



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 24, 2006

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

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

Brown called the meeting to order at 7:09 a.m.

---ITEMS CONTINUED FROM AUGUST 10, 2006 PLANNING COMMISSION MEETING---

*49. No. 06PD047 - Huffman Subdivision

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

Bulman stated that staff recommends that the Planned Commercial Development – Initial and Final Development Plan be continued to the September 7, 2006 Planning Commission meeting at the applicant's request.

Hennies moved, Waltman seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the September 7, 2006 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

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

*50. No. 06PD048 - Flormann Addition

A request by Sperlich Consulting, Inc. for Black Hills Health and Wellness to consider an application for a **Major Amendment to a Planned Commercial Development to expand the boundaries of a Planned Commercial Development and construct a parking lot** on Lots 2 thru 5 of Block 36 of Boulevard Addition, located in the NE1/4 SE1/4, Section 2, T1N, R7E, BHM; and Lots 17 thru 22 of Block 9 of Flormann Addition, located in the NW1/4 SW1/4,



Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1220 Mt. Rushmore Road, 722 and 732 Fairview Street.

Tegethoff presented the Major Amendment to a Planned Commercial Development. Tegethoff stated that staff recommends that the Major Amendment Request be approved with stipulations.

Curt Pochardt, area resident, expressed his concerns with using rock to stabilize the hillside. Pochardt stated his opinion that grass or vegetative cover would be a more aesthetically pleasing buffer. Pochardt suggested that a portion of the landscape on the subject property be rock and the remaining portion be grass or vegetative cover. Discussion followed.

In response to Hennies' question, Pochardt stated that he was proposing this as a compromise. Discussion followed.

In response to Schmidt's questions, Kale McNaboe commented on the grade of the slope on the subject property and the reasons for the proposed landscape application. Discussion followed.

Landguth expressed his support for a combination of trees, shrubs in addition to rock landscape. Discussion followed.

Elkins advised that the process requires the applicant submit a landscape plan prior to the issuance of a building permit for review by staff. Elkins further commented that the adjacent neighbors are not included in the building permit review process.

Hennies moved, LeMay seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development to expand the boundaries of a Planned Commercial Development and construct a parking lot 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 Planning Commission approval, a revised site plan shall be submitted for review and approval showing the required accessible parking spaces and required setback along a single-family residential lot line;**
- 3. All site lighting shall be directed away from the adjacent rights-of-way and residential zoned properties;**
- 4. Prior to Planning Commission approval, a sign package shall be submitted for review and approval showing any additional signage provided or a Major Amendment to the Planned Commercial Development must be obtained for any additional signage;**
- 5. Prior to installation of any signage a sign permit shall be obtained;**
- 6. Upon submittal of a Building Permit application, a revised landscaping plan shall be submitted for review and approval. In particular, a minimum of 12 shrubs and eight trees shall be planted**



- along the eastern lot line of the subject property;
7. The existing and proposed structure shall be fully fire sprinkled as per the 2003 International Fire Code and all applicable provisions of the International Fire Code shall be continually met;
 8. Prior to issuance of a building permit, plans for the retaining wall shall be submitted for review and approval; and,
 9. The Major Amendment to a Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

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

*51. No. 06PD050 - Mediterranean Subdivision

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

Fisher stated that staff's recommendation is that the Planned Commercial Development – Final Development Plan be continued to the September 7, 2006 Planning Commission meeting at the applicant's request.

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

Steve Brenden, area resident, stated his opposition to the proposed development on the subject property. Brenden expressed his opinion that there is not adequate space for the proposed drive-thru use.

LeMay moved, Hennies seconded and carried to continue the Planned Commercial Development - Final Development Plan to the September 7, 2006 Planning Commission meeting. (8 to 0 to 1 with Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no and Anderson 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.



Elkins requested that items 52, 53 and 54 be taken concurrently.

52. No. 06RD001 - Section 28, T2N, R8E
A request by City of Rapid City to consider an application for a **Road Name Change to rename that portion of Eglin Street lying between Lowry Lane and Beale Street to Edwards Street.**
53. No. 06RD002 - Section 28, T2N, R8E
A request by City of Rapid City to consider an application for a **Road Name Change to name the new extension of the existing Eglin Street lying south of the DM&E Railroad Right-of-Way and west of Elk Vale Road (U.S. 16B) Eglin Street.**
54. No. 06RD003 - Section 28, T2N, R8E
A request by City of Rapid City to consider an application for a **Road Name Change to rename that portion of Cheyenne Boulevard lying east of Elk Vale Road (U.S. 16B) as Eglin Street.**

Elkins presented the Road Name change requests and staff's recommendations for approval.

In response to LeMay's questions, Elkins identified the locations of existing and proposed layout of the roads. Elkins further commented on the specific locations of the arterial and feeder street locations. Discussion followed.

In response to Anderson's question, Elkins advised that the City of Box Elder would use the street name identified by the City of Rapid City for future development purposes.

Doyle Estes, adjacent property owner, expressed his objection to the proposed road name changes for Cheyenne Boulevard. Estes stated his opinion that the road name change would create a burden for current and future tenants and property owners.

In response to Schmidt's questions, Elkins stated that emergency services would be negatively affected with changing the road name in the middle of a continuous road. Elkins stated that a name change split would be more appropriate at Elk Vale Road if the Planning Commission chose to retain the name Cheyenne Boulevard. Discussion followed.

