



MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
August 10, 2006

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Ida Fast Wolf, Thomas Hennies, Dennis Landguth and Mike LeMay. 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, Joel Landeen, Jenni Dragoo and Carol Bjornstad.

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

1. Election of Officers – Chairperson and Vice Chairperson. –Pulled from Consent Calendar.

**Hennies moved, Anderson seconded and unanimously carried to remove the Election of Officers from the Consent Calendar. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no).**

Brown opened the election for the position of Chairperson of the Planning Commission.

**Motion by Brewer, and seconded by Anderson to elect Gary Brown as Planning Commission Chairperson. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no).**

Brown opened the election for the position of Vice-Chairperson of the Planning Commission.

**Motion by Landguth, and seconded by Hennies to elect John Brewer as Planning Commission Vice Chairperson. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no).**

Brown opened the election for the position of Secretary of the Planning Commission.

**Motion by Landguth, and seconded by Anderson to elect Tom Hennies as Planning Commission Secretary. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no).**

**Brown 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 8 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Motion by Brewer, Seconded by LeMay and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 3 thru 19 in accordance with the staff recommendations with the exception of Items 2 and 8. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no)**

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

3. 06TP016 – Final Rapid City Area Transportation Improvement Program (Fiscal Years 2007-2011).

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 south of Elks Country Estates.

**Planning Commission recommended that the Petition for Annexation be continued to the August 24, 2006 Planning Commission meeting at the applicant's request.**

5. No. 06CA016 - McMahon Subdivision  
**Summary of Adoption Action on an Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development** on a parcel of land located in Section 24, T2N, R7E, more particularly described as follows: Commencing at the center of Section 24, travel a distance of 506.81 feet at a bearing of N89°48'44"W; Thence S00°10'09"W a distance of 399.73 feet to a point of beginning; Thence S89°49'51"E a distance of 173.34 feet; Thence S81°56'08"W a distance of 120.55 feet; Thence south a distance of 912.15 feet; Thence N89°46'02"W a distance of 56.73 feet; Thence N00°10'09"E a distance of 929.35 feet to the true point of beginning, more generally described as being located west of Haines Avenue and south of Kathryn Avenue.

**Planning Commission approved the Summary of Adoption Action and authorized publication in the Rapid City Journal.**

6. No. 06CA017 - Geld Subdivision  
**Summary of Adoption Action on an Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development** on Lot 3, Block 1, Geld Subdivision, located in the NE1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2425 Haines Avenue.



**Planning Commission approved the Summary of Adoption Action and authorized publication in the Rapid City Journal.**

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 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, 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 or surety shall be posted for the design and construction of the sewer upon submittal of a Final Plat. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In addition, the on-site wastewater systems shall be designed to allow the connection to a central sewer system when it becomes available;**
3. **Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains and service lines along Dyess Avenue and Beale Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, a pavement design with supporting geotechnical information shall be submitted for review and approval;**
5. **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 include calculations demonstrating that discharge from any site facilities will result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities shall be provided or expanded as necessary. In addition, the plat document shall be revised to provide drainage easements as necessary;**
6. **Prior to Preliminary Plat approval by the City Council, a grading and erosion control plan shall be submitted for review and approval;**



7. **Prior to Preliminary Plat approval by the City Council, road construction plans for Eglin Street shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;**
  8. **Prior to Preliminary Plat approval by the City Council, road construction plans for Dyess Avenue shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
  9. **Prior to Preliminary Plat approval by the City Council, road construction plans for Beale Street shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
  10. **Prior to Preliminary Plat approval by the City Council, Approach Permit(s) shall be obtained from the South Dakota Department of Transportation as needed;**
  11. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
  12. **Prior to submittal of a Final Plat application, the applicant shall enter into an agreement to abandon the on-site wastewater systems in compliance with the South Dakota Department of Environment and Natural Resources requirements and to connect to the City sewer system when it becomes available within 500 feet of the property;**
  13. **Prior to submittal of a Final Plat, the plat document shall be revised to show a 115 foot non-access easement along the corner of Lot 1A as it abuts Dyess Avenue and Eglin Street. In addition, a non-access easement shall be shown along Beale Street; 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.**
9. No. 06PL090 - Elk Meadows Subdivision  
A request by Dream Design International to consider an application for a **Preliminary Plat** on Lots 1 thru 5 of Block 1, Lots 1 thru 10 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 and 26 of Block 6, Lot 1 of Block 7, Lots 1 and 36 thru 41 of Block 8, Lots 1 thru 11 of Block 9, Lots 1 thru 13 of Block 10, Lots 1 thru 30 of Block 11 and Lot A and Lots 1 thru 23 of Block 12 and Dedicated Right-of-Way located in the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of the intersection of Elk Vale Road and Old Folsom Road.



**Planning Commission recommended that the Preliminary Plat be continued to the August 24, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

10. 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 denied without prejudice.**

11. No. 06PL114 - Barnhart Addition

A request by Renner & Associates for ARC International to consider an application for a **Preliminary Plat** on Lot 3, Barnhart Addition, formerly the residual portion of Lots B and C, located in the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the residual portion of Lots B and C, located in the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2990 East Highway 44.

**Planning Commission recommended that the Preliminary Plat be continued to the August 24, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

12. No. 06PL115 - Founders Park Subdivision

A request by Centerline for Founders Park, LLC to consider an application for a **Preliminary Plat** on Lots 1 thru 11, Founders Park Subdivision; and the dedicated public right-of-way, formerly the unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street and west of West Street.

