



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 6, 2006

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

STAFF PRESENT: Marcia Elkins, 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 7:00 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.

Staff requested that Items 5 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Hennies, Seconded by Anderson and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 15 in accordance with the staff recommendations with the exception of Item 5. (8 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, Schmidt and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the June 22, 2006 Planning Commission Meeting Minutes.
2. No. 05CA018 - Major Street Plan Amendment
A request by City of Rapid City to consider an application for a **Summary of Adoption action on an Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads** on Sections 23, 24, 25, 26, 34, 35 and 36 in T1N, R7E, BHM, Pennington County, South Dakota, and Sections 19, 29, 30, 31 and 32, T1N, R8E, BHM, Pennington County, South Dakota, and Sections 1, 2, 3, 11 and 12, T1S, R7E, BHM, Pennington County, South Dakota, and Sections 5, 6, 7, 8, 17 and 18, T1S, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Minnesota Street, north of Spring Creek Road, east of US Highway 16 and west of SD Highway 79.

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

3. No. 06AN003 - Elk Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates.

Planning Commission recommended that the Petition for Annexation be continued to the July 27, 2006 Planning Commission meeting at the applicant's request.

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 27, 2006 Planning Commission meeting.

6. 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 Eglin Street.

Planning Commission recommended that the Preliminary Plat be continued to the July 27, 2006 Planning Commission meeting to allow the applicant to submit additional information.

7. 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 at the northwest corner of the intersection of Elk Vale Road and East Anamosa Street.

Planning Commission recommended that the Preliminary Plat be continued to the July 27, 2006 Planning Commission meeting to allow the applicant time to submit the required information.

8. No. 06PL086 - Tower Place

A request by Renner & Associates for Andrea K. Sabow to consider an application for a **Preliminary Plat** on Tracts A, B and C, Tower Place, (description formerly as shown in Book 57 of Deeds, Page 7057, recorded on January 26, 1995), located in the N1/2 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 E1/4 NW1/4 SW1/4, Section 14, T1N, R7E, BHM, Pennington County, South Dakota, excepting there from Lot B of the S1/4 NW1/4, N1/4 SW1/4, Section 14, shown on the plat filed in Plat Book 3, Page 155, and also excepting there from Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and that part of the NE1/4 SW1/4, Section 14, bounded on the north by Lot B of the S1/4 NW1/4 and the N1/4 of the SW1/4, Section 14, shown on the plat filed in Plat Book 3, page 155, and bounded on the east by the right-of-way for "Old U.S. Highway 16" shown on the plat filed in Highway Plat Book 2, Page 48, and bounded on the south by Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and bounded on the west by the west boundary line of said NE1/4 SW1/4, more generally described as being located at 1640 Skyline Ranch Road.

Planning Commission recommended that the Preliminary Plat be continued to the July 27, 2006 Planning Commission meeting to allow the applicant to submit additional information.

9. No. 06PL088 - Knight's of Columbus Subdivision

A request by Fisk Land Surveying for Del Solano for the Rapid City Columbian Club, Inc. to consider an application for a **Preliminary Plat** on Lots A and B of Knight's of Columbus Subdivision, formerly the west five feet of Lot 9 and 10 thru 16 inclusive, Lots 25 thru 27, and the north 70 feet of the Lot 17, less Lot H-1 and Lots 18 thru 24 inclusive of Block 126 of the Original Townsite of Rapid City, including the vacated alley adjoined thereto, all located in the NW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the west five feet of Lot 9 and 10 thru 16 inclusive, Lots 25 thru 27, and the north 70 feet of the Lot 17, less Lot H-1 and Lots 18 thru 24 inclusive of Block 126 of the Original Townsite of Rapid City, including the vacated alley

adjoined thereto, all located in the NW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 910 Fifth Street and 918 Fifth Street.

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

- 1. Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show a non-access easement along 5th Street and Columbus Street except for the approved approach location(s).**

10. No. 06PL090 - Elk Meadows Subdivision

A request by Dream Design International to consider an application for a **Preliminary Plat** on Lots 1 thru 5 of Block 1, Lots 1 thru 10 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 and 26 of Block 6, Lot 1 of Block 7, Lots 1 and 36 thru 41 of Block 8, Lots 1 thru 11 of Block 9, Lots 1 thru 13 of Block 10, Lots 1 thru 30 of Block 11 and Lot A and Lots 1 thru 23 of Block 12 and Dedicated Right-of-Way located in the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of the intersection of Elk Vale Road and Old Folsom Road.

Planning Commission recommended that the Preliminary Plat be continued to the July 27, 2006 Planning Commission meeting to allow the applicant to submit additional information.

11. No. 06PL091 - McMahan Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Tract J, McMahan Subdivision, located in the NE1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of land located in the NE1/4 SW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and south of Kathryn Avenue.

Planning Commission recommended that the Preliminary Plat be continued to the July 27, 2006 Planning Commission meeting to allow the applicant time to submit the required information.

12. 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 August 10, 2006 Planning Commission meeting.

13. 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 a 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 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 27, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.

14. No. 06SR052 - Elk Meadows Subdivision

A request by Dream Design International to consider an application for an **SDCL 11-6-19 Review to allow the construction of a city park** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 4511 Jolly Lane.

Planning Commission continued the SDCL 11-6-19 Review to allow for construction of a city park to the July 27, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.

15. No. 06SR053 - Steele Subdivision

A request by James S. Steele Construction Co., Inc. to consider an application for an **SDCL 11-6-19 Review to relocate a portion of sewer line** on Lots 4 and 5, Steele Subdivision, located in the NW1/4, SE1/4, NE1/4 SE1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2944 and 2951 Evergreen Drive.

Planning Commission approved the SDCL 11-6-19 Review to relocate a portion of sewer line with the following stipulation:

1. **The sewer main shall be relocated and constructed as per the approved construction plans.**

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

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.

Elkins presented the Preliminary Plat. Elkins requested that Preliminary Plat request be approved with stipulations as per staff's recommendations.