Anderson moved, Hennies seconded and unanimously carried to recommend that the naming of that portion of Eglin Street north of the railroad be changed to Edwards Street; that the naming of the new road alignment be named Eglin Street; and, recommend denial of the renaming of Cheyenne Boulevard as Eglin Street. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)



55. No. 06SR059 - South Park Addition

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

Bulman presented the SDCL 11-6-19 Review to construct a sign on public property and staff's recommended stipulations. Bulman stated that if the Planning Commission wishes to approve the request. Staff recommends approval of the SDCL 11-6-19 Review request with stipulations.

In response to Schmidt's question, Bulman stated that the size of the sign is appropriate.

In response to Brewer's question, Elkins stated that the SDCL 11-6-19 Review is a site specific review, but staff will be consistent in their recommendations when similar situations exist.

Hennies expressed his opposition to the SDCL 11-6-19 Review request. Discussion followed.

Hadcock expressed her support for the SDCL 11-6-19 Review request.

Schmidt expressed his support for the SDCL 11-6-19 Review request.

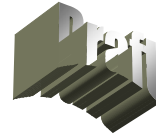
Larry Stevens, Principal of South Middle School, requested that the SDCL 11-6-19 Review be approved. Stevens stated that he has received no negative comment from the surrounding neighbors.

Landguth expressed opposition to the proposed sign on the subject property. Landguth stated his concerns for traffic safety issues as a result of the reader board sign.

Waltman expressed her support for the proposed reader board sign on the subject property.

LeMay moved, Waltman seconded and carried to approve the SDCL 11-6-19 Review to construct a sign on public property with the following design and use standards:

1. **Hours of operation will be from 6 a.m. to 10 p.m.;**
2. **Information on the sign will be school related only;**
3. **No flashing or scrolling of letters will be displayed;**
4. **No video displays will be allowed;**
5. **Single color lettering only shall be allowed;**
6. **Low intensity lighting shall be provided;**
7. **Time interval of a minimal 15 seconds between messages shall be provided; and,**



8. The sign faces shall be located perpendicular to the street. (Roll Call Vote 4 to 5 with Brewer, Brown, LeMay, Schmidt and Waltman voting yes and Anderson, Fast Wolf, Hennies and Landguth voting no)

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

*56. No. 06UR019 - Section 23, T1N, R7E

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

Elkins stated that staff's recommendation is that the Conditional Use Permit to allow an on-sale liquor establishment be denied without prejudice at the applicant's request.

Brewer moved, Hennies seconded and unanimously carried to deny the Conditional Use Permit without prejudice at the applicant's request. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

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

Request to Reconsider 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.

Elkins presented the Major Amendment to a Planned Residential Development. Elkins advised that the notices had not been appropriately mailed at the August 10, 2006 Planning Commission meeting. Elkins further commented that the notices have been sent and that staff's recommendation is that the Major Amendment request be approved with stipulations.

Hennies moved, Landguth seconded and unanimously carried to approve 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. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)**

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

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 4 and 14 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Brewer, Seconded by Hennies and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 14 in accordance with



the staff recommendations with the exception of Items 4 and 14. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the August 10, 2006 and August 17, 2006 Planning Commission Meeting Minutes.

2. 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 September 7, 2006 Planning Commission meeting at the applicant's request.

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

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

Planning Commission recommended that the Preliminary Plat be continued to the September 7, 2006 Planning Commission meeting.

5. 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 September 7, 2006 Planning Commission meeting to allow the applicant to submit additional information.



6. No. 06PL108 - Madison's Subdivision

A request by DGM Development to consider an application for a **Preliminary Plat** on Lots 1 thru 190, Madisons Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 10 and 11, Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4325 and 4385 Haines Avenue.

Planning Commission recommended that the Preliminary Plat be continued to the September 21, 2006 Planning Commission meeting to allow the applicant to submit additional information.

7. 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 September 7, 2006 Planning Commission meeting to allow the applicant to submit additional information.

8. No. 06PL123 - Cambell Square Addition

A request by Renner Associates for Rande Robinson to consider an application for a **Layout Plat** on Lots 9R and 10R, formerly Lots 9 and 10, Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 9 and 10, Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1410 Centre Street.

Planning Commission recommended that the Layout Plat be continued to the September 7, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.

9. No. 06PL126 - Medicine Ridge Subdivision

A request by Sperlich Consulting, Inc. for Schriener Investments, LLC to consider an application for a **Layout Plat** on Lots 1 thru 7, Block 1; and Lots 1 thru 7, Block 2, Medicine Ridge Subdivision, formerly an unplatted parcel of land located in the SE1/4 NE1/4 NE1/4; NE1/4 SE1/4 NE1/4; excepting Tract B of Medicine Ridge, located in the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SE1/4 NE1/4 NE1/4; NE1/4 SE1/4 NE1/4; excepting Tract B of Medicine Ridge, located in the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South



Dakota, more generally described as being located at the western terminus of Stumer Road.

