

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 22, 2006

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

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Travis Tegethoff, Bob Dominicak, Emily Fisher, Mary Bosworth, Todd Peckosh, Bill Knight, Kevin Lewis and Carol Bjornstad.

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

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

A member of the audience requested that Item 9 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Hennies, Seconded by Waltman and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 13 in accordance with the staff recommendations with the exception of Items 9. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the June 8, 2006 Planning Commission Meeting Minutes.
2. No. 06CA010 - Flormann Addition
A request by Sperlich Consulting for Black Hills Health and Wellness Center to consider an application for a **Summary of Adoption action 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.

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

3. No. 06CA011 - Knight's of Columbus Subdivision
A request by Fisk Land Surveying for Del Solano for the Rapid City Columbian Club to consider an application for a **Summary of Adoption action for an Amendment to the Comprehensive Plan to change the land use designation from High Density Residential to Office Commercial with a Planned**

Commercial Development 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 Planning Commission approve the summary and authorize publication in the Rapid City Journal.

4. 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 July 6, 2006 Planning Commission meeting.

5. 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.

Planning Commission recommended that the Preliminary Plat be continued to the July 6, 2006 Planning Commission to allow the applicant to comply with the previously recommended stipulations of approval.

6. No. 06PL059 - Black Hills Speedway Addition

A request by Sperlich Consulting, Inc. for Speedway Enterprises LLC to consider an application for a **Layout Plat** on the unplatted portion of the S1/2 SW1/4 NW1/4; and a portion of the NW1/4 SW1/4, North and East of Highway 44, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East Highway 44 and Jolly Lane.

Planning Commission recommended that the Layout Plat be denied without prejudice with the applicant's concurrence.

7. No. 06PL071 - Starlite Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1A, 1B, 1C and 1D of Starlite Subdivision, formerly Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of Beale Street and Dyess Avenue and north of Emlin Street.

Planning Commission recommended that the Preliminary Plat be continued to the July 6, 2006 Planning Commission meeting to allow the applicant to submit additional information.

8. No. 06PL083 - LaGrand Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lot 3 of Block 2, LaGrand Subdivision, located in the NE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a Tract of land located in the NE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Beginning at the northeast corner of Section 4; Thence along the north line of Section 4 S89°43'48"W a distance of 124.58 feet, to a found pin and cap marked "LS 6251", the true point of beginning; Thence along the north line of Section 4 S89°46'10"W a distance of 541.59 feet, to a found pin and cap marked "LS 5680"; Thence S00°02'01"E a distance of 202.34 feet, to a found pin and cap marked "LS 6251"; Thence along the arc of a curve to the left whose radius points bears N13°38'28"E, having a radius of 925.00 feet,

a central angle of 02°51'39" and an arc length of 46.19 feet; Thence N09°13'19"E a distance of 25.02 feet; Thence S80°46'41"E a distance of 50.00 feet; Thence S09°13'19"W a distance of 25.03 feet; Thence along the arc of a curve to the left whose radius points bears N07°40'58"E, having a radius of 925.00 feet, a central angle of 07°56'32" and an arc length of 128.22 feet; Thence N89°45'43"E a distance of 319.32 feet to a found pin and cap marked "LS 6251"; Thence N00°02'51"W a distance of 229.28 feet to the point of beginning. Said tract of land containing an area of 2.78 acres more or less., more generally described as being located northwest of the intersection of Elk Vale Road and East Anamosa Street.

Planning Commission recommended that the Preliminary Plat be continued to the July 6, 2006 Planning Commission meeting to allow the applicant time to submit the required information.

10. No. 06SR046 - Rapid City Greenway Tract

A request by Wyss Associates, Inc. for Black Hills Mountain Bike Association to consider an application for an **SDCL 11-6-19 Review to install a dirt jump park on public property** on portion of Tract 17, less Lot H1, Rapid City Greenway Tract, Sections 34 and 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

Planning Commission continued the SDCL 11-6-19 Review to install a dirt jump park on public property to the July 6, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.

11. No. 06SR048 - Section 19, T1N, R8E

A request by Zampolin & Associates for J Scull Construction to consider an application for an **11-6-19 SDCL Review to allow a correction facility on public property** on a parcel of land located in the SE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at a point at the southeast corner of Lot H3 of the NE1/4 less Lot H4 in Section 19, T1N, R8E; thence S00°02'59"E, 405.00 feet to a point on the west South Highway 79 right-of-way line; thence N89°55'38"W, 120.45 feet to a point; thence N38°35'32"W, 134.08 feet to a point; thence N00°02'59"W, 300.31 feet to a point on the south lot line of Lot H3 of the NE1/4 less Lot H4 in Section 19, T1N, R8E; S89°55'38"E, 204.00 feet to a point at the southeast corner of Lot H3 of the NE1/4 less Lot H4 in Section 19, T1N, R8E, at the point of beginning; all located within the SE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; said parcel containing 1.796 acres more or less, more generally described as being located at 5025 South Highway 79.

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

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; and,**
- 2. Any future installation of signs will require an 11-6-19 SDCL Review.**

12. No. 06SR049 - PLM Subdivision Phase 2A

A request by Centerline, Inc. for PLM Development, LLC to consider an application for an **11-6-19 SDCL Review to extend public water and sewer** on the unplatted balance of the N1/2 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Fifth Street, eastern terminus of Enchanted Pines Drive.