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

- 1. Prior to Preliminary Plat approval by the City Council, all red lined comments shall be addressed and red lined documents returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, a revised site plan showing a 50 foot non-access easement on all corner lots shall be submitted for review and approval;**
- 3. Prior to approval of the Preliminary Plat approval by the City Council, an exception to the Street Design Criteria Manual shall be submitted and obtained for the separation between Derringer Road and Flintlock Court or the plans shall be revised to provide the minimum 125 foot separation requirement;**
- 4. Prior to Preliminary Plat approval by the City Council, additional drainage calculations shall be submitted and redline comments on the drainage information addressed. The drainage easement(s) shall be shown on the grading plan;**
- 5. Prior to Preliminary Plat approval by the City Council, a water system analysis, including water supply and source, demonstrating that sufficient quantities for domestic and fire flows are available shall be submitted for review and approval;**
- 6. Prior to Preliminary Plat approval by the City Council, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, 100 feet of right-of-way and a minimum of a 24 foot wide paved surface along the Longview Road shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 7. Prior to Preliminary Plat approval by the City Council, a revised plat showing a non-access easement in accordance with the provisions of the Street Design Criteria Manual along Longview Road as it abuts the subject property shall be submitted for review and approval;**
- 8. Prior to Preliminary Plat approval by the City Council, road construction plans for the turn-around with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface for fire apparatus at the end of Springfield Road shall be submitted for review and approval as identified or a Variance to the Subdivision Regulations shall be obtained;**
- 9. Prior to Preliminary Plat approval by the City Council, a private utility plan shall be submitted for review and approval;**
- 10. Prior to Preliminary Plat approval by the City Council, a cost estimate**

- for the subdivision improvements shall be submitted for review and approval;
11. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 12. Prior to Preliminary Plat approval by the City Council, information shall be submitted to the Growth Management Department demonstrating that the Rapid Valley Sanitation District staff has reviewed and approved the utility plans. (8 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, Schmidt and Waltman voting yes and none voting no)

Andrews announced that the Public Hearings on Items 16 through 43 were opened.

Staff requested that Items 20 and 34 be removed from the Hearing Consent Agenda for separate consideration.

Brewer requested that Items 40 thru 43 be removed from the Hearing Consent Agenda for separate consideration.

Brown moved, Anderson seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 16 through 43 in accordance with the staff recommendations with the exception of Items 20, 34 and 40 thru 43. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

The Public Hearings for Items 16 through 43 were closed.

LeMay arrived at this time.

---HEARING ITEMS CONSENT CALENDAR---

16. 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 27, 2006 Planning Commission meeting at the applicant's request.

17. No. 06CA016 - McMahon Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development** 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 Comprehensive Plan from Residential to General Commercial with a Planned Commercial Development be approved.

18. No. 06CA017 - Geld Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Eldene Henderson to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development** on Lot 3, Geld Subdivision, located in the NE1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2425 Haines Avenue.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development be approved.

19. No. 06CA018 - Elk Meadows Subdivision

A request by Dream Design International to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Low Density Residential with a Planned Residential Development** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates.

Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Low Density Residential with a Planned Residential Development be continued to the July 27, 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.

*21. 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 NW $\frac{1}{4}$ SW $\frac{1}{4}$, lying South of Catron Boulevard, in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the Northeast corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, Thence S25 $^{\circ}$ 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 $^{\circ}$ 51'23"W, 193.96 feet; thence N70 $^{\circ}$ 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 $^{\circ}$ 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 $^{\circ}$ 38'45", an arc distance of 11.07 feet to a point of reversed curvature; Thence continuing northerly along said easterly right-of-way line of Bendt Drive the following two courses; Thence northerly along the arc of said curve to the left whose radius is 226.00 feet, and whose delta angle is 33 $^{\circ}$ 41'44", an arc distance of 132.91 feet to a point of tangency; Thence N12 $^{\circ}$ 19'03"E, 57.83 feet to a point lying on the southerly right-of-way line of Catron Boulevard; said point is also lying on a curve concave to the southwest and whose chord bears S70 $^{\circ}$ 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 $^{\circ}$ 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.

Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the August 10, 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.

*22. No. 06PD038 - PLM Subdivision, Phase 2B

A request by Centerline, Inc. for PLM Development, LLC to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on a parcel of land located in Sections 13, 14, 23 and 24, T1N, R7E, BHM, more particularly described as follows: Commencing from the point of beginning, the corner common to Sections 13, 14, 23 and 24, T1N, R7E, BHM, an Original Stone, thence N00°03'48"E - 276.25 feet to a point, thence, East - 108.00 feet to a point, thence N53°40'25"E - 52.00 feet, thence thru a right-hand concave curve with a radius of 174.00 feet, a delta angle of 13°29'21", a length of 40.97 feet and a chord bearing of S43°04'16"E, thence S49°48'57"E - 11.91 feet to the PC of a right-hand curve with a delta angle of 17°19'53", a radius of 226.00 feet and a length of 68.36 feet, thence N82°32'05"E - 189.97 feet to a point, thence South - 245.26 feet to a point, thence S89°41'35"E - 898.84 feet to a 1/16 corner, a Davis cap, thence S89°40'08"E - 315.33 feet to a point, thence S00°19'52"W - 200.00 feet to a point, thence S89°40'08"E - 119.44 feet to a point, thence S20°04'47"W - 199.80 feet to a point, thence S69°55'13"E - 25.39 feet to the P.C. of a right-hand curve with a radius of 226.00 feet, a delta angle of 24°52'08" and a length of 98.09 feet, thence S45°03'05"E - 50.00 feet to the P.C. of a right hand curve with a radius of 174.00 feet, a delta angle of 23°44'58" and a length of 72.12 feet, thence S68°48'03"E - 92.38 feet to the southwest corner of Lot 5B in Block 2 of PLM Subdivision, a Hanson cap, thence S16°51'47"W - 52.15 feet across the Enchanted Pines Drive R.O.W. to the northwest corner of Lot 15B of Block 1 of PLM Subdivision, a Hanson cap, thence N68°48'03"W - 96.33' to the P.C. of a right-hand curve with a radius of 226.00', a delta angle of 23°44'58" and a length of 93.68 feet, thence N45°03'05"W - 50.00 feet to the P.C. of a left-hand curve with a radius of 174.00 feet, a delta angle of 06°21'00" and a length of 19.28 feet, thence S20°04'47"W - 185.99 feet to a point, thence N75°37'52"W - 502.50 feet to a point, thence S80°28'46"W - 241.41 feet to a point, thence S86°55'12"W - 205.00 feet to a point, thence N82°29'46"W - 250.70 feet to a point, thence S78°30'13"W - 226.00 fet to a point, thence S85°21'13"W - 20.72 feet to a point, thence S0°04'37"W - 101.40 feet to a point, thence S07°18'36"W - 49.39 feet to a point, thence S00°04'37"W - 98.57 feet to a point, thence S72°34'37"E - 190.47 feet to the northwest corner of Lot 12 in Block 2 of Eastridge Estates Subdivision, an Arleth cap, thence S26°32'09"W - 173.67 feet to the Southwest corner of Lot 12 of Block 2 of Eastridge Estates Subdivision, an Arleth cap, thence S26°32'09"W - 52.00 feet across the Stumer Road R.O.W. to a point, thence thru a left- hand curve with a radius of 326.00 feet, a delta of 09°18'16" and a length of 52.94 feet to the Northwest corner of Lot 15 in Block 1 of Eastridge Estates Subdivision, an

Arleth cap, thence S17°11'50"W - 560.27 feet to the Southwest corner of Lot 15 in Block 1 of Eastridge Estates Subdivision, an Arleth cap, thence N89°42'39"W - 214.91 feet to the northwest corner of Enchanted Hills Subdivision No. 4, a Britton cap, thence N0°04'37"E - 1658.97 feet to the Section Corner and Point of Beginning. Said parcel containing 32.63 Acres more or less, more generally described as being located south of Minnesota Street and west of Fifth Street.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the July 27, 2006 Planning Commission meeting to allow the applicant to submit a corrected legal description.

