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MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
July 27, 2006

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

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

Andrews called the meeting to order at 7:00 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 2 and 27 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Planning Commissioners requested that Items 15 and 28 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**A member of the audience requested that Item 16 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Motion by Brown, Seconded by Waltman and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 28 in accordance with the staff recommendations with the exception of Items 2, 15, 16, 27 and 28. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

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

1. Approval of the July 6, 2006 Planning Commission Meeting Minutes.
3. Capital Improvements Program (CIP) Annual Report and Presentation of 5-year Plans.

**Planning Commission recommended that the Capital Improvements Program (CIP) Annual Report and Presentation of 5-year Plans be approved.**

4. 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

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south of Elks Country Estates.

**Planning Commission recommended that the Petition for Annexation be continued to the August 10, 2006 Planning Commission meeting at the applicant's request.**

5. No. 06CA012 - Harmony Heights

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

**Planning Commission approved The Summary and authorized publication in the Rapid City Journal.**

6. 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 August 24, 2006 Planning Commission meeting at the applicant's request.**

7. No. 06PL071 - Starlite Subdivision

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

**Planning Commission recommended that the Preliminary Plat be continued to the August 10, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

8. No. 06PL083 - LaGrand Subdivision

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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 August 10, 2006 Planning Commission meeting to allow the applicant time to submit the required information.**

9. 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 August 24, 2006 Planning Commission meeting at the applicant's request.**

10. No. 06PL090 - Elk Meadows Subdivision

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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 August 10, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

11. No. 06PL091 - McMahon Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Tract J, McMahon 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 August 10, 2006 Planning Commission meeting to allow the applicant time to submit the required information.**

12. No. 06PL097 - Darlington Estates

A request by Centerline, Inc. for Magheramore, LLC to consider an application for a **Preliminary Plat** on Lots 1 thru 18, Darlington Estates, formerly that portion of the NE1/4 lying west of the Railroad Right-of-Way; located in the N1/2 NW1/4, Section 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as that portion of the NE1/4 lying west of the Railroad Right-of-Way; located in the N1/2 NW1/4, Section 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Old Folsom Road and Lamb Road.

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

1. **Prior to City Council approval of the Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
2. **Prior to submittal of a Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided;**
3. **Prior to submittal of a Final Plat application, the plat document shall**

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be revised to show a non-access easement along Lot 4 as it abuts Old Folsom Road and the first 115 feet of Hidalgo Court and Kimberwick Road as they extend south from Lamb Road as per the Street Design Criteria Manual or an Exception shall be obtained;

4. Prior to submittal of a Final Plat application, the plat document shall be revised to show the section line highway relocated to Lamb Road and Old Folsom Road as approved by the Pennington County Board of Commissioners;
5. 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;
6. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Old Folsom Road and Lamb Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s);
7. Prior to submittal of a Final Plat application, a note shall be placed on the plat document stating that all residential structures shall be sprinklered;
8. Prior to submittal of a Final Plat application, a note shall be placed on the plat document stating that no further platting of the lots shall be allowed as per the Exception to waive the requirement to provide visitor parking; and,
9. Prior to submittal of a Final Plat application, "No Parking" signs shall be posted along Kimberwick Drive and Hidalgo Court or upon submittal of a Final Plat application; surety shall be posted for the improvement. In addition, inspection fees shall be paid for all of the subdivision improvements.

13. No. 06PL098 - Park Meadows Subdivision

A request by CETEC Engineering Services, Inc. for Park Hill Development, Inc. to consider an application for a **Preliminary Plat** on Lots 16A and 16B, Block 2, Park Meadows Subdivision, formerly Lot 16, Block 2, Park Meadows Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 16, Block 2, Park Meadows Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of intersection of Merlot Drive and Smith Avenue.

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

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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 construction plans shall be revised to show a new fire hydrant to be used in lieu of relocating an existing fire hydrant;
  3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
  4. 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.
14. No. 06PL101 - Trailwood Village  
A request by Sperlich Consulting, Inc. for Lifestyle Homes to consider an application for a **Preliminary Plat** on Lots 6A, 6B, 8A & 8B, Block 18, Trailwood Village, formerly Lots 6 and 8, Block 18, Trailwood Village, located in the E1/2 SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 6 and 8, Block 18, Trailwood Village, located in the E1/2 SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Savannah Street and Reservoir Road and south of Mercury Drive.

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

1. Prior to City Council approval of the Preliminary Plat, a site plan shall be submitted identifying the location of fence(s) on the subject property. In addition, any fence located within the Major Drainage Easement shall be removed;
  2. Prior to City Council approval of the Preliminary Plat, construction plans showing an additional sewer and water service line to the townhome lot(s) shall be submitted for review and approval;
  3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
  4. 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.
17. No. 06PL104 - Pleasant View Subdivision  
A request by D. C. Scott Surveyors, Inc. for William M. Jobgen to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Lot 6, Pleasant View Subdivision, located in the S1/2 SE1/4, Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6, Pleasant View Subdivision, located in the S1/2 SE1/4, Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3009 Crane Drive.



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Planning Commission recommended that the Preliminary Plat be approved with the following stipulations;

1. Prior to Preliminary Plat approval by City Council, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water, sewer and additional four feet of pavement width along Crane Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by City Council, a revised site plan showing all utilities shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by City Council, plans for the septic system shall be submitted for review and approval;
4. Prior to Preliminary Plat approval by City Council, a site plan shall be submitted for review and approval showing approach locations constructed to Pennington County standards;
5. Upon submittal of a Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit" and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile information is not sufficient for conventional systems";
6. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
7. Prior to Preliminary Plat approval by City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval.

18. No. 06PL105 - Heartland Business Park

A request by FMG, Inc. for Bypass, LLC to consider an application for a **Preliminary Plat** on a portion of the unplatted balance of the W1/2 NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Mall Drive and West of Elk Vale Road.

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

1. Prior to Preliminary Plat approval by City Council, a utility easement for the portion of public utilities proposed for construction north of the proposed plat shall be submitted for review and approval and recorded with the Register of Deeds Office;
2. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
3. All applicable provisions of the International Fire Code shall be continually met;
4. Prior to Preliminary Plat approval by City Council, a revised plan shall be submitted for review and approval dedicating the required non-access easements;
5. Prior to City Council approval, revised construction plans shall be

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- submitted for review and approval or exceptions shall be obtained;
6. Prior to Preliminary Plat approval by City Council, if and as needed, a Comprehensive Plan Amendment to the Major Street Plan relocating the street as proposed be approved or the plat document be revised accordingly;
7. Prior to Preliminary Plat approval by City Council, all red line comments shall be addressed and resubmitted for review and approval; and,
8. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

19. No. 06PL106 - Buehner Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 and 2, Block 1, Buehner Subdivision, located in the W1/2 W1/2 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the W1/2 W1/2 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the terminus of Limelight Lane.

