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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 5, 2006

MEMBERS PRESENT: Peter Anderson, Gary Brown, Julie Gregg, Thomas Hennies, Dennis Landguth and Mike LeMay. Deb Hadcock, Council Liaison was also present

STAFF PRESENT: Bob Dominicak, Vicki Fisher, Rodney Proffitt, Karen Bulman, Travis Tegethoff, Emily Fisher, Todd Peckosh, Tim Behlings, Joel Landeen, Kevin Lewis, and Carol Campbell.

Brown called the meeting to order at 7:05 a.m.

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 1 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Anderson, Seconded by Landguth and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 19 in accordance with the staff recommendations with the exception of Items 1. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

2. 06TP019 – 2007 Unified Planning Work Program – Draft Report

Planning Commission recommended that the Draft 2007 Unified Planning Work Program be approved with staff directed to make revisions prior to consideration of the final document.

3. 06TP020 – 2007-2011 Transportation Improvement Program Amendment No. 07-001

Planning Commission recommended that the 2007-2011 Transportation Improvement Program Amendment #7-001 be approved.

4. 06TP021 – 2007-2011 Transportation Improvement Program Amendment No 07-002

Planning Commission recommended that the 2007-2011 Transportation Improvement Program Amendment #7-002 be approved.

5. 06TP022 – 2007-2011 Transportation Improvement Program Amendment No. 07-003

Planning Commission recommended that the 2007-2011 Transportation Improvement Program Amendment #7-003 be approved.

6. No. 06CA024 - Fountain Springs Park Subdivision

A request by CETEC Engineering for Franklin O. Simpson to consider an application for a **Summary of Adoption action for an Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the land use designation from Park Forest to Medium Density Residential with a Planned Residential Development** on a parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows; Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27 monumented with an Iron rod; Thence N89°55'39"E 390.12 feet along the South line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81' along the West line of said Tract B to the Point of Beginning, more generally described as being located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive.

Planning Commission authorized the Summary of Adoption be published in the Rapid City Journal.

7. 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 October 26, 2006 Planning Commission meeting.

8. 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 October 26, 2006 Planning Commission meeting to allow the applicant to submit additional information.

9. 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 October 26, 2006 Planning Commission meeting to allow the applicant to submit the required information.

10. No. 06PL132 - Fountain Springs Park Subdivision

A request by CETEC Engineering for Franklin O. Simpson to consider an application for a **Layout Plat** on Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A and 11B of Block 3, Vacation of Public Access Easement, and dedicated public right-of-way of Fountain Springs Park Subdivision, located in the NW1/4 SW1/4, Section 26, and the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land in the NW¼ SW¼, Section 26 and the NE¼ SE¼, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows; Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE¼ SE¼ of said Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE¼ SE¼ of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW¼ SW¼ of said Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81' along the West line of

said Tract B to the Point of Beginning, more generally described as being located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive.

Planning Commission recommended that the Layout Plat be continued to the October 26, 2006 Planning Commission meeting to allow the applicant to revise the Layout Plat providing a street connection to the south lot line of the subject property and to comply with the Major Street Plan.

11. No. 06PL133 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Preliminary Plat** on Lots 16 thru 23, Block 1; Lots 1 thru 5, Block 3; Lots 1 thru 10, Block 4; Lots 1 thru 16, Block 5; Lots 1 thru 6, Block 6; and drainage Lot 1, Brookfield Subdivision, formerly a portion of the NE1/4 SE1/4, Section 13, located in the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4, Section 13, located in the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Three Rivers Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a street connection to the north lot line as a part of this phase of the development. In addition, the construction plans shall be revised accordingly;**
3. **Prior to Preliminary Plat approval by the City Council, the road construction plans for Colbalt Drive shall be revised to show the street located in a minimum 68 foot wide right-of-way in lieu of a 60 foot wide right-of-way or a Variance to the Subdivision Regulations shall be obtained;**
4. **Prior to Preliminary Plat approval by the City Council, road construction plans for the north-south section line highway shall be submitted for review and approval. In particular, the road construction plans shall show the streets constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated;**
5. **Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised to allow the existing holding tank to serve this phase of the development on an interim basis until the Country Road lift station is complete and operational or the applicant shall enter into an agreement with the City precluding the occupancy of the residences until the Country Road lift station is operational;**
6. **Prior to Preliminary Plat approval by the City Council, a Utility Master**

Plan showing the extension of a 16 inch water main to the north lot line shall be submitted for review and approval;

- 7. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement;**
 - 8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
 - 9. Prior to any disturbance of soil within the 100 year federally designated floodplain, a Floodplain Development Permit shall be obtained as needed. In addition, a 404 Permit shall be obtained from the Corp of Engineers if, and as needed; and,**
 - 10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**
12. No. 06PL135 - IGT Subdivision
A request by D. C. Scott Co. Land Surveyors for IGT to consider an application for a **Preliminary Plat** on Lots 1 and 2, IGT Subdivision, formerly Tract B of Tract 1 of the W1/2 SW1/4, Section 23, and Tract 2 of the SW1/4 NW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Tract 1 of the W1/2 SW1/4, Section 23, and Tract 2 of the SW1/4 NW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of SD Highway 16 and south of Fox Road.

Planning Commission recommended that the Preliminary Plat be denied without prejudice at the applicant's request.

13. No. 06PL138 - Rainbow Ridge Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 27A thru 32A, Block 2, Rainbow Ridge Subdivision, formerly Lots 27 thru 32, Block 2, Rainbow Ridge Subdivision; located in the SE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 27 thru 32, Block 2, Rainbow Ridge Subdivision; located in the SE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Bunker Drive and Gladys Street.

Planning Commission recommended that the Preliminary Plat be approved.

14. No. 06PL144 - Silver Spur Estates
A request by EnVision Design, Inc. to consider an application for a **Preliminary Plat** on Lot 7, Block 1; and Lots 3 thru 18, Block 2, Silver Spur Estates, and dedicated Stirrup Court Right-of-Way, located in the E1/2 NE1/4, Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the E1/2 NE1/4, Section 36, T1N, R6E, BHM, Pennington

County, South Dakota, more generally described as being located at the southern terminus of Stirrup Court.

