

# Draft

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
October 26, 2006

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Julie Gregg, Thomas Hennies, Sandra Runde and Karen Waltman. Deb Hadcock, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Rodney Proffitt, Bob Dominicak, Vicki Fisher, Travis Tegethoff, Mary Bosworth, Todd Peckosh, Tim Behlings, Kevin Lewis, and Carol Campbell.

Brown called the meeting to order at 7:00 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 2 and 9 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**A member of the audience requested that Item 9 and 16 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Motion by Brewer, Seconded by Gregg and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 16 in accordance with the staff recommendations with the exception of Items 2, 9 and 16. (6 to 0 with Anderson, Brewer, Brown, Gregg, Hennies and Runde voting yes and none voting no)**

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

1. Approval of the October 5, 2006 and October 12, 2006 Planning Commission Meeting Minutes.
3. No. 06CA027 - Medicine Ridge Subdivision  
A request by Sperlich Consulting, Inc. for Schriener Investments, LLC to consider an application for a **Summary of Adoption action for an Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan to allow a Planned Residential Development with a maximum of 1.27 dwelling units per acre in lieu of a Planned Residential Development with a maximum of one dwelling unit per acre** on an unplatted parcel of land located in the SE1/4 NE1/4 NE1/4; NE1/4 SE1/4 NE1/4; excepting Tract B of Medicine Ridge, located in the NE1/4 NE1/4, SE1/4 NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Stumer Road.

**Planning Commission approved the summary and authorized publication**

**in the Rapid City Journal.**

4. No. 06CA029 - Section 30, T2N, R8E

A request by Dream Design International, Inc. to consider an application for **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 Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** on a tract of land located in the NE1/4 SE1/4, SE1/4 SE1/4, Section 30, T2N, R8E, BHM, Pennington County, Rapid City, South Dakota. More particularly described as follows: Commencing at the Northwest corner of Highway Lot H1 as recorded on page 163 of Highway Plat Book 10, said point being consistent with the Northeast corner of Right-of-Way at the intersection of Spruce Street and Farnwood Avenue; Thence S89°45'36"E a distance of 395.85 feet to a point on the on the north line of said Lot H1, this point being the True Point of Beginning; Thence S89°45'36"E a distance of 475.49 feet to a point on the on the north line of said Lot H1; Thence S63°37'55"E a distance of 458.10 feet; Thence S00°14'19"W a distance of 301.48 feet; Thence N61°23'38"W a distance of 762.07 feet; Thence N15°06'13"W a distance of 63.41 feet; Thence N89°45'36"W a distance of 199.09 feet; Thence N00°00'42"W a distance of 80.00 feet to the point of beginning; Said tract of land containing 4.42 acres, more or less, more generally described as being located at the eastern terminus of Farnwood Avenue.

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

5. No. 06CA030 - Section 30, T2N, R8E

A request by Dream Design International, Inc. to consider an application for **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 Medium Density Residential to General Commercial with a Planned Commercial Development** on a tract of land located in the NE1/4 SE1/4, and the SE1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Commencing at the Northwest corner of Highway Lot H1 as recorded on page 163 of Highway Plat Book 10, said point being consistent with the Northeast corner of Right-of-Way at the intersection of Spruce Street and Farnwood Avenue, this point being the True Point of Beginning; Thence S89°45'36"E a distance of 395.85 feet to a point on the north line of said Lot H1; Thence S00°00'42"E a distance of 80.00 feet to a point on the south line of said Lot H1; Thence N89°45'36"W a distance of 395.84 feet to the southwest corner of said Lot H1; Thence N00°01'26"W a distance of 80.00 feet to the point of beginning; Said tract of land containing 0.73 Acres, more or less, more generally described as being located at the eastern terminus of Farnwood Avenue.

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

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

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

**Planning Commission recommended that the Preliminary Plat be continued to the November 9, 2006 Planning Commission meeting.**

7. 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 November 9, 2006 Planning Commission meeting to allow the applicant to submit the required information.**

8. 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 November 9, 2006 Planning Commission meeting to allow staff to review a recently submitted revised Layout Plat and Master Plan and to be heard in conjunction with an associated Variance to the Subdivision Regulations.**

10. No. 06PL163 - Section 11, T1N, R7E

A request by Wyss Associates for Web Land Holdings, LLC to consider an application for a **Preliminary Plat** on Lot 1, located in the SE1/4, formerly a portion of the unplatted balance of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Cathedral Drive.

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

1. **Prior to City Council approval of the Preliminary Plat, the terms of the 20 foot wide utility easement shall be submitted for review and approval;**
2. **Prior to City Council approval of the Preliminary Plat, a utility master plan, including private and public utilities, shall be submitted for review and approval;**
3. **Prior to City Council approval of the Preliminary Plat, water system plans prepared by a Registered Professional Engineer showing the extension of water mains in compliance with the adopted "Planning Report for Skyline, Terracita, Southwest, Carriage Hills and future Southwest Rapid City Water Service Zone" prepared by CETEC Engineering Inc. shall be submitted for review and approval. In addition, the water system plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;**
4. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing a temporary turnaround at the end of Pevans Parkway;**
5. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
6. **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.**

11. 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 continued the SDCL 11-6-19 Review to allow for construction of a city park be continued to the November 9, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.**

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

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

**Planning Commission continued the SDCL 11-6-19 Review to allow the construction of Cheyenne Boulevard be continued to the November 9, 2006 Planning Commission meeting to allow the applicant time to submit the required information.**

13. No. 06SR066 - McMahon Subdivision

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the donation of park land** on Tract H, McMahon Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Champion Drive and east of Vicki Powers Park.

**Planning Commission continued the SDCL 11-6-19 Review to allow the donation of park land be continued to the November 9, 2006 Planning Commission meeting.**

14. No. 06SR067 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow a temporary stock pile on public property** on Tract 24, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Philadelphia Street and New York Street.

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

15. No. 06SR069 - Original Townsite of Rapid City

A request by EnVision Design, Inc. for Rapid City Arts Council to consider an application for an **SDCL 11-6-19 Review to allow the remodel and construction of the Dahl Fine Arts Center** on Lots 1 thru 5; the north 1/2 of the adjacent vacated alley; the east 1/2 of Lot 26; all of Lots 27 thru 32; the south 1/2 of the adjacent vacated alley, all located in the NE1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 713 Seventh Street.

**Planning Commission continued the SDCL 11-6-19 Review to allow the remodel and construction of the Dahl Fine Arts Center be continued to the November 9, 2006 Planning Commission meeting.**

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

2. No. 06AN004 - Elysian Heights Subdivision

A request by Fisk Land Surveying & Consulting for Harley Taylor to consider an application for a **Petition for Annexation** on a parcel of land located in the N½ SW¼ of Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N½ SW¼ of said Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00°00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3, of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00°03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32°53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11 of Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32°58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12 in Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence,

S90°00'00"W, a distance of 704.97 feet more or less; thence, N90°00'00"W, a distance of 747.30 feet more or less; thence, N69°00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 02°26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25°13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63°33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 09°44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21°34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83°00'00"W, a distance of 363.67 feet more or less; thence, S04°41'43"E, a distance of 202.00 feet more or less; thence, S35°35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89°47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00°12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89°47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot One (1) of Block Five (5) of Westview Estates, N89°46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89°51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of

Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89°48'06"E, a distance of 130.02 feet more or less, to the point of beginning., more generally described as being located at the southern terminus of Carriage Hills Drive.

Dominicak stated that staff recommends that the Petition for Annexation be continued to the November 9, 2006 Planning Commission meeting at the applicant's request.