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

1. **Prior to Planning Commission approval, the construction plans shall be sealed and signed by a Professional Engineer registered by the State of South Dakota; and,**
2. **Prior to Planning Commission approval, 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.**

13. No. 06SR050 - Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for an **11-6-19 SDCL Review to allow the construction of a lift station** on a portion of the unplatted portion of the NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more specifically described as follows: a portion of the unplatted portion of the NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more specifically described as follows: Beginning at a point from which the section corner common to Sections 20, 21, 28 and 29; Thence along the Section line at a bearing of S89°55'38"E, a distance of 1170.90 feet; Thence S00°04'22"W a distance of 48.00 feet to the point of beginning; Thence S00°04'24"W a distance of 43.00 feet along the west proposed property line of Lot 21, Block 2; Thence S89°55'37"E a distance of 114.67 feet along the south proposed property line of Lot 21, Block 2; Thence N00°19'51"W a distance of 53.00 along the east proposed property line of Lot 21, Block 2; Thence N89°55'37"W a distance of 104.29 feet along the north proposed property line of Lot 21, Block 2; Thence S45°04'22"W a distance of 14.14 feet to the point of beginning: said Tract containing 0.14 acres more or less, more generally described as being located at the northern terminus of Dunsmore Road.

Planning Commission approved the 11-6-19 SDCL Review to allow the construction of a lift station in accordance with the submitted plans as revised with the location of the driveway located 45 feet from the intersection rather than the minimum 75 foot separation being approved as part of this SDCL 11-6-19 Review.

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

9. No. 06PL092 - Farrar Business Park

A request by Sperlich Consulting for Tom Farrar to consider an application for a **Preliminary Plat** on Lot 1R and Lot 2 of Block 2 and Lots 1 and 2 of Block 3 and

Lots 2 and 3 of Block 4, Farrar Business Park; formerly Lot 1 of Block 5 of Farrar Business Park and a portion of the NE1/4 of the SE1/4 of Section 16, located in the NE1/4 of the SE1/4, Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 5 of Farrar Business Park and a portion of the NE1/4 of the SE1/4 of Section 16, located in the NE1/4 of the SE1/4, Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the south and north side of Buffalo Bill Road and adjacent to the east and west side of Hickock Trail.

Doug Sperlich, representing the petitioner requested that stipulation number one be removed from the stipulations for approval. Sperlich stated that the memorandum of understanding currently being negotiated. Sperlich further commented that one of the lots in question is an expansion of an existing platted lot and would not be utilized for any structures.

Elkins stated that staff would not object to the petitioners request with the condition that it be met prior to City Council approval. Elkins reviewed slides of the plat of the subject property. Elkins stated that the Fire Department would support the proposed plat without water being present providing a covenant agreement be in place ensuring that no building permits would be issued on the subject property. Discussion followed.

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

- 1. Prior to Preliminary Plat approval by the City Council, a grading and drainage plan showing any drainage easements shall be submitted for review and approval;**
- 2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a utility easement or a well lot for the proposed well site;**
- 3. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into a covenant with the City of Rapid City requiring that no building permits shall be requested or issued for Lot 1R prior to City water (with adequate fire flows) being available on the site. Prior to submittal for the Final Plat of any additional lot(s), the public water system shall be in place and operational;**
- 4. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Growth Management Department;**
- 5. Prior to Preliminary Plat approval by the City Council, a utility distribution sheet, signed by the appropriate representatives, showing the locations of gas, telephone, electric and cable television as per Chapter 16 of the Subdivision Regulations shall be submitted for review and approval;**
- 7. Prior to Preliminary Plat approval by the City Council, a revised site plan showing fire hydrants at all intersections and at intermediate points between the intersections with a spacing not to exceed 450 feet**

- and at high points in the profile shall be submitted for review and approval;
8. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised showing non-access easements in compliance with the Street Design Criteria Manual;
 9. Prior to Preliminary plat approval by the City Council, geotechnical information including soils resistivity tests shall be submitted for review and approval. If results of the soils resistivity tests results indicate severe potential towards corrosion of buried metal products, information that corrosion protection as per the Rapid City Standard Specifications is adequate protection shall be submitted or additional corrosion protection shall be provided as needed for the buried water system metal fixtures;
 10. Prior to Preliminary Plat approval by the City Council, construction plans showing a 12 foot wide all weather maintenance surface for access to the sanitary sewer manholes from Hickock Trail and Buffalo Bill Road shall be submitted for review and approval;
 11. Prior to Final Plat approval, the plat document shall be revised to show 17 feet of additional right-of-way along the property as it abuts Deadwood Avenue;
 12. Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water and sewer along Buffalo Bill Road shall be submitted for review and approval as identified or a Variance to the Subdivision Regulations shall be obtained;
 13. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
 14. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 15. Prior to Preliminary Plat approval by the City Council, the block numbering shall be corrected, as necessary. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, and Waltman voting yes and none voting no)

Andrews announced that the Public Hearings on Items 14 through 27 were opened.

Staff requested that Item 22 be removed from the Hearing Consent Agenda for separate consideration.

Andrews closed Public Hearings for Items 14 through 27 were closed.

Hennies moved, Landguth seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 14 through 27 in accordance with the staff recommendations with the exception of 22. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

14. No. 06CA012 - Harmony Heights

A request by Sean Doyle to consider an application for an **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the land use designation from Planned Residential Development with one dwelling unit per three acres to Low Density Residential** on the NE1/4 NE1/4 SW1/4, less Tract 8R, Harmony Heights, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Vista Ridge Road.

Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the land use designation on a 7.19 acre parcel from Planned Residential Development with a maximum of one dwelling unit per three acres to Low Density Residential be approved.