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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Development Service Center Division;**
- 2. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a 2,400 foot long cul-de-sac street with no intermediate turnarounds or the plat document must be revised accordingly;**
- 3. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a minimum ditch depth of two feet to allow an 18 inch culvert to be installed as required. In addition, drainage calculations for the proposed storm sewer shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;**
- 4. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
- 5. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the community water facility for review and approval;**
- 6. Prior to submittal of a Final Plat application, a Wildfire Mitigation Plan shall be implemented. In addition, the plan shall be reviewed and approved by the Pennington County Fire Coordinator and the City's Fire Department;**
- 7. Prior to submittal of a Final Plat application, a note shall be placed on the plat document stating that all residential structures shall be sprinklered;**
- 8. Prior to submittal of a Final Plat application, a note shall be placed on the plat stating that soil conditions may require that a non-conventional on-site wastewater system be utilized and that the system be designed and inspected by a Professional Engineer;**
- 9. Prior to submittal of a Final Plat application, a 40 foot wide by 40 foot wide shared approach shall be provided along the common lot line of Lots 11 and 12;**
- 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show access easement(s) for the proposed turnaround(s) or miscellaneous documents shall be recorded at the Register of Deed's Office for the turnaround(s);**
- 11. Prior to submittal of a Final Plat application, a note shall be placed on the plat stating that "Prior to obtaining a Building Permit for a residence on any of the properties, two suitable on-site wastewater system areas shall be identified with accompanying percolation tests and soil profiles. Soil profiles shall show that proper soil separation can be obtained as outlined in State Administrative Rule 74:53:01:15.**

Percolation tests shall meet acceptable rates as shown in State Administrative Rule 74:53:01:32. If the percolation and soil profile information do not meet these requirements, an alternative system approved by the South Dakota Department of Environment and Natural Resources may be used. As a last resort Pennington County may approve the use of holding tanks"; and,

12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been designed and completed shall be posted and the subdivision inspection fees shall be paid.
15. No. 06PL149 - Section 25, T1N, R8E
A request by Sperlich Construction to consider an application for a **Preliminary Plat** on Lot 7, Block 2, Holy Cow Ranch Subdivision No. 2, formerly a portion of the SE1/4, less Steen Subdivision and less right-of-way, Section 25, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the SE1/4, less Steen Subdivision and less right-of-way, Section 25, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Redemption Road and Testimony Trail.

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

1. Prior to Preliminary Plat approval by the City Council, the applicant shall submit construction plans for Testimony Trail for review and approval or obtain a Variance to the Subdivision Regulations;
2. Prior to Preliminary Plat approval by the City Council, the applicant shall submit construction plans for Radar Hill Road for review and approval or the applicant shall obtain a Variance to the Subdivision Regulations;
3. Prior to Preliminary Plat approval by the City Council, the section line highway shall be shown as a dedicated street with a 100 foot wide right-of-way or a Variance to the Subdivision Regulations must be obtained to allow platting half a right-of-way or the section line highway shall be vacated;
4. Upon submittal of a Final Plat application, the applicant shall revise the plat document to provide an access easement to the proposed lot;
5. Prior to Preliminary Plat approval by the City Council, the extension of sanitary sewer mains and service lines must be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval. In particular, the information must include percolation test data and location as well as soil profile data and locations. In addition, a septic tank plan must be submitted for review and approval as per Chapter 16.20.040.N of the Rapid City Municipal Code;
6. Prior to Preliminary Plat approval by the City Council, the extension of water mains and service lines must be submitted for review and

approval or a Variance to the Subdivision Regulations shall be obtained. If on-site well(s) and/or a community water source are used, data to confirm that the well(s) have sufficient flows and water quality must be submitted for review and approval;

7. Prior to Preliminary Plat approval by the City Council, a drainage and grading plan, as well as, an erosion and sediment control plan shall be submitted for review and approval and the plat document be revised to provide drainage easements as needed;
 8. All International Fire Codes be continually met;
 9. Prior to submittal of a Final Plat application, the applicant shall submit plat documents to Pennington County for review and approval;
 10. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval; and,
 11. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
16. No. 06PL151 - Villaggio at Golden Eagle
A request by Sperlich Consulting for Signature Development to consider an application for a **Preliminary Plat** on Lots 1 thru 8 and Lots 12 thru 14, Block 1, the Villaggio at Golden Eagle, formerly a portion of the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and east of the intersection of Catron Boulevard and Golden Eagle Drive.

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

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Growth Management Department;
2. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;
3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
4. Prior to submittal of a Final Plat application, the applicant shall enter into an agreement to abandon the on-site wastewater systems in compliance with the South Dakota Department of Environment and Natural Resources requirements and to connect to the City sewer system when it becomes available within 500 feet of the property;
5. Prior to submittal of a Final Plat application, a note shall be placed on the plat stating that "prior to issuance of a building permit for Lot 5, Block 1, a fire apparatus turnaround in compliance with the

International Fire Code shall be provided on Lot 5”;

- 6. Upon submittal of a Final Plat application, the applicant shall submit a signed waiver of right to protest any future assessment document for the installation of curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Golden Eagle Drive as it abuts the south lot line of Lot 1, Block 2; and,**
- 7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been designed and completed shall be posted and the subdivision inspection fees shall be paid.**

17. No. 06SR052 - Elks 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 recommended that the SDCL 11-6-19 Review to allow the construction of a city park be continued to the October 26, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.

18. 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 recommended that the SDCL 11-6-19 Review to allow the construction of Cheyenne Boulevard be continued to the October 26, 2006 Planning Commission meeting to allow the applicant time to submit the required information.

19. No. 06SR065 - Original Town of Rapid City

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow construction of structures in the public right-of-way.**

Planning Commission recommended that the SDCL 11-6-19 Review to allow the construction of public improvements in the public right-of-way be approved with the following stipulations:

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1. An electrical permit and right-of-way permit must be obtained prior to any construction;
2. All plans shall be sealed and signed by a Registered Professional Engineer and/or Architect per SDCL 36-18A;
3. All signage shall comply with Section 15.28 of the Rapid City Municipal Code; and,
4. Prior to issuance of a permit, the applicant shall obtain Historic 11.1 Review approval from the Historic Preservation Commission.