**Planning Commission recommended 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 access and utility easement(s) shall be submitted for review and approval. In particular, the construction plans shall show the streets constructed with a minimum 26 foot wide**



3. **Prior to Preliminary Plat approval by the City Council, road construction plans showing sidewalk along both sides of W. Chicago Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to submittal of a Final Plat application, the plat document shall be revised showing the northern 230 feet of W. Chicago Street as right-of-way in lieu of a public access and major utility easement or an Exception shall be obtained to allow an easement to serve more than four lots or this portion of the property shall be removed from the plat document. In addition, that portion of the right-of-way located on the adjacent property shall be included on this plat or the right-of-way shall be dedicated on a separate plat document or as an H Lot;**
5. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
6. **Prior to submittal of a Final Plat application, the plat document shall be revised reducing the width of the proposed access easements to include the 26 foot wide access aisle only or upon submittal of an Initial and Final Planned Unit Development application, the site plan shall be revised eliminating parking from the access easement(s);**
7. **Prior to submittal of a Final Plat application, an alternate street name for W. Chicago Street as it extends west from the intersection of N. 12<sup>th</sup> Street through the subject property 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;**
8. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page of the previously vacated "West Street Right-of-way"; and,**
9. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been designed and completed shall be posted and the subdivision inspection fees shall be paid.**

13. No. 06PL116 - McMahon Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Tract E-3R, McMahon Subdivision, located in the NE1/4 SW1/4, Section 24, T2N, R7E, formerly Tract E-3, McMahon Subdivision, and a portion of the unplatted balance of the NE1/4 SW1/4, Section 24, located in the NE1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract E-3, McMahon Subdivision, and a portion of the unplatted balance of the NE1/4 SW1/4, Section 24, located in the NE1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and south Kathryn Avenue.

**Planning Commission recommended that the Preliminary Plat be approved**



with the following stipulations:

1. A grading plan shall be submitted for review and approval prior to issuance of a building permit;
2. Prior to Preliminary Plat approval by City Council, a revised plan be submitted for review and approval showing the size of the proposed sanitary service;
3. Prior to Preliminary Plat approval by City Council, a revised plan shall be submitted for review and approval dedicating the required non-access easements;
4. Prior to Preliminary Plat approval by City Council, a revised plan shall be submitted for review and approval with the correct legal description; and,
5. 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.

14. No. 06PL117 - East Mall Business Center Subdivision

A request by Ferber Engineering Co, Inc. for FMLC, Inc. to consider an application for a **Preliminary Plat** on Lots 1 and 2, East Mall Business Center Subdivision, formerly a parcel of land located in the NE1/4, Section 30, lying north of Rushmore Mall Drive; Lot C of Lot L2, less Lot H1 and W1/2 vacated March Avenue adjacent to Lot C; and the unplatted part of the W1/2 NE1/4, lying south of Rushmore Mall Drive and the E1/2 vacated March Avenue, all located in the NE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NE1/4, Section 30, lying north of Rushmore Mall Drive; Lot C of Lot L2, less Lot H1 and W1/2 vacated March Avenue adjacent to Lot C; and the unplatted part of the W1/2 NE1/4, lying south of Rushmore Mall Drive and the E1/2 vacated March Avenue, all located in the NE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Mall Drive and LaCrosse Street.

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

1. Prior to Preliminary Plat approval by the City Council, road construction plans for the 30 foot wide common access easement extending east from LaCrosse Street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the common access easement shall be vacated;
2. Prior to Preliminary Plat approval by the City Council, road construction plans for E. Mall Drive shall be submitted for review and approval showing the street constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the applicant shall post surety for the design and construction of E.



- Mall Drive or the agreement between the City of Rapid City and the State of South Dakota shall be approved;**
- 3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a 59 foot wide right-of-way for a commercial street along the east lot line of the subject. In addition, road construction plans for the street shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or surety shall be posted for the design and construction of the street;**
  - 4. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing a sidewalk along the north side of Disk Drive or a Variance to the Subdivision Regulations shall be obtained;**
  - 5. Prior to Preliminary Plat approval by the City Council, water and sewer main(s) shall be constructed along E. Mall Drive or surety shall be posted for the design and construction of the utilities or the applicant shall enter into an agreement with the City for the design and construction of the utilities or the utilities shall be constructed and a District created before submittal of a Final Plat application or a Variance to the Subdivision Regulations shall be obtained. In addition, a request shall be submitted for review and approval by the City Council for any over sizing costs prior to Preliminary Plat approval;**
  - 6. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along LaCrosse Street, with the exception of the common access easement, and E. Mall Drive as they abut Lot 1 of Block 1 or an Exception to allow access from the higher order street shall be obtained. In addition, a non-access easement shall be shown along E. Mall Drive as it abuts Lot 2 of Block 1 except for approved approach location(s);**
  - 7. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
  - 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the 30 foot wide common access easement located along the south lot line of Lot 1 of Block 1;**
  - 9. Prior to submittal of a Final Plat application, the plat document shall be revised to show a previously dedicated ten foot wide utility and drainage easement along all side and rear lot lines of Lot C of Lot L2 or the easement shall be vacated;**
  - 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page of the previously vacated March Avenue right-of-way. In addition, the plat document shall be revised to show the 30 foot wide utility easement previously recorded in the same location as the vacated March Avenue right-of-way;**
  - 11. Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page of the previously recorded Lot**