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

1. Prior to Preliminary Plat approval by the City Council, a geotechnical report including pavement design must be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
3. Prior to Preliminary Plat approval by the City Council, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
5. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highways located along the south and west lot lines shall be submitted for review and approval. In particular, the road construction plans shall show the section line highways constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highways shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highways or a Variance to the Subdivision Regulations shall be obtained to allow platting of a half a right-of-way;



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6. Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains, fire hydrants and water lines, including the size of the proposed water lines shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the proposed aquifer and anticipated depth of the well(s) shall be identified. The plat document shall also be revised to show utility easement(s) as needed;
7. Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a central sewer system is proposed, the applicant shall identify the entity responsible for operation and maintenance and obtain South Dakota Department of Environment and Natural Resource approval. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In particular, the information shall include percolation test data and location as well as soil profile data and locations. In addition, a septic tank plan must be submitted for review and approval as per Chapter 16.20.040.N of the Rapid City Municipal Code;
8. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall address the characteristics of downstream drainage facilities. In addition, adequate facilities for conveyance of increased or modified flows, proper easements for use of the drainage facilities or demonstration of the application of legal reasonable use principles shall be provided. The plat document shall also be revised to provide drainage easements as necessary to convey upstream run-off across the property;
9. Upon submittal of a Final Plat application, a road maintenance agreement for Limelight Lane shall be submitted for review and approval;
10. Upon submittal of a Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit" and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile information is not sufficient for conventional systems";
11. Upon submittal of a Final Plat application, the plat document shall be revised to include the required Final Plat certificates; and,
12. 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.

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A request by DGM Development to consider an application for a **Preliminary Plat** on Lots 10 and 11, Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4325 and 4385 Haines Avenue.

**Planning Commission recommended that the Preliminary Plat be continued to the August 24, 2006 Planning Commission meeting.**

21. No. 06PL109 - Mahoney Addition

A request by D. C. Scott Surveyors, Inc. for Doug Pokorney to consider an application for a **Preliminary Plat** on Lots A and B, Block 55 of the amended Plat of Mahoney Addition, located in the SW1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 55 of the amended Plat of Mahoney Addition, less the south 8.5 feet thereof, located in the SW1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 222 Doolittle Street.

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

1. **Prior to Preliminary Plat approval by City Council, construction plans for Doolittle Street showing the street constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; and,**
2. **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.**

22. 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 at 1520 West Omaha Street.

**Planning Commission continued the SDCL 11-6-19 Review to install a dirt jump park on public property to the August 10, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.**

23. No. 06SR052 - Elk Meadows Subdivision

A request by Dream Design International to consider an application for a **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 August 10, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.**

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24. No. 06SR054 - Section 4, T1N, R7E

A request by Lund Associates Ltd for Rapid City Area School District to consider an application for an **SDCL 11-6-19 Review to expand an existing building on public property** on a parcel of land located in the SW1/4 NW1/4, S1/2, and the vacated West South Street, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1200 44th Street.

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

1. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **All applicable provisions of the International Fire Code shall be continually met; and,**
3. **All construction shall comply with the approved plans.**

25. No. 06SR055 - Rapid City Greenway Tracts

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to construct a park on public property** on Tract 20, Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Omaha Street between North Mount Rushmore Road and Fifth Street.

**Planning Commission approved the SDCL 11-6-19 Review to construct a park on public property.**

26. No. 06SR056 - Rapid City Greenway Tract

A request by Larry A. Olson to consider an application for an **SDCL 11-6-19 Review to allow a temporary structure on public property** on Tract 10; Tract 10A less Lot H1, Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1111 Mountain View Road.

**Planning Commission approved the SDCL 11-6-19 Review to allow a temporary structure on public property.**

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

2. 06TP016 – Final Rapid City Area Transportation Improvement Program (Fiscal Years 2007-2011).

Elkins stated that staff recommends is that the Final Rapid City Area Transportation Program Request be continued to the August 10, 2006 Planning Commission meeting.

**Brown moved, Landguth seconded and unanimously carried to recommend that the 06TP016 – Final Rapid City Area Transportation Improvement**

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**Program (Fiscal Years 2007-2011) be continued to the August 10, 2006 Planning Commission Meeting. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

15. No. 06PL102 – PLM Subdivision

A request by Centerline, Inc. for Rapid City Area School District to consider an application for a **Preliminary Plat** on Lots 1 thru 6, Block 3, located in the NW1/4 NW1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in NW1/4 NW1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Fifth Street and Enchanted Pines Drive.

In response to Landguth's question, Fisher presented slides of the access locations of the Preliminary Plat request.

**Brown moved, Brewer 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 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, road construction plans for the north-south section line highway shall be submitted for review and approval. In particular, the road construction plans shall show the street 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;**
- 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 4. Prior to submittal of a Final Plat application, Enchantment Road shall be dedicated as right-of-way or the plat document shall be revised to include the dedication of Enchantment Road; and,**
- 5. 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 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

16. No. 06PL103 - Park Meadows Subdivision

A request by CETEC Engineering, Inc. for Park Hill Development, Inc. to consider an application for a **Preliminary Plat** on the unplatted balance of the SW1/4 NE1/4, SE1/4 NE1/4, less the Right-of-Way, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being

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located at the northern terminus of Smith Avenue.

DeDe Ghere, area resident expressed concern with drainage runoff on the subject property.

Bosworth stated that a drainage plan has been submitted and reviewed and approved by staff. Bosworth presented slides of the drainage plan on the subject property. Discussion followed.

Brewer stated that he would abstain from discussion and voting due to a conflict of interest.

**Landguth moved, Waltman seconded and carried to recommend that the Preliminary Plat be approved with the following 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, 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;**
- 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 4. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the first fifty feet of all corner lots;**
- 5. Prior to submittal of a Final Plat application, drainage easement(s) within the Meade channel shall be obtained and recorded at the Register of Deed's Office;**
- 6. Prior to submittal of a Final Plat application, a different street name for Black Ridge Court shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; and,**
- 7. 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. (7 to 0 to 1 with Andrews, Brown, Fast Wolf, Hennies, Landguth, LeMay and Waltman voting yes and none voting no and Brewer abstaining)**

27. No. 06SR057 - Wise's Addition

A request by David Miller for Youth & Family Services, Inc. to consider an application for an **SDCL 11-6-19 Review to install a structure on public property** on Lot 3, Block 21, Wise's Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 120 E. Adams.

Elkins presented the SDCL 11-6-19 Review request to install a structure on

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public property. Elkins stated that staff has been in contact with the Water Department who will schedule the repair of the fire hydrant. Staff recommends that the SDCL 11-6-19 request be approved.

**Brewer moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to install a structure on public property. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

28. No. 06VE018 - Nowlin and Wood Addition

A request by City of Rapid City to consider an application for a **Vacation of a Note on a Plat** on the North 318.90 feet of Lot 16 of the Replat of Block 31, Nowlin and Wood Addition, except therefrom Lots H1, H2 and H3, all located in the N1/2 NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1125 North LaCrosse Street.

Brewer stated that he would abstain from discussion and voting due to a conflict of interest.