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.

*23. No. 06PD039 - Bradsky Subdivision

A request by Centerline for DJS Holdings to consider an application for a **Major Amendment to a Planned Commercial Development to revise the landscape plan, the access and utility easement and the fence requirement** on Lot 2B of Lot B, Block 15, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1501 Cambell Street.

Planning Commission approved the Major Amendment to a Planned Commercial Development to revise the landscape plan, the access and utility easement and the fence requirement 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 of the car wash addition;**
- 2. Prior to Planning Commission approval, a sign package shall be submitted showing all signage provided or a Major Amendment to the Planned Commercial Development must be obtained for any additional signage;**
- 3. Prior to installation of any signage a sign permit shall be obtained;**
- 4. The request to remove the requirement for a five to six foot high wooden privacy fence along the south property line is hereby granted;**
- 5. Prior to issuance of a building permit, a revised landscape plan must be submitted for review and approval showing the lawn area to remain in the right-of-way;**
- 6. Prior to issuance of a building permit, the applicant shall submit and obtain approval from of a vacation of a portion of an access and utility easement;**
- 7. Prior to construction, the applicant shall obtain a DOT Right-of-Way Permit for work in the right-of-way;**
- 8. The landscaping shall continually comply with the approved site plan and be maintained in a live vegetative state; and,**

9. **The Major Amendment to a Planned Commercial Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

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.

*24. No. 06PD043 - Robbinsdale Subdivision

A request by Kahler Property Management for Robert Froehlich to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 1 thru 20, Block 1, Robbinsdale Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 311 East St. Patrick Street.

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

1. **Planning Commission hereby determines the leather goods retail and repair is an appropriate use for the district and any change in use will require a Major Amendment to the Planned Commercial Development;**
2. **The screening requirement is hereby waived until such time as the building is expanded or removed and a new structure is built on the subject property. At the time the building is expanded or removed and a new structure is built the subject property shall conform to all of the regulations of the district in which it is located;**
3. **The landscape requirement is hereby waived until such time as the building is expanded or removed and a new structure is built on the subject property. At the time the building is expanded or removed and a new structure is built the subject property shall conform to all of the regulations of the district in which it is located;**
4. **The submitted parking plan is hereby approved as submitted with a total of 99 parking stalls, of which 76 are in compliance with Section 17.50.270 of the Rapid city Municipal Code, until such time as the building is expanded or removed and a new structure is built on the subject property. At the time the building is expanded or removed and a new structure is built the subject property shall conform to all of the regulations of the district in which it is located;**
5. **Prior to Planning Commission approval, a sign package must be submitted showing all signage provided or a Minimal Amendment to the Planned Commercial Development must be obtained for any additional signage;**
6. **Prior to installation of any signage a sign permit shall be obtained; and,**
7. **The Planned Commercial Development – Initial and Final Development Plan shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if**

the use as approved has ceased for a period of two years.

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.

25. 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 27, 2006 Planning Commission meeting at the applicant's request.

26. 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 Boulevard.

Planning Commission recommended that the Rezoning from Low Density Residential District to Medium Density Residential District be approved in conjunction with the associated Planned Development Designation.

27. No. 06RZ018 - Geld Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Eldene Henderson to consider an application for a **Rezoning from Low Density Residential District to General Commercial District** on Lot 3, Block 1, Geld Subdivision, located in the NE1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2425 Haines 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 a Planned Development Designation.

28. No. 06RZ019 - Elk Meadows Subdivision

A request by Dream Design International to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be continued to the July 27, 2006 Planning Commission meeting at the applicant's request.

29. 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 27, 2006 Planning Commission meeting to allow the applicant to submit additional information.

30. 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 at the northwest corner 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 27, 2006 Planning Commission meeting to allow the applicant time to submit the required information.

31. 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 27, 2006 Planning Commission meeting to allow the

applicant to submit additional information.

32. No. 06SV038 - Tower Place

A request by Renner & Associates for Andrea K. Sabow 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 reduce pavement width as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts A, B and C, Tower Place, (description formerly as shown in Book 57 of Deeds, Page 7057, recorded on January 26, 1995), located in the N1/2 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 E1/4 NW1/4 SW1/4, Section 14, T1N, R7E, BHM, Pennington County, South Dakota, excepting there from Lot B of the S1/4 NW1/4, N1/4 SW1/4, Section 14, shown on the plat filed in Plat Book 3, Page 155, and also excepting there from Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and that part of the NE1/4 SW1/4, Section 14, bounded on the north by Lot B of the S1/4 NW1/4 and the N1/4 of the SW1/4, Section 14, shown on the plat filed in Plat Book 3, page 155, and bounded on the east by the right-of-way for "Old U.S. Highway 16" shown on the plat filed in Highway Plat Book 2, Page 48, and bounded on the south by Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and bounded on the west by the west boundary line of said NE1/4 SW1/4, more generally described as being located at 1640 Skyline Ranch 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, and to reduce pavement width as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 27, 2006 Planning Commission meeting to allow the applicant to submit additional information.

33. No. 06SV039 - Elk Meadows Subdivision

A request by Dream Design International to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 5 of Block 1, Lots 1 thru 10 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 and 26 of Block 6, Lot 1 of Block 7, Lots 1 and 36 thru 41 of Block 8, Lots 1 thru 11 of Block 9, Lots 1 thru 13 of Block 10, Lots 1 thru 30 of Block 11 and Lot A and Lots 1 thru 23 of Block 12 and Dedicated Right-of-Way located in the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of the intersection of Elk Vale Road and Old Folsom Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 27, 2006 Planning Commission meeting to be heard in conjunction with an associated Preliminary Plat.

*35. 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 at the southwest corner 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 27, 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.

*36. No. 06UR016 - Schoenhard Subdivision

A request by BB&R Properties, LLP to consider an application for a **Conditional Use Permit to construct mini-warehousing for storage services in the**

General Commercial Zoning District on Lot BR, Shoenhard Subdivision, located in the N1/2 SE1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3400 West Chicago Street.

Planning Commission denied the Conditional Use Permit to allow a mini-warehouse in the General Commercial Zoning District without prejudice 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.