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

- 1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval;**
- 2. 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;**
- 3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the South Robbinsdale Drainage Basin Design Plan shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed pre-developed flows. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 5. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;**
- 6. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall also be revised to provide utility easements as needed;**
- 7. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;**
- 8. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the east lot line of the subject property shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;**
- 9. Upon submittal of a Preliminary Plat, road construction plans for Twin Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water**



- and sewer or a Variance to the Subdivision Regulations shall be obtained;
10. Upon submittal of a Preliminary Plat application, road construction plans for the 66 foot wide access and utility easement shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 49 foot wide right-of-way or an Exception shall be obtained to allow an easement to serve as access to more than four lots. In addition, the street shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the easement shall be vacated. The adjacent property owner(s) shall sign the application to vacate the access and utility easement;
 11. Upon submittal of a Preliminary Plat application, road construction plans for the 40 foot wide access and utility easement shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 49 foot wide right-of-way or an Exception shall be obtained to allow an easement to serve as access to more than four lots. In addition, the street shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the easement shall be vacated;
 12. Upon submittal of a Preliminary Plat application, the plat document shall maintain an access street to the north lot line. If the 66 foot wide access and utility easement and the 40 foot wide access and utility easement are vacated, then an alternate street connection to the north lot line shall be provided. In particular, the street shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the location of the street shall be coordinated with the adjacent property owner;
 13. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met;
 14. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 15. Prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the U.S. Highway 16 Future Land Use Plan to allow a Planned Residential Development with a maximum of 1.27 dwelling units per acre in lieu of a Planned Residential Development with a maximum of one dwelling unit per



acre or the plat document shall be revised accordingly;

16. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;
17. Prior to submittal of a Final Plat application, that portion of Twin Drive located on the adjacent property shall be recorded as right-of-way or the plat document shall be revised to include this portion of the right-of-way;
18. Prior to submittal of a Final Plat application, the applicant shall submit street names for the access easements and a different street name for "Twin Drive" to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; and,
19. 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.

10. No. 06PL127 - Hills View Subdivision

A request by Renner & Associates for Royal Nielsen to consider an application for a **Preliminary Plat** on Lot A, formerly a portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4 SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4 SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of Hillside Drive and North of SD Highway 40.

Planning Commission recommended that the Preliminary Plat be continued to the September 7, 2006 Planning Commission meeting to allow the applicant to submit additional information.

11. 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 September 7, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.

12. 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 September 7, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.

13. No. 06SR062 - Rapid City Greenway Tract

A request by Greg Erlandson for Pennington County Republicans to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on Tract 1 thru 3 and Lots A and B, Tract 3, Rapid City Greenway Tract (also in Section 8, T1N, R7E), Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2902 Park Drive.

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

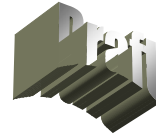
---END OF NON HEARING ITEMS CONSENT CALENDAR---

4. No. 06PL086 - Tower Place

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

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

Hennies moved, Landguth seconded and unanimously carried to recommend that the Preliminary Plat be denied without prejudice at the



applicant's request. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

14. No. 06VE020 - Bradsky Subdivision

A request by Centerline, Inc. for DJS Holdings, LLC to consider an application for a **Vacation of Access and Utility Easement** on access easement adjacent to the north edge of Lot 2B, Lot B, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1501 Cambell Street.

Tegethoff presented the Vacation of Access and Utility Easement request. Tegethoff advised that the responses from the utility companies have been received. Tegethoff stated that staff's recommendation is that the Vacation request be approved with revised stipulations.

Brewer moved, LeMay seconded and unanimously carried to recommend that the Vacation of Access and Utility Easement be approved with the following revised stipulations:

- 1. Prior to City Council approval, responses from all the affected public utility companies shall be received for review and approval;**
- 2. Prior to Planning Commission approval, the applicant shall submit a site plan showing that the water line and fire hydrant are located within the proposed 20 foot easement or submit a revised easement document for review and approval;**
- 3. Prior to Planning Commission approval, the applicant shall submit a revised easement document maintaining a 30 foot access easement onto the adjacent property for review and approval;**
- 4. Prior to City Council approval, a revised Exhibit "A" shall be submitted for review and approval; and,**
- 5. Prior to City Council approval, a miscellaneous document shall be recorded with the Register of Deeds office creating a 20 foot access and utility easement. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)**

Brown announced that the Public Hearings on Items 15 through 30 were opened.

Staff requested that Items 20, 23 and 30 be removed from the Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 20 be removed from the Hearing Consent Agenda for separate consideration.

Hennies moved, LeMay seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 15 through 30 in accordance with the staff recommendations with the exception of Items 20, 23 and 30. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)



The Public Hearings for Items 15 through 30 were closed.

---HEARING ITEMS CONSENT CALENDAR---

15. 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 I-90.

Planning Commission recommended that the Tax Increment District No. 49 Project Plan be continued to the September 7, 2006 Planning Commission meeting.

16. No. 05VR014 - Sletten Addition

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at



the northwest corner of the north to east curve of West Nike Road.

Planning Commission recommended that the Vacation of Section Line Highway be continued to the September 7, 2006 Planning Commission meeting.

17. 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 September 7, 2006 Planning Commission meeting at the applicant's request.

18. No. 06CA022 - Section 24, T1N, R7E

A request by Centerline, Inc. for Rapid City Area School District No. 51 to consider an application for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the land use designation from Public to Low Density Residential with a Planned Residential Development** on a parcel of land located in the NW1/4 NW1/4 NE1/4, Less right-of-way, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Enchanted Pines Drive and Fifth Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the land use designation from Public to Low Density Residential with a Planned Residential Development be approved.