H2;

12. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing Lot H3 located at the intersection of E. Mall Drive and LaCrosse Street along a portion of the north lot line of the subject property;**
  13. **Prior to submittal of a Final Plat application, the formerly portion of the plat title shall be revised to read "Lot C of Lot L-2 of Marshall Heights Tract, less Lot H1 and W1/2...". In addition, the plat title shall be revised to include "Tract G of Marshall Heights Subdivision No. 2 less Lot 1 of Tract G and Tract H and W1/2 of Vacated March Street";**
  14. **Prior to submittal of a Final Plat application, the plat document shall be revised to correct the map scale to 1 inch = 200 feet; and,**
  15. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been designed and completed shall be posted and the subdivision inspection fees shall be paid.**
15. No. 06PL122 - CHMH Subdivision  
A request by Cedar Hill Corporation to consider an application for a **Preliminary Plat** on Lots 8 thru 11, Block 7; Lots 9 thru 11, Block 10; and Lots 6 thru 9, Block 8, all of CHMH Subdivision and Dedicated Public Right-of-Way show as Brooke Street and Sagewood Street, all located in the NW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the intersection of Sagewood Street and Brooke Street.

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

1. **Prior to Preliminary Plat approval by the City Council, a site plan showing service line location(s) to the individual lots shall be submitted for review and approval;**
  2. **Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the first 50 feet all corner lots in lieu of 40 feet; and,**
  3. **Prior to submittal of a Final Plat application, a stop sign shall be installed at the intersection of Brooke Street and Sagewood Street or surety shall be posted for the improvement.**
16. No. 06SE002 - Elks Country Estates  
A request by Sperlich Consulting for Steve Zandstra of Triple Z Real Estate LLLP to consider an application for an **Exception to the Street Design Criteria Manual to allow access from the higher order street, to allow two access points in lieu of one and to reduce the access restriction on Padre Drive to 50 feet from the intersection of Jolly Lane** on a parcel of land Located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Jolly Lane and Padre Drive.



**Planning Commission recommended that the request for an Exception to the Street Design Criteria Manual to allow access from the higher order street, to allow two access points in lieu of one and to reduce the access restriction on Padre Drive to 50 feet from the intersection of Jolly Lane be denied without prejudice.**

17. 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 denied the SDCL 11-6-19 Review to install a dirt jump park on public property without prejudice at the applicant's request.**

18. No. 06SR052 - Elk Meadows Subdivision

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

**Planning Commission continued the SDCL 11-6-19 Review to allow for construction of a city park to the August 24, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.**

19. No. 06SR060 - Section 27, T2N, R8E

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 Review to allow the construction of Cheyenne Boulevard** on a Tract of land located in the N1/2, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at a found section corner of Section 27; Thence S89°51'35"E a distance of 878.47 feet along the Section line to a point; Thence S00°18'55"W a distance of 44.48 feet to the true point of beginning; Beginning at a found rebar and cap stamped "Arleth and Associates LS 3977" this being the true point of beginning; Thence S89°51'35"E a distance of 1771.76 feet to a angle point; Thence S00°01'50"W a distance of 100.00 feet to a angle point; Thence N89°51'35"W a distance of 1771.47 feet to a found rebar and cap stamped "Arleth and Associates LS 3977"; Thence N00°08'25"W a distance of 100.00 feet to the true point of beginning, more generally described as being located at the eastern terminus of Cheyenne Boulevard.

**Planning Commission continued the SDCL 11-6-19 Review to allow the construction of Cheyenne Boulevard to the August 24, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.**

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



2. Approval of the July 27, 2006 Planning Commission Meeting Minutes.

Elkins requested that the minutes be corrected on page 41, item 69, to state **'That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement to meet a required 20 foot width along the access easements be denied without prejudice; and,'** instead of **'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,'**.

**Brewer moved, Anderson seconded and unanimously carried to approve the requested correction to the July 27, 2006 Planning Commission Meeting Minutes. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no).**

8. No. 06PL083 - LaGrand Subdivision

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

Elkins stated that staff recommends that the Preliminary Plat request be denied without prejudice at the applicant's request.

**LeMay moved, Landguth seconded and unanimously carried to deny the Preliminary Plat without prejudice at the applicant's request. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no).**



**Brown announced that the Public Hearings on Items 20 through 36 were opened.**

**Staff requested that Item 29 be removed from the Hearing Consent Agenda for separate consideration.**

**Brown requested that Item 31 be removed from the Hearing Consent Agenda for separate consideration.**

**LeMay moved, Hennies seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 20 through 36 in accordance with the staff recommendations with the exception of Items 29 and 31. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no)**

**The Public Hearings for Items 20 through 36 were closed.**

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

20. No. 06CA018 - Elk Meadows Subdivision

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

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Low Density Residential with a Planned Residential Development be continued to the August 24, 2006 Planning Commission meeting at the applicant's request.**

21. No. 06CA020 - Rapid City Bikeway/Walkway Plan

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the City of Rapid City Bikeway/Walkway Plan.**

**Planning Commission recommended that the Amendment to the Comprehensive Plan to adopt the City of Rapid City Bikeway/Walkway Plan be approved.**