**Brown moved, Hennies seconded and carried to recommend that the Vacation of a Note on a Plat be approved. (7 to 0 to 1 with Andrews, Brown, Fast Wolf, Hennies, Landguth, LeMay and Waltman voting yes and none voting no and Brewer abstained)**

**Andrews announced that the Public Hearings on Items 29 through 55 were opened.**

**Staff requested that Items 32, 39, 52 and 55 be removed from the Hearing Consent Agenda for separate consideration.**

**Planning Commission requested that Items 33 and 49 be removed from the Hearing Consent Agenda for separate consideration.**

**Brown moved, Waltman seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 29 through 55 in accordance with the staff recommendations with the exception of Items 32, 33, 39, 49, 52 and 55, (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

**The Public Hearings for Items 29 through 55 were closed.**

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

29. No. 05VR014 - Sletten Addition

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten



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Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the north to east curve of West Nike Road.

**Planning Commission recommended that the Vacation of Section Line Highway be continued to the August 24, 2006 Planning Commission meeting.**

30. 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 City Council acknowledge the applicant's request to withdraw the request for an 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.**

31. 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.

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**Planning Commission recommended that the Amendment to the Comprehensive Plan request to change the land use designation from General Agriculture to Low Density Residential with a Planned Residential Development be continued to the August 10, 2006 Planning Commission meeting.**

**\*34. 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 described by metes and bounds; Commencing from the Point of Beginning, the corner common to Sections 13, 14, 23 & 24, T1N, R7E, BHM, an Original Stone, thence S89°41'35"E - 1319.23' to a 1/16 corner, a Davis cap, thence S89°40'08"E - 820.46' to the northwest corner of Lot 11A of Block 2 of PLM SUBDIVISION - a #6251 cap, thence S16°51'47"W - 1075.77' to the southwest corner of Lot 9B of Block 1 of PLM Subdivision - a #6251 cap, thence N89°42'39"W - 292.41' to a point, thence N20°04'47"E - 407.59' to a point, thence N75°37'52"W - 502.50' to a point, thence S80°28'46"W - 241.41' to a point, thence S86°55'12"W - 205.00' to a point, thence N84°12'27"W - 224.17' to a point, thence S78°30'13"W - 229.00' to a point, thence S85°57'24"W - 32.35' to a point, thence S00°00'00"W - 294.68' to a point, thence N90°00'00"E - 164.21' to the northwest corner of Lot 12 in Block 2 of Eastridge Estates Subdivision, an Arleth cap, thence S26°32'09"W - 225.67' to a point on a non-tangent curve, thence thru a left- hand curve with a radius of 326.00', a delta of 9°18'16" and a length of 52.94', a chord bearing of S68°08'30"E and a chord distance of 52.88' to the Northwest corner of Lot 15 in Block 1 of Eastridge Estates Subdivision, an Arleth cap, thence S17°11'50"W - 560.27' to the Southwest corner of Lot 15 in Block 1 of Eastridge Estates Subdivision, an Arleth cap, thence N89°42'39"W - 214.91' to the northwest corner of Enchanted Hills Subdivision No. 4 - a Britton cap, thence N0°04'37"E - 1658.97' to the Section Corner and Point of Beginning. Said parcel containing 37.6129 acres more or less, more generally described as being located south of Minnesota Street and west of Fifth Street.

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

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed and approved for the lots;**
- 3. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. In addition, a minimum eight foot side yard setback for one story structures and a minimum 12 foot side yard setback for two story structures shall be provided. A minimum 58 foot rear yard setback shall be provided on those lots abutting the north-south and the east-west section line highways or the section line highways shall be vacated in which case a minimum 25 foot rear yard setback shall be provided. A minimum 25 foot rear yard setback**

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- shall be provided on the balance of the lots;
4. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
  5. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development; and,
  6. The Planned Residential Development shall allow for the construction of single family residence(s). However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years.

***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.***

\*35. No. 06PD046 - Schoenhard Subdivision

A request by BB&R Properties to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot BR, Schoenhard 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 approved the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:**

1. A Building Permit shall be obtained prior to initiation of any construction and that a Certificate of Occupancy shall be obtained prior to occupying the building;
2. Prior to issuance of a Building Permit, all plans shall be prepared and stamped by a Registered Professional Engineer per SDCL 36-18A;
3. An exception for the metal siding in lieu of masonry, concrete or wood, or metal simulated wood siding is hereby approved;
4. All site lighting shall be directed away from the adjacent rights-of-way and residential zoned properties;
5. Any additional signage requested for the property shall to be submitted for review and approval prior to the Planning Commission meeting or a subsequent Amendment to the Planned Commercial Development shall be submitted when the signage information is available;
6. An exception to the chain link fence without slats in lieu of a chain link fence with slats is hereby approved;
7. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and maintained in a live vegetative state;
8. Prior to issuance of a Building Permit, the applicant shall submit a grading and erosion control plan for review and approval;

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9. All applicable provisions of the International Fire Codes shall be continually met;
10. A local manager shall be required and shall be responsible for maintaining the property and the operation of the facility; and,
11. The Planned Commercial Development – Initial and Final Development Plan 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.***

36. 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 City Council acknowledge the applicant's request to withdraw the request to Rezone the property from General Commercial District to Light Industrial District.**

37. 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

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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 request from General Agriculture District to Low Density Residential District be continued to the August 10, 2006 Planning Commission meeting at the applicant's request.**

38. No. 06RZ020 - The Cottonwoods Subdivision

A request by Barbara Fierro for WellSpring, Inc. and Calvary Lutheran Church to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lots 2 thru 15, 18 thru 23, 24 thru 34, Block 9, The Cottonwoods Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3402 Cottonwood Street.

**Planning Commission recommended that the Rezoning request from Medium Density Residential District to Office Commercial District be continued to the August 10, 2006 Planning Commission meeting to be heard in conjunction with a Comprehensive Plan Amendment to the Long Range Comprehensive Plan.**

40. No. 06RZ022 - Black Hills Center Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on a Tract of land located in the NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Commencing at the east ¼ corner of Section 24, a found rebar and cap lying within Catron Boulevard and 5th Street right-of-way; Thence N00°08'32"E a distance of 792.68 feet, to a point on the northwest line of 5th Street right-of-way, this being the true point of beginning; Thence along the arc of a curve to the left whose radius points bears S70°24'32"W, having a radius of 1021.00 feet, a central angle of 24°32'43" and an arc length of 437.39 feet, to a point on the northwest line of 5th Street right-of-way; Thence N43°47'48"E a distance of 22.08 feet to a point on the northwest line of 5th Street right-of-way; Thence N46°58'06"W a distance of 12.18 feet to a point on the northwest line of 5th Street right-of-way and on the southeast line of Parkview Drive right-of-way; Thence N43°03'44"E a distance of 130.12 feet to a point on the east line of Parkview Drive right-of-way; Thence along the arc of a curve to the left whose radius points bears N46°56'16"W, having a radius of 638.00 feet, a central angle of 05°06'51" and an arc length of 56.95 feet to a point on the east line of Parkview Drive right-of-way; Thence S89°37'46"E a distance of 98.13 feet to a point lying on the east section line of Section 24; Thence S00°08'32"W along the east section line of Section 24, a distance of 530.61 feet to the point of beginning. Said Tract of land containing 1.45 acres, more or less, more generally described as being located east of the intersection of Fifth Street and Parkview Drive.