15. No. 06CA013 - Starlite Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation from General Commercial to Light Industrial** on a portion of Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing, for location purposes only, at the Southwest corner of Section 28; Thence north, along the West line of Section 28 and the centerline of Dyess Avenue, a distance of 233.18 feet; Thence S89°43'30"E, a distance of 50.00 feet, to a ½ inch iron pipe found for the Southwest corner of Lot 1 of Starlite Subdivision on the East Right-of-way line of Dyess Avenue and the North Right-Of-way line of Eglin Street (a 100 foot wide public Right-of-way) for the Point of Beginning of the herein described tract; Thence North, along said East Right-of-way of Dyess Avenue and West line of Lot 1 of Starlite Subdivision, a distance of 349.83 feet to a point for corner; Thence S89°43'00" East, a distance of 850.15 feet, to the Easternmost Southeast corner of Lot 1 of Starlite Subdivision; Thence S53°09'39"W, a distance of 328.66 feet, to a corner of Lot 1 of Starlite Subdivision; Thence West, a distance of 80.08 feet, to a corner of Lot 1 of Starlite Subdivision; Thence South, a distance of 151.10 feet, to the Southernmost Southeast corner of Lot 1 of Starlite Subdivision on the North Right-of-way line of Eglin Street; Thence N89°43'30"W, along the North Right-of-way line of Eglin Street and South line of Lot 1 of Starlite Subdivision, a distance of 507.03 feet to the Point of Beginning and containing 5.036 acres, more or less, more generally described as being located at the southeast corner of Beale Street and Dyess Avenue and north of Eglin Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on a 5.036 acre parcel

from General Commercial to Light Industrial be continued to the July 6, 2006 Planning Commission meeting at the applicant's request.

16. No. 06CA016 - McMahon Subdivision

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Comprehensive Plan by revising the Long Range Transportation Plan from Residential to General Commercial** on a parcel of land located in Section 24, T2N, R7E, more particularly described as follows: Commencing at the center of Section 24, travel a distance of 506.81 feet at a bearing of N89°48'44"W; Thence S00°10'09"W a distance of 399.73 feet to a point of beginning; Thence S89°49'51"E a distance of 173.34 feet; Thence S81°56'08"W a distance of 120.55 feet; Thence south a distance of 912.15 feet; Thence N89°46'02"W a distance of 56.73 feet; Thence N00°10'09"E a distance of 929.35 feet to the true point of beginning, more generally described as being located west of Haines Avenue and south of Kathryn Avenue.

Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the Long Range Transportation Plan from Residential to General Commercial be continued to the July 6, 2006 Planning Commission meeting to allow the application to be legally advertised.

*18. No. 06PD033 - Stoney Creek South Subdivision

A request by Stoney Creek Development Corp. for Boschee Engineering to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on a parcel of land located in a portion of the NW¼SW¼, lying South of Catron Boulevard, in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the Northeast corner of said NW¼SW¼, Thence S25°04'24"W, 609.82 feet to the true point of beginning, said point is lying on the south right-of-way line of Catron Boulevard; Thence departing said south right-of-way line, S25°51'23"W, 193.96 feet; thence N70°48'41"W, 304.64 feet to a point lying on the easterly right-of-way line of Bendt Drive as shown on the final plat of Stoney Creek South Subdivision; Said point is also lying on a curve concave to the southeast and whose chord bears N44°11'25"E, 11.07 feet; Thence northerly along the arc of said curve to the right whose radius is 174.00 feet, and whose delta angle is 03°38'45", an arc distance of 11.07 feet to a point of reversed curvature; Thence continuing northerly along said easterly right-of-way line of Bendt Drive the following two courses; Thence northerly along the arc of said curve to the left whose radius is 226.00 feet, and whose delta angle is 33°41'44", an arc distance of 132.91 feet to a point of tangency; Thence N12°19'03"E, 57.83 feet to a point lying on the southerly right-of-way line of Catron Boulevard; said point is also lying on a curve concave to the southwest and whose chord bears S70°05'51"E, 306.73 feet; Thence southeasterly along said right-of-way line and along the arc of said curve to the right whose radius is 1356.92 feet, and whose delta angle is 12°58'45", an arc distance of 307.38 feet to the true point of beginning, containing 1.354 acres more or less, more generally described as being located southeast corner of the intersection of Bendt Drive and Catron Boulevard.

Hennies moved, Brewer seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the July 6, 2006 Planning Commission meeting at the applicant's request.

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

19. No. 06RZ012 - Harmony Heights

A request by Sean Doyle to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on the NE1/4 NE1/4 SW1/4, less Tract 8R, Harmony Heights, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Vista Ridge Road.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be approved in conjunction with the associated Amendment to the Comprehensive Plan.

20. No. 06RZ013 - Starlite Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Commercial District to Light Industrial District** on a portion of Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing, for location purposes only, at the Southwest corner of Section 28; Thence north, along the West line of Section 28 and the centerline of Dyess Avenue, a distance of 233.18 feet; Thence S89°43'30"E, a distance of 50.00 feet, to a ½ inch iron pipe found for the Southwest corner of Lot 1 of Starlite Subdivision on the East Right-of-way line of Dyess Avenue and the North Right-Of-way line of Eglin Street (a 100 foot wide public Right-of-way) for the Point of Beginning of the herein described tract; Thence North, along said East Right-of-way of Dyess Avenue and West line of Lot 1 of Starlite Subdivision, a distance of 349.83 feet to a point for corner; Thence S89°43'00" East, a distance of 850.15 feet, to the Easternmost Southeast corner of Lot 1 of Starlite Subdivision; Thence S53°09'39"W, a distance of 328.66 feet, to a corner of Lot 1 of Starlite Subdivision; Thence West, a distance of 80.08 feet, to a corner of Lot 1 of Starlite Subdivision; Thence South, a distance of 151.10 feet, to the Southernmost Southeast corner of Lot 1 of Starlite Subdivision on the North Right-of-way line of Eglin Street; Thence N89°43'30"W, along the North Right-of-way line of Eglin Street and South line of Lot 1 of Starlite Subdivision, a distance of 507.03 feet to the Point of Beginning and containing 5.036 acres, more or less, more generally described as being located at the southeast corner of Beale Street and Dyess Avenue and north of Eglin Street.