\*22. No. 06PD033 - Stoney Creek South Subdivision

A request by Stoney Creek Development Corp. for Boschee Engineering to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on a parcel of land located in a portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , lying South of Catron Boulevard, in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the Northeast corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Thence S25°04'24"W, 609.82 feet to the true point of beginning, said point is lying on the



south right-of-way line of Catron Boulevard; Thence departing said south right-of-way line, S25°51'23"W, 193.96 feet; thence N70°48'41"W, 304.64 feet to a point lying on the easterly right-of-way line of Bendt Drive as shown on the final plat of Stoney Creek South Subdivision; Said point is also lying on a curve concave to the southeast and whose chord bears N44°11'25"E, 11.07 feet; Thence northerly along the arc of said curve to the right whose radius is 174.00 feet, and whose delta angle is 03°38'45", an arc distance of 11.07 feet to a point of reversed curvature; Thence continuing northerly along said easterly right-of-way line of Bendt Drive the following two courses; Thence northerly along the arc of said curve to the left whose radius is 226.00 feet, and whose delta angle is 33°41'44", an arc distance of 132.91 feet to a point of tangency; Thence N12°19'03"E, 57.83 feet to a point lying on the southerly right-of-way line of Catron Boulevard; said point is also lying on a curve concave to the southwest and whose chord bears S70°05'51"E, 306.73 feet; Thence southeasterly along said right-of-way line and along the arc of said curve to the right whose radius is 1356.92 feet, and whose delta angle is 12°58'45", an arc distance of 307.38 feet to the true point of beginning, containing 1.354 acres more or less, more generally described as being located at the southeast corner of the intersection of Bendt Drive and Catron Boulevard.

**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 any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;**
3. **An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
4. **A minimum of 58,986 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;**
5. **A minimum of two parking spaces shall be provided. One of the spaces shall be van handicap accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
6. **The sign shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development. In addition, the lighting for the sign shall be designed to preclude reflection on the adjacent properties and/or streets. A sign permit shall also be obtained for the sign;**
7. **All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
8. **The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;**
9. **All mechanical equipment shall be located within the mechanical**



- room as proposed;
10. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrants shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
  11. The proposed commercial structure(s) shall be used for a car wash and mini-storage units. Any other use shall require a Major Amendment to the Planned Commercial Development;
  12. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Commercial Development;
  13. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
  14. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment.

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

\*23. No. 06PD052 - Heartland Retail Center

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 2 of Block 1, Heartland Retail Center, Sections 27 and 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4030 Cheyenne Boulevard.

**Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the August 24, 2006 Planning Commission meeting to allow the applicant time to submit the required 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.***

\*24. No. 06PD053 - Kateland Subdivision

A request by Sperlich Consulting, Inc. for Del Vandenhoeck to consider an application for a **Planned Residential Development - Final Development Plan**



on Lot 11, Block 4 and Lot 1, Block 5, Kateland 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 northwest of the intersection of Country Road West and Earleen Street.

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

1. **A building permit must be obtained prior to any construction and a certificate of occupancy must be obtained prior to occupancy;**
2. **The structures shall be full fire sprinkled and all applicable provisions of the International Fire Code shall be continually met;**
3. **The landscape plan shall continually comply with all requirements of the Zoning Ordinance and shall be maintained in a live vegetative state;**
4. **The parking plan shall continually comply with all requirements of the Zoning Ordinance;**
5. **Prior to issuance of a building permit, an exception to the Rapid City Standard Specifications for the re-use of a fire hydrant shall be obtained or the plans shall be revised showing the installation of a new hydrant;**
6. **Prior to issuance of a building permit, all red line comments shall be addressed;**
7. **All construction shall comply with the approved building elevations; and,**
8. **The Planned Residential Development – Final Development Plan shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

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

\*25. No. 06PD055 - Big Sky Subdivision

A request by City of Rapid City for Hani Shafai and Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Residential Development** on Tract H, Lots 13A, 13B, and 14 thru 19, Block 4; Lots 1A thru 3A, Lots 1B thru 3B, and Lots 4 thru 15, Block 19; and Lots 1 thru 10, Block 20, Big Sky Subdivision, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Homestead Street and Aurora Drive.

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

1. **Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structures;**



2. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence, including corner lots;
3. A minimum rear yard setback of 25 feet shall be provided for all lots within the Planned Residential Development;
4. A minimum side yard setback of 8 feet shall be provided for all two-story townhome lots within the Planned Residential Development if no openings such as windows or doors are allowed on the internal side walls or a Major Amendment to the Planned Residential Development shall be required;
5. All other provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Residential Development or a subsequent Major Amendment;
6. The proposed structures shall conform architecturally to the plans and elevations previously submitted;
7. All International Fire Codes shall be continually met;
8. All driveways shall be constructed as per Section 8.2.7 and Figure 8-5 of the Street Design Criteria Manual; and,
9. The Major Amendment to a Planned Residential Development shall be limited to a maximum of 28 single-family dwelling units and eight townhome dwelling units. Any change in use shall require a Major Amendment. In addition, the Major Amendment to a Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

26. No. 06RZ019 - Elk Meadows Subdivision

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

**Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be continued to the August 24, 2006 Planning Commission meeting at the applicant's request.**

27. No. 06RZ026 - Rockin on Ranch Subdivision

A request by Frank Lawton for Executive Homes, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM,





Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Bunker Drive.

**Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be approved.**

28. 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 sewer along Eglin Street, Dyess Avenue and Beale Street be denied;**

**That the Variance to the Subdivision Regulations to waive the requirement to install water along Beale Street and Dyess Avenue be denied; and,**

**That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement along Beale Street, Dyess Avenue and Eglin Street be approved with the following stipulation:**

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

30. 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 24, 2006 Planning Commission meeting to be heard in conjunction with an associated Preliminary Plat.**



32. No. 06SV046 - Founders Park Subdivision

A request by Centerline for Founder's Park, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to waive the requirement to install sidewalk on both sides of West Chicago Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 11, Founders Park Subdivision; and the dedicated public right-of-way, formerly the unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Omaha Street and west of West Street.

**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 along the access easements be approved; and,**

**That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of West Chicago Street be approved with the following stipulation:**

1. **A sidewalk shall be provided along one side of the street.**

\*33. No. 06UR015 - LaGrand Subdivision

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



or less to a point marked by a rebar with survey cap "LS 6565"; thence, S89°59'35"E, a distance of 486.81 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, north along the west line of Elk Vale Road right-of-way, N00°07'57"W, a distance of 492.66 feet, more or less, to the point of beginning. Said tract of land contains 4.27 acres or 186,001 square feet, more or less, more generally described as being located at the southwest corner of the intersection of North Elk Vale Road and Eglin Street.

**Planning Commission continued the Conditional Use Permit to allow a Car Wash in the General Commercial Zoning District to the August 24, 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.***

34. No. 05TI019 - East Anamosa Street

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



SE1/4NE1/4 including Meadowlark Hills Sub & all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A & E1/2 vacated Cherry Ave of NE1/4NE1/4 and all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract B, C, D, F, G, and H and all adjacent rights-of-way, all of Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract E & E15' of vacated Cherry St adjacent to said Tract E, Block 1 and all adjacent rights-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, E100' of Tract A, Block 1 and adjacent right-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A less the E100' and the E15' of vacated Cherry St adjacent to said Tract A and adjacent right-of-way, Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of the 90' wide East Anamosa Street right-of-way located in the NE1/4 of Section 31 and the SE1/4 of Section 30, and the East Anamosa Street right-of-way located in the NW1/4 of Section 31 and the SW1/4 of Section 30 all adjacent to LaCrosse Street, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Railroad Right-of-Way located in the NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A and Lot B and all adjacent rights-of-way, West Century Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N170' of S313.96' of Lot 2 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 and Lot 2 and all adjacent rights-of-way, Buckingham Rental Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot B of Lot 1 of SW1/4NW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A, B, C, and D of Lot 1 of NW1/4SW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 1, Century "21" and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A in NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract D in NE1/4NW1/4 including Lot 1 of Tract D of Heubner Subdivision and all adjacent rights-of-way, all located in Heubner Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N16.04' of Lot 2 of SW1/4NW1/4 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 and Lot H3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Lot H1 of Lot A of the SE1/4NW1/4, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of Lot B of Lot 1 in the NW1/4SW1/4, Lot H1 of Lot B of Lot 1 of the NW1/4SW1/4, Lot 2 of the NW1/4SW1/4, Lot H1 of Lots 7 & 8 of the NW1/4SW1/4, Lot H1 of Lots 3,4, 5 & 6 of the NW1/4SW1/4, Lot H1 and Lot H2 of the NW1/4SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of



Century Road, east of LaCrosse Street and south of US 1-90.

**Planning Commission recommended that the Tax Increment District No. 49 Project Plan be continued to the August 24, 2006 Planning Commission meeting.**

35. No. 06CA019 - The Cottonwoods Subdivision

A request by Barbara Fierro for WellSpring, Inc. and Calvary Lutheran Church to consider an application for an **Amendment to the Comprehensive Plan to change the Long Range Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development** 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 Amendment to the Comprehensive Plan to change the Long Range Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development be continued to the August 24, 2006 Planning Commission meeting to allow the applicant to meet the legal notification requirement.**

36. 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 from Medium Density Residential District to Office Commercial District be continued to the August 24, 2006 Planning Commission meeting to allow the applicant to meet the legal notification requirement.**

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

29. No. 06SV036 - LaGrand Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks, street light conduit along East Anamosa Street; and, to waive the requirement to install curb, gutter, and sidewalks along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 3 of Block 2, LaGrand Subdivision, located in the NE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a Tract of land located in the NE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Beginning at the northeast corner of Section 4; Thence along the north line of Section 4 S89°43'48"W a distance of 124.58 feet, to a found pin and cap marked



"LS 6251", the true point of beginning; Thence along the north line of Section 4 S89°46'10"W a distance of 541.59 feet, to a found pin and cap marked "LS 5680"; Thence S00°02'01"E a distance of 202.34 feet, to a found pin and cap marked "LS 6251"; Thence along the arc of a curve to the left whose radius points bears N13°38'28"E, having a radius of 925.00 feet, a central angle of 02°51'39" and an arc length of 46.19 feet; Thence N09°13'19"E a distance of 25.02 feet; Thence S80°46'41"E a distance of 50.00 feet; Thence S09°13'19"W a distance of 25.03 feet; Thence along the arc of a curve to the left whose radius points bears N07°40'58"E, having a radius of 925.00 feet, a central angle of 07°56'32" and an arc length of 128.22 feet; Thence N89°45'43"E a distance of 319.32 feet to a found pin and cap marked "LS 6251"; Thence N00°02'51"W a distance of 229.28 feet to the point of beginning. Said tract of land containing an area of 2.78 acres more or less, more generally described as being located at the northwest corner of the intersection of Elk Vale Road and East Anamosa Street.