**Planning Commission recommended that the Rezoning request from**



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**General Agriculture District to Office Commercial District be approved in conjunction with the Planned Development Designation.**

41. No. 06RZ023 - Black Hills Center Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Low Density Residential District to Office Commercial District** on a Tract of land located in the NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Commencing at the east ¼ corner of Section 24, a found rebar and cap lying within Catron Boulevard and 5th Street right-of-way; Thence N00°08'32"E a distance of 1323.29 feet, to a point lying on the east section line of Section 24, this being the true point of beginning; Thence N89°37'46"W a distance of 98.13 feet to a point lying on the southeast line of Parkview Drive right-of-way; Thence along the arc of a curve to the left whose radius points bears N52°03'07"W, have a radius of 638.00 feet, a central angle of 41°49'25" and an arc length of 206.66 feet to a point on the east line of Parkview Drive right-of-way and lying on the east section line of Section 24; Thence S00°08'32"W along the east section line of Section 24, a distance of 181.17 feet to the point of beginning. Said Tract of land containing 0.18 acres, more or less, more generally described as being located east of the intersection of Fifth Street and Parkview Drive.

**Planning Commission recommended that the Rezoning request from Low Density Residential District to Office Commercial District be approved in conjunction with the Planned Development Designation.**

42. No. 06RZ024 - Red Rock Estates

A request by Dream Design International to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on Lots 4 thru 6, Block 19, Red Rock Estates, all located in 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 Rezoning request from General Agriculture District to Low Density Residential District be approved for Lots 5 & 6 and only that portion of Lot 4 as identified by the following metes and bounds: A parcel of land located in the Southeast One-Quarter of the Northeast One-Quarter (SE ¼ NE ¼) of Section Twenty Nine (29) in Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian, (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the East One-Quarter corner of said Section 29 in T1N, R7E, BHM, said point being coincident with the West One-Quarter corner of Section 28 in T1N, R7E, BHM, and said point being located within Dunsmore Road right-of-way; thence, North 77° 20' 19" West, a distance of 1286.27 feet, more or less, to the point of beginning, said point being located on the west line of Lot 4, Block 19, Red Rock Estates Subdivision; thence, continuing northerly along the west line of said Lot 4, North 7° 31' 39" West, a distance of 99.39 feet, more or less, to the northwest corner of said lot 4, and marked by a rebar with survey cap marked "RLS 3977"; thence, North 82° 28' 21" East, a distance of**



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119.38 feet, more or less, to the northeast corner of said lot 4 and lying on the east right of way line of Ainsdale Court, a point marked by a rebar with survey cap marked "RLS 3977"; thence, along the arc of a curve to the left whose radius points bears North 82° 28' 21" East, having a radius of 55.00 feet, a central angle of 17° 23' 02", and an arc length of 16.69 feet, more or less, to a point lying on the east right of way line of Ainsdale Court, said point being marked by a rebar with survey cap marked "RLS 3977"; thence, South 24° 54' 42" East, a distance of 13.25 feet, more or less to a point located on the east line of said Lot 4 and lying on the east right of way line of Ainsdale court, said point being marked by a rebar with survey cap marked "RLS 3977"; thence, South 53° 17' 01" West, a distance of 144.17 feet, more or less, to a point on the west lot line of said lot 4, to the point of beginning.

43. 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 August 10, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

44. 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

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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 August 10, 2006 Planning Commission meeting to allow the applicant time to submit the required information.**

45. 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 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 approved with the following stipulation:**

1. **Prior to City Council approval, a utility easement shall be recorded at the Register of Deed's Office for the sewer service line on the golf course property located along the rear of the subject property.**

46. 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

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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 August 24, 2006 Planning Commission meeting at the applicant's request.**

47. 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 August 10, 2006 Planning Commission meeting to be heard in conjunction with an associated Preliminary Plat.**

48. No. 06SV041 - Trailwood Village

A request by Sperlich Consulting, Inc. for Lifestyle Homes 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 Reservoir Road; and a Variance to the Subdivision Regulations to reduce the pavement width along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 6A, 6B, 8A & 8B, Block 18, Trailwood Village, formerly Lots 6 and 8, Block 18, Trailwood Village, located in the E1/2 SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 6 and 8, Block 18, Trailwood Village, located in the E1/2 SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County,

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South Dakota, more generally described as being located between Savannah Street and Reservoir Road and south of Mercury Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Reservoir Road; and, the Variance to the Subdivision Regulations to reduce the pavement width along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code be approved.**

50. No. 06SV043 - Pleasant View Subdivision

A request by D. C. Scott Surveyors, Inc. for William M. Jobgen to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer, and planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Lot 6, Pleasant View Subdivision, located in the SE1/4 SE1/4, Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6, Pleasant View Subdivision, located in the SE1/4 SE1/4, Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3009 Crane Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and additional pavement width along Crane Drive as per Chapter 16 of the Rapid City Municipal Code be approved with the following stipulation:**

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and, That the Variance to the Subdivision Regulations to waive the requirement to provide a screen planting easement be denied.**

51. No. 06SV044 - Buehner 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 pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2, Block 1, Buehner Subdivision, located in the W1/2 W1/2 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the W1/2 W1/2 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the terminus of Limelight Lane.

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

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb,**

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**gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway.**

\*53. 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 NE¼ NE¼, 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 request to allow a Car Wash in General Commercial Zoning District to the August 10, 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.***

\*54. No. 06UR018 - Arches Addition



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A request by Terry Stocker for Moyle Petroleum Co. to consider an application for a **Major Amendment to a Conditional Use Permit to modify existing car wash** on Tract 2, Arches Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2660 Mount Rushmore Road.

**Planning Commission approved the Major Amendment to a Conditional Use Permit request to modify an existing car wash with the following stipulations:**

1. **A Building Permit shall be obtained prior to initiation of any construction and that a Certificate of Occupancy shall be obtained prior to occupying the building;**
2. **Any additional signage requested for the property shall to be submitted for review and approval prior to the Planning Commission meeting or a subsequent Amendment to the Planned Commercial Development shall be submitted when the signage is determined;**
3. **A sign permit shall be obtained prior to installation of any signage;**
4. **The landscape plan shall continually comply with all requirements of the Zoning Ordinance and maintained in a live vegetative state;**
5. **All applicable provisions of the International Fire Code shall be continually met;**
6. **The Major Amendment to a 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.***

**---END OF HEARING CONSENT CALENDAR---**

32. No. 06CA021 - Section 28, T2N, R8E

A request by FMG, Inc. for Bypass, LLC to consider an application for an **Amendment to the Comprehensive Plan by revising the Northeast Area Neighborhood Future Land Use Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial** on that part of the SW1/4 NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM; thence S89°48'22"E, 454.91 feet to a point on the east ¼ line of Section 28; thence N46°26'34"E, 535.17 feet to a point, said point being the intersection with a non-tangent curve; thence Northwesterly, 285.07 feet along a curve to the right, said curve having a radius of 717.59 feet, said curve having a chord bearing of N32°10'36"W, a chord distance of 283.20 feet, to a point, said point being the intersection of a non-tangent line; thence S48°44'38"W, 920.40 feet to a 5/8" rebar with an aluminum survey cap at the



**Draft**

center of Section 28, T2N, R8E, BHM, at the point of beginning; all located within the SW1/4 NE1/4, Section 28, T2N, R8E, BHM. Said parcel containing 4.826 acres more or less, more generally described as being located north of Mall Drive and West of Elk Vale Road.