Planning Commission recommended that the Rezoning from General Commercial District to Light Industrial District be continued to the July 6, 2006 Planning Commission meeting at the applicant's request.

21. No. 06RZ016 - McMahon Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** on a parcel of land located in Section 24, T2N, R7E, more particularly described as follows: Commencing at the center of Section 24, travel a distance of 506.81 feet at a bearing of N89°48'44"W; Thence S00°10'09"W a distance of 399.73 feet to a point of beginning; Thence S89°49'51"E a distance of 173.34 feet; Thence S81°56'08"W a distance of 120.55 feet; Thence south a distance of 912.15 feet; Thence N89°46'02"W a distance of 56.73 feet; Thence N00°10'09"E a distance of 929.35 feet to the true point of beginning, more generally described as being located west of Haines Avenue and south of Kathryn Avenue.

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

23. No. 06SV026 - Black Hills Speedway Addition

A request by Sperlich Consulting, Inc. for Speedway Enterprises LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk along S.D. Highway 44, to install curb, gutter, sidewalk, water, and additional pavement along Jolly Lane and to waive sidewalk along Tulip Street as per Chapter 16.16 of the Rapid City Municipal Code** on the unplatted portion of the S1/2 SW1/4 NW1/4; and a portion of the NW1/4 SW1/4, North and East of Highway 44, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East Highway 44 and Jolly Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along S.D. Highway 44, to install curb, gutter, sidewalk, sewer, water, and additional pavement along Jolly Lane and to waive sidewalk along Tulip Street as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

24. No. 06SV033 - Starlite Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1A, 1B, 1C and 1D of Starlite Subdivision, formerly Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of Beale Street and Dyess Avenue and north of Eglin Street.

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 additional pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 6, 2006 Planning Commission meeting to allow the applicant to submit additional information.

25. No. 06SV036 - LaGrand Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks, street light conduit along East Anamosa Street; and, to waive the requirement to install curb, gutter, and sidewalks along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 3 of Block 2, LaGrand Subdivision, located in the NE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a Tract of land located in the NE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Beginning at the northeast corner of Section 4; Thence along the north line of Section 4 S89°43'48"W a distance of 124.58 feet, to a found pin and cap marked "LS 6251", the true point of beginning; Thence along the north line of Section 4 S89°46'10"W a distance of 541.59 feet, to a found pin and cap marked "LS 5680"; Thence S00°02'01"E a distance of 202.34 feet, to a found pin and cap marked "LS 6251"; Thence along the arc of a curve to the left whose radius points bears N13°38'28"E, having a radius of 925.00 feet, a central angle of 02°51'39" and an arc length of 46.19 feet; Thence N09°13'19"E a distance of 25.02 feet; Thence S80°46'41"E a distance of 50.00 feet; Thence S09°13'19"W a distance of 25.03 feet; Thence along the arc of a curve to the left whose radius points bears N07°40'58"E, having a radius of 925.00 feet, a central angle of 07°56'32" and an arc length of 128.22 feet; Thence N89°45'43"E a distance of 319.32 feet to a found pin and cap marked "LS 6251"; Thence N00°02'51"W a distance of 229.28 feet to the point of beginning. Said tract of land containing an area of 2.78 acres more or less, more generally described as being located northwest of the intersection of Elk Vale Road and East Anamosa Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks and street light conduit along East Anamosa Street, and, to waive the requirement to install curb, gutter, and sidewalks along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 6, 2006 Planning Commission meeting at the applicant's request.

26. No. 06SV037 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to reduce the Right-of-Way width from 45 feet to 20 feet; and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 6, Block 19, Red Rock Estates, Section 29,

T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6901 Ainsdale Court.

Planning Commission recommended that the Variance to the Subdivision Regulations to reduce the Right-of-way width from 45 feet to 20 feet; and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 6, 2006 Planning Commission meeting to allow the applicant to submit additional information.

*27. No. 06UR015 - LaGrand Subdivision

A request by Dream Design International, Inc. to consider an application for a **Conditional Use Permit to allow a Car Wash in General Commercial Zoning District** on a parcel of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of said Section 33, T2N, R8E, BHM, said point being coincident with the southeast corner of Section 28, T2N, R8E, BHM, and said point being located within Elk Vale Road right-of-way; thence, westerly along the south line of said Section 28, and coincident with the north line of said Section 33, N89°59'35"W, a distance of 127.35 feet, more or less, said point being located on the west line of Elk Vale Road right-of-way, and said point being marked by a rebar with aluminum SD-DOT cap, thence S00°07'49"E a distance of 183.05 feet, more or less to the point of beginning, said point being located on the west line of Elk Vale Road right-of-way, and said point being marked by a rebar with survey cap "LS 6565"; thence, S89°50'38"W, a distance of 59.44 feet, more or less, to a point marked by a rebar with survey cap "LS 6565"; thence, along the arc of a curve to the left whose chord bears S61°46'00"W and has a length of 102.48 feet, more or less, having a radius of 250.05 feet, more or less, and a central angle of 23°39'02" and an arc length of 103.21 feet, more or less; thence, S49°56'30"W; a distance of 101.29 feet, more or less, to a point marked by a rebar with survey cap "LS 6565"; thence, along the arc of a curve to the right whose chord bears S69°52'58"W and has a length of 238.78 feet, more or less, having a radius of 350.06 feet, more or less, a central angle of 39°52'57" and an arc length of 243.67 feet, more or less; thence, S45°00'26"W, a distance of 48.30 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, S00°00'28"W, a distance of 262.50 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, S89°59'35"E, a distance of 486.81 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, north along the west line of Elk Vale Road right-of-way, N00°07'57"W, a distance of 492.66 feet, more or less, to the point of beginning. Said tract of land contains 4.27 acres or 186,001 square feet, more or less, more generally described as being located southwest of the intersection of North Elk Vale Road and Eglin Street.