Elkins stated that the staff recommends the Variance to the Subdivision Regulations request be denied without prejudice at the applicant's request.

**Hennies moved, Brewer seconded to recommend 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 denied without prejudice at the applicant's request. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no).**

31. 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.

Brown stated he had received some public comment regarding the number of driveways that are being proposed on the site. In response to Brown's statement, Tegethoff stated that construction plans have not been submitted at this time which identify the driveway locations.

Tegethoff stated that the staff recommends the Variance to the Subdivision Regulations request be approved in part and denied in part.

**Brewer moved, Anderson seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to install pavement and**



**sewer 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 assessment for the improvements;**

**And that the 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 provide a screen planting easement as per Chapter 16 of the Rapid City Municipal Code be denied. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no).**

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

Bulman requested that items 37 and 38 be taken concurrently.

37. 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 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.

38. 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 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 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.

Bulman stated that the staff recommends the Comprehensive Plan Amendment request be denied without prejudice to allow the applicant to submit an Amendment to the Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial with a Planned Light Industrial Development.

Pat Tlustos, the applicant, expressed his concern with the delay that may occur with the approval of the staff's recommendation. Tlustos stated that the subject property was previously zoned Light Industrial and the applicant had requested that it be changed to General Commercial with a Planned Commercial Development at that time. Tlustos requested that the land use designation and zoning be reverted back to Light Industrial. Discussion followed.

Elkins advised the staff is concerned with Light Industrial zoning being located across the street from General Commercial without a buffer. Elkins further commented that a planned development would ensure that there was a sufficient buffer in place should the property change ownership in the future. Discussion followed.

Hadcock expressed her support for the staff's recommendation. Discussion followed.

In response to Brewer's question, Elkins stated that the subject property across the street is not developed at this time.

**Brewer moved, Fast Wolf seconded to recommend that the 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 and that the Rezoning from General Commercial District to Light Industrial District be approved.**

Lengthy discussion followed.

In response to Anderson's question, Elkins stated that the staff's recommendation was to continue a buffer area between the Light Industrial property and the General Commercial property that runs parallel to Mall Drive. Discussion followed.

**Hennies called the question, LeMay seconded and unanimously carried to call the question. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no).**

**Brewer moved, Hennies seconded and unanimously carried to recommend that the 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 and that the Rezoning from General Commercial District to Light Industrial District be approved. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no)**

Bulman requested that items 39 and 40 be taken concurrently.

39. No. 06CA023 - Boulevard Addition

A request by Lise Balk-King to consider an application for an **Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to Neighborhood Commercial** on Lots 19 thru 24, Boulevard Addition, Block 3, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1011, 1015, 1019 and 1021 St. Joseph Street.

40. No. 06RZ025 - Boulevard Addition

A request by Lise Balk-King to consider an application for a **Rezoning from High Density Residential District to Neighborhood Commercial District** on Lots 19 thru 24, Boulevard Addition, Block 3, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1011, 1015, 1019 and 1021 St. Joseph Street.

Bulman stated that the staff recommends the Amendment to the Comprehensive Plan and the Rezoning be denied. Bulman advised the staff is concerned with the possibility of increased traffic, on-site parking and turning movements within the property, increased lighting and noise, and the encroachment of commercial development into this neighborhood. Bulman also stated that these items were reviewed by the Historic Preservation Commission and they have expressed objection to this rezoning.

Lise Balk-King, Frank King and Les Odegaard requested the Comprehensive Plan Amendment and the Rezone requests by approved. Balk-King, King and Odegaard expressed their opinion that current degradation of the neighborhood warranted the Comprehensive Plan Amendment and Rezoning requests. Balk-King, King and Odegaard expressed their opinion that commercial development would improve the conditions and values of these properties. Lengthy discussion followed.

In response to Hennies' questions, Bulman stated that she has received one call regarding traffic concerns and that the rezoning would allow anything that is permitted under Neighborhood Commercial.

Elkins clarified the Historic Preservation Commission's role in reviewing changes to properties in the Historic District. Elkins requested that the items be further opened to public comment from the audience. Elkins stated staff has received limited response from the residents of Kansas City Street and numerous feedback from other residents in the area.



Brewer expressed his opinion that the Historic Preservation Commission should be an ally for development that helps to stop the degradation of the neighborhood.

Balk-King expressed her concern for increased crime in the neighborhood.

Lengthy discussion followed on the preservation of the existing structures and the proposed uses.

Elkins clarified the Historic Preservation Commission's role in reviewing development. Elkins suggested that the option of Office Commercial zoning might have been a more suitable classification to allow the proposed uses of the subject property with the exception of a coffee shop. Discussion followed.

**Hennies moved and Anderson seconded that the Amendment to the Comprehensive Plan and the Rezoning of the property be denied without prejudice.**

Hadcock expressed her opinion that the applicants review the City's Parking Ordinances and setbacks to ensure that the property could be developed for commercial purposes.

