



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 25, 2006

MEMBERS PRESENT: Doug Andrews, John Brewer, Gary Brown, Thomas Hennies, Dennis Landguth, Mike LeMay and Mel Prairie Chicken. Deb Hadcock, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Travis Tegethoff, Bob Dominicak, Emily Fisher, Mary Bosworth, Tim Behlings, Kevin Lewis, and Carol Bjornstad.

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

Andrews reviewed the Non-Hearing Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Non-Hearing Consent Agenda for individual consideration.

Staff requested that Items 2, 4, 7, 19 and 20 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Prairie Chicken, Seconded by Brown and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 21 in accordance with the staff recommendations with the exception of 2, 4, 7, 19 and 20. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the May 4, 2006 Planning Commission Meeting Minutes.
3. No. 06PL011 - Morrison Subdivision
A request by D.C. Scott Surveyors, Inc., for William Morrison to consider an application for a **Preliminary Plat** on Lots 1, 2 and 3 of Morrison Subdivision (formerly Parcel B of Lot 3), located in the SW1/4 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Parcel B of Lot 3, located in the SW1/4 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Green Valley Drive and east of Reservoir Road.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**



2. **Prior to Preliminary Plat approval by the City Council, a drainage plan with appropriate calculations 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, the plat document shall be revised to show the irrigation ditch within an easement. In particular, the easement shall be adequately sized to allow for ditch access and maintenance;**
 4. **Prior to Preliminary Plat approval by the City Council, road construction plans for Green Valley Drive shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of one additional foot of right-of-way;**
 5. **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;**
 6. **Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed and designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed;**
 7. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
 8. **A Floodplain Development Permit shall be obtained prior to any construction within the 100 year federally designated floodplain as needed;**
 9. **Prior to submittal of a Final Plat application, the plat document shall be revised to include a note stating that all residential structures shall be sprinklered;**
 10. **Prior to submittal of a Final Plat application, the plat title shall be revised to include within the formerly statement..."of the SW1/4SW1/4 of Section 14, T1N, R8E"; 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.**
5. 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 June 8, 2006 Planning Commission meeting.

6. No. 06PL046 - Oliver Subdivision

A request by Boschee Engineering for Dr. Don Oliver to consider an application for a **Layout Plat** on Lots 1 thru 6, Oliver Subdivision, formerly the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 23657 Wilderness Canyon Road.

Planning Commission recommended that the Layout Plat be continued to the June 8, 2006 Planning Commission meeting to allow staff to review a recently submitted revised Layout Plat.

8. No. 06PL049 - Murphy Ranch Estates Subdivision

A request by Davis Engineering, Inc. to consider an application for a **Preliminary Plat** on Lots 2 thru 6 of Block 2; Lots 15 of Block 4; and, Lots 1, Lots 14 and 15 of Block 5, formerly a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to Long View Road between Colvin Street and Romel Drive.

Planning Commission recommended that the Preliminary Plat be continued to the June 8, 2006 Planning Commission to allow the applicant to comply with the previously recommended stipulations of approval.

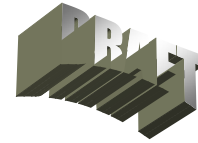
9. No. 06PL052 - Rand Addition

A request by Renner & Associates for Larry Nelson to consider an application for a **Layout Plat** on Lots A and B of Lot 14 of Tract K, and the private access and utility easement of Lot 15 of Tract K, Rand Addition, formerly Lot 14 of Tract K, Rand Addition, located in the N1/2 SW1/4 and the S1/2 NW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 14 of Tract K, Rand Addition, located in the N1/2 SW1/4 and the S1/2 NW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2006 Samco Road.



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

- 1. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that discharge does not exceed pre-developed flow rates and does not exceed capacity of downstream facilities;**
 - 2. 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;**
 - 3. 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. Staff also noted that a water system analysis verifying source, water quantity, and storage capacities shall be submitted for review and approval;**
 - 4. Upon submittal of a Preliminary Plat application, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. The complete street design plans shall be submitted showing the location of utilities, storm drainage, curb, gutter and sidewalk improvements for all adjacent and interior roadways;**
 - 5. Upon submittal of a Preliminary Plat application, the proposed access easement shall be designed as an industrial street with 59 feet of right-of-way and 26 feet of paved surface;**
 - 6. Upon submittal of a Preliminary Plat application, the applicant shall submit a geotechnical report, including pavement design, typical section, and soil resistivity, street names and proof of maintenance for all roadways;**
 - 7. Prior to Planning Commission approval, the applicant shall provide documentation showing the affected power company's approval of the proposed access easement crossing an existing Power Transmission Right-of-Way Easement;**
 - 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**
10. No. 06PL056 - Twilight Hill Subdivision
A request by D. C. Scott Surveyors for Cheryl Burrow Hitshe to consider an application for a **Preliminary Plat** on Lots A and B of Lot 16 of Twilight Hill Subdivision, and dedicated Reservoir Road Right-of-way; located in the SE1/4 SE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 16 of Twilight Hill Subdivision, and dedicated Reservoir Road Right-of-way; located in the SE1/4 SE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Reservoir Road and Ross Court.