**Brown moved, Gregg seconded and unanimously carried to recommend that the Petition for Annexation be continued to the November 9, 2006 Planning Commission meeting. (6 to 0 with Anderson, Brewer, Brown, Gregg, Hennies and Runde voting yes and none voting no)**

9. No. 06PL160 - Skyline Village Subdivision

A request by CETEC Engineering Services, Inc. for Generations, Inc. to consider an application for a **Layout Plat** on Lots 1A, 1B, 1C, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10, 10A, 10B, 11 of Block 1; Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, of Block 2; Block 3; Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B, utility Lot 1, Outlots 1 thru 3, of Block 4; Block 5; and the dedicated public right-of-way, Skyline Village Subdivision, located in the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the south 495 feet of the NE1/4 SE1/4, less Lot1, Bendert Subdivision, and the SE1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16.

Jerald Johnson, area resident, expressed his opinion that the proposed vacation of the Section Line highway located along the south lot line should not be vacated. Johnson also indicated that he did not oppose relocating the collector street as proposed, but re-stated that the section line highway must remain in order to provide access to his property. Johnson stated that he supported the balance of the Layout Plat request.

Fisher presented the Layout Plat request. Discussion followed.

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

- 1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided**



identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;

2. 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 Arrowhead Drainage Basin Design Plan and the Drainage Criteria Manual. In particular, the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed pre-developed flows or on-site detention shall be provided. The drainage plan shall also demonstrate how the two drainage ditches going through the property will be developed without negatively impacting future dwellings to be constructed along the ditches. In addition, the plat document shall be revised to provide drainage easements as necessary;
3. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval. In particular, the utility master plan shall provide sewer and water service to the adjacent properties as well as looped system(s) as needed;
4. 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, calculations shall be submitted for review and approval demonstrating adequate capacity of the downstream US Highway 16 lift station. In addition, the plat document shall also be revised to provide utility easements as needed;
5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall show the extension of water mains in compliance with the adopted "Planning Report for Skyline, Terracita, Southwest, Carriage Hills and future Southwest Rapid City water service zoned" prepared by CETEC Engineering Inc. In addition, the plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
6. Upon submittal of a Preliminary Plat application, road construction plans for the section line highways located along the east lot line and the south lot line of the subject property shall be submitted for review and approval. In particular, the road construction plans shall show the streets constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property

- owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;
7. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show Golden Eagle Drive located along the south lot line in compliance with the Major Street Plan or a Comprehensive Plan Amendment to the Major Street Plan relocating the collector street as proposed shall be obtained;
  8. Upon submittal of a Preliminary Plat, road construction plans for Golden Eagle Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with on-street parking or the street shall be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception to the Street Design Criteria Manual shall be obtained. In addition, the road construction plans shall show the design of the intersections of Golden Eagle Drive with Promise Road and Vinyard Lane;
  9. Upon submittal of a Preliminary Plat, road construction plans for Promise Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with on-street parking or the street shall be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception to the Street Design Criteria Manual shall be obtained;
  10. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets serving more than 20 lots shall be submitted for review and approval showing the street(s) 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. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision

- Regulations shall be obtained;
11. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets serving 20 lots or less shall be submitted for review and approval showing the street(s) located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
  12. Upon submittal of a Preliminary Plat application, road construction plans for the access easement(s) shall be submitted for review and approval. In particular, the construction plans shall show the streets 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 with on-street parking or the street shall be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception to the Street Design Criteria Manual shall be obtained. In addition, a fire apparatus turnaround shall be provided at the end of each access easement in excess of 150 feet in length;
  13. Upon submittal of the Preliminary Plat application, the plat document shall be revised to show access to Lots 6B and 7A of Block 4. In addition, road construction plans for the street shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with on-street parking or the street shall be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception to the Street Design Criteria Manual shall be obtained. In addition, a fire apparatus turnaround shall be provided at the end of the street if it is in excess of 150 feet in length;
  14. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow a cul-de-sac to serve 44 lots and 26 lots,

- respectively, in lieu of a maximum of 20 lots as per the Street Design Criteria Manual or the plat document shall be revised accordingly;
15. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow 44 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual or the plat document shall be revised to provide a second point of access to the cul-de-sac street located in the eastern portion of the property;
  16. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow a 770 foot long cul-de-sac street with no intermediate turnaround in lieu of a maximum 500 foot long cul-de-sac street with an intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly;
  17. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow a 1,280 foot long cul-de-sac street with an intermediate turnaround at 900 feet in lieu of a maximum 500 foot long cul-de-sac street with an intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly;
  18. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow a 840 foot long cul-de-sac street in lieu of a maximum 500 foot long cul-de-sac street as per the Street Design Criteria Manual or the plat document shall be revised accordingly;
  19. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met;
  20. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  21. Prior to submittal of a Final Plat application, the US Highway 16 Area Future Land Use Plan shall be amended to allow the proposed development or the plat document shall be revised accordingly;
  22. Prior to submittal of a Final Plat application, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; and,
  23. Prior to submittal of a Final Plat application, the plat document shall be revised to show only one Lot 10 in Block 1;
  24. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
  25. Prior to submittal of a Final Plat application, the plat document shall be revised to show all of the proposed Lots labeled numerically. In particular, the "outlots" shall be relabeled numerically and Block 3 and Block 5 shall be relabeled Lot 1 of Block 3 and Block 5,

respectively; and,

26. **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, Brewer, Brown, Gregg, Hennies and Runde voting yes and none voting no)**

16. No. 06SR070 - Section 23, T1N, R7E

A request by City of Rapid City to consider an application for an **11-6-19 SDCL Review to install a structure on top of City-owned water tower** on Lot B of NE1/4 NW1/4, Section 23, Platted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4660 South Highway 16.

Steve Brenden, area resident, expressed his opposition to the expenditure of public funds for holiday decorations on top of the water tower.

Hadcock stated that the proposed structure would be privately funded.

**Anderson moved, Gregg seconded and unanimously carried to approve the 11-6-19 SDCL Review to install a structure on top of a City-owned water tower with the following stipulations:**

1. **A building permit must be obtained for the proposed alteration; and,**
2. **Prior to issuance of a building permit all plans shall be stamped and signed by a Registered Professional Engineer per SDCL 36-18A. (6 to 0 with Anderson, Brewer, Brown, Gregg, Hennies and Runde voting yes and none voting no)**

**Brown announced that the Public Hearings on Items 17 through 42 were opened.**

**A member of the audience requested that Item 29 and 31 be removed from the Hearing Consent Agenda for separate consideration.**

**Hennies moved, Anderson seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 17 through 42 in accordance with the staff recommendations with the exception of Items 29 and 31. (6 to 0 with Anderson, Brewer, Brown, Gregg, Hennies and Runde voting yes and none voting no)**

**The Public Hearings for Items 17 through 42 were closed.**

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

17. 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 HI 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; and, 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 continued the request for an 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 to the November 9, 2006 Planning Commission meeting to allow the applicant to submit an updated Traffic Impact Study.**

18. No. 06CA035 - Section 22, T2N, R7E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a parcel of land located in the E1/2 SE1/4 SE1/4 SW1/4 SW1/4; SW1/4 SW1/4 SE1/4 SW1/4; W1/2 SE1/4 SW1/4 SE1/4 SW1/4; S1/2 NW1/4 SW1/4 SE1/4 SW1/4; SW1/4 NE1/4, SW1/4 SE1/4 SW1/4; all less R & L Subdivision, less a strip of land 80 foot wide adjacent and parallel to the southeast line of Lot 3, R & L Subdivision, less a strip of land 100 feet wide adjacent and parallel to north boundary of I90 and less right-of-way, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Interstate 90 and east of Harley Drive.

**Planning Commission continued the request for an Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development to the November 9, 2006 Planning Commission meeting.**

19. No. 06CA036 - 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 a minor arterial street** on a parcel of land in the NW1/4 SW1/4, Section 26 and the NE1/4 SE1/4, 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, more generally described as being located south of Harmony Heights Lane.