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

1. Approval of the September 21, 2006 Planning Commission Meeting Minutes.

Dominicak requested that the minutes be corrected on page 42, item 38, to state:

“Anderson moved, Landguth seconded and unanimously carried to recommend that the Layout Plat be continued to the October 5, 2006 Planning Commission meeting.” Instead of **“Anderson moved, Landguth seconded and unanimously carried to recommend that the Layout Plat be continued to the October 5, 2006 Planning Commission meeting at the applicant’s request.”**

Hennies moved, Landguth seconded and unanimously carried to recommend that the September 21, 2006 Planning Commission Meeting Minutes be approved as corrected. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

Brown announced that the Public Hearings on Items 20 through 35 were opened.

Staff requested that Item 27 be removed from the Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 24, 26, 28 and 32 be removed from the Hearing Consent Agenda for separate consideration.

LeMay moved, Gregg seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 20 through 35 in accordance with the staff recommendations with the exception of Items 24, 26, 27, 28 and 32. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

The Public Hearings for Items 20 through 35 were closed.

---HEARING ITEMS CONSENT CALENDAR---

20. No. 06CA028 - Rushmore Crossing
A request by Dream Design International, Inc. to consider an application for an

Amendment to the Comprehensive Plan to amend the Major Street Plan to change an arterial street to a collector street, to eliminate a collector street and to relocate a collector street on Parcel 1 thru 15 and detention ponds, Rushmore Crossing, Sections, 29, 30, 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as DESCRIPTION No. 1: Lot BR of Lot 2 of the SE1/4 SW1/4, Section 29 in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 2: Lot C of Lot 2 of the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 3: Tract C of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 11, Page 68; DESCRIPTION No. 4: that portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying South of Lot H3 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 109 and lying South of Lot H1 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 113 and lying South of Lot H2 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 292 and lying South of Lot H4 of said SW1/4 as shown on the plat filed in Highway Plat Book 10, Page 150 (Interstate 90 right-of-way) and lying North of the Railroad right-of-way; excepting therefrom Lot A of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 10, Page 122; AND excepting therefrom Tract C of said SW1/4, as shown on the plat filed in Plat Book 11, Page 68; and excepting therefrom Lot IR, Lot BR of Lot 2 and Lot C of Lot 2 of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 15, Page 103; and excepting therefrom the W1/2 SW1/4 SW1/4 SW1/4 lying North of said Tract C; Description No. 5: that portion of the N1/2 SE1/4 lying South of Lots H1 and H2 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 3, Page 288 and lying South of Lot H3 of said N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 148 (Interstate 90 right-of-way) and the N1/2 NE1/4 SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom Lot D of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 70; and excepting therefrom Lots E and M of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 7, Page 71; and excepting therefrom Lots C and L of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 8; Page 132; and excepting therefrom Tract 1 of Flack - Hendricksen Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 16, Page 205; and excepting therefrom Lots 1 and 2 in Block 2 of Rapps Addition of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 23, Page 166; and excepting therefrom Lots 1 and 2 of Bedco Subdivision of the NW1/4 SE1/4 as shown on the plat filed in Plat Book 26, Page 61; and excepting therefrom any dedicated streets, avenues or alleys lying within said plats; and excepting therefrom the Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; and excepting therefrom that portion of the SE1/4 NW1/4 SE1/4 and that portion of the SW1/4 NE1/4 SE1/4 lying south of said Lot H1 of the S1/2 N1/2 SE1/4 as shown on the plat filed in Highway Plat Book 10, Page 163; DESCRIPTION No. 6: Lot 1R, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 7: Lot 1 of the SW1/4 SE1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 8: Lot A of lot 2, located in the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 9: A portion of the

unplatted portion of the SE1/4 NW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 10: the unplatted portion of the SW1/4 NE1/4 SE1/4, Section 30, lying south of Lot H1, T2N, R8E, BHM, Pennington County, South Dakota DESCRIPTION No. 11: the unplatted portion of the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 12: the unplatted portion of the SE1/4 SE1/4 and excepting therefrom the N1/2 NE1/4, SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 13: the W1/2 SW1/4, SW1/4 SW1/4, Section 29, lying north of Tract C, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 14: the Farnwood Avenue Right of Way, located in the SW1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of I-90 between North LaCrosse Street and East North Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan to amend the Major Street Plan to change an arterial street to a collector, to eliminate a collector street and to relocate a collector street be continued to the October 26, 2006 Planning Commission meeting to allow the applicant to submit an updated Traffic Impact Study.

*21. No. 06PD061 - Fountain Springs Park Subdivision

A request by CETEC Engineering for Franklin O. Simpson to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A and 11B of Block 3, Vacation of Public Access Easement, and dedicated public right-of-way of Fountain Springs Park Subdivision, located in the NW1/4 SW1/4, Section 26, and the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land in the NW¼ SW¼, Section 26 and the NE¼ SE¼, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows; Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE¼ SE¼ of said Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE¼ SE¼ of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW¼ SW¼ of said Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81' along the West line of said Tract B to the Point of Beginning, more generally described as being located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the October 26, 2006 Planning

Commission meeting to allow the applicant to revise the site plan providing a street connection to the south lot line of the subject property and to comply with the Major Street Plan.

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

22. No. 06SV050 - Fountain Springs Park Subdivision

A request by CETEC Engineering for Franklin O. Simpson to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to reduce the pavement width from 27 feet to 24 feet along Sunny Springs Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A and 11B of Block 3, Vacation of Public Access Easement, and dedicated public right-of-way of Fountain Springs Park Subdivision, located in the NW1/4 SW1/4, Section 26, and the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land in the NW¼ SW¼, Section 26 and the NE¼ SE¼, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows; Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE¼ SE¼ of said Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE¼ SE¼ of said Section 27 monumented with an Iron rod; Thence N89°55'39"E 390.12 feet along the South line of the NW¼ SW¼ of said Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81' along the West line of said Tract B to the Point of Beginning, more generally described as being located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to reduce the pavement width from 27 feet to 24 feet along Sunny Springs Drive as per Chapter 16.16 of the Rapid City Municipal Code be continued to the October 26, 2006 Planning Commission meeting to be heard in conjunction with the associated Layout Plat.

23. No. 06OA005 - Ordinance Amendment

A request by John Nooney to consider an application for an **Ordinance**

Amendment to Chapter 15.28 of the Sign Code to allow shopping center entrance signs.

Planning Commission recommended that the attached Ordinance Amendments to Chapter 15.28 of the Sign Code to allow shopping center entrance signs be approved.