*19. 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 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. **The parking plan shall continually comply with all requirements of the**



- Rapid City Municipal Code and the approved parking plan;
3. The lighting plan shall continually comply with all requirements of the Rapid City Municipal Code and the approved lighting plan;
 4. The sign package shall continually comply with all requirements of the Rapid City Municipal Code and the approved sign package;
 5. The landscape plan shall continually comply with all requirements of the Rapid City Municipal Code and the approved landscape plan;
 6. The structure shall be fully fire sprinkled and all applicable provisions of the International Fire Code shall be continually met;
 7. All construction shall comply with the approved building elevations; and,
 8. The Planned Commercial Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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

21. 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 September 7, 2006 Planning Commission meeting at the applicant's request.

22. No. 06RZ027 - Section 24, T1N, R7E

A request by Centerline, Inc. for Rapid City Area School District No. 51 to consider an application for a **Rezoning from Public District to Low Density Residential District** on a parcel of land located in the NW1/4 NW1/4 NE1/4, Less right-of-way, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Enchanted Pines Drive and Fifth Street.

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

24. 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 September 7, 2006 Planning Commission meeting to be heard in conjunction with an associated Preliminary Plat.

25. No. 06SV047 - Medicine Ridge Subdivision

A request by Sperlich Consulting, Inc. for Schriener Investments, LLC to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 thru 7, Block 1; and Lots 1 thru 7, Block 2, Medicine Ridge Subdivision, formerly an unplatted parcel of land located in the SE1/4 NE1/4 NE1/4; NE1/4 SE1/4 NE1/4; excepting Tract B of Medicine Ridge, located in the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SE1/4 NE1/4 NE1/4; NE1/4 SE1/4 NE1/4; excepting Tract B of Medicine Ridge, located in the NE1/4 NE1/4 and the SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Stumer Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16 of the Rapid City Municipal Code be approved.

26. No. 06SV048 - Section 24, T1N, R7E – PLM Subdivision

A request by Centerline for PLM Development, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along Stumer Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 6, Block 3, formerly the unplatted portion of the N1/2 NW1/4, Less previously platted lots, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 NW1/4, Less previously platted lots, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Minnesota Street and West of Fifth Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Stumer Road as per Chapter 16.16 of the Rapid City Municipal Code be approved.



27. No. 06SV049 - Hills View Subdivision

A request by Renner & Associates for Royal Nielsen to consider an application for a **Variance to the Subdivision Regulations to reduce the right-of-way from 49 feet to 25 feet along an access easement and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A, formerly a portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4 SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4 SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of Hillside Drive and North of SD Highway 44.

Planning Commission recommended that the Variance to the Subdivision Regulations to reduce the right-of-way from 49 feet to 25 feet along an access easement and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the September 7, 2006 Planning Commission meeting to allow the applicant to submit additional information.

*28. No. 06UR015 - LaGrand Subdivision

A request by Dream Design International, Inc. to consider an application for a **Conditional Use Permit to allow a Car Wash in General Commercial Zoning District** on a parcel of land located in the NE¼ NE¼, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of said Section 33, T2N, R8E, BHM, said point being coincident with the southeast corner of Section 28, T2N, R8E, BHM, and said point being located within Elk Vale Road right-of-way; thence, westerly along the south line of said Section 28, and coincident with the north line of said Section 33, N89°59'35"W, a distance of 127.35 feet, more or less, said point being located on the west line of Elk Vale Road right-of-way, and said point being marked by a rebar with aluminum SD-DOT cap, thence S00°07'49"E a distance of 183.05 feet, more or less to the point of beginning, said point being located on the west line of Elk Vale Road right-of-way, and said point being marked by a rebar with survey cap "LS 6565"; thence, S89°50'38"W, a distance of 59.44 feet, more or less, to a point marked by a rebar with survey cap "LS 6565"; thence, along the arc of a curve to the left whose chord bears S61°46'00"W and has a length of 102.48 feet, more or less, having a radius of 250.05 feet, more or less, and a central angle of 23°39'02" and an arc length of 103.21 feet, more or less; thence, S49°56'30"W; a distance of 101.29 feet, more or less, to a point marked by a rebar with survey cap "LS 6565"; thence, along the arc of a curve to the right whose chord bears S69°52'58"W and has a length of 238.78 feet, more or less, having a radius of 350.06 feet, more or less, a central angle of 39°52'57" and an arc length of 243.67 feet, more or less; thence, S45°00'26"W, a distance of 48.30 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, S00°00'28"W, a distance of 262.50 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, S89°59'35"E, a distance of 486.81 feet, more or less to a point marked by a



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

Planning Commission continued the Conditional Use Permit request to allow a Car Wash in the General Commercial Zoning District to the September 7, 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.

29. No. 06VR005 - LaGrand Subdivision

A request by Dream Design International, Inc. to consider an application for a **Vacation of Section Line Highway** on 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 33 feet on each side of 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". Said centerline of Section Line may be extended or foreshortened to terminate on Lot Line. Said are of right-of-way to be vacated containing an area of 0.82 acres more or less, more generally described as being located at the northwest corner of the intersection of Elk Vale Road and East Anamosa Street.