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

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans for Reservoir Road shall be submitted for review and approval. In particular, the road construction plans shall show Reservoir Road constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans for Ross Court shall be submitted for review and approval. In particular, the road construction plans shall show Ross Court constructed with curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a ten foot wide planting screen easement along Reservoir Road or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to submittal of a Final Plat application, the chain link fence shall be removed for the 17 feet of additional right-of-way being dedicated as a part of this plat or surety shall be posted to insure that the fence is removed;**
- 5. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Reservoir Road and Ross Court, except for approved approach location(s);**
- 6. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval; and,**
- 7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

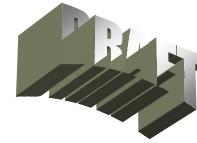
11. No. 06PL060 - Mahoney Addition

A request by D. C. Scott Surveyors, Inc. for Doug Pokorney to consider an application for a **Layout Plat** on Lots 1 and B of Block 55 of the Amended Plat of the Mahoney Addition, formerly Block 55 of the Amended Plat of Mahoney Addition, less the south 8.5 feet thereof, located in the SW1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 55 of the Amended Plat of Mahoney Addition, less the south 8.5 feet thereof, located in the SW1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 222 Doolittle Street.

Planning Commission recommended that the Layout Plat be continued to the June 8, 2006 Planning Commission meeting to allow the applicant to submit additional information.

12. No. 06PL062 - Park Meadows Subdivision

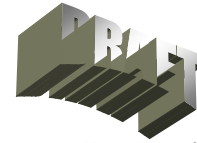
A request by CETEC Engineering Services, Inc. for Park Hill Development, Inc.



to consider an application for a **Preliminary Plat** on Lots 18 thru 35 of Block 2; Lots 14 thru 25 of Block 5; and the dedicated public right-of-way, Park Meadows Subdivision, located at the SW1/4 NE1/4 and the SE1/4 NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 NE1/4 and the unplatted balance of SE1/4 NE1/4, less right-of-way, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Smith Avenue.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
 2. **Prior to Preliminary Plat approval by the City Council, an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
 3. **Prior to Preliminary Plat approval by the City Council, the road construction plans for the cul-de-sac bulbs shall show the bulbs constructed with a minimum 96 foot wide paved diameter in lieu of 84 foot diameter or a Variance to the Subdivision Regulations shall be obtained;**
 4. **Prior to Preliminary Plat approval by the City Council, additional water information and analysis shall be submitted for review and approval demonstrating that sufficient quantities for domestic and fire flows shall be provided during peak day use conditions;**
 5. **Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;**
 6. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
 7. **Prior to submittal of a Final Plat application, drainage easement(s) within the Meade channel shall be obtained and recorded at the Register of Deed's Office;**
 8. **Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the first fifty feet of all corner lots;**
 9. **Prior to submittal of a Final Plat application, a different street name for Park Meadow Court shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; and,**
 10. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**
13. No. 06PL064 - LaGrand Subdivision



A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Block 2, LaGrand Subdivision, located in the E1/2 NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the E1/2 NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of North Elk Vale Road and Eglin Street.

Planning Commission recommended that the Preliminary Plat be continued to the June 8, 2006 Planning Commission meeting to allow the applicant to submit the Master Plan for the property and other additional information.

14. No. 06PL067 - Red Rock Meadows Subdivision

A request by Mandalay Homes, LLC to consider an application for a **Preliminary Plat** on Lots 2AR, 2BR of Block 5 of Red Rock Meadows Subdivision, formerly Lots 2A and 2B of Block 5, Red Rock Meadows Subdivision, and being a portion of the unplatted portion of the SW1/4 NW1/4, all located in the SW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2A and 2B of Block 5, Red Rock Meadows Subdivision, and being a portion of the unplatted portion of the SW1/4 NW1/4, all located in the SW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 6923 and 6925 Cog Hill Lane.