***25. No. 06PD069 - Kashmir Subdivision**

A request by Bob Westlake for Derby Advertising, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots B, C, H, J, L, M & W, Kashmir Subdivision, located in the NE1/4 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2720 Chapel Lane.

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

- 1. A Certificate of Occupancy shall be obtained prior to occupancy of the structures;**
- 2. Prior to Planning Commission approval, a revised letter of credit or other surety in a form acceptable to the City Attorney shall be submitted indicating the time extension to June 15, 2007; and,**
- 3. All previous stipulations of the approved Planned Commercial Development and the Major Amendments to the Planned Commercial Development as follows shall be continually met:**
 - 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. The uses allowed within the Planned Commercial Development shall be limited to the private reception area and micro-winery area, as per the site plan submitted, in addition to the current uses allowed for a motel, laundromat, storage, and restaurant with on-sale liquor to include outdoor seating;**
 - 3. Any additional signage on the property will require a Major Amendment to the Planned Commercial Development;**
 - 4. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met and all required landscaping shall be maintained in a live vegetative state;**
 - 5. All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met. The parking lots shall be paved, striped and wheel guards placed in areas that abut a public or private sidewalk, public right-of-way, building entrance or exit or plant material located within a parking lot. All access to parking lots shall be paved;**
 - 6. All requirements of the 2003 International Fire Code must be continually met and the structures intended for alcohol use shall be sprinklered;**
 - 7. Prior to obtaining a building permit, grading and drainage plans,**

- and a water system analysis to verify source and water quantity for domestic and fire flows, shall be submitted for review and approval;
8. Prior to obtaining a building permit for the micro-winery or the private reception area, a complete set of building plans shall be submitted for any change in use to show compliance with the International Building Codes and related codes;
 9. All stipulations of the Planned Commercial Development and Major Amendments to the Planned Commercial Development shall be continually met to include:
 1. All applicable life, safety, building and fire codes shall be met;
 2. The requirements of the Off-street Parking and Landscaping Ordinance be met with all subsequent development;
 3. Any future development modification to the restaurant or motel complex would require a Major Amendment of the Planned Commercial Development;
 4. All development on the site shall be done in compliance with the Rapid City Floodplain Ordinance requirements; and,
 5. That the use of the property continues as shown on the approved site plan or a Major Amendment to the Planned Commercial Development shall be obtained; and,
 10. 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.

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. 06SV052 - IGT Subdivision

A request by D. C. Scott Co. Land Surveyors for IGT to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to develop the section line roadway; to dedicate additional public right-of-way; and waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water, additional pavement and planting screen easement** on Lots 1 and 2, IGT Subdivision, formerly Tract B of Tract 1 of the W1/2 SW1/4, Section 23, and Tract 2 of the SW1/4 NW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Tract 1 of the W1/2 SW1/4, Section 23, and Tract 2 of the SW1/4 NW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of SD Highway 16 and south of Fox Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to develop the section line highway, to dedicate additional public right-of-way, and waive the requirement to

install curb, gutter, sidewalk, street light conduit, sewer, water, additional pavement and planting screen easements per Chapter 16 of the Rapid City Municipal Code be denied without prejudice at the applicant's request.

30. No. 06SV055 - Barnhart Addition

A request by Renner & Associates for ARC International to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement; and to waive the requirement to install sidewalk along SD Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 3 of Barnhart Addition, located in the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of 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 Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement, and to waive the requirement to install sidewalk along South Dakota Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code be continued to the October 26, 2006 Planning Commission meeting.

31. No. 06SV056 - Elks Meadows Subdivision

A request by Dream Design International to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install a planting screen easement along East Minnesota Street as per Chapter 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, Elks Meadows Subdivision, 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 waive the requirement to install a planting screen easement along East Minnesota Street as it abuts Lot 1, Block 1, Elks Meadows Subdivision as per Chapter 16 of the Rapid City Municipal Code be approved for the proposed approach location only.

33. No. 06SV061 - Villaggio at Golden Eagle

A request by Sperlich Consulting for Signature Development 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 8 and Lots 12 thru 14, Block 1, the Villaggio at Golden Eagle, formerly

a portion of the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and east of the intersection of Catron Boulevard and Golden Eagle Drive.

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.

34. No. 06RZ036 - Signal Heights

A request by Development for the Disabled, Inc. for Working Against Violence, Inc. to consider an application for a **Rezoning from Park Forest District to Medium Density Residential District** on Tract 6, Signal Heights, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of East Quincy Street and Signal Drive.

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

35. 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 request be continued to the November 9, 2006 Planning Commission meeting.

---END OF HEARING CONSENT CALENDAR---

*24. No. 06PD065 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Residential Development** on Tract J, Big Sky Subdivision, located in the SE1/4 NW1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Homestead Street between Degeest Drive and Missoula Street.

Chris Hargens, area resident, expressed concerns with current and future road maintenance from the proposed development. Hargens expressed opposition to the proposed development on the subject property. Hargens requested that the application be continued or denied.

Hani Shafai, Dream Design International, stated that the Planned Residential Development request has been previously approved by Planning Commission. Shafai identified the proposed modifications to the Development request. Shafai expressed his opinion that construction of the roads is not the responsibility of developer. Shafai stated that construction on the development on the subject property is in the final stages of completion. Shafai stated that Dream Design is willing to discuss issues with surrounding property owners. Discussion followed.

In response to Anderson's questions, Tegetoff identified the changes to the proposed development on the subject property.

In response to Hadcock's comment, Fisher stated that staff has not received information on improved service to the surrounding neighborhood.