Planning Commission recommended that the Vacation of Section Line Highway be denied without prejudice at the applicant's request.

---END OF HEARING CONSENT CALENDAR---

*20. No. 06PD057 - Fairway Hills Subdivision

A request by Fisk Land Surveying for Dlorah, Inc. to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 5A, Block 2, and Lot 3A Revised, Block 11, Fairway Hills Subdivision, legally described as Lot 5A, Block 2, Fairway Hills Subdivision; and A tract of land located in the N½ SW¼, SW¼ NW¼, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the southeast corner of Lot 29R of Fairway Hills P.R.D., as shown on the plat filed on February 17, 1984 and recorded in Plat Book 19 on Page 124, said corner being marked by a rebar with survey cap number 3095; thence, S73°09'46"E, more or less, a distance of 4.84 feet more or less, to a point along the westerly edge of Fairway Hills Drive right-of-way, as shown on the plat filed on March 10, 1986 and recorded in Plat Book 20 on Page 224, said corner being marked by a rebar with



survey cap number 6565; thence, southerly and along the westerly edge of said Fairway Hills Drive right-of-way, $S16^{\circ}50'14''W$, more or less, a distance of 160.90 feet, more or less to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 96.87 feet, a delta of $17^{\circ}55'27''$, an arc length of 30.30 feet, a chord bearing of $S25^{\circ}58'25''W$, more or less, and a chord distance of 30.18 feet, more or less, to a point of tangent on the westerly edge of said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way, $S34^{\circ}46'00''W$, more or less, a distance of 496.97 feet, more or less to a point of curvature on said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northwesterly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 151.11 feet, a delta of $91^{\circ}35'13''$, an arc length of 241.55 feet, a chord bearing of $S80^{\circ}36'45''W$, more or less, and a chord distance of 216.64 feet, more or less, to a point of tangent along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, $N53^{\circ}37'38''W$, more or less, a distance of 69.36 feet, more or less, to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way and curving to the left on a curve with a radius of 230.00 feet, a delta of $04^{\circ}41'57''$, an arc length of 18.86 feet, a chord bearing of $N56^{\circ}09'17''W$, more or less and a chord distance of 18.86 feet, more or less, to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, as shown on the plat filed September 22, 2004 and recorded in Plat Book 32 on page 94, and curving to the left on a curve with a radius of 230.00 feet, a delta of $16^{\circ}30'34''$, an arc length of 66.27 feet, a chord bearing of $N66^{\circ}39'30''W$, more or less and a chord distance of 66.04 feet, more or less to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point also being the southeast corner of Lot 16 of Block 10 of Fairway Hills PRD, as shown on the aforementioned plat, said point being marked by a rebar with survey cap number 6565; thence, northeasterly along the easterly line of said Lot 16 in Block 10 of Fairway Hills PRD, $N14^{\circ}38'21''E$, more or less, a distance of 102.58 feet, more or less, to the northeast corner of said Lot 16, said corner being coincident with the southeast corner of Lot 15 of Block 10 of Fairway Hills PRD, and said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the easterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, $N14^{\circ}38'21''E$, more or less, a distance of 83.44 feet, more or less to a point on the easterly lot line of said Lot 15, said point being marked by a rebar with survey cap number 6565; thence, northwesterly along the northeasterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, $N25^{\circ}09'50''W$, more or less, a distance of 132.38 feet, more or less to the northerly corner of said Lot 15, said corner being coincident with the northeast corner of Lot 14 of Block 10 of Fairway Hills PRD and also coincident with the southeast corner of Lot 3B of Fairway Hills PRD, as shown on the plat filed July 9, 1980 and filed in plat Book 17, Page 189, and also coincident with the westerly lot line of Lot 3A of Fairway Hills PRD, as shown on the plat filed



November 21, 1979 and recorded in Plat Book 17 on Page 132, said corner being marked by a rebar with survey cap number 1019; thence, northeasterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD, N17°55'58"E, more or less, a distance of 191.15 feet, more or less, to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being marked by a rebar with survey cap number 6565; thence, northwesterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD, N20°01'18"W, more or less, a distance of 326.69 feet, more or less to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being coincident with the southwest corner of Lot H1 of Lot 3A of Fairway Hills PRD as shown on the plat filed on August 30, 1991 and recorded in Book 8 of Highway Plats on Page 39, said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the southerly line of said Lot H1 of Lot 3A of Fairway Hills PRD, N57°02'43"E, more or less, a distance of 77.75 feet, more or less, to the southeasterly corner of said Lot H1 of Lot 3A, said point also being located on the northeasterly lot line of said Lot 3A of Fairway Hills PRD and also on the southwesterly line of Lot 2 of Fairway Hills PRD, as shown on the plat filed on November 30, 1977 and recorded in Plat Book 15 of Page 215; said corner being marked by a rebar with survey cap number 6565; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwesterly line of said Lot 2 of Fairway Hills PRD, S22°24'27"E, more or less, a distance of 100.94 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 3095; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwesterly line of said Lot 2 of Fairway Hills PRD, S40°29'56"E, more or less, a distance of 133.62 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 1019; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southerly line of said Lot 2 of Fairway Hills PRD, South 76 degrees 54 minutes 53 seconds East, more or less, a distance of 221.11 feet, more or less, to a point on the northeasterly lot line of said Lot 3A, said point being coincident with the southeast corner of said Lot 2 of Fairway Hills PRD and also coincident with the westerly line of Lot 30 of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and recorded in Plat Book 19 on page 124, said point being marked by a rebar with survey cap number 1019; thence, southerly along the easterly line of said Lot 3A of Fairway Hills PRD and along the westerly line of said Lot 30 of Fairway Hills PRD, S08°05'24"E, more or less, a distance of 102.89 feet, more or less, to a point on the easterly line of said Lot 3A, said point being coincident with the southwest corner of said Lot 30, said point being marked by a rebar with survey cap number 3095; thence, northeasterly along the southerly line of said Lot 30 of Fairway Hills PRD, N76°46'01"E, more or less, a distance of 105.59 feet, more or less to the southeast corner of said Lot 30, said corner also being coincident with the southwesterly corner of Lot 29R of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and filed in Page Book 19 and Page 124, said corner being marked by a rebar with survey cap number 3095; thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, N76°42'20"E, more or less, a distance of 161.03 feet, more or less, to a