Elkins stated that staff recommends that the Amendment to the Comprehensive Plan request be continued to the August 10, 2006 Planning Commission meeting to allow the application to be legally advertised.

**Brewer moved, Brown seconded and unanimously carried to recommend that the request for an Amendment to the Comprehensive Plan by revising the Northeast Area Neighborhood Future Land Use Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial be continued to the August 10, 2006 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

\*33. 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.

In response to Hadcock's questions, Elkins advised that is her understanding that the water tank will be in place by late next summer. Elkins advised that the request before the Planning Commission is the Planned Development. Elkins further commented that the Preliminary Plat application would address the improvements to sewer and water. Discussion followed.

**LeMay moved, Waltman seconded and unanimously carried to approve the Planned Residential Development - Initial and Final Development Plan with the following stipulations:**

1. **Building permits must be obtained for all structures prior to initiation of construction, and a Certificate of Occupancy must be obtained prior to occupying the buildings;**
2. **If the area of disturbance exceeds one acre, an Air Quality Permit must be obtained;**
3. **The following reductions in the minimum required setbacks are hereby approved:**
  - a. **a minimum 18 foot front yard setback shall be provided in front of all garage doors and a minimum 15 foot front yard setback shall be provided for all dwelling units; on corner lots a minimum 18 foot setback shall be provided from the second front yard;**
  - b. **a minimum 25 rear yard setback shall be provided for all dwelling units;**
  - c. **a minimum 8 foot side yard setback shall be provided for all one story dwelling units and a minimum 12 foot side yard setback**

**Draft**

- shall be provided for all two story dwelling units; and,
- d. all other setback and area requirements of the Low Density Residential Zoning District shall be continually met;
4. No structures shall encroach into any required sight distance triangle;
  5. All structures shall conform architecturally to the proposed elevations, design plans and color schemes submitted as a part of this Initial and Final Planned Residential Development;
  6. Fire hydrants must be installed and operational prior to issuance of a building permit and/or any construction on the site using combustible materials;
  7. All streets shall be constructed in accordance with the minimum standards of the Street Design Criteria Manual to insure fire apparatus access;
  8. The provisions of the International Fire Codes shall be continually met; and,
  9. No building permits shall be issued until Final Plat approval is granted. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)

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

39. No. 06RZ021 - Section 28, T2N, R8E

A request by FMG, Inc. for Bypass, LLC to consider an application for a **Rezoning from General Commercial District to Light Industrial District** on that part of the SW1/4 NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM; thence S89°48'22"E, 454.91 feet to a point on the east 1/4 line of Section 28; thence N46°26'34"E, 535.17 feet to a point, said point being the intersection with a non-tangent curve; thence Northwesterly, 285.07 feet along a curve to the right, said curve having a radius of 717.59 feet, said curve having a chord bearing of N32°10'36"W, a chord distance of 283.20 feet, to a point, said point being the intersection of a non-tangent line; thence S48°44'38"W, 920.40 feet to a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM, at the point of beginning; all located within the SW1/4 NE1/4, Section 28, T2N, R8E, BHM. Said parcel containing 4.826 acres more or less, more generally described as being located north of Mall Drive and West of Elk Vale Road.

Elkins stated that staff recommends that the Rezoning request be continued to the August 10, 2006 Planning Commission meeting to allow for advertising of the associated Comprehensive Plan Amendment. Discussion followed.

**LeMay moved, Brewer seconded and unanimously carried to recommend**

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**that the Rezoning request from General Commercial District to Light Industrial District be continued to the August 10, 2006 Planning Commission meeting to be heard in conjunction with the revised Amendment to the Comprehensive Plan. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

49. No. 06SV042 - Park Meadows Subdivision

A request by CETEC Engineering, Inc. for Park Hill Development, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16 of the Rapid City Municipal Code** on Lots 18 thru 35, Block 2; and Lots 14 thru 25, Block 5; and the dedicated public Right-of-Way, Park Meadow Subdivision, located in the SW1/4 NE1/4, SE1/4 NE1/4, less the Right-of-Way, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 NE1/4, SE1/4 NE1/4, less the Right-of-Way, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Smith Avenue.

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

**Brown moved, LeMay seconded and carried to recommend that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16 of the Rapid City Municipal Code be approved. (7 to 0 to 1 with Anderson, Andrews, Brewer, Fast Wolf, Hennies, Landguth, LeMay and Waltman voting yes and none voting no and Brown abstaining.)**

52. No. 06SV045 - Mahoney Addition

A request by D. C. Scott Surveyors, Inc. for Doug Pokorney to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer; and to waive the requirement to provide a planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B, Block 55 of the amended Plat of Mahoney Addition, located in the SW1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 55 of the amended Plat of Mahoney Addition, less the south 8.5 feet thereof, located in the SW1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 222 Doolittle Street.

Elkins stated that staff recommends that the Variance request be continued to the August 10, 2006 Planning Commission meeting.

**Brown moved, LeMay seconded and unanimously carried to recommend that the request for a Variance to the Subdivision Regulations to waive the requirement to install pavement and sewer, and Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and water; and to waive the requirement to**

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**provide a screen planting easement as per Chapter 16 of the Rapid City Municipal Code be continued to the August 10, 2006 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

\*55. No. 06UR019 - Section 23, T1N, R7E

A request by Black Hills Coffee Company to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lot E, located in the SW1/4 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5955 South Highway 16.

Elkins stated that staff recommends that the Conditional Use Permit request be continued to the August 10, 2006 Planning Commission meeting at the applicant's request.

**LeMay moved, Brown seconded and unanimously carried to continue the request for a Conditional Use Permit to allow an on-sale liquor establishment to the August 10, 2006 Planning Commission meeting. (8 to 0 with Anderson, Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

Fisher requested that items 56, 57, 58 and 59 be taken concurrently.

\*56. No. 06PD030 - Skylines Pines East

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

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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.

\*57. 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 NW¼ of SE¼ of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota described as follows; beginning at the SW corner of the NW¼ of SE¼ 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.

58. 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.