Anderson moved, Landguth seconded and unanimously carried to approve the Major Amendment to a Planned Residential Development with the following stipulations:

- 1. Four five-unit residential buildings shall be allowed on the site in accordance with the approved site plan. Any increase in the number of dwelling units shall require a Major Amendment to the Planned Residential Development;**
- 2. A building permit shall be obtained prior to the initiation of construction and a Certificate of Occupancy must be obtained prior to occupying the building;**
- 3. An Air Quality Permit shall be obtained prior to approval of a grading permit or a building permit for the project;**
- 4. All construction shall comply with the building elevation drawings submitted and approved as part of this Planned Residential Development;**
- 5. The minimum required rear yard setback is hereby reduced from 25 feet to 20 feet. The minimum required setback from Homestead Street, Degeest Street, and Bernice Street is 25 feet. Any additional reductions in the minimum required setbacks shall require a Major Amendment to the Planned Residential Development;**
- 6. The proposed five-plex shall be fully fire sprinklered and alarmed/detected as per the International Fire Code. All fire hydrants shall be in place and operational prior to any building construction. The proposed structure must have 12-inch address numbers and be plainly visible from the public right-of-way;**
- 7. Prior to issuance of a building permit, the applicant shall submit a revised utility plan for review and approval showing the required number of cleanouts or obtain an exception to the Rapid City Standard Specifications;**
- 8. Prior to issuance of a building permit, the applicant shall submit a stamped copy of the drainage calculations signed and sealed by a Registered Professional Engineer for review and approval;**
- 9. Prior to issuance of a building permit, the applicant shall address all redline comments; and ,**
- 10. 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, or if the use as approved has ceased for a period of two years. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay 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.

***26. No. 06PD070 - Section 4, T1N, R7E**

A request by J Scull Construction to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1 thru 16, Evergreen Condominiums, and Lot B of Lot 14, less North 80 feet of the East 255 feet of Lot B, platted, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1626 Evergreen Street.

Steven Brenden, area resident, expressed his opposition to the proposed development on the subject property. Brenden stated that ownership of the access is being disputed by adjacent property owners. Brenden expressed his opinion that the City of Rapid City abandoned the right-of-way. Discussion followed.

Hennies moved, Anderson seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the October 26, 2006 Planning Commission meeting to allow the applicant to submit additional information and to revise the site plan to comply with the Rapid City Municipal Code. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay 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.

***27. No. 06PD071 - McMahon Subdivision and New Park Subdivision**

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1 and 2, Tract A; and Lots 1 thru 7, Tract B, McMahon Subdivision; Lots 1 thru 6 of Tract A, Lots 7 and 8 of Tract B, all of Lot 1 of New Park Subdivision, located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and south of Kathryn Avenue.

Tegethoff stated that staff recommends that the Planned Residential Development request be continued to the November 9, 2006 Planning

Commission meeting at the applicant's request.

LeMay moved, Landguth seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the November 9, 2006 Planning Commission meeting. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay 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.

*28. No. 06PD073 - Cottonwoods Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Black Hills Custom Cycles to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1, 2, 38, 39 and 40, Block 3, Cottonwoods Subdivision and adjacent vacated railroad lane, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3404 Jackson Boulevard and 2040 3rd Avenue.

Fisher stated that staff's recommendation is that the Planned Residential Development request be continued to the October 26, 2006 Planning Commission meeting.

James Winkler, area resident, stated his opposition to the Planned Residential Development on the subject property. Winkler requested that the Planned Residential request be denied.

Anderson moved, LeMay seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the October 26, 2006 Planning Commission meeting to allow the applicant to submit additional information and to revise the site plan to comply with the minimum requirements of the Rapid City Municipal Code. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay 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.

32. No. 06SV058 - Section 25, T1N, R8E

A request by Sperlich Consulting for Gordon Howie to consider an application for a **Variance to the Subdivision Regulations to allow platting half a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water sewer and pavement as per Chapter 16 of the Rapid**

City Municipal Code on Lot 7, Block 2, Holy Cow Ranch Subdivision No. 2, formerly a portion of the SE1/4, less Steen Subdivision and less right-of-way, Section 25, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the SE1/4, less Steen Subdivision and less right-of-way, Section 25, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Redemption Road and Testimony Trail.

Doug Sperlich, Sperlich Consulting, identified the access points and the easement location on the subject property. Sperlich requested that the Variance requests be approved. Discussion followed.

In response to Anderson's question, Sperlich stated that the applicant requests that the easement be included in the Variance request. Discussion followed.

In response to LeMay's question, Fisher stated that the proposed access may function as a driveway but is classified as a street and must be built to City Street Design Standards.

Anderson moved, Landguth seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to allow platting half a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16 of the Rapid City Municipal Code on Testimony Trail and Radar Hill Road be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16 of the Rapid City Municipal Code along the access easement be approved. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that items 36, 37, 38 and 39 be taken concurrently.

36. No. 06CA025 - Tower Ridge 2 Subdivision

A request by Dan Wilson for Site Work Specialists to consider an application for an **Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to a General Commercial with a Planned Commercial Development** on Parcel "A" located in the NE1/4 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, located east of Highway 16 and ¼ mile north of Catron Boulevard. The point of beginning for said parcel bears N00°00'39"E a distance of 712.38 feet from the former southeast corner of Aladdin Heights Subdivision, said point of beginning also bears S00°00'39"W a distance of 30.01 feet from the southeast corner of Lot 3 of Block 3 of the Aladdin Heights Subdivision which is

marked with a 5/8" rebar with survey cap marked "LS 1019", said parcel is more particularly described as follows: Thence First Course: along a line with a bearing of S89°59'21"E and a distance of 175.00; Thence Second Course: along a line with a bearing of S00°00'39"W and a distance of 475.19 feet; to an intersection with the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 4 with a bearing of N25°59'34"W and a distance of 55.28 feet; to the northeast corner of Lot 3 of Block 1 of Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with survey cap marked "LS 6117"; Thence Fourth Course: along the north line of said Lot 3 with a bearing of N71°06'44"W and a distance of 159.33 feet; to an intersection with easterly line of Aladdin Heights Subdivision; Thence Fifth Course: along the easterly line of Aladdin Heights Subdivision with a bearing of N00°00'39"E and a distance of 373.95 feet to the point of beginning, more generally described as being located northeast of the intersection of Promise Road and South Highway 16.

37. No. 06RZ029 - Tower Ridge 2 Subdivision

A request by Dan Wilson for Site Work Specialists to consider an application for a **Rezoning from Office Commercial District to General Commercial District** on Parcel "A" located in the NE1/4 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, located east of Highway 16 and ¼ mile north of Catron Boulevard. The point of beginning for said parcel bears N00°00'39"E a distance of 712.38 feet from the former southeast corner of Aladdin Heights Subdivision, said point of beginning also bears S00°00'39"W a distance of 30.01 feet from the southeast corner of Lot 3 of Block 3 of the Aladdin Heights Subdivision which is marked with a 5/8" rebar with survey cap marked "LS 1019", said parcel is more particularly described as follows: Thence First Course: along a line with a bearing of S89°59'21"E and a distance of 175.00; Thence Second Course: along a line with a bearing of S00°00'39"W and a distance of 475.19 feet; to an intersection with the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 4 with a bearing of N25°59'34"W and a distance of 55.28 feet; to the northeast corner of Lot 3 of Block 1 of Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with survey cap marked "LS 6117"; Thence Fourth Course: along the north line of said Lot 3 with a bearing of N71°06'44"W and a distance of 159.33 feet; to an intersection with easterly line of Aladdin Heights Subdivision; Thence Fifth Course: along the easterly line of Aladdin Heights Subdivision with a bearing of N00°00'39"E and a distance of 373.95 feet to the point of beginning., more generally described as being located northeast of the intersection of Promise Road and South Highway 16.