Planning Commission continued the Conditional Use Permit to allow a Car Wash in General Commercial Zoning District to the July 6, 2006 Planning Commission meeting to allow the applicant to provide additional information.

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

---END OF HEARING CONSENT CALENDAR---

22. No. 06RZ017 - McMahon Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential District to Medium Density Residential District** on a parcel of land located in Section 24, T2N, R7E, more particularly described as follows: Commencing at the center of Section 24, travel a distance of 506.81 feet at a bearing of N89°48'44"W; Thence S00°10'09"W a distance of 399.73 feet to a point of beginning; Thence S00°10'09"W a distance of 929.35 feet; Thence N89°46'02"W a distance of 824.84 feet; Thence N00°28'58"E a distance of 1028.45 feet; Thence S89°49'51"E a distance of 588.91 feet; Thence S00°10'09"W a distance of 100.00 feet; Thence S89°49'51"E a distance of 230.30 feet to the true point of beginning, more generally described as being located west of Haines Avenue and south of Kathryn Avenue.

Elkins stated that the staff's recommendation is that the Rezoning request be continued to the July 6, 2006 Planning Commission meeting.

Brown moved, Hennies seconded and unanimously carried to recommend that the Rezoning from Low Density Residential District to Medium Density Residential District be continued to the July 6, 2006 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)

Landguth moved, Hennies seconded and unanimously carried to reopen the hearing consent calendar.

A member of the audience requested that Item 17 be removed from the Hearing Consent Agenda for separate consideration.

*17. 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.

Bob Borgmeyer, president of Seladon Ranches, Inc. requested clarification for access to the Planned Development location and adjacent properties, specifically the expansion of Cog Hill Lane.

Elkins identified the location of the access points to the subject property.

Discussion followed.

Hennies moved, Brewer seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the July 6, 2006 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

Bulman requested that Items 28 and 29 be taken concurrently.

28. No. 06CA014 - Rapid City Greenway Tract
A request by Tim Carlson for DM&E Railroad Corp. to consider an application for an **Amendment to the Comprehensive Plan by revising Comprehensive Plan to change the land use designation from Floodway to Light Industrial** on DM&E Right-of-way adjacent to Tract 24A, less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Third Street and Omaha Street.
29. No. 06RZ014 - Rapid City Greenway Tract
A request by Tim Carlson for DM&E Railroad Corp. to consider an application for a **Rezoning from Flood Hazard District to Light Industrial District** on DM&E Right-of-way adjacent to Tract 24A, less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Third Street and Omaha Street.

Bulman presented the Comprehensive Plan and the Rezoning requests. Bulman stated that the Rezoning and the Comprehensive Plan Amendment are not necessary to allow the railroad improvements. Bulman further commented that a Conditional Use Permit or a SDCL 11-6-19 Review is needed prior to construction. Bulman further stated that staff's recommendation is that the Rezoning and Comprehensive Plan Amendment requests be denied. Discussion followed.

Terry Olson, Lamar Advertising expressed his support for staff's recommendation to deny the Rezoning and Comprehensive Plan Amendment requests.

Elkins stated that an e-mail from the applicant has been distributed on the dais from the applicant requesting that the Rezone and Comprehensive Plan Amendment be approved. Discussion followed.

Brown moved, Hennies seconded and unanimously carried to recommend that the Rezoning from Flood Hazard District to Light Industrial District and the Amendment to the Comprehensive Plan to change the land use designation from Floodway to Light Industrial be denied. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)

30. No. 06CA015 - Section 22, T1N, R7E

A request by Fred Weishaupl for Springbrook Acres Water Users Association to consider an application for an **Amendment to the Comprehensive Plan to amend the Major Street Plan by eliminating a portion of a collector street** on the unplatted portion of the NE1/4, less a portion of Lot 1 and less the unplatted portion of the SE1/4 NW1/4, all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Horse Creek Road southeast of the intersection of Hidden Timber Road and Jenny Gulch.

Fisher presented the Amendment to the Comprehensive Plan to amend the Major Street Plan by eliminating a portion of a collector street request. Fisher stated that staff's recommendation is that the Amendment request be denied. Fisher identified a copy of an e-mail received from an adjacent property owner requesting that the Amendment application be denied.

Fred Weishaupl, Springbrook Acres Water Users Association requested that the Amendment request be approved. Weishaupl expressed his opinion that the road would diminish the current open space.

Don Rathert, area resident expressed his opposition to the collector street on the Major Street Plan.

Jennifer Landguth, Signature Development, LLC, stated that she has had conversations with adjacent property owners and they have expressed concerns with possible negative impact to their property by eliminating the collector street from the major street plan. Discussion followed.

Hennies moved, Brown seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to amend the Major Street Plan by eliminating a portion of a collector street be denied. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)

Fisher requested that Items 31, 32, 33 and 34 be taken concurrently.