*37. No. 06UR017 – Section 5, T1N, R8E

A request by City of Rapid City to consider an application for a **Major Amendment to a Conditional Use Permit to correct the boundaries of the Conditional Use Permit** on a portion of Lot B of Lot 3 of Tract D of the SW1/4 of the SW1/4, Section 5, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the southwesterly corner of said Lot B of Lot 3 of Tract D of the SW1/4 of the SW1/4 of Section 5: Thence, N10°21'12"E, a distance of 182.39 feet, to a point on the westerly wall of the existing building, common to the southwesterly corner of the License Area, and the Point of Beginning; Thence, first course: N00°08'01"E, along the westerly edge of the westerly wall of said building, a distance of 29.33 feet, to the northwesterly corner of the License Area; Thence, second course: S89°51'59"E, along the northerly edge of a common wall, a distance of 40.50 feet, to a corner of said License Area; Thence, third course: S45°54'46"E, along the northerly edge of a common wall, a distance of 22.57 feet, to the northeasterly corner of said License Area; Thence, fourth course: S00°08'01"W, along the easterly edge of a common wall, a distance of 9.00 feet, to a corner of said License Area; Thence, fifth course: N89°51'59"W, along the southerly edge of a common wall, a distance of 6.00 feet, to a corner of said License Area; Thence, sixth course: S00°08'01"W, along the easterly edge of a common wall, a distance of 13.00 feet, to the southeasterly corner of said License Area; Thence, seventh course: N89°51'59"W, along the southerly edge of a common wall, a distance of 22.00 feet, to a corner of said License Area; Thence, eighth course: N00°08'01"E, along the westerly edge of a common wall, a distance of 8.33 feet, to a corner of said License Area; Thence, ninth course: N89°51'59"W, along the southerly edge of a common wall, a distance of 28.75 feet, to a point on the westerly wall of the existing building, common to the southwesterly corner of the License Area, and the Point of Beginning; Said Parcel contains 1,693 square feet or 0.039 acres more or less, more generally described as being located at 1624 East St. Patrick Street.

Planning Commission approved the Major Amendment to a Conditional Use Permit to correct the boundaries of the Conditional Use Permit with the following stipulations:

1. **A building permit shall be obtained prior to any construction on the tenant space and a certificate of occupancy shall be obtained prior to occupancy;**
2. **A sign permit shall be obtained prior to installation of any signage;**
3. **Any additional signage must meet all Sign Code regulations and will require a Minimal Amendment to the Conditional Use Permit;**
4. **The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
5. **The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
6. **All applicable provisions of the International Fire Codes shall be continually met; and,**
7. **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.**

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

38. No. 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 August 10, 2006 Planning Commission meeting at the applicant's request.

39. No. 06VR006 - Sections 13 and 24, T1N, R7E

A request by Centerline, Inc. for PLM Development, LLC to consider an application for a **Vacation of Section Line Highway** on the Section Line highway located adjacent to SW1/4 SW1/4, Section 13, T1N, R7E; and adjacent to the NW1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Minnesota Street and west of Fifth Street.

Planning Commission recommended that the Vacation of Section Line Highway be approved with the following stipulation:

1. **Prior to City Council approval, documentation from US West Communications shall be submitted indicating no objection to the vacation request.**

---END OF HEARING CONSENT CALENDAR---

*20. 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.

Elkins presented the Planned Residential Development – Initial and Final Development Plan. Elkins stated that staff's recommendation is that the Planned Residential Development request be continued to the July 27, 2006 Planning Commission meeting at the applicant's request.

LeMay moved, Brown seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the July 27, 2006 Planning Commission meeting. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

34. No. 06SV040 - Murphy Ranch Estates Subdivision

A request by Davis Engineering, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer and pavement along Longview Road as per Chapter 16.16**

of the Rapid City Municipal Code 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.

Elkins presented the Variance to the Subdivision Regulations request. Elkins stated that staff's recommendation is to approve the Variance request with one stipulation.

Hennies moved, Landguth seconded and unanimously carried to approve the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer and pavement along Longview Road as per Chapter 16.16 of the Rapid City Municipal Code with the following stipulation:

- 1. Prior to City Council approval, the property owner shall enter into a Waiver of Right to Protest an Assessment Project Agreement for curb, gutter, sidewalk, sewer and pavement along Longview Road. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)**

40. 06TP008 – Draft Rapid City Area Transportation Improvement Program (Fiscal Years 2007-2011)
41. 06TP002 – Revision to 2006 – 2010 Transportation Improvement Program Amendment No. 06-003
42. 06TP010 – 2006 – 2010 Transportation Improvement Program Amendment No. 06-006
43. 06TP011 – 2006 – 2010 Transportation Improvement Program Amendment No. 06-007

In response to Brewer's questions, Elkins clarified the purpose of the updated plans and amendments.

**Brown moved, Anderson seconded and unanimously carried to recommend approval of the draft 2007 - 2011 Rapid City Area Transportation Improvement Program (06TP008);
The Revision to 2006-2010 Transportation Improvement Program Amendment #06-003 (06TP002);
The 2006-2010 Transportation Improvement Program Amendment #06-006 (06TP010); and,**

The 2006-2010 Transportation Improvement Program Amendment #06-007 (06TP011). (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Tegethoff requested that items 44 and 45 be taken concurrently.

44. 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.

45. 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 to continue the Layout Plat and Variance requests to the July 27, 2006 Planning Commission meeting.

LeMay moved, Schmidt 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, street light conduit, sidewalk, and sewer along Pioneer Circle as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 27, 2006 Planning Commission meeting. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

Elkins requested that items 46, 47, 48 and 49 be taken concurrently.

46. 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.

- *47. No. 06PD030 - Skyline 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 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 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.

*48. 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.

49. 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.

Elkins stated that staff's recommendation is that the Layout Plat, Planned Developments and the Variance requests be continued to the July 27, 2006 Planning Commission meeting at the applicant's request. Discussion followed regarding reasons for the continuation.

Brewer moved, Waltman seconded and unanimously carried to continue the Layout Plat, Planned Commercial Development - Initial Development Plan, Planned Residential Development - Initial Development Plan and the 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 the July 27, 2006 Planning Commission meeting at the applicant's request. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

50. 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.

Elkins presented the Layout Plat and staff's recommendation to approve the request with stipulations. Elkins reviewed the related Subdivision Variance request.

Don Van Etten, requested that Andrews recuse himself from the vote and discussion on this item. Van Etten expressed his opposition to the proposed development on the subject property. Van Etten expressed concerns with availability of water supply and increased density on the subject property.

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

Elkins stated that the subject property is located within the three-mile platting jurisdiction of Pennington County and the County has decided that the proposed density is appropriate. Elkins stated that the City's responsibility to address the

plating issue, the public improvements, and related issues. Elkins advised that the purpose of the Layout Plat is to identify the major issues that would need to be addressed during the design process. Elkins reviewed the recommended stipulations of approval. Discussion followed.

