans for the 20 foot wide access easement shall be submitted for review and approval or the easement shall be removed from the plat and alternative access to the adjacent property shall be demonstrated. In particular, the construction plans shall show the street located in a minimum 45 foot wide access easement and/or right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
  10. Prior to Preliminary Plat approval by the City Council, road construction plans for Golden Eagle Drive located along the south lot line of proposed Lot 1, Block 2 shall be submitted for review and approval. In particular, the 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;**
- 11. Prior to Preliminary Plat approval by the City Council, road construction plans for Golden Eagle Drive located south of the subject property extending to Catron Boulevard shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with sewer and a sidewalk on both sides of the street or a Variance to the Subdivision Regulations shall be obtained;**
  - 12. Prior to Preliminary Plat approval by the City Council, an easement and/or agreement to allow grading on the property located directly north of the subject property shall be submitted for review and approval;**
  - 13. Prior to Preliminary Plat approval by the City Council, different street names shall be submitted for review and approval to the Emergency Services Communication Center for Golden Eagle Court and that portion of Golden Eagle Drive located on the subject property; or the Golden Eagle Drive intersection must be revised to provide a through street connection into the subject property and a "T" intersection as it extends west. In addition, a different street name shall be shown for that portion of Golden Eagle Drive extending west. The plat document shall also be revised to show the revised intersection and the approved street names;**
  - 14. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
  - 15. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised dedicating the street as right-of-way for that portion of Golden Eagle Drive located north of the subject property or an "H Lot" shall be recorded or an Exception shall be obtained to allow an access easement to serve more than four lots and a miscellaneous document shall be recorded creating the access easement. If the plat document is revised to include the street right-of-way, the street shall be constructed as a part of this subdivision requiring that it be located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
  - 16. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;**
  - 17. Prior to submittal of a Final Plat application, the applicant shall enter into an agreement to abandon the on-site wastewater systems in compliance with the South Dakota Department of Environment and Natural Resources requirements and to connect to the City sewer system when it becomes available within 500 feet of the property; and,**
  - 18. 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 waive the requirement to reduce the right-of-way width from 45 feet to 20 feet and to install curb,**

**gutter, sidewalk, street light conduit, water, sewer and pavement along the 20 foot wide access easement be denied;**

**That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Golden Eagle Drive as it abuts the south lot line of Lot 1, Block 2 be denied;**

**That the Variance to the Subdivision Regulations to waive the requirement to install sewer along Golden Eagle Drive as it extends south from the subject property to Catron Boulevard (off-site) be approved; and,**

**That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of Golden Eagle Drive as it extends south from the subject property to Catron Boulevard be approved. (7 to 0 to 1 with Andrews, Brenneise, Brewer, Brown, Hennies, LeMay, and Waltman voting yes and none voting no and Landguth abstaining)**

Elkins requested that items 42 and 43 be taken concurrently.

42. 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.

43. 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.

Elkins presented the staff recommendation to continue the requests to the May 25, 2006 Planning Commission meeting to allow the applicant to submit the required information for review by staff.

In response to Brown's question, Elkins stated that the required information has not been submitted.

**Brown moved and Hennies seconded to deny 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 without**

**prejudice.**

Elkins encouraged the Planning Commission to provide a courtesy notice to the applicant that if additional information is not submitted at the next Planning Commission meeting that the requests will be denied without prejudice.

**The motion failed (2 to 6 with Brown and Hennies voting yes and Andrews, Brenneise, Brewer, Landguth, LeMay, and Waltman and voting no)**

**LeMay moved, Brewer seconded and unanimously carried to recommend that the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Green Valey Drive the Variance to the Subdivision Regulations to waive the requirement to dedicate a ten foot wide planting screen easement be continued to the May 25, 2006 Planning Commission meeting with the understanding that if stipulations are not met at that time the application will be denied without prejudice. (7 to 1 with Andrews, Brenneise, Brewer, Hennies, Landguth, LeMay, and Waltman voting yes and Brown voting no)**

44. 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 that the Preliminary Plat be continued to the May 25, 2006 Planning Commission meeting at the applicant's request.