**Planning Commission continued the request for an Amendment to the Comprehensive Plan to revise the Major Street Plan to relocate a minor arterial street to the November 9, 2006 Planning Commission meeting to allow the legal notification requirement to be met.**

20. No. 06CA037 - Skyline Village Subdivision

A request by CETEC Engineering Services, Inc. for Generations, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land Use Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Office Commercial with a Planned Unit Development** on the East ½ of the South 495' of NE¼ SE¼; and the East ½ of the SE¼ SE¼, Unplatted, less Lot 1 of the Bendert Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16.

**Planning Commission continued the request for an Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land Use Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Office Commercial with a Planned Unit Development to the November 9, 2006 Planning Commission meeting to allow the legal notification requirement to be met.**

21. No. 06CA038 - Skyline Village Subdivision

A request by CETEC Engineering Services, Inc. for Generations, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land Use Plan to change the land use designation from a Planned Residential Development with four dwelling units per acre to Office Commercial with a Planned Unit Development** on the west 1/2 of the SE¼ SE¼, Section 22, unplatted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16.

**Planning Commission continued the request for an Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land**



**Use Plan to change the land use designation from a Planned Residential Development with four dwelling units per acre to Office Commercial with a Planned Unit Development to the November 9, 2006 Planning Commission meeting to allow the legal notification requirement to be met.**

22. No. 06CA039 - Skyline Village Subdivision

A request by CETEC Engineering Services, Inc. for Generations, Inc. to consider an application for an **Amendment to the Comprehensive Plan to amend the Major Street Plan to relocate a collector street** on the south 495 feet of the NE1/4 SE1/4, less Lot1, Bendert Subdivision, and the SE1/4 SE1/4, Section 22, Unplatted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16.

**Planning Commission continued the request for an Amendment to the Comprehensive Plan to amend the Major Street Plan to relocate a collector street to the November 9, 2006 Planning Commission meeting to allow the legal notification requirement to be met.**

23. No. 06CA040 - Skyline Village Subdivision

A request by CETEC Engineering Services, Inc. for Generations, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land Use Plan to change the land use designation from a Planned Residential Development with 1 dwelling unit per acre to Office Commercial with a Planned Unit Development** on the unplatted west half of the south 495 feet of the NE1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16.

**Planning Commission continued the request for an Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land Use Plan to change the land use designation from a Planned Residential Development with 1 dwelling unit per acre to Office Commercial with a Planned Unit Development to the November 9, 2006 Planning Commission meeting to allow the legal notification requirement to be met.**

24. No. 06CA041 - Section 16, T1N, R7E

A request by Sperlich Consulting, Inc. for B&T Investments to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development** on a portion of the SE1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northeasterly corner of the dedicated right-of-way of Severson Street as shown in Plat Book 29 on Page 128, and the Point of Beginning; Thence, first course: easterly, along the prolongation of the northerly boundary of Lot 3 of Corral Drive Subdivision, a distance of 470.00± feet, to a point on the westerly edge of the right-of-way of Lot H1 of the SE1/4 SE1/4 of said Section 16 (westerly edge of Sheridan Lake

Road Right-of-Way); Thence, second course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 370.00± feet, to an angle point on the westerly edge of said Lot H1 of the SE1/4 of the SE1/4 of said Section 16; Thence, third course: southwesterly, along the westerly edge of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, a distance of 78.65± feet to an angle point on the westerly edge of said Lot H1 of the SE1/4 SE1/4 of said Section 16; Thence, fourth course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 84.65± feet to the southwesterly corner of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, common to a point on the northerly boundary of Lot 1 of the SE1/4 SE1/4 of Section 16 (Corral Drive right-of-way); Thence, fifth course: westerly, along the northerly boundary of said Lot 1 of the SE1/4 SE1/4 of Section 16, a distance of 345.47± feet, to the southeasterly corner of the right-of-way of said Severson Street; Thence, sixth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 89.41± feet, to a point of curve along the easterly edge of the right-of-way of said Severson Street; Thence, seventh course: northerly, along the easterly edge of the right-of-way of said Severson Street, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 09 21'07", an arc length of 44.72± feet, to a point of tangency along the easterly edge of the right-of-way of said Severson Street; Thence, eighth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 366.70± feet, to the northeasterly corner of the dedicated right-of-way of said Severson Street, and the Point of Beginning, more generally described as being located at the northwest corner of the intersection of Sheridan Lake Road and Corral Drive.

**Planning Commission continued the request for an Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development to the November 9, 2006 Planning Commission meeting to allow the legal notification requirement to be met.**

25. No. 06CA042 - Section 4, T1N, R8E

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Planned Residential Development with 1.5 dwelling units per 2 acres to Low Density Residential** on the SE1/4 of the NW 1/4 of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, excepting therefrom Lot A as shown on the plat recorded in Plat Book 17 on Page 167; and Lot 3 (also known as Government Lot 3) of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, excepting therefrom the north 452.58 feet of Lot 3 (also known as Government Lot 3) in the NW ¼, Section 4, T1N, R8E BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of said Lot 3, NW¼, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, said point being coincident with the northwest corner of Lot 2 (also known as Government Lot 2) and also coincident with the northwest corner of Lot H-8 (East Anamosa Street Right-of-Way) in Government Lot 2, Section 4 as shown on the plat recorded in Book 10 of Highway Plats on Page 60, said point being marked by a GLO brass cap; Thence, southerly along the one-quarter

section line and along the east line of said Lot 3 and the west line of Lot H-8 and the west line of said Lot 2, S00°05'16"E, a distance of 452.85 feet, more or less, to a point marked by a rebar with survey cap "RW FISK 6565"; Thence, westerly, S89°50'15"W, a distance of 1324.84 feet, more or less, to a point on the west line of said Lot 3, said point being coincident with the east line of Lot 4 (also known as Government Lot 4) and said point being marked by a rebar with survey cap "RW FISK 6565"; Thence, northerly along the west line of said Lot 3 and the east line of said Lot Four 4, N00°00'48"W, a distance of 452.85 feet, more or less, to the northwest corner of said Lot 3, coincident with the northeast corner of said Lot4 and located on the north section line of said Section 4, said point being marked by a rebar with cap number "6251"; Thence, easterly along the north line of said Lot 3 and along the north section line of said Section 4, N89°50'15"E, a distance of 1324.26 feet, more or less, to the point of beginning, more generally described as being located at the western terminus of East Anamosa Street.

**Planning Commission continued the request for an Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Planned Residential Development with 1.5 dwelling units per two acres to Low Density Residential to the November 9, 2006 Planning Commission meeting.**

26. No. 06CA043 - New Park Subdivision

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to change the future land use designation from Park Forest to Low Density Residential with a Planned Residential Development** on lots 1 thru 6, Tract A; Lots 7 and 8, Tract B, all of Lot 1 of New Park Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Kathryn Avenue.

**Planning Commission continued the request for an Amendment to the Comprehensive Plan to change the future land use designation from Park Forest to Low Density Residential with a Planned Residential Development to the November 9, 2006 Planning Commission meeting.**

27. No. 06CA044 - McMahon Subdivision

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to Public** on Tract H, McMahon Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Champion Drive and east of Vicki Powers Park.

**Planning Commission continued the request for an Amendment to the Comprehensive Plan to change the land use designation from Residential to Public to the November 9, 2006 Planning Commission meeting.**

\*28. 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 NW1/4 SW1/4, Section 26 and the NE1/4 SE1/4, 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 NE1/4 SE1/4 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 NE1/4 SE1/4 of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW1/4 SW1/4 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 continued the Planned Residential Development - Initial and Final Development Plan to the November 9, 2006 Planning Commission meeting to allow staff to review the recently submitted revised Layout Plat and Master Plan and to be heard in conjunction with the associated Variance to the Subdivision Regulations.**

***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.***

\*30. 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.

**Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the November 9, 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.**

***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. 06PD082 - Section 16, T1N, R7E

A request by Sperlich Consulting, Inc. for B&T Investments to consider an application for a **Major Amendment to a Planned Unit Development** on a portion of the SE1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northeasterly corner of the dedicated right-of-way of Severson Street as shown in Plat Book 29 on Page 128, and the Point of Beginning; Thence, first course: easterly, along the prolongation of the northerly boundary of Lot 3 of Corral Drive Subdivision, a distance of 470.00± feet, to a point on the westerly edge of the right-of-way of Lot H1 of the SE1/4 SE1/4 of said Section 16 (westerly edge of Sheridan Lake Road Right-of-Way); Thence, second course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 370.00± feet, to an angle point on the westerly edge of said Lot H1 of the SE1/4 of the SE1/4 of said Section 16; Thence, third course: southwesterly, along the westerly edge of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, a distance of 78.65± feet to an angle point on the westerly edge of said Lot H1 of the SE1/4 SE1/4 of said Section 16; Thence, fourth course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 84.65± feet to the southwesterly corner of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, common to a point on the northerly boundary of Lot 1 of the SE1/4 SE1/4 of Section 16 (Corral Drive right-of-way); Thence, fifth course: westerly, along the northerly boundary of said Lot 1 of the SE1/4 SE1/4 of Section 16, a distance of 345.47± feet, to the southeasterly corner of the right-of-way of said Severson Street; Thence, sixth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 89.41± feet, to a point of curve along the easterly edge of the right-of-way of said Severson Street; Thence, seventh course: northerly, along the easterly edge of the right-of-way of said Severson Street, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 09 21'07", an arc length of 44.72± feet, to a point of tangency along the easterly edge of the right-of-way of said Severson Street; Thence, eighth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 366.70± feet, to the northeasterly corner of the dedicated right-of-way of said Severson Street, and the Point of Beginning, more generally described as being located at the northwest corner of the intersection of Sheridan Lake Road and Corral Drive.

**Planning Commission continued the Major Amendment to a Planned Unit Development to the November 22, 2006 Planning Commission meeting to allow Planning Commission and City Council to take action on the related**

**Comprehensive Plan Amendment and Rezoning request submitted for the subject property and allow the applicant to submit the additional information as outlined in the staff report.**

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

33. No. 06RZ038 - McMahon Subdivision

A request by City of Rapid City and DTH LLC to consider an application for a **Rezoning from Medium Density Residential to Public** on Tract H, McMahon Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Champion Drive and east of Vicki Powers Park.

**Planning Commission continued the Rezoning from Medium Density Residential to Public to the November 9, 2006 Planning Commission meeting.**

34. No. 06RZ039 - Elysian Heights Subdivision

A request by Fisk Land Surveying & Consulting for Harley Taylor to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the N½ SW¼ of Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N½ SW¼ of said Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00°00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3, of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00°03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32°53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11 of Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book

17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32°58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12 in Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90°00'00"W, a distance of 704.97 feet more or less; thence, North, a distance of 747.30 feet more or less; thence, N69°00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 02°26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25°13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63°33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 09°44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21°34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83°00'00"W, a distance of 363.67 feet more or less; thence, S04°41'43"E, a distance of 202.00 feet more or less; thence, S35°35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89°47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00°12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89°47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot One (1) of Block Five (5) of Westview Estates, N89°46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89°51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°52'45"E, a

distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89°48'06"E, a distance of 130.02 feet more or less, to the point of beginning, more generally described as being located at the southern terminus of Carriage Hills Drive.

**Planning Commission continued the Rezoning from No Use District to Low Density Residential District to the November 9, 2006 Planning Commission meeting.**

35. No. 06RZ040 - Section 16, T1N, R7E

A request by Sperlich Consulting, Inc. for B&T Investments to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** on a portion of the SE1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northeasterly corner of the dedicated right-of-way of Severson Street as shown in Plat Book 29 on Page 128, and the Point of Beginning; Thence, first course: easterly, along the prolongation of the northerly boundary of Lot 3 of Corral Drive Subdivision, a distance of 470.00± feet, to a point on the westerly edge of the right-of-way of Lot H1 of the SE1/4 SE1/4 of said Section 16 (westerly edge of Sheridan Lake Road Right-of-Way); Thence, second course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 370.00± feet, to an angle point on the westerly edge of said Lot H1 of the SE1/4 of the SE1/4 of said Section 16; Thence, third course: southwesterly, along the westerly edge of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, a distance of 78.65± feet to an angle point on the westerly edge of said Lot H1 of the SE1/4 SE1/4 of said Section 16; Thence, fourth course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 84.65± feet to the southwesterly corner of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, common to a point on the northerly boundary of Lot 1 of the SE1/4 SE1/4 of Section 16 (Corral Drive right-of-way); Thence, fifth course: westerly, along the northerly boundary of said Lot 1 of the SE1/4 SE1/4 of Section 16, a distance of 345.47± feet, to the southeasterly corner of the right-of-way of said Severson Street; Thence, sixth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 89.41± feet, to a point of curve along the easterly edge of the right-of-way of said Severson Street; Thence, seventh course: northerly, along the easterly edge of the right-of-way of said Severson Street, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 09 21'07", an arc length of 44.72± feet, to a point of tangency along the easterly edge of the right-of-way of



said Severson Street; Thence, eighth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 366.70± feet, to the northeasterly corner of the dedicated right-of-way of said Severson Street, and the Point of Beginning, more generally described as being located at the northwest corner of the intersection of Sheridan Lake Road and Corral Drive.

**Planning Commission continued the Rezoning from Medium Density Residential District to General Commercial District to the November 9, 2006 Planning Commission meeting to allow the request to be heard in conjunction with the associated Comprehensive Plan Amendment.**

36. No. 06RZ042 - Section 22, T2N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on a parcel of land located in the E1/2 SE1/4 SE1/4 SW1/4 SW1/4; SW1/4 SW1/4 SE1/4 SW1/4; W1/2 SE1/4 SW1/4 SE1/4 SW1/4; S1/2 NW1/4, SW1/4 SE1/4 SW1/4; SW1/4 NE1/4, SW1/4 SE1/4 SW1/4; all less R & L Subdivision, less a strip of land 80 foot wide adjacent and parallel to the southeast line of Lot 3, R & L Subdivision, less a strip of land 100 feet wide adjacent and parallel to north boundary of I90 and less right-of-way, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Interstate 90 and east of Harley Drive.

**Planning Commission continued the Rezoning from No Use District to General Commercial District to the November 9, 2006 Planning Commission meeting.**

37. No. 06RZ045 - Sletten Addition

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the west 33 feet of Tract 5, Sletten Addition, located in the W1/2 NW1/4 SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of West Nike Road and Cobalt Drive.

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

38. No. 06RZ046 - Sletten Addition

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the fifty foot of West Nike Road right-of-way located north of Government Lot 4 and west of Lot 4, Four-M Subdivision, and south of Tracts 2 thru 5, Sletten Addition, all located in the SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the "Plat of A Portion of Sletten Addition, including Lot B revised (which includes Lot A); Tract 3 (which includes Lot A); Tracts 1, 2, 4 and 5 and Dedicated Public-Right-of-Way; all located in Government Lot 3 (NW1/4 of SW1/4) of Section 18, T2N, R8E, BHM, Pennington County, South Dakota", more generally described as being located the West Nike Road Right-of-Way.

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

39. No. 06RZ053 - New Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Public District to Low Density Residential District** on Lots 1 thru 6, Tract A, Lots 7 and 8, Tract B, all of Lot 1 of New Park Subdivision, 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.

**Planning Commission continued the Rezoning from Public District to Low Density Residential District to the November 9, 2006 Planning Commission meeting.**

40. No. 06RZ055 - Skyline Village Subdivision

A request by CETEC Engineering Services, Inc. for Generations, Inc. to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on the south 495 feet of the NE1/4 SE1/4, less Lot 1 of Bendert Subdivision; and the SE1/4 SE1/4 of Section 22, Unplatted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16.