38. No. 06CA026 - Tower Ridge 2 Subdivision

A request by Dan Wilson for Site Work Specialists to consider an application for an **Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on Parcel "B" located in the SE1/4 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Highway 16 and ¼ mile north of Catron Boulevard. The point of beginning being coincident of the

southeasterly angle point corner of Lot 6, Block 1, Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with a survey cap marked "LS 6117", said point of beginning bears N14°47'32"E a distance of 83.36 feet from the northeasterly angle point corner of Lot 6 of Block 1 of Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with survey cap marked "LS 6117", said parcel is more particularly described as follows: Thence First Course: along a line with a bearing of S14°47'32"W and a distance of 462.12; Thence Second Course: along a line with a bearing of N47°07'10"W and a distance of 473.75 feet; Thence Third Course: along a line with a bearing of N51°24'18"W and a distance of 360.81 feet; to an intersection with southerly line of Lot 9 of Block 1 of Tower Ridge 2 Subdivision; Thence Fourth Course: along southerly line of Tower Ridge 2 Subdivision with a bearing of S62°12'23"E and a distance of 498.86 feet; to the southeast corner of Lot 7 of Block 1 of Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with a survey cap marked "LS 6117"; Thence Fifth Course: along the southerly line of Lot 6 Block 1 of Tower Ridge 2 Subdivision with a bearing N66°39'36"E and a distance of 333.09 feet to the point of beginning, more generally described as being located northeast of the intersection of Promise Road and South Highway 16.

39. No. 06RZ030 - Tower Ridge 2 Subdivision

A request by Dan Wilson for Site Work Specialists to consider an application for a **Rezoning from Office Commercial District to General Commercial District** on Parcel "B" located in the SE1/4 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Highway 16 and ¼ mile north of Catron Boulevard. The point of beginning being coincident of the southeasterly angle point corner of Lot 6, Block 1, Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with a survey cap marked "LS 6117", said point of beginning bears N14°47'32"E a distance of 83.36 feet from the northeasterly angle point corner of Lot 6 of Block 1 of Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with survey cap marked "LS 6117", said parcel is more particularly described as follows: Thence First Course: along a line with a bearing of S14°47'32"W and a distance of 462.12; Thence Second Course: along a line with a bearing of N47°07'10"W and a distance of 473.75 feet; Thence Third Course: along a line with a bearing of N51°24'18"W and a distance of 360.81 feet; to an intersection with southerly line of Lot 9 of Block 1 of Tower Ridge 2 Subdivision; Thence Fourth Course: along southerly line of Tower Ridge 2 Subdivision with a bearing of S62°12'23"E and a distance of 498.86 feet; to the southeast corner of Lot 7 of Block 1 of Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with a survey cap marked "LS 6117"; Thence Fifth Course: along the southerly line of Lot 6 Block 1 of Tower Ridge 2 Subdivision with a bearing N66°39'36"E and a distance of 333.09 feet to the point of beginning, more generally described as being located northeast of the intersection of Promise Road and South Highway 16.

Fisher presented the Comprehensive Plan Amendment and Rezoning requests. Fisher stated that at the direction of Rapid City Council, an informational meeting was held with adjacent property owners. Fisher identified the zoning and topography of the adjacent properties and the subject property. Fisher stated that staff recommends that the Comprehensive Plan Amendment and Rezoning requests be approved.

Brown stated that the requests were specifically for Rezoning and Comprehensive Plan Amendments.

In response to Hennies question, Fisher identified potential uses for development that may be considered by Planning Commission and City Council.

LeMay expressed his opinion that there could be potential hazards to the aquifer from development on the subject property.

Jesse Hamm, area resident expressed his concerns for potential development on the subject property. Hamm requested that the Comprehensive Plan Amendment and Rezoning requests be denied.

Monty Dirks, area resident, expressed his opinion that large commercial development would be inappropriate on the subject property. Dirks requested that the Comprehensive Plan Amendment and Rezoning requests be denied.

David Kappenman, area resident, expressed his opinion that the subject property is an inappropriate location for a large commercial development with extended hours.

Landguth expressed his concerns with possible negative impact from commercial development on the subject property.

Hennies expressed his opposition to the Comprehensive Plan Amendment and Rezoning requests and the potential negative impact to the surrounding residential neighborhoods.

Hennies moved, and Landguth seconded that the Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development, the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with the Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to a General Commercial with a Planned Commercial Development, the Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development, and, that the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with the Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to a General Commercial with a Planned Commercial Development be denied. The motion failed and is forwarded to the City

Council without recommendation in accordance with the Planning Commission's Bylaws. (Roll Call Vote: 3 to 3 with Hennies, Landguth and LeMay voting yes and Anderson, Brown, Gregg voting no)

Proffitt requested that items 40 and 41 be taken concurrently.

40. No. 06CA031 - Boulevard Addition

A request by Lise A. Balk-King, Robert E. Hurlbut, Ken Hunter, Bryan Sykora, Phil Spizzirri, Virginia S. Clark and Les Odegaard to consider an application for an **Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development** on Lots 19 thru 24, Block 3; Lots 1 thru 4, 21 thru 24, Block 4, Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of St. Joseph Street between 12th Street and West Boulevard.

41. No. 06RZ034 - Boulevard Addition

A request by Lise A. Balk-King, Robert E. Hurlbut, Ken Hunter, Bryan Sykora, Phil Spizzirri, Virginia S. Clark and Les Odegaard to consider an application for a **Rezoning from High Density Residential District to Office Commercial District** on Lots 19 thru 24, Block 3, and Lots 1 thru 4, Lots 21 thru 24, Block 4, Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of St. Joseph Street between 12th Street and West Boulevard.