Mike Pelly, the West Boulevard Neighborhood Association's president, expressed opposition to rezoning the property to Neighborhood Commercial and the commercial encroachment into the neighborhood. Pelly and Kamie Hurd stated their strong support for the staff's recommendation for the future needs of the area. Discussion followed.

Dennis Halterman, secretary of the Rapid City Historic Preservation Commission, expressed support for the process and the commission's willingness to work with applicant to save the buildings.

Steve Brendan, area resident, expressed concerns with increased traffic in the neighborhood as a result of the proposed rezoning.

**The motion to recommend that the Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to Neighborhood Commercial and the Rezoning from High Density Residential District to Neighborhood Commercial District be denied without prejudice carried unanimously. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no)**

Brown requested that item 48 be considered out of sequence.

**Hennies moved, Brewer seconded and unanimously carried to recommend that item 48 be considered out of sequence. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no)**



**voting no)**

\*48. No. 06PD056 - Stoney Creek Subdivision

A request by Boschee Engineering to consider an application for a **Major Amendment to a Planned Residential Development** on Lots 1 thru 12, Block 5, Stoney Creek Subdivision Phase I, located in the W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1A and 1B, Block 5, Stoney Creek Subdivision Phase I, located in the W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Catron Boulevard and Sheridan Lake Road.

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

Tegethoff presented the staff recommendation to approve the Major Amendment request with stipulations.

Jim Mirehouse, area resident, expressed concerns with the construction of structures that were not approved and requested that the Major Amendment request be denied.

Elkins stated a building permit was issued in error to allow a split-foyer residence. Elkins advised that the applicant has been allowed to complete construction for a single-story. Elkins further commented that construction above the first story requires approval of a Major Amendment.

Mark Coad, area resident, stated that a private legal settlement allowed certain structures in the neighborhood.

Jody Bender, area resident, expressed her opinion on the lawsuit agreement which specified single-story townhomes. Discussion followed. A copy of the legal document was provided by an audience member. Elkins stated that a copy of the lawsuit was not previously provided to the Growth Management staff.

In response to Hennies' question, Elkins advised that the City does not enforce private legal matters. Discussion followed.

Aaron Carr, area resident, expressed his opposition to allowing building of the two-story structures.

**Landguth moved, Anderson seconded to continue the Major Amendment to a Planned Residential Development to the August 24, 2006 Planning Commission meeting with the request for the City Attorney's staff to review the private lawsuit document.**

Landeem asked for clarification from the Commission on what aspect of the legal document they wanted reviewed.

**Substitute motion by Landguth, seconded by Hennies to deny the Major**



**Amendment to a Planned Residential Development without prejudice.**  
Discussion followed.

Roy Boschee, engineer for the applicant, stated that the applicant's intent is to rectify an error that was made on the initial application with the current request and to build structures that are similar to the those that are already in the neighborhood.

**The substitute motion carried unanimously with one abstention to deny the Major Amendment to a Planned Residential Development without prejudice. (6 to 0 to 1 with Anderson, Brewer, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no with 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.***

Tegethoff requested item 41 and 42 be taken concurrently.

41. 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.

42. No. 06SV031 - Meredith Subdivision

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

Tegethoff presented the Layout Plat and Variance requests. Tegethoff presented the staff's recommendation to approve the Layout Plat with stipulations and approve the Variance request in part and deny in part.

Patricia Meredith, applicant, expressed her opposition to the staff's recommendation. Meredith requested that the Variance for additional pavement width be approved.

In response to Landguth's question, Elkins stated that the current section of



Bighorn Road is 14 foot wide and the adopted Fire Code requires a minimum 20 foot wide, clear surface.

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

- 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If on-site wastewater treatment systems are proposed then information on depth and type of soil, and capacity of septic tanks proposed must be submitted for review and approval and percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems be submitted for review and approval;**
- 4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed and designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed;**
- 5. Upon submittal of a Preliminary Plat application, road construction plans for Pioneer Circle 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;**
- 6. Upon submittal of a Preliminary Plat application, road construction plans for that portion of Bighorn Road located east of the subject property extending west from the south side of the subject property. In particular, the road construction plans shall show the street located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be**



obtained;

7. Upon submittal of a Preliminary Plat application, a Wildland Fuel Mitigation plan be submitted for review and approval;
8. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, and sewer along Pioneer Circle as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the installation of additional pavement along Pioneer Circle as per Chapter 16.16 of the Rapid City Municipal Code be denied;

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

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

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the installation of pavement along Bighorn Road as per Chapter 16.16 of the Rapid City Municipal Code be denied. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no)

Fisher requested that items 43, 44, 45, and 46 be taken concurrently.