**Planning Commission continued the Rezoning from General Agriculture District to Office Commercial District to the November 9, 2006 Planning Commission meeting to allow the request to be heard in conjunction with the associated Comprehensive Plan Amendment(s) to the U.S. Highway 16 Area Future Land Use Plan.**

41. 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 Planning Commission acknowledge the applicant's request to withdraw 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.**

42. No. 06SV062 - Miracle Place Subdivision

A request by Ronald Petty to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the east side of Miracle Place as per Chapter 16.16 of the Rapid City Municipal Code** on Lot D, Miracle Place Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4325 Miracle Place.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the east side of Miracle Place as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:**

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

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

\*29. 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.

Steve Brenden, area resident, expressed his concerns with the increased tax valuations and access to proposed development on the subject property.

Veda Wojeichowski, area resident, requested information on how long an item could be continued by an applicant before the Planning Commission acted.

Elkins advised that there is no required time frame and the item may be

continued by the Planning Commission with the applicant's concurrence.

**Hennies moved, Brewer seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the November 9, 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.**

***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.***

\*31. No. 06PD077 - Auburn Hills Subdivision

A request by Triple J Construction to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 3 revised, Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 815 Auburn Drive.

Jim Weaver, F&W Rentals, requested that number six regarding fire sprinklers be removed of the staff's recommendations. Weaver reviewed the action taken by the applicant to comply with staff's recommendations.

Behlings stated that changes in the National Fire Code have occurred since the applicant's building was constructed. Behlings further advised the National Code Council requires that fire protection be installed.

In response to Brewer's question regarding site drainage, Tegethoff reviewed the topography of the subject property.

In response to Anderson's question, Weaver stated that both building permits were not acquired simultaneously because the existing property line between lots had to be adjusted. Discussion followed.

Lengthy discussion followed regarding the requirements for installation of the sprinkler system in the proposed development.

Elkins advised that the provisions of the International Fire Code cannot be waived by the Planning Commission. She further commented that Planning Commission could add language to stipulation number six to reflect the applicant's ability to request a variance. Elkins stated that the applicant has the option to appeal the requirement to the Development Application Review Board. Discussion followed.

**Brewer moved, Anderson seconded and unanimously carried to approve the Planned Residential Development-Initial and Final Development Plan to allow the construction of a multi-family dwelling with the following**

**stipulations:**

1. The uses allowed within the Planned Residential Development shall be limited to a maximum of three dwelling units;
2. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the new structure;
3. If any on-site signage is proposed, a sign package shall be submitted for review and approval prior to Planning Commission approval;
4. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
5. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
6. The proposed structure shall be fully fire sprinkled and all applicable provisions of the International Fire Code shall be continually met, or a Variance shall be obtained;
7. The proposed structure shall conform architecturally to the plans and elevations submitted; and,
8. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 0 with Anderson, Brewer, Brown, Gregg, Hennies and Runde 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.***

Elkins stated that a vote was not recorded on Item 29 and requested that the Planning Commission record that vote.

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

**\*43. No. 06PD083 - Founders Park Subdivision**

A request by Designworks, Inc. for Founder's Park, LLC to consider an application for a **Planned Unit Development - Initial and Final Development Plan** on a parcel of land commencing from the South East Corner of the W1/2 NW1/4 SE1/4, Section 35, T1N, R7E, BHM consisting of a 5/8" rebar with #1019 cap; Thence North a distance of 234.88' to the Point of Beginning; Thence N57°44'34.6"W a distance of 207.90' to the PC of a right-hand curve with a radius of 330.50' and a delta angle of 117°48'29"; Thence N60°03'54.5"E a distance of 50.54' to the PC of a left-hand curve with a radius of 299.50' and a delta angle of 34°25'17"; Thence South a distance of 832.01' to the point of beginning., more generally described as being located Founder's Park Drive west of the Executive Golf Course.

Fisher presented the Planned Unit Development request noting that the applicant has requested that the parking requirement be reduced. Fisher

reviewed the parking to square footage space ratio required by the parking regulations. Fisher stated that staff recommends that the Planned Unit Development request be approved with stipulations as authorized in the staff report.

Pat Tlustos, applicant requested that the parking requirement be reduced to 228 parking spaces. Tlustos reviewed his request to reduce the parking requirement.

Hadcock expressed support for the applicant's request to reduce the off-street parking requirement. Discussion followed.

Anderson expressed his support for the request to reduce the parking requirements to 228 parking spaces.

Brewer expressed his support for the proposed development on the subject property and the request for the reduction in the parking.

Runde commented on the parking reduction request. Discussion followed

Lengthy discussion followed regarding the square footage to parking ratio.

Hennies expressed his support to allow a reduction in the parking requirements to the exclusion of the square footage for the mechanical and storage rooms. Discussion followed.

Steve Brenden, area resident, expressed his opposition to the reduction in the parking requirements on the subject property.

**Brewer moved, Hennies seconded and unanimously carried to approve the Planned Unit Development – Initial and Final Development Plan with the following stipulations:**

- 1. An Exception to the Parking Regulations to reduce the parking requirement from 264 spaces to 228 is hereby approved, with the provision that a maximum of 52,000 square foot of gross square footage of office building may be built with 228 parking spaces provided, not including the mechanical and storage area. Any changes or expansion in use shall require a major amendment to the Planned Unit Development;**
- 2. Prior to Planning Commission approval, the construction plans shall be revised eliminating the retaining wall from the right-of-way or an Exception shall be obtained to allow the encroachment;**
- 3. Prior to Planning Commission approval, the location, size and noise rating of any exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;**
- 4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 5. Prior to issuance of a Building Permit, calculations for the proposed 18 inch storm sewer, including the velocity at the outlet, shall be**

- submitted for review and approval. Additional erosion control measures shall also be provided if needed based on the velocity at the inlet;
6. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;
  7. Prior to issuance of a building permit, a Final Plat shall be recorded securing access to and through the proposed lots;
  8. Prior to issuance of a building permit, a joint parking agreement shall be submitted for review and approval and, subsequently, recorded to allow the parking lot to be located on Lots 6, 7, 8 and 9 of the Village at Founders Park;
  9. All development located within the federally designated 100 year floodplain shall be in compliance with the approved Floodplain Development Permit. In addition, prior to the start of construction, a 404 Permit shall be obtained for any work located within the federally designated 100 year floodplain if and as needed;
  10. An Exception to the Landscaping Ordinance is hereby granted waiving the requirement to provide four planter islands with the stipulation that one large planter boulevard measuring 480 feet in length by 25 feet in width be provided as proposed;
  11. A minimum of 148,296 landscaping points shall be provided. In addition, the landscaping shall be designed within the planter boulevard to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  12. All signage shall conform architecturally to the design plans and color palette submitted as a part of this Planned Unit Development. The lighting for the sign(s) shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
  13. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
  14. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrant shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structure shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;
  15. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;

16. The rear yard setback for the four commercial buildings on proposed Lots 6, 7, 8 and 9 is hereby reduced from 25 feet to 10 feet. Unless otherwise stipulated, all other setback requirements as per the Office Commercial District shall be met;
17. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Initial Planned Unit Development;
18. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Unit Development application or a subsequent Major Amendment;
19. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
20. A 17,646 Square foot office commercial structure shall be allowed on proposed Lot 7 as proposed. In addition, a Major Amendment to the Planned Unit Development shall be obtained prior to issuance of a building permit for any future development on Lots 6, 8 and 9. (6 to 0 with Anderson, Brewer, Brown, Gregg, Hennies, and Runde 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.***

Fisher requested that items 44 and 45 be taken concurrently.

44. 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.
45. 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.

Fisher presented the Layout Plat and Variance requests. Fisher presented the recommendation action for the Layout Plat and Variance requests to be denied in part and be approved in part with stipulations.

Al Johnson, representing the owner, requested that the variance to waive the street improvements.