*31. No. 06PD030 - Skylines Pines East

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Planned Commercial Development - Initial Development Plan** on an unplatted tract of land located in the SE¼ SE¼ of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota described as follows;

beginning at the NW corner of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T1N, R7E, BHM, Travel 690.30 feet at a bearing S89°37'13"E to a point, then Travel 140.54 feet at a bearing S89°34'10"E to a point, then Travel 185.49 feet at a bearing S89°50'15"E to a point, then Travel 237.94 feet at a bearing S89°45'1"E to a point, then Travel 687.73 feet at a bearing N89°51'38"E to a point, then Travel 370.78 feet at a bearing S89°47'54"E to a point, then Travel 108.32 feet at a bearing S57°21'42"W to a point, then Travel 62.85 feet at a bearing S38°44'22"W to a point, then Travel 88.72 feet at a bearing S68°57'3"W to a point, then Travel 46.48 feet at a bearing S54°14'57"W to a point, then Travel 95.36 feet at a bearing S47°30'41"W to a point, then Travel 77.14 feet at a bearing S69°34'14"W to a point, then Travel 160.44 feet at a bearing S45°17'36"W to a point, then Travel 19.76 feet at a bearing S45°37'24"W to a point, then Travel 74.14 feet at a bearing S45°51'3"W to a point, then Travel 95.64 feet at a bearing S34°32'11"E to a point, then Travel 219.69 feet at a bearing S55°7'3"W to a point, then Travel 333.97 feet along a 292.60 RHF curve with a chord bearing S5°32'55"W, then Travel 166.06 feet at a bearing S44°48'23"E to a point, then Travel 38.11 feet along a 38.06 LHF curve with a chord bearing S39°36'26"E, then Travel 214.00 feet at a bearing S34°24'28"E to a point, then Travel 84.11 feet at a bearing S45°11'37"W to a point, then Travel 990.30 feet at a bearing S89°57'45"W to a point, then Travel 722.17 at a bearing N to a point, then Travel 536.64 feet at a bearing N65°58'10"W to a point, then Travel 427.77 feet at a bearing S55°15'47"W to a point, then Travel 625.45 feet at a bearing N00°31'58"E back to the origin. Parcel described contains 1,713,559.45 square feet or approximately 39.3 acres, more generally described as being located northwest of the intersection of Mount Rushmore Road and Tower Road.

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

*32. No. 06PD031 - Skyline Pines East

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Planned Residential Development - Initial Development Plan** on an unplatted Tract of land located in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota described as follows; beginning at the SW corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T1N, R7E, BHM. Travel 697.60 feet at a bearing of N00°16'55"E to a point, then Travel 427.77 feet at a bearing of N55°15'47"E to a point, then Travel 536.64 feet at a bearing of S65°58'10"E to a point, then Travel 722.17 feet at a bearing of S to a point, then Travel 845.09 feet at a bearing of S89°57'25"W to the origin. Parcel described contains 696815.78 square feet or approximately 16 acres, more generally described as being located northeast terminus of Pevans Parkway.

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

33. No. 06PL074 - Skyline Pines East

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Layout Plat** on Lots 1 thru 5, Skyline Pines East, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 SE1/4, less Walpole Heights Subdivision, and less right-of-way, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Mount Rushmore Road and Tower Road.

34. No. 06SV030 - Skyline Pines East

A request by Wyss Associates, Inc. for WEB Land Holdings, 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 along Fairmont Boulevard and to waive the requirement to install curb, gutter, sidewalk, street light conduit and to reduce right-of-way width from 52 feet to 49 feet and to reduce pavement width from 27 feet to 24 feet along Pevans Parkway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 5, Skyline Pines East, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 SE1/4, less Walpole Heights Subdivision, and less right-of-way, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Mount Rushmore Road and Tower Road.

Fisher presented the Planned Commercial Development, Planned Residential Development, Layout Plat and the Variance requests. Fisher stated that staff is recommending that the requests be continued to the July 6, 2006 Planning Commission meeting at the applicant's request.

Hennies moved, Landguth seconded and unanimously carried to recommend that the Planned Commercial Development - Initial Development Plan;

The Planned Residential Development - Initial Development Plan;

The Layout Plat;

The Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and reduce right-of-way width from 52 feet to 49 feet and to reduce pavement width from 27 feet to 24 feet along Pevans Parkway; and

The Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the south 550 feet of Fairmont Boulevard be continued to the July 6, 2006 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, and Waltman voting yes and none voting no)

Tegethoff requested that items 35 and 36 be taken concurrently.

35. No. 06PL069 - Meredith Subdivision

A request by Patricia Jo Meredith to consider an application for a **Layout Plat** on Lots 1 and 3, Meredith Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Pioneer Circle and Clarkson Road.

36. No. 06SV031 - Meredith Subdivision

A request by Patricia Jo Meredith to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, street light conduit, sidewalk, pavement and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 3, Meredith Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7601 Pioneer Circle.

Tegethoff stated that staff's recommendation is that the Layout Plat and the Variance requests be continued to the July 6, 2006 Planning Commission meeting to allow the applicant time to submit the required information.

**Brown moved, Waltman seconded and unanimously carried to recommend that the Layout Plat;
the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, and sewer along Pioneer Circle;
the Variance to the Subdivision Regulations to waive the installation of additional pavement along Pioneer Circle;
the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, and sewer along Bighorn Road; and,
the Variance to the Subdivision Regulations to waive the installation of pavement along Bighorn Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 6, 2006 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)**

Tegethoff requested that items 37 and 38 be taken concurrently.