59. No. 06SV030 - Skyline Pines East

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

Fisher stated that staff recommends that the Planned Commercial Development, Planned Residential Development, Layout Plat and Variance to the Subdivision Regulations requests be continued to the August 10, 2006 Planning Commission meeting at the applicant's request.

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**Hennies moved, Brewer seconded and unanimously carried to continue the requests for the Planned Commercial Development - Initial Development Plan; Planned Residential Development - Initial Development Plan; Layout Plat; and Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and reduce right-of-way width from 52 feet to 49 feet and to reduce pavement width from 27 feet to 24 feet along Pevans Parkway, and the request for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the south 550 feet of Fairmont Boulevard to the August 10, 2006 Planning Commission meeting. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

\*60. 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.

Fisher stated that staff recommends that the Planned Commercial Development request be continued to the August 10, 2006 Planning Commission meeting at the applicant's request.

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

**LeMay moved, Brewer seconded and carried to continue the request for approval of the sign package for the Planned Commercial Development - Final Development Plan to the August 10, 2006 Planning Commission meeting. (7 to 0 to 1 with Andrews, Brewer, Fast Wolf, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no and Brown abstaining)**

61. 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.

Tegethoff presented the Layout Plat request. Tegethoff presented the staff's recommendation to approve the request with stipulations.

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

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



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1. Prior to Layout Plat approval by Planning Commission, topographic information shall be provided to show that the proposed roads will not exceed the Street Design Criteria Manual requirements;
2. Prior to Preliminary Plat approval by the City Council, the Comprehensive Plan Amendment to the Major Street Plan relocating the street as proposed be approved or the plat document must be revised accordingly;
3. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
4. Upon submittal of a Preliminary Plat application, a drainage plan in 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;
5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans must demonstrate adequate capacity of the downstream wastewater system;
6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed and designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed;
7. Upon submittal of a Preliminary Plat, road construction plans for Nugget Gulch Road be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface with parking on one side of the street, curb, gutter, sidewalk, street light conduit and water;
8. Upon submittal of a Preliminary Plat application, road construction plans for Bendt Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, a turnaround shall be provided at the end of Bendt Drive;
9. Upon submittal of a Preliminary Plat application, road construction plans for Prospect Drive 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

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foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;

10. Upon submittal of a Preliminary Plat application, road construction plans for Pick Ax Road 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, the plat document be revised to provide a second street connection to the subject property as a part of the development or the right-of-way must be dedicated as an "H" Lot on a separate plat document or an Exception to allow 49 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual must be obtained;
12. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway must be submitted for review and approval, or a Variance to the Subdivision Regulations must be obtained, or the portion of the section line highway that abuts the subject property shall be vacated;
13. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design and recommendations for large and deep embankment areas must be submitted for review and approval;
14. Prior to Layout approval by Planning Commission, a master plan for the area shall be submitted for review and approval showing all utilities, streets, sewer basins, water pressure zones, and future street connections;
15. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
16. 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. (7 to 0 to 1 with Andrews, Brewer, Fast Wolf, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no and Brown abstaining)

\*62. No. 06PD049 - Stoney Creek South No. 2 Subdivision

A request by FMG, Inc. for Stoney Creek Associates LLP to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 1 of Stoney Creek South No. 2 Subdivision located in E1/2SW1/4; and the S1/2 NW1/4 of 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 Southeast of intersection of Catron Boulevard and Nugget Gulch Road.

Fisher presented slides of the Planned Residential Development request. Fisher advised that a revised development plan has been submitted by the applicant. Fisher requested that stipulation 2. be revised to read "Prior to issuance of a

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building permit the site plan shall be revised to show all sides of the dumpster screened with an opaque screening fence. In addition, a revised elevation of the screening fence be submitted for review and approval.” Fisher stated that staff recommends approval of the request with the revised stipulation.

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

**Waltman moved, Hennies seconded and carried to approve the Planned Residential Development - Initial and Final Development Plan with the following stipulations:**

- 1. Prior to Planning Commission approval, the landscaping plan shall be revised to show a minimum of 12 planter islands. Each planter island shall contain a minimum of 100 square feet and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base;**
- 2. Prior to the issuance of a building permit, the site plan shall be revised to show all of the dumpsters screened with an opaque screening fence. In addition, an elevation of the screening fence shall be submitted for review and approval;**
- 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 redlined drawings. In addition, the redlined drawings shall be returned to the Growth Management Department;**
- 5. Prior to issuance of a building permit, design calculations and details for retaining walls in excess of four feet high shall be submitted for review and approval. In addition, the plans shall be stamped by a Professional Engineer;**
- 6. Prior to issuance of a building permit, the construction plans shall be revised identifying which water and sanitary sewer system improvements are public and which are private. In addition, utility easements shall be recorded at the Register of Deed’s Office for the public utility improvements;**
- 7. Prior to issuance of a building permit, geotechnical information with pavement section recommendations shall be submitted for review and approval;**
- 8. Prior to issuance of a building permit, a street name for the main driveway shall be submitted to the Emergency Services Communication Center for review and approval. Prior to issuance of a Certificate of Occupancy, street name sign(s) shall be posted;**
- 9. A minimum of 1,075,382 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;**
- 10. A minimum of 417 parking spaces shall be provided with 12 of the spaces being handicap accessible. In addition, two of the handicap spaces shall be “Van” accessible. All provisions of the Off-Street Parking Ordinance shall be continually met;**

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11. 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 addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. All of the residential dwelling units and the clubhouse shall be sprinklered;
12. All air handling equipment shall be screened with an opaque screening fence;
13. All signage shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development. In addition, the lighting for the signs shall be designed to preclude reflection on the adjacent properties and/or streets. A sign permit shall also be obtained for each individual sign;
14. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development;
15. All other provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a Major Amendment to the Planned Residential Development; and,
16. The Planned Residential Development shall allow for the construction of a 278 unit apartment complex with a clubhouse/office building and accessory garages on the property. The clubhouse/office building shall be used exclusively by the tenants of the apartment complex and their guests. However, the Planned Residential Development shall expire if no work has commenced within two years of the date of approval by the Planning Commission. (7 to 0 to 1 with Andrews, Brewer, Fast Wolf, Hennies, Landguth, LeMay, 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.***

\*63. No. 06PD047 – Huffman Subdivision

A request by Britton Engineering for Century Development Co, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 2, Huffman Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of East North Street and North Cambell Street.

Elkins presented the staff recommendation to continue the Planned Commercial Development request to the August 10, 2006 Planning Commission meeting as the green cards have not been returned.

**Hennies moved, LeMay seconded and unanimously carried to continue the**

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**Planned Commercial Development - Initial and Final Development Plan to the August 10, 2006 Planning Commission meeting. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

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

\*64. No. 06PD048 - Flormann Addition

A request by Sperlich Consulting, Inc. for Black Hills Health and Wellness to consider an application for a **Major Amendment to a Planned Commercial Development to expand the boundaries of a Planned Commercial Development and construct a parking lot** on Lots 2 thru 5 of Block 36 of Boulevard Addition, located in the NE1/4 SE1/4, Section 2, T1N, R7E, BHM; and Lots 17 thru 22 of Block 9 of Flormann Addition, located in the NW1/4 SW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1220 Mt. Rushmore Road, 722 and 732 Fairview Street.