In response to Brewer's questions, Elkins reviewed the requirements for curb, gutter and pavement.

Hadcock expressed her support for the variance request to eliminate curb and gutter. Lengthy discussion followed.

Gary Renner, representing the applicant, requested that the variance request for curb and gutter be approved. Renner expressed his opinion that curb and gutter would have a negative impact on adjacent properties.

Lengthy discussion followed regarding the ownership of the 20 foot wide private lane.

In response to Runde's question, Elkins stated that curb and gutter is a requirement relative to the platting process. Discussion followed.

**Brewer moved, Gregg seconded to recommend that the Preliminary Plat be approved with the following stipulations:**

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the 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, road construction plans for the access easement shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 59 foot wide easement and/or right-of-way and constructed with a minimum 26 foot paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, road construction plans showing sidewalk along the south side of S.D. Highway 44 shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to Preliminary Plat approval by the City Council, a copy of the previously recorded existing "20 foot wide private lane" and the existing previously recorded "25 foot wide private access easement" shall be submitted for review and approval. In addition, the applicant shall demonstrate that the private lane and access easement allow the existing water main or a utility easement shall be recorded;**

5. Prior to Preliminary Plat approval by the City Council, an Approach Permit shall be obtained from the South Dakota Department of Transportation. In addition, the terms and conditions of approval shall be met;
6. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the street within the access easement aligning with E. St. Patrick Street or an Exception to the Street Design Criteria Manual shall be obtained to waive the requirement that the street(s) align and to reduce the separation between the intersecting streets from 230 feet to approximately 20 feet;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
8. Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the proposed "sign easement" from the area designated as an "access easement". In addition, any signage located within the access easement shall be removed or surety posted to insure that it is removed in a timely manner; and,
9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been designed and completed shall be posted and the subdivision inspection fees shall be paid.

To recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along South Dakota Highway 44 be approved with the following stipulation:

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

To recommend that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along the access easement be approved; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the access easement be approved with the following stipulation:

1. A sidewalk shall be provided along one side of the easement; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit be approved.

In response to Anderson's question, Fisher request that the stipulation be clarified to state "waive the requirement to provide curb and gutter along the access easement with the exception of that curb and gutter as shown on the site plan."

**Anderson made substitute motion, Runde seconded to waive the requirement to provide curb and gutter along the access easement with the exception of that curb and gutter as shown on the site plan.**

In response to Johnson's questions, Fisher stated that the staff recommends that the sidewalk be provided along one side of the access easement to the north lot

line. Johnson requested that sidewalk not be required from the proposed bank lot north to the KOA. Anderson stated that his motion requires the sidewalk to be installed along the entire length.

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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the 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, road construction plans for the access easement shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 59 foot wide easement and/or right-of-way and constructed with a minimum 26 foot paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, road construction plans showing sidewalk along the south side of S.D. Highway 44 shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to Preliminary Plat approval by the City Council, a copy of the previously recorded existing "20 foot wide private lane" and the existing previously recorded "25 foot wide private access easement" shall be submitted for review and approval. In addition, the applicant shall demonstrate that the private lane and access easement allow the existing water main or a utility easement shall be recorded;**
- 5. Prior to Preliminary Plat approval by the City Council, an Approach Permit shall be obtained from the South Dakota Department of Transportation. In addition, the terms and conditions of approval shall be met;**
- 6. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the street within the access easement aligning with E. St. Patrick Street or an Exception to the Street Design Criteria Manual shall be obtained to waive the requirement that the street(s) align and to reduce the separation between the intersecting streets from 230 feet to approximately 20 feet;**
- 7. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;**
- 8. Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the proposed "sign easement" from the area designated as an "access easement". In addition, any signage located within the access easement shall be removed or surety posted to insure that it is removed in a timely manner; and,**
- 9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been designed and**

**completed shall be posted and the subdivision inspection fees shall be paid.**

**To recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along South Dakota Highway 44 be approved with the following stipulation:**

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

**That the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along the access easement be approved; and,**

**To recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the access easement be approved with the following stipulation:**

- 1. A sidewalk shall be provided along one side of the easement; and,**

**To recommend that the Variance to the Subdivision Regulations to waive the requirement to provide curb, gutter and street light conduit along the access easement be approved with the exception of the curb and gutter as shown on the site plan. (6 to 0 with Anderson, Brewer, Brown, Gregg, Hennies and Runde voting yes and none voting no)**

Tegethoff requested that items 46 and 47 be taken concurrently

46. No. 06PL150 - Section 17, T1N, R7E

A request by D. C. Scott Surveyors, Inc. for Gary Rossow to consider an application for a **Preliminary Plat** on Lot GR and Lot HR2, formerly Lot G and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot G and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west side of Red Rock Canyon Road and .09 miles from Chapel Lane Way.

47. No. 06SV059 - Section 17, T1N, R7E

A request by D. C. Scott Surveyors, Inc. for Gary Rossow to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional public right-of-way, and to waive the requirement to install curb gutter, sidewalk, street light conduit, sewer, water, additional pavement and to waive the requirement to dedicate planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot GR and Lot HR2, formerly Lot G and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot G and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west side of Red Rock Canyon Road and .09 miles from Chapel Lane Way.

Tegethoff presented the Layout Plat and Variance requests. Tegethoff stated that staff recommends that the Layout Plat be approved with stipulations and that the Variance be approved in part and denied in part as per the staff report.

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

1. Prior to Preliminary Plat approval by the City Council, a revised plat document with the drainage easement extended across proposed Lot GR shall be submitted for review and approval;
2. Prior to Preliminary Plat approval by the City Council, information on depth and type of soil, capacity of septic tanks and percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems must be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, data to confirm that the well(s) have sufficient domestic flows and water quality must be submitted for review and approval;
4. Prior to Preliminary Plat approval by the City Council, a revised plat document with the location of a utility easement for the well shall be submitted for review and approval;
5. Prior to Preliminary Plat approval by the City Council, the applicant shall dedicate an additional six feet of right-of-way and submit construction plans for Red Rock Canyon Road for review and approval or obtain a Variance to the Subdivision Regulations;
6. Prior to Preliminary Plat approval by the City Council, the applicant shall obtain a Special Exception to allow a cul-de-sac in excess of 1,200 feet and to waive the requirement to provide intermediate turnarounds or the street must be redesigned to comply with the Street Design Criteria Manual;
7. Prior to Preliminary Plat approval by the City Council, the applicant shall obtain a Special Exception to allow more than 40 dwelling units with one point of access or revise the plat document to provide a second point of access
8. Prior to Preliminary Plat approval by the City Council, a Wildland Fire Mitigation Plan shall be submitted for review and approval;
9. Prior to Preliminary Plat approval by Planning Commission, the applicant shall submit a plan for review and approval showing the locations of the structures in relationship to the floodplain;
10. Upon submittal of a Final Plat application, the document shall be revised to show the location of the floodplain on the subject property; and,
11. 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.

To recommend that the Variance to the Subdivision Regulations to waive the planting screen easement as per Chapter 16 of the Rapid City Municipal Code be denied without prejudice.

To recommend that the Variance to the Subdivision Regulations to dedicate an additional six feet of right-of-way as per Chapter 16 of the Rapid City Municipal Code be denied; and,

To recommend that the Variance to the Subdivision Regulations to waive the improvements of pavement, curb, gutter, streetlight conduit, water and

**sewer on Red Rock Canyon Road as per Chapter 16 of the Rapid City Municipal Code be approved with the following stipulation:**

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements. (6 to 0 with Anderson, Brewer, Brown, Gregg, Hennies and Runde voting yes and none voting no)**

48. No. 06SV060 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Variance to the Subdivision Regulations to reduce the right-of-way width along Cobalt Drive from 68 feet to 60 feet and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** 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 northwest of the intersection of Country Road and West Nike Road.