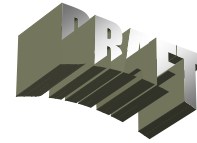
Planning Commission recommended that the Preliminary Plat be approved with the following stipulations:

1. **Prior to submittal of a Final Plat application, the plat document shall be revised to include a note stating that a six foot wide exterior maintenance easement shall be provided on either side of the common lot line to provide adequate room for maintenance, repair and alterations of the townhome(s); and,**
2. **Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the building envelopes.**

15. No. 06SE002 - Elks Country Estates

A request by Sperlich Consulting for Steve Zandstra of Triple Z Real Estate LLLP to consider an application for a **Exception to the Street Design Criteria Manual to allow access from the higher order street, to allow two access points in lieu of one and to reduce the access restriction on Padre Drive to 50 feet from the intersection of Jolly Lane** on a parcel of land Located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Jolly Lane and Padre Drive.

Planning Commission recommended that the Exception to the Street Design Criteria Manual to allow access from the higher order street, to allow two access points in lieu of one and to reduce the access restriction on Padre Drive to 50 feet from the intersection of Jolly Lane be continued to the June 8, 2006 Planning Commission meeting.



16. No. 06SR039 - Deadwood Avenue Tract

A request by Renner Engineering for David Gustafson to consider an application for an **SDCL 11-6-19 Review to construct a public utility building** on Lot 10B of Lot 10 of Tract E Deadwood Avenue Tract, located in the NE1/4 NW1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1140 Plant Street.

Planning Commission recommended that the SDCL 11-6-19 Review to construct a public utility building be approved.

17. No. 06SR040 - Marshall Heights Tract

A request by Renner Engineering for the Rapid City School District to consider an application for an **SDCL 11-6-19 Review to allow the construction of an access drive and parking lot improvements on public property** on Lots S-1 and C of Marshall Heights Tract, located in the SE1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1501 North Maple Avenue.

Planning Commission recommended that the SDCL 11-6-19 Review to allow the construction of an access drive and parking lot improvements on public property be approved with the following stipulations:

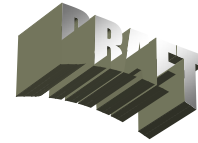
1. **A building permit shall be obtained prior to any construction; and**
2. **A stop sign shall be placed at the point of access onto N. Maple Avenue.**

18. No. 06SR042 - Rapid City Greenway Tracts

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a building on public property** on Tract 31 of Rapid City Greenway Tracts, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 601 Steele Avenue.

Planning Commission recommended that the SDCL 11-6-19 Review to allow the construction of a building on public property be approved with the following stipulations:

1. **A building permit shall be obtained prior to any construction and a certificate of occupancy obtained prior to occupancy of the building;**
2. **Prior to obtaining a building permit, engineer stamped plans for the structure shall be submitted;**
3. **All parking and traffic areas adjacent to the construction of the building shall be paved;**
4. **The building materials will be tan metal to match the other existing buildings in the area;**
5. **All landscaping shall be maintained and planting material replaced as needed;**
6. **A minimum of 1750 gpm of water shall be available at the structure for fire flow;**
7. **The requirement to build a structure with the longitudinal axis parallel**



to the flood flow shall be waived with the approval of this SDCL 11-6-19 Review; and,

8. **Any additional construction on the subject property will require additional review and approval through the SDCL 11-6-19 Review process.**

21. No. 06VE010 - Denholm Subdivision

A request by Sperlich Consulting for Lifestyle Homes to consider an application for a **Vacation of Access Easement** on Lot 2, Denholm Subdivision, located in the SE1/4 SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of East St. Patrick Street and Creek Drive.

Planning Commission recommended that the Vacation of a portion of shared Access Easements and a Non-Access Easement be approved with the following stipulations:

1. **Prior to City Council approval, a revised Exhibit "A" must be submitted showing only those portions of the shared access easement and non-access easement to be vacated; and,**
2. **Prior to City Council, a miscellaneous document shall be recorded with the Register of Deeds office creating a non-access easement along the remainder of the south property line.**

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

2. 06TP007 – Approval of a Resolution for the Transportation Improvement Program Projects.

Elkins presented the Resolution Transportation Improvement Program Projects with updates for Anamosa Street reconstruction project for review and approval by the Planning Commission. Elkins stated that staff's recommendation is that the Resolution for Transportation Improvement Program Projects be approved.