Tegethoff presented the staff recommendation to continue the Major Amendment request to the August 10, 2006 Planning Commission meeting.

**Waltman moved, Hennies seconded and unanimously carried to continue the request for a Major Amendment to a Planned Commercial Development to expand the boundaries of a Planned Commercial Development and construct a parking lot to the August 10, 2006 Planning Commission meeting. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

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

\*65. No. 06PD050 - Mediterranean Subdivision

A request by FMG, Inc. for FICACS, LLC to consider an application for a **Planned Commercial Development - Final Development Plan** on Lots 1 and 2, Mediterranean Subdivision, located in the SE1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest corner of the intersection of 38th Street and Canyon Lake Drive.

Fisher presented the staff recommendation to continue the Planned Commercial Development request be continued to the August 10, 2006 Planning Commission meeting at the applicant's request.

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Bill Knight clarified that after further review, stipulation 13 is not required by the Fire Code.

**Brown moved, Landguth seconded and unanimously carried to continue the Planned Commercial Development - Final Development Plan to the August 10, 2006 Planning Commission meeting. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

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

Tegethoff requested that Items 66 and 67 be taken concurrently.

66. 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.

67. 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 1601 Pioneer Circle.

Tegethoff presented the staff recommendation to continue the Layout Plat and Variance requests be continued to the August 10, 2006 Planning Commission meeting.

**Waltman moved, LeMay seconded and unanimously carried to recommend that the request Layout Plat approval and the 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 be continued to the August 10, 2006 Planning Commission meeting. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

Bulman request that items 68 and 69 be taken concurrently



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68. 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.

69. No. 06SV035 - Seljeskog Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, additional pavement, additional right-of-way and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3, Seljeskog Subdivision, located in the SE1/4 NE1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land described as the SW1/4 SE1/4 SE1/4 NE1/4; SE1/4 SW1/4 SE1/4 NE1/4; NW1/4 NE1/4 NE1/4 SE1/4; NE1/4 NW1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2151 Skyline Ranch Road.

Bulman presented staff recommendation to approve the Preliminary Plat application and the Variance requests with stipulations. Bulman stated that a 1932 recorded Deed indicates that a right-of-way access for the property located north of the subject property be provided. Bulman stated that staff recommends that the applicant be required to submit road construction plans for the right-of-way access or submit a variance prior to City Council approval.

In response to Andrews' questions, Bulman stated that there is not an access to the property to the north through the subject property as required by the 1932 Deed.

Michelle Schweitzer, Dream Design International, stated that the deed does not specifically state where the access to the property to the north should be located. Schweitzer reviewed current access to the subject property. Schweitzer stated that emergency apparatus turnarounds are to be provided by the applicant. Schweitzer stated that the applicant is working with the title company to resolve the access easement issue prior to City Council. Schweitzer expressed her opinion that the existing 14 foot access road is sufficient for the emergency vehicle access to the subject property.

In response to Hadcock's question, Schweitzer advised that the new property owner of the platted lot would be responsible to install fire sprinkler system.

In response to Hadcock's question, Knight stated that the sprinkler system would require less water pressure. Knight further commented there would be adequate water pressure to operate the sprinkler system.

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In response to Brewer's question, Knight stated that the proposed turnarounds meet the Fire Departments requirements. Knight further commented that the minimum street width is 20 feet for emergency vehicle apparatus access.

Elkins stated that 20 feet is the minimum standard in the Uniform Fire Code for emergency vehicle access and turnarounds. Discussion followed.

Terry Westegard, representing the adjacent property owners, expressed concerns for an access easement to the property north of the subject property.

Schweitzer requested that the stipulations requiring a 22 foot pave surface be amended to a 20 foot paved surface.

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

- 1. Prior to submittal of a Final Plat application, the plat document needs to be corrected to read "Chapter 17.08.035" on the Growth Management Director Signature block;**
- 2. Prior to Preliminary Plat approval by the City Council, a cost estimate for any subdivision improvements shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, turnarounds for the cul-de-sacs every 500 feet shall be submitted for review and approval;**
- 4. Prior to Preliminary Plat approval by the City Council, road construction plans for the access easements shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 47 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Prior to Preliminary Plat approval by the City Council, road construction plans for the right-of-way as indicated in the 1932 deed shall be submitted for review and approval. In particular, the street shall be constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision regulations shall be obtained or the right-of-way shall be eliminated through the appropriate legal procedures;**
- 6. Prior to Planning Commission approval, information for a typical street section for a subcollector street with 47 foot wide right-of-way and 20 foot pavement width for the access easement shall be submitted for review and approval;**
- 7. An Air Quality permit is required prior to any development of the proposed lots;**
- 8. Prior to Planning Commission approval, a utility distribution plan shall be submitted for review and approval;**
- 9. Prior to Final Plat submission, a Variance to the Zoning Ordinance to allow a lot that does not abut a public street for a distance of not less**

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than 50 feet shall be obtained from the Zoning Board of Adjustment or the plat shall be revised accordingly;

10. Prior to Preliminary Plat approval by the City Council, easements for intermediate turnarounds for fire apparatus, not to exceed 500 foot intervals, shall be indicated on the plat and construction plans provided for review and approval;
11. 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;
12. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a Wildland Fire Mitigation Plan in consultation with the Fire Department;
13. The provisions of the 2003 International Fire Code shall be met at all times; and,
14. 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.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and sewer as per Chapter 16.16 of the Rapid City Municipal Code be approved along the access easements;

That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement to meet a required 22 foot width along the access easements be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install additional right-of-way along the access easements as per Chapter 16.16 of the Rapid City Municipal Code be denied. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)

70. No. 06SR058 - Section 4, T1N, R7E

A request by Boschee Engineering to consider an application for an **SDCL 11-6-19 Review to allow a water and sewer extension** on a parcel of land located in the SW1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Yucca Drive.

Tegethoff presented the staff recommendation to approve the SDCL 11-6-19 Review request with stipulations.

**Brewer moved, LeMay seconded and unanimously carried to approve the SDCL 11-6-19 Review request to allow a water and sewer extension with the following stipulations:**

1. Prior to Planning Commission approval, a miscellaneous document shall be recorded with the Register of Deeds office creating a utility easement for the proposed sanitary sewer and water main; and,
2. Prior to the start of construction, a right-of-way permit shall be obtained and a traffic control plan shall be submitted for review and

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**approval. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

71. No. 06SR059 - South Park Addition

A request by Rapid City Area School District No. 51 to consider an application for an **SDCL 11-6-19 Review to construct a sign on public property** on Block A, D, E and vacated Grand Boulevard adjacent to said Blocks, South Park Addition, located in the NE1/4, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2 Indiana Street.