Fisher presented the Variance request. Fisher stated that staff recommends that the Variance request be denied in part and approved in part with stipulations.

Doug Sperlich, representing the applicant requested that the Variance requests be approved as submitted. Sperlich reviewed the location of the existing improvements and the topography of the subject property.

**Hennies moved, Brewer seconded and unanimously carried to extend the Planning Commission meeting past the 9:00 a.m. deadline. (6 to 0 with Anderson, Brewer, Brown, Gregg, Hennies and Runde voting yes and none voting no)**

Lengthy discussion followed regarding the existing and proposed improvements on the subject property.

**Julie Gregg moved to recommend approval of the Variance to the Subdivision Regulations to allow a lot twice as long as wide; and, recommend denial of the Variance to the Subdivision Regulations to reduce the right-of-way width along Cobalt Drive from 68 feet to 60 feet. The motion failed for lack of a second.**

Lengthy discussion followed regarding proposed pavement width and utility locations on the right-of-way along Cobalt Drive.

**Hennies moved, Runde seconded to recommend approval of the Variance to the Subdivision Regulations to allow a lot twice as long as wide; and, recommend approval of the Variance to the Subdivision Regulations to reduce the right-of-way width along Cobalt Drive from 68 feet to 60 feet.**

**(Roll Call Vote 3 to 3 with Brewer, Hennies and Runde voting yes and Anderson, Brown and Gregg voting no)**

Tegethoff requested that items 49 and 50 be taken concurrently.

49. No. 06PL159 - Carlin Subdivision

A request by Sperlich Consulting, Inc. for Gordon Howie to consider an application for a **Layout Plat** on Lots 12 and 13, Carlin Subdivision, located in the NW1/4 SE1/4, Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the west 354.46 feet of the NW1/4 SE1/4, except the north 158 feet thereof, and except the north 375 feet of the south 641.34 feet thereof, and except the Bies Subdivision, Call Subdivision and Carlin Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2989 Carlin Street.

50. No. 06SV063 - Carlin Subdivision

A request by Sperlich Consulting, Inc. for Gordon Howie to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 12 and 13, Carlin Subdivision, located in the NW1/4 SE1/4, Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the west 354.46 feet of the NW1/4 SE1/4, except the north 158 feet thereof, and except the north 375 feet of the south 641.34 feet thereof, and except the Bies Subdivision, Call Subdivision and Carlin Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2989 Carlin Street.

Tegethoff presented the Layout Plat and Variance requests. Tegethoff stated that staff recommends that the Layout Plat and the Variance be approved with stipulations.

Sperlich reviewed the existing easements on the subject property. Sperlich requested that the Layout Plat and the Variance requests be approved. Discussion followed.

**Hennies moved, Gregg seconded that the Layout Plat be recommended for approval with the following stipulations:**

- 1. Prior to Preliminary Plat approval by Planning Commission, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water, sewer and a minimum of 24 foot wide paved surface along the access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Upon submittal of the Preliminary Plat, a grading plan and geotechnical information for pavement recommendations, soil resistivity, and any corrosion protection must be submitted for review and approval;**
- 3. Upon submittal of the Preliminary Plat, an erosion and sediment**

- control plan for all improved areas shall be submitted for review and approval;
4. Upon submittal of the Preliminary Plat, a drainage plan addressing the design of all drainage components shall be submitted for review and approval;
  5. Upon submittal of the Preliminary Plat, a water system plan prepared by a Registered Professional Engineer shall be submitted for review and approval;
  6. Upon submittal of the Preliminary Plat, a water system analysis demonstrating that sufficient quantities for domestic and fire flows shall be submitted for review and approval;
  7. Upon submittal of the Preliminary Plat, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval;
  8. Upon submittal of the Preliminary Plat, if individual on-site waste water treatment systems are proposed, submit the results of the percolation test, depth of the soil, location and capacity of all septic tanks proposed demonstrating that the soils are suitable for on-site wastewater treatment systems and the location and length of the drain field pipes for each lot shall be submitted for review and approval;
  9. Prior to start of construction an Air Quality Permit shall be obtained;
  10. Prior to Preliminary Plat approval by the Planning Commission, road construction plans for the cul-de-sac shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;
  11. Upon submittal of the Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,
  12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

To recommend that the Variance to the Subdivision Regulations to install pavement, curb, gutter, street light conduit, water and sewer along the access easement be denied. In particular, the street shall be constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water, and sewer and the cul-de-sac shall be constructed with a minimum 96 foot diameter paved surface, curb, gutter, street light conduit, water, and sewer. In addition, one paved visitor parking space shall be provided within 300 feet of the proposed residence and the access easement shall be posted with no parking signs or an Exception shall be obtained to waive the requirement to provide visitor parking; and,

To recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the access easement be approved with the stipulation that a sidewalk be provided along one side of the access easement. (Roll Call Vote 2 to 4 with Gregg and Hennies voting yes and Anderson, Brewer, Brown, and Runde voting no)



Lengthy discussion followed regarding pavement surface and width.

**Anderson made a substitute motion and, Runde seconded to recommend that the Layout Plat be approved with the following stipulations:**

- 1. Prior to Preliminary Plat approval by Planning Commission, road construction plans showing the installation of curb, gutter, sidewalk, street light conduit, water, sewer and a minimum of 24 foot wide paved surface along the access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Upon submittal of the Preliminary Plat, a grading plan and geotechnical information for pavement recommendations, soil resistivity, and any corrosion protection must be submitted for review and approval;**
- 3. Upon submittal of the Preliminary Plat, an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 4. Upon submittal of the Preliminary Plat, a drainage plan addressing the design of all drainage components shall be submitted for review and approval;**
- 5. Upon submittal of the Preliminary Plat, a water system plan prepared by a Registered Professional Engineer shall be submitted for review and approval;**
- 6. Upon submittal of the Preliminary Plat, a water system analysis demonstrating that sufficient quantities for domestic and fire flows shall be submitted for review and approval;**
- 7. Upon submittal of the Preliminary Plat, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval;**
- 8. Upon submittal of the Preliminary Plat, if individual on-site waste water treatment systems are proposed, submit the results of the percolation test, depth of the soil, location and capacity of all septic tanks proposed demonstrating that the soils are suitable for on-site wastewater treatment systems and the location and length of the drain field pipes for each lot shall be submitted for review and approval;**
- 9. Prior to start of construction an Air Quality Permit shall be obtained;**
- 10. Prior to Preliminary Plat approval by the Planning Commission, road construction plans for the cul-de-sac shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;**
- 11. Upon submittal of the Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
- 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

**To recommend that the Variance to the Subdivision Regulations to install**

pavement, curb, gutter, street light conduit, water and sewer along the access easement be approved. In particular, the street shall be constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water, and sewer and the cul-de-sac shall be constructed with a minimum 96 foot diameter paved surface, curb, gutter, street light conduit, water, and sewer. In addition, one paved visitor parking space shall be provided within 300 feet of the proposed residence and the access easement shall be posted with no parking signs or an Exception shall be obtained to waive the requirement to provide visitor parking; and,

To recommend that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the access easement be approved with the stipulation that a sidewalk be provided along one side of the access easement. The motion failed on a tie vote. Pursuant to the Planning Commission's By Laws the request is forwarded to Council without recommendation. (Roll Call Vote 3 to 3 with Anderson, Brewer, and Runde voting yes and Brown, Gregg and Hennies voting no)

51. No. 06PL161 - Arrowhead Vista Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on the north 389.4 feet of Tract C, located in the NW1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sunset Vista Road and Sheridan Lake Road.

52. No. 06SV065 - Arrowhead Vista Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on the north 389.4 feet of Tract C, located in the NW1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sunset Vista Road and Sheridan Lake Road.

Tegethoff stated that staff recommends that the Layout Plat and the Variance requests be continued to the November 9, 2006 Planning Commission meeting to allow the applicant to submit the required information.