Proffitt stated that staff recommends that the Comprehensive Plan Amendment and Rezoning requests be continued.

Landguth moved, LeMay seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development be approved, and,

That the Rezoning from High Density Residential District to Office Commercial District be continued to the October 26, 2006 Planning Commission meeting.

Fisher advised that the required notice has been completed by the applicant.

The motion to continue was withdrawn.

Proffitt presented the Comprehensive Plan Amendment and Rezoning requests. Proffitt stated that staff recommends that the Comprehensive Plan Amendment and Rezoning requests be approved with stipulations.

Les Odegaard, area land owner requested that the Comprehensive Plan Amendment and Rezoning requests be approved. Discussion followed.

LeMay stated that members of the Historic Preservation Committee felt that the proposed zoning to Office Commercial would be the best use of the property.

Anderson moved, LeMay seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development be approved, and,

that the Rezoning from High Density Residential District to Office Commercial District be approved with the following stipulation:

- 1. Prior to City Council approval of the rezoning, a Planned Development Designation shall be submitted and approved. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)**

Proffitt requested that items 42, 43 and 44 be taken concurrently.

42. No. 06CA032 - Rapid City Greenway Tract

A request by Brendan Casey for Epic Media to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Floodway to Light Industrial with a Planned Light Industrial Development** on DM&E Right-of-way adjacent to Tract 24A, less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the intersection of Omaha and Third Street.

43. No. 06RZ037 - Rapid City Greenway Tract

A request by Brendan Casey for Epic Media to consider an application for a **Rezoning from Flood Hazard District to Light Industrial District** on DM&E Right-of-way adjacent to Tract 24A, less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the intersection of Omaha and Third Street.

*44. No. 06PD072 - Rapid City Greenway Tract

A request by Brendan Casey for Epic Media to consider an application for a **Planned Light Industrial Development - Initial and Final Development Plan to allow an LED sign display** on DM&E Right-of-way adjacent to Tract 24A, less Lot H1, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Third Street and Omaha Street.

Proffitt presented the Comprehensive Plan Amendment, Rezoning and Planned Industrial Development requests. Proffitt stated that staff recommends that the Comprehensive Plan Amendment, Rezoning and Planned Industrial Development requests be denied.

Brendan Casey requested that the Comprehensive Plan Amendment, Rezoning

and Planned Development requests be approved.

Sean Casey, Epic Media, identified the potential uses for the proposed sign. Casey requested that the Sign request be approved.

In response to LeMay's question, Fisher identified the locations of the floodway zonings in relation to the subject property. Discussion followed.

Anderson expressed his opposition to the Comprehensive Plan Amendment, Rezoning and Planned Development requests.

Hennies expressed his opposition to the Comprehensive Plan Amendment, Rezoning and Planned Development requests.

Michael Reynolds, Legal Counsel representing the applicant, expressed his opinion that the proposed LED sign would benefit to the public. Reynolds requested that the Comprehensive Plan Amendment, Rezoning and Planned Development requests be approved.

Steve Brenden, area resident, expressed his opposition to the Comprehensive Plan Amendment, Rezoning and Planned Development requests.

Bob Morris, representing Lamar Advertising, requested that the Comprehensive Plan Amendment, Rezoning and Planned Development requests be denied.

Hennies moved, Anderson seconded and unanimously carried to recommended that the Amendment to the Comprehensive Plan to change the land use designation from Floodway to Light Industrial with a Planned Light Industrial Development, the Rezoning from Flood Hazard District to Light Industrial District, and, the Planned Light Industrial Development - Initial and Final Development Plan to allow an LED sign display be denied without prejudice. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay 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.

45. No. 06CA033 - Fountain Springs Park Subdivision

A request by CETEC Engineering Services, Inc. for Franklin O. Simpson to consider an application for an **Amendment to the Comprehensive Plan to revise the Major Street Plan to relocate two minor arterial streets** on the unplatted part of N½ SE¼ and Unplatted part of SE¼ SE¼, Section 27, T2N, R7E, and the unplatted part of SW¼ SW¼, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, a parcel of land in the NW¼ SW¼, Section 26 and the NE¼ SE¼, Section 27, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota being more particularly described as follows:

Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE¼ SE¼, Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE¼ SE¼, Section 27 monumented with an Iron rod; Thence N89°55'39"E 390.12 feet along the South line of the NW¼ SW¼, Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81 feet along the west line of said Tract B to the Point of Beginning. Said Parcel contains 5.39 acres, more generally described as being located adjacent to Harmony Heights Lane, Plaza Boulevard and Sunny Springs Drive.

Fisher presented the Comprehensive Plan Amendment request. Fisher stated that staff recommends that the Comprehensive Plan Amendment be denied without prejudice.

Hennies moved, Landguth seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to revise the Major Street Plan to relocate two minor arterial streets be denied without prejudice. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

Fisher requested that items 46 and 47 be taken concurrently.

46. 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.

47. 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.

Fisher presented the Preliminary Plat and Variance requests. Fisher stated that staff recommends approval of the Preliminary Plat with stipulations and that the Variance be approved in part and denied in part as per the staff report.

Hennies moved, Landguth seconded to continue the Planning Commission meeting past 9:00 a.m. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

Gary Renner, representing the applicant, requested that the Preliminary Plat and Variance requests be approved. Renner advised that the applicant's purpose is create an access to the subject property and is not for development purposes. Renner advised that access was given by adjacent property owner.

In response to Anderson's question, Fisher identified the location of existing and proposed lots and the proposed access to the subject property. Discussion followed.

Hennies expressed his opposition to the Preliminary Plat and Variance requests. Discussion followed.

In response to Hadcock's questions, Fisher stated no opposition has been received from area property owners.

Royal Nielsen, applicant, requested that Preliminary Plat and Variance requests be approved. Discussion followed.

Hennies moved, Landguth seconded that the Preliminary Plat, the Variance to the Subdivision Regulations to install curb, gutter, street light conduit and pavement along the access easement, the Variance to the Subdivision Regulations to reduce the right-of-way width from 49 feet to 25 feet along the access easement, Variance to the Subdivision Regulations to waive the requirement to install water and sewer along the access easement, and that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the access easement be denied. The motion failed on a tie vote and the items is forwarded to Council without recommendation pursuant to the Planning Commission Bylaws. (Roll call vote: 3 to 3 with Hennies, Landguth and LeMay voting yes and Anderson, Brown and Gregg voting no)

48. No. 06PL143 - Plum Creek Subdivision, Phase II

A request by EnVision Design, Inc. for Plum Creek Development, LLC to consider an application for a **Layout Plat** on a portion of the unplatted balance of the SW1/4, Section 16, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of Fieldstone Drive and Willowbend Road.