Elkins presented the SDCL 11-6-19 Review request to construct a sign on public property. Elkins further commented that the request is a prototype for future requests by the School District for similar signage at other locations in Rapid City. Elkins stated that staff has visited with Mr. Kenton from the Rapid City School District regarding concerns with the proposed reader board. Elkins reviewed proposed stipulations to limit hours of operation, limiting advertising to school related activities only, that there be no flashing or scrolling letters, that there be no video displays, that a single color be used for lettering; low intensity lighting in the sign, and that the signs be positioned perpendicular to street.

Mike Kenton, City of Rapid City School District, expressed his support for reader board signs for message purposes that are not objectionable to adjacent property owners. Kenton stated that the School District will work with the City of Rapid City for appropriate signage.

Larry Stevens, Principal of South Middle School, expressed his support of message board signs. Discussion followed.

Extensive discussion followed.

Brown expressed his concerns with traffic safety issues. Discussion followed.

Landguth expressed his opposition to the proposed message board signs.

Brewer expressed his support for the proposed message board signs.

**Brewer moved, Hennies seconded to approve with stipulation that the 11-6-19 Review request with stipulations be addressed with the surrounding neighbors.**

Waltman expressed her concerns regarding phasing of the time between messages.

**Waltman moved a substitute motion to approve the SDCL 11-6-19 Review request to construct a sign on public property with a stipulation that the phasing of a specified time between messages. The motion died for lack of second.**

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Elkins expressed concerns that the proposed stipulation would illegally delegate authority to the neighboring property owners. Elkins stated that the School District and the City of Rapid City staff would work to establish appropriate stipulations applications. Discussion followed.

LeMay expressed his support for implementing a certified mailing to adjacent property owners for SDCL 11-6-19 Review applications. Discussion followed.

**Fast Wolf moved, LeMay seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct a sign on public property to the August 10, 2006 Planning Commission meeting. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

72. No. 01TI005 - Red Rock Estates

A request by Kevin Buntrock for the Estates and Golf Club at Red Rocks to consider an application for a request **to allocate contingency funds from the Tax Increment District No. 32 Revised Project Plan** on Lots 1-11, Block 1, Lots 1-19, Block 2, Lots 1-3, Block 3, Lot 1, Block 4, Lot 1, Block 5, Outlot 1, and dedicated streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, 2, 3A, 3B, 4A, and 4B, Block 6, Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4-16, Block 3, Lot 2 and Lot 3, Block 4, Lots 1-6, Block 7, Lots 1-3, Block 8, all in Red Rock Estates Phase 2, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Outlot A of Tract A, Countryside Sub, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Well Lot, and Balance of Picardi Ranch Road, and Balance of Tract 1 (Less Red Rock Estates and Less ROW), all in Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted E1/2 NW1/4 NE1/4 less Red Ridge Ranch and ROW, SW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates, less Red Rock Estate Phase 1A, and Less Row, E1/2 NW1/4 less Red Rock Estates and Less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Sub; N1/2 NE1/4 SW1/4 less Red Rock Estates & Less Countryside Sub; E1/2 NE1/4, and W1/2 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Sheridan Lake Road and Muirfield Drive.

Bulman presented the Tax Increment Financing Committee's recommendation to approve the request to allocate contingency funds from the Tax Increment District No. 32 Revised Project Plan. Bulman stated that the allocation is proposed to fund the replacement costs for a drainage structure that is not functioning properly.

In response to Brewer's questions, Elkins advised that the drainage structure failed that was initially installed by the consultant. Elkins stated that the Tax

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Increment Financing Committee recommends that the allocation of contingency funds be approved and move forward with replacement of the drainage pipe to mitigate any future problems.

**LeMay moved, Fast Wolf seconded and unanimously carried to recommend that allocating contingency funds from the Tax Increment District No. 32 Project Plan be approved. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

73. No. 03TI004 - Century "21" Subdivision

A request by Centerline for A/R Group to consider an application for a **to reallocate contingency funds from the Tax Increment District #39 - Revised Project Plan** on Tract 1 of Century "21" Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 of Lot 3 & Lot H3 of Lot 3 all 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, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, 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 H7 of the S1/2NW1/4 located south and east of the highway excepting therefrom Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H8 and the balance of Lot H5 all located in the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of Tract A of the SE1/4NW1/4 and SW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 of the NE1/4NW1/4, 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 "Z" showing a tract of land to be abandoned in a portion of Lot H3 in the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H3 in the N1/2NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Century Road, north and west of E. North Street and south of the railroad right-of-way and I-90 Exit 60.

Bulman presented the staff recommendation to approve the request to reallocate contingency funds from the Tax Increment District #39 - Revised Project Plan. Bulman stated that the costs for the proposed extension of the sewer and water lines on the subject property have increased. Bulman stated that contingency funds would be reallocated to pay for the additional costs of the improvements.

Fast Wolf expressed opposition to reallocating contingency funds to assist with funding the installation of water and sewer lines. Discussion followed.

Waltman stated that she would be abstaining from discussion and vote due to a



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conflict of interest.

In response to Hadcock's question, Elkins stated that the Tax Increment Financing District would be paid off sooner if the funds were not used to pay the additional costs. Discussion followed.

**Fast Wolf moved, LeMay seconded to recommend that the request to allocate contingency funds for Tax Increment District #39 be denied.**

**Hennies moved a substitute motion, Brewer seconded and carried to recommend approval of the reallocation of costs as outlined in the Revised Project Plan and the attached resolution. (5 to 2 to 1 with Andrews, Brewer, Brown, Hennies and Landguth voting yes and Fast Wolf and LeMay voting no and Waltman abstaining)**

74. No. 06VE019 - Section 4, T1N, R8E

A request by Schlimgen Design Consultants, Inc. to consider an application for a **Vacation of Non-access Easement** on Lot 3, Block 1, Rushmore Business Park, located in the S1/2 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Homestead Street and west of Elk Vale Road.

Bulman presented the staff recommendation to approve the request for a Vacation of Non-access Easement with one stipulation.

**Planning Commission recommended that the Vacation of Non-access Easement be approved with the following stipulation:**

1. **Prior to Planning Commission approval, a revised Exhibit A stamped by a Registered Professional Engineer or Architect shall be submitted for review and approval. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**

75. Discussion Items

76. Staff Items

- A. Elkins clarified that the status of the Red Rock Meadows Phase II Preliminary Plat referenced by Alderman Hadcock noting that it is scheduled to be considered by the City Council on August 7, 2006.
- B. Dominicak stated that at the June 22, 2006 Planning Commission meeting, Commissioner Landguth had requested information regarding cross-pipe in driveways within the three mile limit. Dominicak reviewed the requirements set forth by Pennington County.

77. Planning Commission Items

Andrews stated that he would be resigning from the Planning Commission for personal reasons effective immediately.

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**There being no further business, Brown moved, Hennies seconded and unanimously carried to adjourn the meeting at 8:38 a.m. (8 to 0 with Andrews, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, and Waltman voting yes and none voting no)**