In response to Landguth's question, Rod Livingston reviewed the lot frontage, septic and sewer system requirements of the proposed development on the subject property. Discussion followed.

In response to Anderson's question, Elkins clarified the staff's recommendations for the various variance requests. Discussion followed.

In response to Hadcock's questions, Elkins clarified the developer's responsibility for improvements at the time of development. Discussion followed.

In response to Schmidt's questions, Knight stated that the developer would be required to meet the minimum requirements for emergency vehicle apparatus. Discussion followed.

Landguth expressed concerns for emergency vehicle access and the proposed development on the subject property. Discussion followed.

LeMay moved, Hennies seconded to continue the Layout Plat to the July 27, 2006 Planning Commission. Lengthy discussion followed.

In response to Hadcock's questions, Livingston stated that the easement would be graveled to the house locations on the subject property. Discussion followed.

Jim Peterson, applicant, reviewed discussion with Pennington County with regard to subdividing the existing lots. Peterson expressed his opinion that sewer, water, curb, gutter, paving and fire apparatus accesses on the proposed development have been addressed according to Pennington County's specifications.

Andrew LaGare, adjacent property owner, expressed his concerns with the proposed development on the subject property. Lengthy discussion followed.

In response to Waltman's question, Livingston stated that sanitary sewer capacity has been addressed and approved by Pennington County. Discussion followed.

In response to Schmidt's question, Elkins advised that the Layout Plat stipulations of approval recommended by staff would require that many of the issues be addressed upon submittal of the Preliminary Plat application. Elkins further commented on the difference between posting a surety bond and letters of credit.

LeMay moved, Hennies seconded and carried to recommend that the Layout Plat be continued to the July 27, 2006 Planning Commission meeting. (8 to 0 to 1 with Anderson, Brewer, Brown, Hennies, Landguth,

LeMay, Schmidt and Waltman voting yes and none voting no and Andrews abstaining)

Discussion followed with regard to the motion to continue the Layout Plat request.

Hadcock stated that the current application is a request for Layout Plat approval and that the stipulations will be addressed upon submittal of the Preliminary Plat application.

Landguth expressed his concerns with the second point of access to the subject property.

Hennies expressed his support to continue the Layout Plat and the Variance requests to allow staff to review the proposed development with adjacent property owners. Lengthy discussion followed.

LeMay moved, Brown seconded and carried to reconsider the Layout Plat and the Variance requests. (7 to 1 to 1 with Anderson, Brown, Brewer, Landguth, LeMay, Schmidt and Waltman voting yes and Hennies, voting no and Andrews abstaining)

LeMay expressed his support to approve the Layout Plat per the staff's recommendations. Lengthy discussion followed.

Anderson expressed his support to approve the Layout Plat as per staff's recommendations. Discussion followed.

Anderson moved, LeMay 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 shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the applicant shall submit a signed agreement with Rapid Canyon Sanitary District identifying the terms of the agreement to connect to the Sanitary District. An Engineering Report identifying that adequate capacity is available

- within the Rapid Canyon Sanitary District for the proposed subdivision shall also 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. In addition, a water system analysis verifying the source and adequacy of water quantity and storage capacity for domestic and fire flows shall be submitted for review and approval. Fire hydrants shall also be provided at all intersections and intermediate points between intersections with spacing not to exceed 450 feet and at high points in the profile or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;
 5. Upon submittal of a Preliminary Plat application, the water and sewer plans shall show a water and sewer main serving proposed Lot 8 located within right-of-way in lieu of a utility easement or an Exception to the Street Design Criteria Manual shall be obtained;
 6. Upon submittal of a Preliminary Plat application, the plat document shall be revised to clearly show any portion of the property subject to periodic inundation by storm drainage, overflow or ponding or a Variance to the Subdivision Regulations shall be obtained;
 7. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;
 8. Upon submittal of a Preliminary Plat application, road construction plans for West S.D. Highway 44 shall be submitted for review and approval. In particular, the construction plans shall show the installation of a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 9. Upon submittal of a Preliminary Plat application, road construction plans for Blake Lane 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. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sac and an intermediate turnaround every 600 feet, where applicable, with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 10. Upon submittal of a Preliminary Plat application, road construction plans for that portion of Blake Road located east of the subject property extending south to West S.D. Highway 44 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.
11. Upon submittal of a Preliminary Plat application, road construction plans for the proposed 49 foot wide access easement 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;
 12. Upon submittal of a Preliminary Plat application, road construction plans for the north-south section line highway and the east-west section line highway shall be submitted for review and approval. In particular, the road construction plans shall show the streets constructed with a minimum 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 highways shall be vacated;
 13. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design and construction recommendations for large and deep embankment area(s) shall be submitted for review and approval;
 14. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 15. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show access to proposed "Common Lot #1". In addition, the plat document shall be revised to show the Lot labeled with a consecutive number in lieu of a common lot;
 16. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along West S.D. Highway 44 except for the approved approach location(s) as per the South Dakota Department of Transportation. In addition, the plat document shall be revised to provide non-access easements along the interior street(s) in compliance with the Street Design Criteria Manual;
 17. Prior to submittal of a Preliminary Plat application, an Exception to the Street Design Criteria Manual shall be obtained to allow a 900 foot long cul-de-sac with no intermediate turnaround(s) in lieu of a maximum 500 foot long cul-de-sac with an intermediate turnaround every 600 feet for Blake Lane or the plat document shall be revised accordingly;
 18. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show the 49 foot wide access easement as right-of-way or an Exception shall be obtained to allow an easement to serve more than four lots as per the Street Design Criteria Manual;
 19. 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;

20. **Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal; or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1; or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;**
21. **Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the community water facility for review and approval, if applicable;**
22. **Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the common area for review and approval;**
23. **Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along West S.D. Highway 44 or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s); and,**
24. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (8 to 0 to 1 with Anderson, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no and Andrews abstaining)**

51. 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.

Anderson moved to approve the Variance request as per staff's recommendations with the exception of curb and gutter. Motion died for the lack of a second.

Brown moved, Landguth seconded and carried to recommend that the

Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Blake Lane 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 the 49 foot wide access easement be denied; and, That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along SD Highway 44 be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement. (8 to 0 to 1 with Anderson, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no and Andrews abstaining)**

Elkins requested that items 52 and 53 be taken concurrently

52. 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 at 2151 Skyline Ranch Road.

53. 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.

Elkins presented the staff's recommendation to continue the Preliminary Plat and Subdivision Variance requests to the July 27, 2006 Planning Commission meeting at the applicant's request.