37. No. 06PL077 - Moon Meadows Estates

A request by Robert and Jeanine Nikolas to consider an application for a **Layout Plat** on Lots 21A, 21B and 21C of Block 2, Moon Meadows Estates, formerly Lot 21, Block 2, Moon Meadows Estates, Section 33, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 21, Block 2, Moon Meadows Estates, Section 33, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 4265 Moon Meadows Drive.

38. No. 06SV032 - Moon Meadows Estates

A request by Robert and Jeanine Nikolas 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 21A, 21B and 21C of Block 2, Moon Meadows Estates, formerly Lot 21, Block 2, Moon Meadows Estates, Section 33, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 21, Block 2, Moon Meadows Estates, Section 33, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 4265 Moon Meadows Drive.

Tegethoff presented the Layout Plat and the Variance 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. Tegethoff requested that the Layout Plat and Variance requests be approved per staff's recommendations.

In response to Brown's questions, Elkins outlined the situations where the City has been successful in enforcing the Waiver of Right to Protest signed by property owners. Discussion followed.

Jeanine Nikolas, applicant, expressed her opposition to the requirement to install sewer. Discussion followed.

In response to Hadcock's question, Elkins stated that septic systems are in place on the adjacent properties. Lengthy discussion followed.

Hennies moved, Fast Wolf seconded and carried to recommend that the Layout Plat be approved with the following stipulations:

- 1. 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;**
- 2. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 3. 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 be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If on-site wastewater treatment systems are proposed then information on depth and type of soil, and capacity of septic tanks proposed must be submitted for review and approval and percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems be submitted for review and approval;**
- 4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a**

community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed and designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed;

5. Upon submittal of a Preliminary Plat application, road construction plans for Dunsmore Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 100 foot right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
6. Upon submittal of a Preliminary Plat application, road construction plans for that portion of Peridot Lane along the south side of the subject property shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 49 foot 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;
7. Upon submittal of a Preliminary Plat application, a Wildland Fuel Mitigation plan be submitted for review and approval;
8. Prior to Preliminary Plat approval by Planning Commission a Variance to the Subdivision Regulations to allow lots twice as long as they are wide shall be obtained or the lots shall be reconfigured to meet the adopted standard;
9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
10. 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 install curb, gutter, street light conduit, sidewalk, and pavement along Dunsmore 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;

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the installation of water and sewer along Dunsmore Road as per Chapter 16.16 of the Rapid City Municipal Code be denied;

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

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

Planning Commission recommended that the Variance to the Subdivision

Regulations to waive the installation of water, sewer, and pavement along Peridot Lane as per Chapter 16.16 of the Rapid City Municipal Code be denied. (7 to 1 with Anderson, Andrews, Brown, Fast Wolf, Hennies, Landguth and Waltman voting yes and Brewer, voting no)

Fisher requested that items 39 and 40 be taken concurrently.

39. No. 06PL081 - Blake Estates

A request by Rob Livingston for James W. Peterson to consider an application for a **Layout Plat** on Lots 1 thru 15, and common Lot 1, Black Estates, formerly Tract A of Government Lots 1 and 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lots 1 and 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6620 West Highway 44.

40. No. 06SV034 - Blake Estates

A request by Rob Livingston for James W. Peterson 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 Blake Lane; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along SD Highway 44; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 49 foot wide access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 15, and common Lot 1, Black Estates, formerly Tract A of Government Lots 1 and 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lots 1 and 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 6620 West Highway 44.

Fisher presented the Layout Plat and the Variance requests. Fisher stated that staff recommends that the Layout Plat and the Variance requests be continued to the July 6, 2006 Planning Commission meeting as the legal notification requirement for the Variance to the Subdivision Regulations had not been met.

Brewer moved, Landguth seconded and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Blake Lane; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along SD Highway 44; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 49 foot wide access easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 6, 2006 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)

Bulman requested that items 41 and 42 be taken concurrently.

41. No. 06PL082 - Seljeskog Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1, 2 and 3, Seljeskog Subdivision, located in the SE1/4 NE1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land described as the SW1/4 SE1/4 SE1/4 NE1/4; SE1/4 SW1/4 SE1/4 NE1/4; NW1/4 NE1/4 NE1/4 SE1/4; NE1/4 NW1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 2151 Skyline Ranch Road.

42. No. 06SV035 - Seljeskog Subdivision
A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, additional pavement, additional right-of-way and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3, Seljeskog Subdivision, located in the SE1/4 NE1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land described as the SW1/4 SE1/4 SE1/4 NE1/4; SE1/4 SW1/4 SE1/4 NE1/4; NW1/4 NE1/4 NE1/4 SE1/4; NE1/4 NW1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2151 Skyline Ranch Road.

Bulman presented the Preliminary Plat and the Subdivision Variance requests. Bulman stated that staff's recommendation is to continue the Plat and Variance requests to the July 6, 2006 Planning Commission meeting.

Dr. Seljeskog, applicant requested that the Planning Commission approve the Preliminary Plat and Variance requests. Discussion followed.

Michelle Sweitzer, Dream Design International stated that the applicant has submitted two appeals for the denial of an Exception Requests for cul-de-sac length and for fire access turnaround to the Public Works Committee for consideration on June 27, 2006.

Landguth moved, Brown 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, additional pavement, additional right-of-way and sewer as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 6, 2006 Planning Commission meeting to allow the applicant to submit additional information. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)

43. No. 06SR045 - Rapid City Greenway Tract
A request by Rosenbaum Signs to consider an application for an **SDCL 11-6-19 Review to allow the installation of a sign on public property** on Tract 8, Rapid City Greenway Tract, Sections 3, 4 and 10, T1N, R7E, BHM, Rapid City,

Pennington County, South Dakota, more generally described as being located at 2900 Jackson Boulevard.