\*43. 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 SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota described as follows; beginning at the NW corner of the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 11, T1N, R7E, BHM, Travel 690.30 feet at a bearing S89°37'13"E to a point, then Travel 140.54 feet at a bearing S89°34'10"E to a point, then Travel 185.49 feet at a bearing S89°50'15"E to a point, then Travel 237.94 feet at a bearing S89°45'1"E to a point, then Travel 687.73 feet at a bearing N89°51'38"E to a point, then Travel 370.78 feet at a bearing S89°47'54"E to a point, then Travel 108.32 feet at a bearing S57°21'42"W to a point, then Travel 62.85 feet at a bearing S38°44'22"W to a point, then Travel 88.72 feet at a bearing S68°57'3"W to a point, then Travel 46.48 feet at a bearing S54°14'57"W to a point, then Travel 95.36 feet at a bearing S47°30'41"W to a point, then Travel 77.14 feet at a bearing S69°34'14"W to a point, then Travel 160.44 feet at a bearing S45°17'36"W to a point, then Travel 19.76 feet at a bearing S45°37'24"W to a point, then Travel 74.14 feet at a



bearing S45°51'3"W to a point, then Travel 95.64 feet at a bearing S34°32'11"E to a point, then Travel 219.69 feet at a bearing S55°7'3"W to a point, then Travel 333.97 feet along a 292.60 RHF curve with a chord bearing S5°32'55"W, then Travel 166.06 feet at a bearing S44°48'23"E to a point, then Travel 38.11 feet along a 38.06 LHF curve with a chord bearing S39°36'26"E, then Travel 214.00 feet at a bearing S34°24'28"E to a point, then Travel 84.11 feet at a bearing S45°11'37"W to a point, then Travel 990.30 feet at a bearing S89°57'45"W to a point, then Travel 722.17 at a bearing N to a point, then Travel 536.64 feet at a bearing N65°58'10"W to a point, then Travel 427.77 feet at a bearing S55°15'47" W to a point, then Travel 625.45 feet at a bearing N00°31'58"E back to the origin. Parcel described contains 1,713,559.45 square feet or approximately 39.3 acres, more generally described as being located northwest of the intersection of Mount Rushmore Road and Tower Road.

\*44. 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.

45. 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.

46. No. 06SV030 - Skyline Pines East

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



Fisher presented the staff's recommendation that the Planned Commercial Development – Initial Development Plan, the Planned Residential Development – Initial Development, the Layout Plat and the Variance to the Subdivision Regulations be continued to the August 24, 2006 Planning Commission meeting at the applicant's request.

**Hennies moved, Brewer seconded and unanimously carried to continue the Planned Commercial Development - Initial Development Plan, the Planned Residential Development - Initial Development Plan, the Layout Plat, the Variance to the Subdivision Regulations to the August 24, 2006 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no)**

47. 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 presented the Planned Commercial Development – Final Development. Fisher presented the staff's recommendation to approve the sign package for the Planned Commercial Development – Final Development Plan with stipulations. Fisher further commented that the staff recommends approval of the dimensions of the sign; however, due to the heavy traffic flows from the arterial street and the close proximity of the residential development to the commercial property, staff recommends that the reader board be eliminated from the proposed sign.

Dennis Hettich, Conrad Signs, requested that the Planned Commercial Development – Final Development Plan be approved. Hettich stated that adequate signage is needed for the occupants of the development on the subject property and that the requested dimensions did not allow for this without the use of an electronic reader board.

Hennies expressed his opinion that the Planning Commission needs direction from the City Council regarding electronic reader boards.

**Hennies moved and LeMay seconded to deny the sign package for the Planned Commercial Development - Final Development Plan without prejudice.**

Hadcock stated that the City Council is not currently reviewing the usage of on-premise sign, particularly electronic reader boards. Hadcock urged the Commission to approve signage as it pertains to the current sign ordinance. Discussion followed.

Elkins stated that a Planned Commercial Development enables the Commission to determine what signage is appropriate for a specific location even when the





sign may or may not meet requirements of the current sign ordinance. Elkins reiterated that the staff's recommendation was based on the close proximity of the residential area to the commercial development. Discussion followed.

Hettich requested that the sign package dimensions be extended for a larger sign if the electronic reader board is denied. Discussion followed.

**Substitute motion by Brewer, LeMay seconded to approve the sign package for the Planned Commercial Development - Final Development Plan with the following stipulations:**

- 1. Prior to Planning Commission approval, the sign package shall be revised eliminating the electronic sign, or reader sign. The sign shall be limited to a campus sign with no off-premise advertising allowed. In addition, the sign shall be constructed with similar building materials and color palette as the proposed structure. The wall sign(s) shall conform architecturally to the design plans and color palette submitted as a part of this Planned Commercial Development. The lighting for the sign(s) shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign.**

Hennies expressed his opposition to the substitute motion and requested direction from the City Council pertaining to electronic reader boards. Discussion followed.

**LeMay called the question. The motion to call the question carried unanimously. (7 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no)**

**The substitute motion to approve the sign package for the Planned Commercial Development - Final Development Plan with stipulation failed. (2 to 4 to 1 with Brewer and LeMay voting yes and Anderson, Fast Wolf, Hennies and Landguth voting no and Brown abstaining).**

Elkins suggested a Task Force of Planning Commissioners and City Council members meet to review the issue of electronic reader boards.

Hennies called for a vote on the original motion.

**The original motion to deny the sign package for the Planned Commercial Development - Final Development Plan without prejudice carried. (4 to 2 to 1 with Anderson, Fast Wolf, Hennies and Landguth voting yes and Brewer and LeMay 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.***



Brewer left the meeting at this time.

**Hennies moved, Landguth seconded and unanimously carried to continue the balance of the agenda to 7:00 a.m., August 17, 2006 Planning Commission meeting. (6 to 0 with Anderson, Brown, Fast Wolf, Hennies, Landguth and LeMay voting yes and none voting no)**

**Meeting was recessed at 9:11 a.m.**