LeMay moved, Waltman seconded and unanimously carried to recommend that the Preliminary Plat and 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 July 27, 2006 Planning Commission meeting. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt

and Waltman voting yes and none voting no)

54. No. 06PL087 - PLM Subdivision

A request by Centerline, Inc. for PLM Development, LLC to consider an application for a **Preliminary Plat** on Lots 16 thru 35, Block 1; Lots 17 thru 38, Block 2; and Lots 1 thru 6 in Block 4, formerly a parcel of land located in the NW1/4, Section 24; and the SW1/4 SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NW1/4, Section 24; and the SW1/4 SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Minnesota Street and West of Fifth Street.

Elkins presented the Preliminary Plat noting that the staff's recommendation is to approve the Preliminary Plat request with stipulations.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to dedicate a 52 foot wide right-of-way for all of Stumer Road and the extraordinary right-of-way area shall be removed from the plat document;**
3. **Prior to Preliminary Plat approval by the City Council, road construction plans for Enchanted Pines Drive extending from Stumer Road to the west lot line shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, road construction plans for the north-south section line highway and the east-west section line highway shall be submitted for review and approval. In particular, the road construction plans shall show the streets constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highways shall be vacated or the plat document shall be revised eliminating this portion of the subject property from the Preliminary Plat;**
5. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street shall be posted with no parking signs along the proposed 45 foot wide access easement or an Exception to the Street Design Criteria Manual shall be obtained to waive the**

requirement to provide visitor parking or revised road construction plans shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the plat document shall be revised to show the access easement as an "access and utility easement";

6. Prior to Preliminary Plat approval by the City Council, a utility distribution sheet, signed by the appropriate representative, showing locations of gas, telephone, electric and cable television shall be submitted for review and approval;
 7. 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 12 inch storm sewer shown is adequately sized. In addition, the plat document shall be revised to show drainage easements as needed;
 8. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;
 9. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show non-access easements in compliance with the Street Design Criteria Manual. In particular, a non-access easement shall be shown along the first fifty feet of all corner lots;
 11. Prior to submittal of a Final Plat application, the plat document shall be revised renumbering one of the Block 4 designations. In addition, the lot(s) within that block shall be renumbered as needed;
 12. Prior to submittal of a Final Plat application, different street names for North Fork Road and Middle Fork Lane shall be submitted to the Emergency Services Communication Center for review and approval. In addition, a street name for the proposed 45 foot wide access easement shall be submitted for review and approval. The plat document shall also be revised to show the approved street names; and,
 13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)
55. No. 06PL089 - Stoney Creek South Subdivision Phase II
A request by Boschee Engineering to consider an application for a **Layout Plat** on a parcel of land located in the unplatted portion of the SW1/4 SW1/4 and the W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the

southern terminus of Bendt Drive.

Travis presented staff's recommendation to continue the Layout Plat application to the July 27, 2006 Planning Commission meeting.

LeMay moved, Waltman seconded and unanimously carried to recommend that the Layout Plat be continued to the July 27, 2006 Planning Commission Meeting to allow the applicant time to submit the required information. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

*56. No. 06PD041 - Stoney Creek South Subdivision

A request by Sperlich Consulting Inc. for William Donhiser to consider an application for a **Planned Commercial Development - Final Development Plan** on Lots 2 and 3 of Block 1, Stoney Creek South Subdivision, located in the NW/14 SW1/4, and the SW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the Sheridan Lake Road and Catron Boulevard.

Elkins presented the Planned Commercial Development – Final Development Plan and staff's recommendation to approve the Planned Commercial Development request with stipulations.

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

Hennies moved, LeMay seconded and carried to approve the Planned Commercial Development – Final Development Plan with the following Stipulations:

- 1. Prior to Planning Commission approval, the structural elevations shall be revised to show a parapet along all four sides of the proposed commercial building. Upon review and approval of the revised elevation(s), the proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;**
- 2. Prior to Planning Commission approval, the sign package shall be revised to show a maximum eight foot high ground sign at the entrance of the development in lieu of the proposed approximate 20 foot high sign. The sign shall be limited to a campus sign with no off-premise advertising allowed. The sign shall also be revised eliminating the electronic sign, or reader sign. In addition, the sign shall be constructed with similar building materials and color palette as the proposed structure. The wall sign(s) shall conform architecturally to the design plans and color palette submitted as a part of this Planned Commercial Development. The lighting for the sign(s) shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
- 3. A building permit shall be obtained prior to any construction and a**

- Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a building permit, 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 Development Service Center Division;**
 - 5. Prior to issuance of a building permit, the plans shall be revised to show the four foot high landscaping wall designed and stamped by a Registered Professional Engineer;**
 - 6. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
 - 7. The proposed commercial structure shall be used for retail, office, banking, laundromat, restaurant and medial clinic(s) uses as allowed in the General Commercial District. In particular, no more than 7,363 square feet of restaurant area shall be allowed or additional parking shall be provided. In addition, no on-sale liquor use shall be allowed as a part of this Planned Commercial Development. The addition of the second building and/or any other use or change in use shall require a Major Amendment to the Planned Commercial Development;**
 - 8. A minimum of 104,035 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;**
 - 9. A minimum of 165 parking spaces shall be provided. Six of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
 - 11. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
 - 11. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;**
 - 12. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrants shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structure(s) shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;**
 - 13. Prior to issuance of a building permit, the applicant shall sign a developmental lot agreement for the two lots or the property shall be platted into one lot;**
 - 14. 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 a period of two years; and,**
 - 15. All provisions of the General Commercial District shall be met unless**

otherwise specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment. (8 to 0 to 1 with Anderson, Andrews, Brewer, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no and Brown abstaining)

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

57. No. 06SR051 - Knollwood Heights Subdivision No.2

A request by Renner Engineering Company for Rapid City Area School District No. 51 to consider an application for an **SDCL 11-6-19 Review to construct a parking lot on public property** on Block 9, all of Knollwood Heights Subdivision No. 2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1701 Downing Street.

Elkins presented the SDCL 11-6-19 Review to construct a parking lot on public property. Elkins stated that staff's recommendation is to approve the SDCL 11-6-19 Review with stipulations.

LeMay moved, Waltman seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct a parking lot on public property with stipulations:

2. **Prior to issuance of a building permit, a revised plan showing stop signs being placed at the point of access onto Herman Street and Crestwood Drive shall be submitted for review and approval;**
3. **Prior to issuance of a building permit, an erosion and sediment control plan shall be submitted for review and approval;**
4. **Prior to issuance of a building permit, a drainage plan that includes calculations demonstrating run-off from improvements does not exceed pre-development flow rates or a detention facility is provided shall be submitted for review and approval; and,**
5. **Prior to issuance of a building permit, an exception to the Street Design Criteria Manual shall be obtained or a revised site indicating only two points of access on the subject property shall be submitted for review and approval. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)**

Doug Sperlich requested that item 56 be revisited.