Bulman presented the SDCL 11-6-19 Review to allow the installation of a sign on public property. Bulman stated that staff is recommending that the SDCL 11-6-19 Review request be denied. Bulman read an e-mail submitted by Karen Gundersen-Olson expressing opposition to the SDCL 11-6-19 Review request.

Steve McCarthy, expressed his opposition to the installation of reader board signage in public parks. Discussion followed.

Waltman moved, Anderson seconded and unanimously carried to deny the SDCL 11-6-19 Review to allow the installation of a sign on public property. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

44. 06TP008 – Preliminary Rapid City Area Transportation Improvement Program (Fiscal Years 2007-2011)

Elkins presented the Preliminary Rapid City Area Transportation Improvement Program. Elkins stated that staff is recommending that the request be continued to the July 6, 2006 Planning Commission meeting.

Brown moved, Anderson seconded and unanimously carried to recommend that the Preliminary Rapid City Area Transportation Improvement Program (Fiscal Years 2007-2011) be continued to the July 6, 2006 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Prairie Chicken, Schmidt and Waltman voting yes and none voting no)

*45. No. 06UR014 - Huffman Subdivision

A request by Britton Engineering & Landscaping for Century Development Co. to consider an application for a **Conditional Use Permit to allow a mini-warehouse in the General Commercial Zoning District** on Lot 2 of Huffman Subdivision, located in the N1/2 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East North Street between North Campbell Street and East Anamosa Street.

Elkins stated that staff's recommendation is that the Conditional Use Permit to allow a mini-warehouse in the General Commercial Zoning District be denied without prejudice at the applicant's request.

Hennies moved, Waltman seconded and unanimously carried to deny the Conditional Use Permit to allow a mini-warehouse in the General Commercial Zoning District without prejudice. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, 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.

46. No. 06VE013 - Section 17, T2N, R7E

A request by Arthur W. Janklow to consider an application for a **Vacation of Access Easement and Vacation of Utility and Drainage Easement** on Tract C of Lot B, located in the NE1/4 NW1/4, less Pengra Subdivision, Section 17, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4835 Sturgis Road.

Tegethoff presented the Vacation of Access Easement and Vacation of Utility and Drainage Easement. Tegethoff stated that staff is recommending that the Vacation requests be approved with stipulations.

Brewer moved, Landguth seconded and unanimously carried to recommended that the Vacation of an Access Easement and a Utility Easement be approved with the following stipulations:

- 1. Prior to Planning Commission approval, a site plan shall be submitted for review and approval;**
- 2. Prior to City Council approval, a revised Exhibit "A" must be submitted showing only those portions of the access easement and utility easement to be vacated; and,**
- 3. Prior to City Council, a miscellaneous document shall be recorded with the Register of Deeds office creating an access easement along the existing roadway. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, and Waltman voting yes and none voting no)**

**ADDENDUM TO
AGENDA
CITY OF RAPID CITY PLANNING COMMISSION
June 22, 2006 at 7:00 a.m.**

46A. No. 06OA003 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to Chapter 16.16.090 of the Rapid City Municipal Code to require that sidewalks for subdivisions be constructed at the time a building permit is obtained.**

Elkins presented the Ordinance Amendment to Chapter 16.16.090 of the Rapid City Municipal Code to require that sidewalks for subdivisions be constructed at the time a building permit is obtained. Elkins stated that the proposed Ordinance Amendment has been brought forward for Planning Commission review from the Council Development Committee with the recommendation for approval.

Discussion followed.

Landguth requested that the Planning Commission approve the Ordinance with an additional recommendation to City Council that as part of two year warranty inspection that staff would check the status of sidewalk and provide a report to the City Council for consideration of action to order in sidewalks.

Fast Wolf left the meeting at this time.

Steve Brenden expressed his opposition to the proposed Ordinance Amendment due to concerns with what would occur in the three mile platting jurisdiction.

Andrews expressed his support for the Ordinance Amendment.

Landguth moved, Waltman seconded and unanimously carried to recommend that the Ordinance Amendment to Chapter 16.16.090 of the Rapid City Municipal Code to require that sidewalks for subdivisions be constructed at the time a building permit is obtained be approved. (7 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, and Waltman voting yes and none voting no)

47. Discussion Items

48. Staff Items

A. Creation of Committee to Develop Silver Street Overlay District

Elkins requested volunteers from the Planning Commission members for the Silver Street Overlay District Steering Committee. Landguth, Brown and Brewer volunteered.

B. Elkins requested volunteers from the Planning Commission to review the Requests for Proposals for the Inter-tie Study. She noted that the committee will be meeting on Friday June 23, 2006 at 8:00 a.m. Andrews volunteered to serve on the Inter-tie Committee.

C. Elkins reviewed the proposed date for the Planning Commission training session. Discussion followed on the ability of variance Planning Commissioners to attend. Andrews directed that the training session will be held on Friday July, 21st from 11:30 to 1:30.

49. Planning Commission Items

A. Landguth expressed concern for subdivisions approved without curb and gutter and open pipe. Elkins suggested that Bob Dominicak review with County staff for information and research, and bring forward research as a discussion item in one month.

There being no further business, Brown moved, Landguth seconded and unanimously carried to adjourn the meeting at 8:46 a.m. (7 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Prairie

Chicken, Schmidt and Waltman voting yes and none voting no)