**Brewer moved, Gregg seconded and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the November 9, 2006 Planning Commission meeting. (6 to 0 with Anderson, Brewer, Brown, Gregg, Hennies Runde voting yes and none voting no)**

53. No. 06PL162 - Section 11, T1N, R7E

A request by Wyss Associates for Web Land Holdings, LLC to consider an application for a **Preliminary Plat** on Lot 2, located in the SE1/4, formerly a

portion of Lot A, located in the SE1/4 SE1/4; and a portion of the unplatted balance, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot A, located in the SE1/4 SE1/4; and a portion of the unplatted balance, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Tower Road and South Highway 16.

Fisher presented the Preliminary Plat request. Fisher stated that staff recommends that the Preliminary Plat be approved with stipulations.

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

- 1. Prior to Preliminary Plat approval by the Planning Commission, the plat document shall be revised to show the access easement as right-of-way in lieu of an access easement or an Exception shall be obtained to allow an easement to serve as access to five lots in lieu of four lots as per the Street Design Criteria Manual. In addition, the plat document shall be revised to show the adjacent parcels along the right-of-way as two separate lots;**
- 2. Prior to Preliminary Plat approval by the City Council, a drainage plan designed in accordance with the Meade-Hawthorne Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 3. Prior to Preliminary Plat approval by the City Council, water system plans prepared by a Registered Professional Engineer showing the extension of water mains in compliance with the adopted "Planning Report for Skyline, Terracita, Southwest, Carriage Hills and future Southwest Rapid City Water Service Zone" prepared by CETEC Engineering Inc. shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water system plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;**
- 4. Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, calculations shall be submitted for review and approval demonstrating adequate capacity of the downstream US Highway 16 lift station. In addition, the plat document shall also be revised to provide utility easements as needed;**
- 5. Prior to Preliminary Plat approval by the City Council, a utility master plan including public and private utilities shall be submitted for review and approval. In particular, the utility master plan shall provide sewer and water service to the adjacent properties as well as**

- looped system(s) as needed;
6. Prior to Preliminary Plat approval by the City Council, road construction plans for Mount Rushmore Road shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  7. Prior to Preliminary Plat approval by the City Council, construction plans for the access easement shall be submitted for review and approval. In particular, the street shall be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained;
  8. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Tower Road except for approved approach location(s). In addition, the plat document shall be revised to show a non-access easement along Mount Rushmore Road;
  9. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  10. Prior to submittal of a Final Plat application, the plat document shall be revised to show the commercial street as "Fairmont Boulevard"; and,
  11. 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, Brewer, Brown, Gregg, Hennies and Runde voting yes and none voting no)

\*54. No. 06PD081 - Mediterranean Subdivision

A request by FMG, Inc. for FICACS, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 1 and 2, Mediterranean Subdivision, located in the SE1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of 28th Street and Canyon Lake Drive.

Fisher presented the Major Amendment request noting that staff recommends action for approval with stipulations.

Laurie Durr and Sylvia Midzak reviewed the proposed roof color of the proposed development.

Brenden expressed concerns for the proposed sign on the subject property.

Hadcock expressed her support for the proposed development.

**Anderson moved, Brewer seconded and unanimously carried to approve**

**the Major Amendment to a Planned Commercial Development with the following stipulations:**

- 1. Prior to Planning Commission approval, the design plans shall be revised to show the roof with an earth tone color in a shade of brown or taupe in lieu of burgundy. With the exception of the color of the roof, the proposed structure shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development;**
- 2. The proposed screening fence shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development;**
- 3. The pole sign along Canyon Lake Drive shall measure a maximum of ten feet in height by 11.8 feet in width. In addition, a maximum 3 foot by 9 foot message board with manually changeable lettering shall be allowed along the bottom of the sign. An electronic reader board shall not be allowed. In addition, the sign shall be constructed with similar building materials and color palette as the proposed structure. The balance of the directional signs and the wall sign shall conform architecturally to the design plans and color palette submitted as a part of this Planned Commercial Development. The lighting for the sign(s) shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
- 4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 5. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;**
- 6. Prior to issuance of a building permit, the civil engineering sheets shall be stamped and signed by a Professional Engineer registered by the State of South Dakota;**
- 7. A minimum of 39,445 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 8. A minimum of 21 parking spaces shall be provided. One of the spaces shall be "van handicap accessible". In addition, four stacking lanes shall be provided for the drive-up window. All provisions of the Off-Street Parking Ordinance shall be continually met;**
- 9. The hours of operation for the drive-up window shall be limited to 7:00 a.m. to 11:00 a.m. In addition, the access lane to the drive-up window shall be gated when the drive-up is not in use. The gate shall conform to the proposed elevation and design plans submitted as a part of this Final Planned Commercial Development;**
- 10. The hours of operation for the outdoor seating area shall be limited to 9:00 a.m. to 10:00 p.m.;**
- 11. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to**

- not be a hazard to the passing motorist or constitute a nuisance of any kind;
12. The air handling equipment shall be screened with an opaque screening fence as shown on the elevation(s);
  13. The screening fence located along the south and west lot line(s) shall conform architecturally to the proposed elevations, design plans and color palette submitted with this Final Planned Commercial Development. In particular, the fence shall be constructed of wood and be six feet in height, except for the first 25 feet of the fence as it extends from Canyon Lake Drive and/or 38<sup>th</sup> Street. This portion of the fence shall not be more than four feet in height;
  14. The International Fire Code shall be continually met;
  15. Prior to issuance of a building permit, the applicant shall sign a developmental lot agreement for the two lots or the property shall be platted into one lot;
  16. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
  17. The proposed structure shall be used as an ice cream and coffee shop. In addition, all provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment. (6 to 0 with Anderson, Brewer, Brown, Gregg, Hennies and Runde 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.***

\*55. No. 06UR020 - Original Townsite of Rapid City

A request by Shiba Investments - Radisson Rapid City to consider an application for an **Amendment to the Conditional Use Permit to expand an on-sale liquor establishment** on Lots 25 thru 34, Block 72, the east 450 feet of Tract A, Blocks 71 and 72, Original Townsite of Rapid City, and the vacated alley lying between the east 200 feet of Tract A and Lots 25 thru 34, together with the part of the vacated Rapid City street adjoining Tract A which reverted by law pursuant to a Resolution of Vacation recorded June 5, 1981 in Book 16, Page 4681, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 445 Mount Rushmore Road.

Tegethoff presented the Amendment request and the staff recommendation to approve the Amendment to the Conditional Use request be approved with stipulations.

**Brewer moved, Gregg seconded and unanimously carried to approve the Amendment to a Conditional Use Permit to expand an on-sale liquor**

**establishment with the following stipulations:**

- 1. A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupying the proposed area;**
- 2. The outdoor seating shall in no way impede emergency access to the existing structure or hinder emergency access to any firefighting equipment or appliances;**
- 3. All applicable provisions of the International Fire Code shall be continually met;**
- 4. That the outdoor on-sale liquor establishment use and outdoor seating shall be restricted to the fenced area;**
- 5. The hours of operation shall be from 6:00 a.m. until 10:00 p.m.;**
- 6. That the applicant shall provide security to check identification of patrons entering the fenced area and to ensure that the consumption of alcoholic beverages occurs only within the fenced area; and,**
- 7. That the Conditional Use Permit approval shall expire if the use is not undertaken and completed within two years of the date of approval by Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 0 with Anderson, Brewer, Brown, Gregg, Hennies and Runde voting yes and none voting no)**

**56. Staff Items**

Elkins advised that she anticipates that new Planning Commissioners will be appointed on November 6, 2006. Elkins stated that staff will be contacting the Planning Commission members to set a time for training sessions.

**There being no further business, Hennies moved, Brewer seconded and unanimously carried to adjourn the meeting at 9:47 a.m. (6 to 0 with Anderson, Brewer, Brown, Gregg, Hennies and Runde voting yes and none voting no)**