point on the southerly lot line of said Lot 29R, said point being marked by a rebar with survey cap 3095; thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, N87°22'22"E, more or less, a distance of 66.97 feet, more or less, to the point of beginning. Said tract of land contains 8.00 acres, more or less, more generally described as being located Fairway Hills Drive.

Tegethoff presented the Major Amendment request. Tegethoff stated that Planning Commission approved the Planned Development in March of 2005. Tegethoff advised that the applicant has revised the proposed development on the subject property.

Fred Weishaupl, president of the Springbrook Acres Water Users Association, expressed his opposition to the increased height of the proposed structures on the subject property. Weishaupl requested that the Major Amendment request be denied. Discussion followed.

Nancy Christensen, area resident, expressed her opposition to the increased height of the structures on the subject property.

In response to Schmidt's question, Elkins stated that the Planned Residential Development allows for exceptions to be granted on the design and location of the proposed structure. Elkins further commented that the additional height is necessary because of the HVAC systems between floors of the structures.

Jack Cannon, area resident, expressed his concern for increased density from the proposed development on the subject property and the possible negative impact on the water and sewer.

In response to Hadock's question, Knight stated that the applicant has met all the requirements for water and fire flows. Discussion followed.

Janelle Fink, Fisk Land Surveying representing the applicant, advised that all water and sewer issues have been addressed and the applicant has reached an agreement with the City of Rapid City for extension of the high pressure water lines.

Eugene Ward, area resident, expressed his concern with the possible negative impact from the increased demand on the water and sewer lines of the proposed development on the subject property. Ward stated his opinion that increased noise and dust from the construction on the subject property will have a negative impact on the adjacent property owners. Ward stated his objection to the short notice of the Planned Development request.

Dominicak stated that the new structures will be connected to a different water line than the existing structures. Dominicak stated that the water, sewer and drainage plans have been submitted by the applicant and have been reviewed and approved by staff. Discussion followed.

In response to Brown's question, Elkins advised that the requirement for good faith notification to the adjacent property owners has been met. Elkins stated that an error in the computer generated lists provided the name of only one of the



condominium residents. Elkins commented that staff has sent first class mailings to the other property owners.

Hadcock suggested that the applicants hold a public meeting with the adjacent property owners to provide information on the proposed development.

Elkins advised that the Planned Development was approved by the Planning Commission in March of 2005. Elkins further commented that the request before the Planning Commission is to address the proposed revisions. Elkins advised that the applicant is entitled to construct three story structures under the previously approved Planned Development. Discussion followed.

Eugene Ward requested that the applicant meeting with the neighbors to discuss the proposed development plan.

Fink reviewed the proposed development on the subject property. Fink expressed her opinion that the applicant has addressed the water, parking, sewer and drainage issues to the satisfaction of the Planning Commission and Growth Management staff. Discussion followed.

In response to Hadock's questions, Elkins stated that the previous request was considered at a public hearing before the Planning Commission in March, 2005. Discussion followed.

Schmidt expressed concern for the delay in sending of the notices.

Jim Olsen, Dlorah Properties, requested that the Planning Commission approve the Major Amendment request. Olsen expressed his opinion that the topography of the subject property precipitated modifications of the proposed structures.

Fink asked the Planning Commission to approve the Major Amendment request. Discussion followed.

Waltman moved, LeMay seconded and unanimously carried to continue the Major Amendment to the Fairway Hills Planned Residential Development Plan to the September 7, 2006 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

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

23. No. 06SV038 - Tower Place

A request by Renner & Associates for Andrea K. Sabow to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water,**



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

Fisher stated that staff's recommendation is that the Variance request be denied without prejudice at the applicant's request.

LeMay moved, Landguth seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement, and to reduce pavement width as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice at the applicant's request. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

30. No. 06VR007 - Sections 13 and 24, T1N, R7E

A request by Centerline, Inc. for Rapid City Area School District No. 51 to consider an application for a **Vacation of Section Line Right-of-Way** on section line right-of-way lying in the SW1/4 SW1/4 SE1/4, Section 13, and the NW1/4 NW1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Fifth Street and north of Enchanted Pines Drive.