Brown moved, Landguth seconded and unanimously carried to approve the Resolution for the Transportation Improvement Program Projects. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)

4. No. 06PL025 - Canyon Springs Preserve

A request by Wyss Associates, Inc. for Canyon Springs, LLC to consider an application for a **Preliminary Plat** on Lots 1 thru 87, Block 1; Lot 1, Block 2, Canyon Springs Preserve, less Lot 1 of Firehouse Subdivision and the "Nemo" Road right-of-way, formerly the unplatted portion of the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26, T2N, R6E, BHM, Pennington County, South Dakota, legally described Lot 1, Block 1, Firehouse Subdivision, and a tract of land located in the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26; T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Nemo Road.



Fisher presented the Preliminary Plat. Fisher stated that staff's recommendations is that the Preliminary Plat be approved with stipulations.

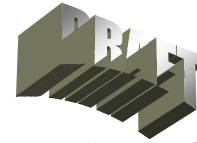
Brown moved, Prairie Chicken seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, the proposed "aqua-safe" sanitary system shall be reviewed and approved by the Pennington County Board of Commissioners or an alternate acceptable system shall be utilized;**
- 3. Prior to Preliminary Plat approval by the City Council, road construction plans for the north-south section line highway and the east-west section line highway 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 highways shall be vacated and/or relocated;**
- 4. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a five foot wide pedestrian sidewalk through the development. In addition, the plat document shall be revised to show the proposed sidewalk located within a pedestrian access easement;**
- 5. Prior to Preliminary Plat approval by the City Council, a Master Utility Plan showing private utilities shall be submitted for review and approval;**
- 6. Prior to Preliminary Plat approval by the City Council, Approach Permit(s) shall be obtained from the Pennington County Highway Department;**
- 7. Prior to submittal of a Final Plat, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;**
- 8. 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;**
- 9. Prior to submittal of a Final Plat, the applicant shall submit proposed suffixes to the street names to the Emergency Services Communication Center for review and approval. In addition, the northern east-west leg of Emerald Ridge shall be labeled "N. Emerald Ridge". The plat document shall also be revised to show the approved street names;**
- 10. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with**



Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal; or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1; or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;

11. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the community water facility for review and approval;
12. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the common area for review and approval;
13. Prior to submittal of a Final Plat application, the plat document shall be revised labeling Lot 1, Block 1 of the Fire House Subdivision as Lot 1R, Block 1 of the Fire House Subdivision;
14. Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Nemo Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s);
15. Prior to the start of construction, a Floodplain Development Permit shall be obtained as needed;
16. Upon submittal of a Final Plat application, a note shall be placed on the plat document stating that "Prior to obtaining a Building Permit for a residence on any of the lots, two suitable on-site wastewater system areas shall be identified with accompanying percolation testes and soil profiles certified by a Registered Professional Engineer. Any septic system to be located on any of the properties shall be designed and certified by a Registered Professional Engineer based on specific soil and geologic conditions. Soil profiles shall show that proper soil separation can be obtained as outlined in State Administrative Rule 74:53:01:32. If the percolation and soil profile information do not meet these requirements an alternative system approved by the South Dakota Department of Environment and Natural Resources may be used. As a last resort, Pennington County may approve the use of holding tanks". In addition a note shall be placed on the plat document stating that "all wastewater disposal systems be a minimum of 50 feet from all exposed rock cliffs and major drainage ditches within the development and that individual septic systems shall have a one acre buffer between any other septic system"; and,
17. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)



A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Block 1, LaGrand Subdivision, located in the SE1/4, Section 28, and the NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the SE1/4, Section 28, and the NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located North Elk Vale Road and Eglin Street.

Elkins presented the stipulations of approval of the Preliminary Plat. Elkins stated that staff's recommendation is that the Preliminary Plat be approved with stipulations.

Brewer moved, Hennies 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 water system analysis demonstrating that sufficient quantities for domestic and fire flows shall be submitted for review and approval;**
- 2. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval; and,**
- 3. Upon submittal for the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)**

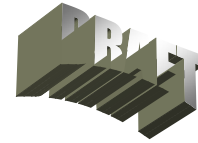
19. No. 06SR047 - New Park Subdivision

A request by Robert Karinen for Qwest Communications to consider an application for an **SDCL 11-6-19 Review to allow construction of a public utility on public land and Section Line Highway** on Lot 2, New Park Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the proposed extension of Bunker Drive (section line highway) lying south of Gladys Street.

Elkins presented the SDCL 11-6-19 Review to allow construction of a public utility on public land and Section Line Highway. Elkins stated that staff's recommendation is that the SDCL SDCL 11-6-19 Review to allow construction of a public utility on public land and Section Line Highway be approved with stipulations.