Hennies moved, LeMay seconded and unanimously carried to reconsider the Planned Commercial Development - Final Development Plan. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

*56. No. 06PD041 - Stoney Creek South Subdivision

A request by Sperlich Consulting Inc. for William Donhiser to consider an application for a **Planned Commercial Development - Final Development Plan** on Lots 2 and 3 of Block 1, Stoney Creek South Subdivision, located in the NW/14 SW1/4, and the SW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the Sheridan Lake Road and Catron Boulevard.

Dennis Hettich, representing the applicant presented a new drawing of the proposed sign and requested approval of the sign design including an electronic message center. Discussion followed.

Elkins stated that the sign proposal presented by the applicant is different from the sign presented previously than what was proposed to staff. Elkins stated that staff does not recommend approval of the proposed reader board sign. Elkins further commented that staff is not opposed to the proposed size of the sign. Discussion followed.

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

Schmidt expressed his opposition to the proposed sign with a message center. Lengthy discussion followed.

LeMay expressed his opinion to establish parameters for electronic signs.

Brewer moved, Waltman seconded to approve the Planned Commercial Development - Final Development Plan with the new proposed sign to include electronic message center. Discussion followed.

Hennies moved, Schmidt seconded to deny the Planned Commercial Development - Final Development Plan without prejudice. Discussion followed.

Hennies expressed his concern for approval of reader boards without direction through City Ordinance.

Brewer moved, LeMay seconded and unanimously carried to continue the Planning Commission meeting past the 9:00 meeting deadline. (9 to 0 with Anderson, Andrews, Brewer, Brown, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

Elkins stated that reader boards are currently permitted under the Ordinance. Elkins further commented that Planned Developments allow the Planning Commission to review the design, layout, location and address issues to mitigate any negative impact. Elkins stated that staff has concerns with regard to the proposed sign due to the location adjacent to residential neighborhoods. Elkins advised that the Planning Commission may initiate a higher standard at the location of the subject property.

Karen Gunderson-Olson expressed her opposition to the proposed reader board sign. Lengthy discussion followed.

Hennies moved, Schmidt seconded to deny the Planned Commercial Development - Final Development Plan without prejudice. The motion failed. (4 to 4 to 1 with Anderson, Hennies, LeMay and Schmidt voting yes and Andrews, Brewer, Landguth, and Waltman voting no and Brown abstaining) Discussion followed.

Brewer moved, Waltman seconded to approve Planned Commercial Development - Final Development Plan with proposed sign to include an electronic message center board. The motion failed. (4 to 4 to 1 with Andrews, Brewer, Landguth, and Waltman voting yes and Anderson, Hennies, LeMay and Schmidt voting no and Brown abstaining) Discussion followed.

Doug Sperlich, requested direction from the Planning Commission to assist in moving the Planned Commercial Development forward.

Anderson moved, LeMay seconded and carried to approve the Planned Commercial Development - Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval, the structural elevations shall be revised to show a parapet along all four sides of the proposed commercial building. Upon review and approval of the revised elevation(s), the proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;**
- 2. Prior to Planning Commission approval, the sign package shall be revised to show a maximum eight foot high ground sign at the entrance of the development in lieu of the proposed approximate 20 foot high sign. The sign shall be limited to a campus sign with no off-premise advertising allowed. The sign shall also be revised eliminating the electronic sign, or reader sign. In addition, the sign shall be constructed with similar building materials and color palette as the proposed structure. The wall sign(s) shall conform architecturally to the design plans and color palette submitted as a part of this Planned Commercial Development. The lighting for the sign(s) shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a building permit, 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 Development Service Center Division;**
- 5. Prior to issuance of a building permit, the plans shall be revised to**

- show the four foot high landscaping wall designed and stamped by a Registered Professional Engineer;
6. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
 7. The proposed commercial structure shall be used for retail, office, banking, laundromat, restaurant and medial clinic(s) uses as allowed in the General Commercial District. In particular, no more than 7,363 square feet of restaurant area shall be allowed or additional parking shall be provided. In addition, no on-sale liquor use shall be allowed as a part of this Planned Commercial Development. The addition of the second building and/or any other use or change in use shall require a Major Amendment to the Planned Commercial Development;
 8. A minimum of 104,035 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;
 9. A minimum of 165 parking spaces shall be provided. Six of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
 11. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 11. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;
 12. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrants shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structure(s) shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;
 13. Prior to issuance of a building permit, the applicant shall sign a developmental lot agreement for the two lots or the property shall be platted into one lot;
 14. 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 a period of two years; and,
 15. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment.
 16. And to continue the Planned Commercial Development – Initial and Final Development Plan for the sign to the July 27, 2006 Planning Commission meeting. (8 to 0 to 1 with Anderson, Andrews, Brewer, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and

none voting no and Brown abstaining)

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

Hennies, Waltman and LeMay left the meeting at this time.

*58. No. 06PD040 - Regional Hospital

A request by Lund Associated, Ltd. For Rapid City Regional Hospital to consider an application for a **Major Amendment to a Planned Commercial Development to revise the landscape plan** on Tract AR-1 and north 30 feet of the vacated Third Street adjacent to said Lot Regional Hospital, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 353 Fairmont Boulevard.

Tegethoff presented the Major Amendment to a Planned Commercial Development to revise the landscape plan. Tegethoff stated that staff's recommendation is that the site plan be revised prior to approval to provide larger trees to buffer the structure and parking lot. Discussion followed.

Tim Sughrue, CEO Rapid City Regional Hospital, requested that the Major Amendment be approved with the exception of the installation of the larger trees. Sughrue expressed his opinion that larger trees obstruct visibility for visitors and patients. Sughrue reviewed the present landscaping on the subject property. Sughrue presented correspondence from adjacent property owners supporting the existing landscape plan. Discussion followed.

Hadcock expressed her opinion supporting the installation of larger trees. Discussion followed.

In response to Schmidt's questions, Tegethoff stated that studies indicated that trees mitigate heat build up on parking lots. Discussion followed.

Anderson moved, Schmidt seconded to approve the Major Amendment to a Planned Commercial Development to revise the landscape plan.

- 1. Prior to Planning Commission approval, the applicant shall submit a revised landscape plan with large trees along the perimeter of the landscape island for review and approval; and,**
- 2. A building permit shall be obtained for the proposed construction.**

Brown expressed his support for the motion.

Andrews expressed his support for the motion.

The Motion unanimously carried to approve the Major Amendment to a

Planned Commercial Development with the following stipulation:

- 1. A building permit shall be obtained for the proposed construction. (6 to 0 with Anderson, Andrews, Brewer, Brown, Landguth and Schmidt 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.