Fisher presented the Vacation of Section Line Right-of-Way request. Fisher stated that staff's recommendation is that the Vacation request be approved with an additional stipulation. Discussion followed.

Brewer moved, Waltman seconded and unanimously carried to recommend that the Vacation of Section Line Highway be approved with the following stipulations:

1. **Prior to City Council approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation request;**
9. **Prior to City Council approval, Enchantment Road Right-of-Way shall be recorded at the Register of Deeds Office. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and**



Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Brown requested that items 36 and 37 be considered out of sequence.

Hennies moved, LeMay seconded and unanimously carried to recommend that items 36 and 37 be considered out of sequence. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

36. 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.

37. 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.

Fisher presented the Comprehensive Plan Amendment and the Rezoning requests. Fisher stated that the applicant has submitted a Planned Development Designation request for review and approval by staff. Fisher reviewed the location and zoning of the subject property. Fisher identified the proposed uses requested by the applicant. Fisher reviewed alternate possible uses in an office commercial zoning district. Fisher stated that staff recommends that the Comprehensive Plan Amendment and the Rezoning requests be denied without prejudice.

In response to LeMay's question, Fisher stated that the counseling service would not be permitted in the Medium Density Residential District. Discussion followed.

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

In response to Fast Wolf's question, Elkins stated that a Conditional Use Permit or a Planned Development would be required. Discussion followed.



In response to Fast Wolf's question, Fisher stated that the previous applications for conditional use and building permits issued are for the parking for the Church facility. Discussion followed.

Tim Becker, Council President for Calvary Lutheran Church, reviewed the current uses and times held at the Calvary Lutheran Church.

In response to Brewer's questions, Elkins stated that the current zoning is Medium Density Residential. Discussion followed.

Schmidt expressed concerns for the change in future uses on the subject property.

Elkins stated that an amendment would be required to the Medium Density Residential Zoning District to allow professional offices as a conditional use. However, the amendment would affect every Medium Density Residential Zoning District in Rapid City.

In response to LeMay's question, Elkins stated that the principal use of the structure is a Church and church offices are allowed as accessory uses to the church. Discussion followed.

In response to Hadcock's question, Elkins stated that the intent of the Overlay District was to minimize the scale of the apartments introduced in the Canyon Lake area. Discussion followed.

In response to Hennies question, Elkins reviewed the options available to the Planning Commission for changes to the zoning ordinance. Discussion followed.

Barbara Fierro, Development Director of Wellspring, Inc., identified the proposed uses by Wellspring, Inc. Fierro expressed her opinion that other conditional uses permitted in the Medium Density Residential Zoning District would be more invasive in the neighborhood. Fierro stated that Wellspring has met with the neighborhood property owners. Fierro requested that the Comprehensive Plan Amendment and Rezoning request be approved.

Steve Manlove, Chairman of the Board of Directors of Wellspring, Inc., expressed his opinion that the proposed community service use for the Calvary Lutheran Church facility would be advantageous for the community and is similar to the existing use. Manlove stated that no changes would be made to the existing structure and would mitigate any disruption to the surrounding neighbors. Manlove expressed his opinion that the proposed uses would not create a negative impact to the surrounding neighbors.

Marshall Young, Wellspring, Inc., identified the programs available through Wellspring and the proposed uses for the subject property. Young expressed his opinion that the proposed use would be a positive addition to the neighborhood. Young requested that the Comprehensive Plan Amendment and Rezoning requests be approved.



Bonnie Harrison, area resident, expressed her concerns with spot zoning in the existing neighborhood.

Steve Brenden, area resident, expressed his opposition to the proposed rezoning request.

Elkins suggested an alternate option of creating a new definition of a use called a “teenage care center” defined “as a facility by which supervision, tutoring, counseling, transportation, recreation is provided on a regular basis for compensation for four or more children between the ages 10 and 18 years of age and their families at one time. Meals may be provided, however no overnight accommodations may be allowed. Administrative offices associated with the program may be allowed.” Elkins stated that with this modification in the Zoning Ordinance the Wellspring program could be allowed as a conditional use in the Medium Density Residential Zoning District. Discussion followed.

Hennies expressed his support for the proposed definition and his support for the proposed uses presented by Wellspring, Inc.

Hennies moved 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 denied without prejudice and that the Rezoning from Medium Density Residential District to Office Commercial District be continued to the September 21, 2006 Planning Commission meeting. The motion died for lack of a second.

In response to Brown’s question, Elkins stated that the Planning Commission has the authority to sponsor Ordinance Amendments to bring forward to City Council. Elkins stated that the Planning Commission could direct staff to bring forward an application for an Ordinance Amendment. Elkins reviewed the timeline for review of such a request. Elkins stated that the Planning Commission could deny the current application without prejudice to allow the applicant to submit a new application.

Fast Wolf expressed her support for Wellspring, Inc.

Alderman Karen Gunderson-Olsen expressed her opposition to the proposed rezoning request. Gunderson-Olsen further commented on the encroachment of office commercial into the residential neighborhood. Gunderson-Olsen expressed her support for the Wellspring, Inc. organization. Discussion followed.

Janelle Jewett, area resident expressed her support for the Wellspring, Inc. organization. Jewett stated that the proposed use by Wellspring, Inc. would have a positive impact on the neighborhood. Jewett requested that the Planning Commission support for the request presented by Wellspring, Inc.