Fisher presented the Layout Plat. Fisher stated that staff recommends that the

Layout Plat be approved with stipulations.

Bob Rothermel, EnVision Design, Inc. requested that the Layout Plat be approved.

Steve Brenden, area resident, expressed his concerns to the possible negative impact to the infrastructure from development on the subject property.

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

- 1. Upon submittal of a Preliminary Plat application, the plat document shall be revised to include a street connection to Elk Vale Road as a part of this phase of the development or an Exception to allow 432 dwelling units in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual shall be obtained. In addition, construction plans shall be submitted showing the street located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained;**
- 2. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design and soil resistivity test results shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 4. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall show the design of drainage swales, ditches and storm sewers sized in compliance with the Drainage Criteria Manual. In addition, the drainage plan shall identify if the existing detention pond will be utilized to detain drainage flows from this phase of the development and, if so, a letter or report stating how the proposed development is in substantial compliance with the original detention pond report shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary. In particular, a Major Drainage Easement shall be dedicated for the detention pond located along the north lot line of the subject property;**
- 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans shall demonstrate that adequate sewer capacity exists and/or is being provided for the proposed development. The plat document shall provide utility easements as needed;**
- 6. Upon submittal of a Preliminary Plat application, water plans prepared**

- by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water analysis shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall provide utility easements as needed;
7. Upon submittal of a Preliminary Plat application, road construction plans for Fieldstone Drive, Lacebark Lane, Wild Rose Drive, Windflower Lane and Willowbrook Drive shall be submitted for review and approval. In particular, the streets shall be 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;
 8. Upon submittal of a Preliminary Plat application, road construction plans for the unnamed street located along the south lot line of Lot 1, Block 7 shall be submitted for review and approval. In particular, the unnamed 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;
 9. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties;
 10. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show non-access easements in compliance with the Street Design Criteria Manual;
 11. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to provide a minimum lot width of 50 feet in lieu of 45 feet for Lot 5, Block 5 or a Variance to the Zoning Ordinance shall be obtained;
 12. Upon submittal of a Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval;
 13. Prior to submittal of a Preliminary Plat application, the Master Plan shall be revised to show the relocation of the collector street extending south from Willowbrook Drive and the relocation of a portion of the arterial street extending north from the section line highway to Elk Vale Road as per the Major Street Plan or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained. In addition, the Master Plan shall be revised to show a minimum 200 foot separation between Willowbrook Drive and the unnamed lane place street extending south from Windflower Lane or an Exception to the Street Design Criteria Manual shall be obtained to reduce the separation between street intersections from 200 feet to 120 feet;
 14. 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;
15. Prior to Preliminary Plat approval by the City Council, an Approach Permit from the South Dakota Department of Transportation shall be obtained for the street connection to Elk Vale Road;
 16. The International Fire Code shall be continually met;
 17. Prior to submittal of a Final Plat application, a different street name for Wild Rose Lane and Willowbrook Drive shall be submitted to the Emergency Services Communication Center for review and approval. In addition, a street name shall be proposed for the unnamed lane place street extending south from Windflower Lane. The plat document shall also be revised to show the approved street names;
 18. Prior to submittal of a Final Plat application, the plat title shall be revised to read Lots 1 thru 8 of Block 8 in lieu of Lots 1 thru 9 of Block 8;
 19. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show the KANEB gas pipeline easement, including the width of the easement, located along the east lot line; and,
 20. 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. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

Fisher requested that item 55 be taken out of sequence.

Hennies moved, LeMay seconded and unanimously carried to take item 55 out of sequence. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

55. No. 06TI006 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Tax Increment District No. 56 Project Plan** on that portion of the Interstate 90 right-of-way lying in the SE1/4 NE1/4 and in the NE1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, entire Interstate 90 right-of-way located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, entire Interstate 90 right-of-way located in the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract F, Marshall Heights Subdivision No. 2 and the Interstate 90 right-of-way lying south of and adjacent to Tract F, Marshall Heights Subdivision No. 2, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the East Disk Drive right-of-way lying east of North LaCrosse Street located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot K-4 less Lot H-1, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2 and the south ½ of the vacated alley and Pine Street right-of-way adjacent to said lots, Block 2, Rapps Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire

Farnwood Avenue right-of-way, entire Spruce Street right-of-way, and entire Rapp Street right-of-way all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the North LaCrosse Street right-of-way lying adjacent to Lot K-4 of Marshall Heights Tract and Lot 1 of Bedco Subdivision and including the entire intersection of North LaCrosse Street and Rapp Street, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 located in N1/2 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted portion of the N1/2 SE1/4 lying south of Interstate 90, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2, Bedco Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4 SE1/4 lying north of the railroad right-of-way and the unplatted portion of the SW1/4 SE1/4 all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the S1/2 lying south of Interstate 90 and north of the railroad right-of-way, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the NE1/4 NW1/4 and N1/2 NE1/4 lying north of the railroad right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the Dyess Avenue right-of-way lying in the S1/2 SW1/4 and the entire intersection of Dyess Avenue and Eglin Street all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located East of LaCrosse Street and south of U.S. I-90.

Bulman presented the Tax Increment District No. 56 Revised Project Plan. Bulman stated that the Tax Increment Financing Committee's recommendation is that the Tax Increment District No. 56 Revised Project plan be approved.

Anderson expressed his concern with limited discussion for review of the Tax Increment District No. 56 Revised Project Plan revision request.

In response to LeMay's question, Bulman identified the revisions proposed by the applicant to Tax Increment District No. 56 Project Plan. Discussion followed.

Hennies moved, LeMay seconded and unanimously carried to recommend that the Revised Tax Increment District No. 56 Revised Project Plan be approved. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

Hennies moved, Landguth seconded and unanimously carried to continue the balance of the agenda to 7:00 a.m. on October 12, 2006. (6 to 0 with Anderson, Brown, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

The meeting was recessed at 9:35 a.m.