- *59. No. 06PD042 - Terracita Park Subdivision and Robbinsdale Addition No. 10
A request by EnVision Design, Inc. for Presbyterian Retirement Village of Rapid City to consider an application for a **Major Amendment to a Planned Residential Development to expand the boundaries and allow additional townhouse lots** on Tract B, Minnesota Ridge Subdivision, as shown on plat filed in Plat Book 30, Page 72, located in the S1/2; Lots 3 thru 6, Block 1, Terracita Park Subdivision, as shown on the Plat filed in Plat Book 31, page 108, located in the NW1/4 SE1/4; and, Lot 16, Block 28, Robbinsdale Addition No. 10, as shown on the Plat filed in Plat Book 30, page 63, located in the NE1/4 SW1/4, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Alta Vista Drive between Anamaria Drive and Minnesota Street.

Bulman presented the Major Amendment to a Planned Residential Development to expand the boundaries and allow additional townhouse lots. Bulman stated that staff's recommendation is to approve the Major Amendment request with 20 foot rear yard setbacks. Bulman presented the revised site plans distributed on the dais.

Chris Baumgarter, area resident, expressed concerns with the parking and traffic safety resulting from the proposed development.

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

Fred Thurston reviewed the proposed site plan. Thurston requested that the Major Amendment request be approved with stipulations as recommended by staff. Discussion followed.

Landguth moved, Brewer seconded the motion to approve the Major Amendment to a Planned Residential Development to expand the boundaries and allow additional townhouse lots with the following stipulations:

- 1. A Building Permit must be obtained prior to initiation of construction, and a Certificate of Occupancy must be obtained prior to occupying the building.**
- 2. The residential structures shall conform architecturally to the plans and elevations submitted as part of this Major Amendment to the**

- Planned Residential Development;**
3. **An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;**
 4. **All provisions of the Medium Density Residential Development shall be met unless otherwise specifically authorized as a stipulation of this Planned Residential Development or a subsequent Major Amendment;**
 5. **The provisions of the 2003 International Fire Code shall be met at all times;**
 6. **All stipulations of the Original Planned Residential Development – Initial and Final Development Plan shall be met at all times;**
 7. **Landscaping at the site shall be constructed in accordance with the approved landscaping plan;**
 8. **The townhome structures on Lots 3 – 6 shall provide a minimum 20 foot rear yard setback in conjunction with the approved landscaping plan as provided;**
 9. **The townhome structure on Lot 16 shall provide a minimum 18 foot front yard setback from the private driveway and a minimum 11 foot 7 inch rear yard setback;**
 10. **Prior to Planning Commission approval, a revised site plan indicating that the driveway approach on Lot 16 is located 50 feet from the curb must be submitted for review and approval or an Exception to Rapid City’s Design Standard and Criteria must be obtained; and,**
 11. **Prior to Planning Commission approval, all necessary changes shall be made to the site plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department.**

Anderson moved, Brewer seconded to amend the motion to approve to allow the 16 foot rear yard setback per the applicant’s recommendations. The Amendment carried. (5 to 0 to 1 with Anderson, Andrews, Brewer, Brown and Landguth voting yes and none voting no Schmidt abstaining)

Anderson requested that staff review possible increased traffic issues from the proposed development.

Landguth moved, Brewer seconded and amended the Motion to approve the Major Amendment to a Planned Residential Development to expand the boundaries and allow additional townhouse lots with the following stipulations:

1. **A Building Permit must be obtained prior to initiation of construction, and a Certificate of Occupancy must be obtained prior to occupying the building.**
2. **The residential structures shall conform architecturally to the plans and elevations submitted as part of this Major Amendment to the Planned Residential Development;**
3. **An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;**
4. **All provisions of the Medium Density Residential Development shall**

- be met unless otherwise specifically authorized as a stipulation of this Planned Residential Development or a subsequent Major Amendment;
5. The provisions of the 2003 International Fire Code shall be met at all times;
 6. All stipulations of the Original Planned Residential Development – Initial and Final Development Plan shall be met at all times;
 7. Landscaping at the site shall be constructed in accordance with the approved landscaping plan;
 8. The townhome structures on Lots 3 – 6 shall provide a minimum 16 foot rear yard setback in conjunction with the approved landscaping plan as provided;
 9. The townhome structure on Lot 16 shall provide a minimum 18 foot front yard setback from the private driveway and a minimum 11 foot 7 inch rear yard setback;
 10. Prior to Planning Commission approval, a revised site plan indicating that the driveway approach on Lot 16 is located 50 feet from the curb must be submitted for review and approval or an Exception to Rapid City’s Design Standard and Criteria must be obtained; and,
 11. Prior to Planning Commission approval, all necessary changes shall be made to the site plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department. (5 to 0 to 1 with Anderson, Andrews, Brewer, Brown and Landguth voting yes and none voting no Schmidt abstaining)

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

Schmidt moved, Anderson seconded to adjust the agenda and to take item 62 out of order and continue the balance of the Planning Commission Agenda to the July 27, 2006 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Brewer, Brown, Landguth and Schmidt voting yes and none voting no)

62. No. 06VR003 - Boulevard Addition

A request by Richard O. Stahl to consider an application for a **Vacation of Right-of-Way** on South Street Right-of-way lying adjacent to Lots 2A and 3A of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of South Street and West Street.

Tegethoff presented the Vacation of Right-of-Way. Tegethoff stated that three utility companies have requested that the easement through the right-of-way be retained. Tegethoff stated that staff’s recommendation is that the Vacation request be denied.

Richard O. Stahl expressed his opinion that landscaping the right-of-way would not obstruct the utility companies' access. Stahl stated that he would keep the utility easement intact. Stahl requested that the Vacation request be approved.

Hadcock expressed her support for the Vacation of Right-of-way request. Discussion followed.

In response to Landguth's question, Elkins stated that the utility company's would like to maintain an easement or a right-of-way. Elkins further commented that the right-of-way is pedestrian access for the neighborhood to the open space area. Elkins stated that it is possible for the applicant to landscape the right-of-way.

Schmidt moved, Brown seconded and unanimously carried to recommend that the Vacation of Right-of-Way be denied. (6 to 0 with Anderson, Andrews, Brewer, Brown, Landguth and Schmidt voting yes and none voting no)

Brown moved, Anderson seconded and unanimously carried to continue Items 60 and 61 to the July 27, 2006 Planning Commission meeting. (6 to 0 with Anderson, Andrews, Brewer, Brown, Landguth and Schmidt voting yes and none voting no)

There being no further business, Anderson moved, Brown seconded and unanimously carried to adjourn the meeting at 10:10 a.m. (6 to 0 with Anderson, Andrews, Brewer, Brown, Landguth and Schmidt voting yes and none voting no)