Roger St. Pierre, Wellspring, Inc. expressed his support for the proposed uses presented by Wellspring, Inc.



Al Riisnaes, area resident, expressed his opposition to the Comprehensive Plan Amendment and Rezoning requests. Riisnaes stated his concern with the possible increased traffic resulting from the proposed use. Riisnaes expressed his concern for the possible negative impact on the property values on the adjacent property owners.

LeMay moved, Brewer seconded and unanimously carried to recommend 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 denied without prejudice and that the Rezoning from Medium Density Residential District to Office Commercial District be denied without prejudice. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

Anderson moved, LeMay seconded and unanimously carried to authorize staff to advertise for public hearings to consider amendments to provide a definition for a teenage care center and include a teenage care center as a conditional use in the Medium Density Residential District. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

31. 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.

Fisher stated that staff's recommendation is that the Layout Plat, Planned Commercial Development, Planned Residential Development and the Variance requests be continued to the September 7, 2006 Planning Commission meeting at the applicant's request.

*32. No. 06PD030 - Skyline Pines East

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Planned Commercial Development - Initial Development Plan** on an unplatted tract of land located in the SE¼ SE¼ of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota described as follows; beginning at the NW corner of the SE¼ of SE¼ of Section 11, T1N, R7E, BHM, Travel 690.30 feet at a bearing S89°37'13"E to a point, then Travel 140.54 feet at a bearing S89°34'10"E to a point, then Travel 185.49 feet at a bearing S89°50'15"E to a point, then Travel 237.94 feet at a bearing S89°45'1"E to a point, then Travel 687.73 feet at a bearing N89°51'38"E to a point, then Travel 370.78 feet at a bearing S89°47'54"E to a point, then Travel 108.32 feet at a bearing S57°21'42"W to a point, then Travel 62.85 feet at a bearing S38°44'22"W



to a point, then Travel 88.72 feet at a bearing S68°57'3"W to a point, then Travel 46.48 feet at a bearing S54°14'57"W to a point, then Travel 95.36 feet at a bearing S47°30'41"W to a point, then Travel 77.14 feet at a bearing S69°34'14"W to a point, then Travel 160.44 feet at a bearing S45°17'36"W to a point, then Travel 19.76 feet at a bearing S45°37'24"W to a point, then Travel 74.14 feet at a bearing S45°51'3"W to a point, then Travel 95.64 feet at a bearing S34°32'11"E to a point, then Travel 219.69 feet at a bearing S55°7'3"W to a point, then Travel 333.97 feet along a 292.60 RHF curve with a chord bearing S5°32'55"W, then Travel 166.06 feet at a bearing S44°48'23"E to a point, then Travel 38.11 feet along a 38.06 LHF curve with a chord bearing S39°36'26"E, then Travel 214.00 feet at a bearing S34°24'28"E to a point, then Travel 84.11 feet at a bearing S45°11'37"W to a point, then Travel 990.30 feet at a bearing S89°57'45"W to a point, then Travel 722.17 at a bearing N to a point, then Travel 536.64 feet at a bearing N65°58'10"W to a point, then Travel 427.77 feet at a bearing S55°15'47"W to a point, then Travel 625.45 feet at a bearing N00°31'58"E back to the origin. Parcel described contains 1,713,559.45 square feet or approximately 39.3 acres, more generally described as being located northwest of the intersection of Mount Rushmore Road and Tower Road.

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

*33. 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.

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. 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.

Brewer moved, Hennies seconded and unanimously carried to recommend that the Layout Plat; Planned Commercial Development - Initial Development Plan; Planned Residential Development - Initial Development Plan; the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and reduce right-of-way width from 52 feet to 49 feet and to reduce pavement width from 27 feet to 24 feet along Pevans Parkway; and, the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the south 550 feet of Fairmont Boulevard, be continued to the September 7, 2006 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, LeMay, Schmidt and Waltman voting yes and none voting no)

LeMay left the meeting at this time.

35. No. 06SR061 - Section 32, T1N, R7E

A request by Scott Hadcock for Paul & Kristina Zimmerman to consider an application for an **SDCL 11-6-19 Review to construct a road to 16 feet** on the unplatted parcel of land described as the SE1/4 SE1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the southern terminus of Highland Hills Road.

Tegethoff presented the SDCL 11-6-19 Review request to construct a road to a width of 16 feet. Tegethoff stated that staff's recommendation is that the SDCL 11-6-19 request be approved with a revised stipulation.

Brewer moved, Waltman seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct a road to 16 feet with the following stipulation:

- 1. Prior to Planning Commission approval, the applicant shall submit a revised plan showing a minimum 20 foot wide gravel road within the Section Line Highway. (8 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, Schmidt and Waltman voting yes and none voting no)**

Elkins expressed her appreciation for Ethan Schmidt's participation in the Planning Commission.



Schmidt moved, LeMay seconded to continue the balance of the agenda to the September 7, 2006 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, Schmidt and Waltman voting yes and none voting no)

There being no further business, Waltman moved, Landguth seconded and unanimously carried to adjourn the meeting at 10:08 a.m. (8 to 0 with Anderson, Brewer, Brown, Fast Wolf, Hennies, Landguth, Schmidt and Waltman voting yes and none voting no)