**Brewer moved, Brenneise seconded and unanimously carried to recommend that the Preliminary Plat be continued to the May 25, 2006 Planning Commission meeting to allow the applicant to submit additional information. (8 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

45. No. 06PL046 - Oliver Subdivision

A request by Boschee Engineering for Dr. Don Oliver to consider an application for a **Layout Plat** on Lots 1 thru 6, Oliver Subdivision, formerly the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 23657 Wilderness Canyon Road.

Elkins presented the staff's recommendation to continue the Layout Plat to the May 25, 2006 Planning Commission meeting.

**Brenneise moved, LeMay seconded and unanimously carried to recommend that the Layout Plat be continued to the May 25, 2006 Planning Commission meeting. (8 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

46. No. 06PL049 - Murphy Ranch Estates Subdivision

A request by Davis Engineering, Inc. to consider an application for a **Preliminary Plat** on Lots 2 thru 6 of Block 2; Lots 15 of Block 4; and, Lots 1, Lots 14 and 15 of Block 5, formerly a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to Long View Road between Colvin Street and Romel Drive.

Maxwell presented the staff's recommendation to continue that the Preliminary Plat to the May 25, 2006 Planning Commission meeting.

**LeMay moved, Waltman seconded and unanimously carried to recommend that the Preliminary Plat be continued to the May 25, 2006 Planning Commission meeting. (8 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

47. No. 06SV021 - Murphy Ranch Estates Subdivision

A request by Davis Engineering, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow 60 dwelling units in lieu of 40 dwelling units with one point of access** on Lots 2 thru 6 of Block 2; Lots 15 of Block 4; and, Lots 1, Lots 14 and 15 of Block 5, formerly a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to Long View Road between Colvin Street and Romel Drive.

Maxwell presented the Variance to the Subdivision Regulations to allow 60 dwelling units in lieu of 40 dwelling units with one point of access. Maxwell presented the that staff recommendation to deny the Variance to the Subdivision Regulations to allow 60 dwelling units in lieu of 40 dwelling units with one point of access.

Ron Davis reviewed the proposed development of the subject property and his request to waive the requirement for two access points. Discussion followed.

Brenden expressed his support the staff recommendation to deny the Subdivision Variance. Discussion followed.

**LeMay moved, Landguth seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to allow 60 dwelling units in lieu of 40 dwelling units with one point of access be denied. (8 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

48. No. 06SE003 - North Boulevard Addition

A request by Brian Gonzales for Century Development Co. to consider an application for an **Exception to the Street Design Criteria Manual to allow 96 dwelling units in lieu of 40 dwelling units with one point of access** on the north 327.2 feet of the N1/2 SE1/4 lying west of interstate 90 Right-of-Way, excepting there from the W1/2 NW1/4 SE1/4, and less North Boulevard Addition, located in the unplatted (9779), Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 Philadelphia Street.

Elkins presented the Exception to the Street Design Criteria Manual to allow 96 dwelling units in lieu of 40 dwelling units with one point of access. Elkins further commented that staff's recommendation is that the Exception to the Street Design Criteria Manual to allow 96 dwelling units in lieu of 40 dwelling units with one point of access be denied.

Brian Gonzales, Century Development reviewed the proposed development of the subject property.

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

Discussion followed with regard to the future development of the Silver Street interchange on the subject property location.

**LeMay moved, Brown seconded and unanimously carried to recommend that the Exception to the Street Design Criteria Manual to allow 96 dwelling units in lieu of 40 dwelling units with one point of access be denied. (7 to 0 to 1 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Waltman voting yes and none voting no and Brenneise abstaining)**

49. No. 06SR031 - Sections 34 and 35, T2N, R7E

A request by Sweet Creek LLC to consider an application for an **SDCL 11-6-19 Review to construct a street** on located in Sections 34 and 35, T2N, R7E, BHM, Rapid City, South Dakota, more generally described as being located on Mountain View North extending north from Omaha Street.



LeMay left the meeting at this time.

Elkins presented the staff recommendation to deny the SDCL 11-6-19 Review application to construct a street without prejudice.

**Brewer moved, Brown seconded and unanimously carried to deny the SDCL 11-6-19 Review to construct a street without prejudice. (7 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth and Waltman voting yes and none voting no)**

\*50. No. 06PD020 - Enchanted Pines Subdivision

A request by David Reyelts to consider an application for a **Major Amendment to a Planned Residential Development** on Lots 5 and 6, Block 1, Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4911 Enchanted Pines Drive.

Tegethoff presented the staff recommendation to acknowledge the applicant's request to withdraw the Major Amendment to a Planned Residential Development.

**Brown moved, Hennies seconded and unanimously carried to acknowledge the applicant's request to withdraw the Major Amendment to a Planned Residential Development. (7 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth and Waltman voting yes and none voting no)**

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

\*51. No. 06PD021 - DDE Subdivision

A request by Vernon Hellwig to consider an application for a **Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment** on Lot 1 of Lot A, DDE Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 110 Cambell Street.

Tegethoff presented the staff recommendation to approve the Major Amendment to a Planned Commercial Development to allow an on-sale liquor establishment with stipulations.

**Landguth moved, Brenneise seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:**

- 1. A Building Permit shall be obtained prior to construction, and a Certificate of Occupancy shall be obtained prior to occupying the building;**

2. The fire sprinkler/alarm shall be operational prior to occupancy;
3. Signs shall be on-premise signs only as per Section 15.28 of the Rapid City Municipal Code, a sign permit shall be obtained prior to installation of any signage and all banners are prohibited;
4. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
6. The tenant space shall be fire sprinkled as per the 2003 International Fire Code and all applicable provisions of the International Fire Codes shall be continually met;
7. Any change in use will require a Major Amendment to a Planned Commercial Development; and,
8. The Major Amendment to a Planned Commercial 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. (7 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth 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.*

\*52. No. 06UR010 - Atlantis Subdivision

A request by Paul Bradsky for Atlantis, LLC to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lot 1 of Atlantis Subdivision, located in Section 27, T2N, 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 I90 Service Road.

Tegethoff presented the staff recommendation to approve the Conditional Use Permit to allow an on-sale liquor establishment with stipulations.

**Brewer moved, Brown seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment with the following stipulations:**

1. A certificate of occupancy shall be obtained prior to occupancy;
2. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
3. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
4. All applicable provisions of the International Fire Codes shall be continually met; and,
5. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a

**period of two years. (7 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth 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.***

53. No. 06VE008 - Section 26, T2N, R7E

A request by Jared and Tonya Tordsen to consider an application for a **Vacation of Access Easement** on the access easement located within the east 720 feet of the south 197.9 feet of the north 935.6 feet of the NW1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Peace Path and west of Blue Jay Drive.

Elkins presented the staff recommendation to continue the Vacation for Access Easement to the May 25, 2006 Planning Commission meeting.

Cody Selting, area resident expressed his opposition to the Vacation of the Access Easement on the subject property. Selting requested that the Vacation of the Access Easement be denied. Discussion followed.

**Brenneise moved, Waltman seconded and unanimously carried to recommend that the Vacation of Access Easement be continued to the May 25, 2006 Planning Commission meeting. (7 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth and Waltman voting yes and none voting no)**

54. Discussion Items

55. Staff Items

56. Planning Commission Items

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**There being no further business, Brown moved, Landguth seconded and unanimously carried to adjourn the meeting at 9:13 a.m. (7 to 0 with Andrews, Brenneise Brewer, Brown, Hennies, Landguth and Waltman voting yes and none voting no)**