Landguth moved, Brown seconded and unanimously carried to approve the 11-6-19 SDCL Review request to allow a public utility in a section line highway and on public property be approved with the following stipulation:

- 1. Prior to the initiation of any construction, the applicant shall provide detailed construction plans for the public utility demonstrating coordination with the previously approved construction plans for Bunker Drive; and,**
- 2. Prior to the initiation of any construction, the applicant shall obtain a right-of-way permit. (7 to 0 with Andrews, Brewer, Brown, Hennies,**



Landguth, LeMay and Prairie Chicken, voting yes and none voting no)

20. No. 06VE008 - Section 26, T2N, R7E

A request by Jared and Tonya Tordsen to consider an application for a **Vacation of Access Easement** on the access easement located within the east 720 feet of the south 197.9 feet of the north 935.6 feet of the NW1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Peace Path and west of Blue Jay Drive.

Cody Selting and Dennis Halterman requested that the Vacation of Access Easement be denied. Halterman expressed his concern with the proposed development on the subject property.

Brewer moved, LeMay seconded and unanimously carried to recommend that the Vacation of Access Easement be denied without prejudice. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)

Andrews announced that the Public Hearings on Items 22 through 37 were opened.

Staff requested that Items 24, 33 and 35 be removed from the Hearing Consent Agenda for separate consideration.

Planning Commission requested that Items 22 and 29 be removed from the Hearing Consent Agenda for separate consideration.

Landguth moved, Brown seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 22 through 37 in accordance with the staff recommendations with the exception of Items 22, 24, 29, 33 and 35 (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)

The Public Hearings for Items 22 through 37 were closed.

---HEARING ITEMS CONSENT CALENDAR---

23. No. 05TI019 - East Anamosa Street

A request by Centerline to consider an application for a **Tax Increment District No. 49 Project Plan** on Lot 1 – 28 and all adjacent rights-of-way, Block 11, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 – 14 and all adjacent rights-of-way, Tract A (formerly lots 15A thru 25A) and all adjacent rights-of-way, Lot 15-28 less lot 15A -25A and all adjacent rights-of-way, all located in Block 12, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted balance of SW1/4SE1/4 and the unplatted balance of SE1/4SE1/4 and all adjacent rights-of-way, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 3 and Lot 4 and all adjacent rights-



of-way, Tract A & S1/2 vacated part of alley adjacent to Tract A and all adjacent rights-of-way, Lot A of Lot 1, Lot 2 and the S1/2 vacated Watertown St adjacent to said lot, Lot B of Lot 1, all located in Block 2, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract I and the N1/2 vacated portion of alley adjacent to Tract I and the S1/2 vacated Watertown St adjacent to Tract I and all adjacent rights-of-way, Block 2, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Block 3 and W375' of N1/2 vacated Watertown Street adjacent to Block 3 less W150' & less Lot 1-2 and the S1/2 vacated Madison Street adjacent to E475' Block 3 and the vacated alley in Block 3 less portion between Lots 1 & 2 and all adjacent rights-of-way, all located in Block 3, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1-2 and the S1/2 vacated Madison St adjacent to Lot 1 and the N1/2 vacated Watertown Street adjacent to Lot 2 and the vacated alley between Lots 1-2, Block 3 and all adjacent rights-of-way, all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of Block 1 and all adjacent rights-of-way, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 -2 and the balance of Block 4 and all adjacent rights-of-way, all located in Block 4, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4NE1/4 including Meadowlark Hills Sub & all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A & E1/2 vacated Cherry Ave of NE1/4NE1/4 and all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract B, C, D, F, G, and H and all adjacent rights-of-way, all of Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract E & E15' of vacated Cherry St adjacent to said Tract E, Block 1 and all adjacent rights-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, E100' of Tract A, Block 1 and adjacent right-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A less the E100' and the E15' of vacated Cherry St adjacent to said Tract A and adjacent right-of-way, Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of the 90' wide East Anamosa Street right-of-way located in the NE1/4 of Section 31 and the SE1/4 of Section 30, and the East Anamosa Street right-of-way located in the NW1/4 of Section 31 and the SW1/4 of Section 30 all adjacent to LaCrosse Street, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Railroad Right-of-Way located in the NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A and Lot B and all adjacent rights-of-way, West Century Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N170' of S313.96' of Lot 2 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 and Lot 2 and all adjacent rights-of-way, Buckingham Rental Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot B of Lot 1 of SW1/4NW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A, B, C, and D of Lot 1 of NW1/4SW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 1, Century "21" and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington



County, South Dakota; and, Tract A in NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract D in NE1/4NW1/4 including Lot 1 of Tract D of Heubner Subdivision and all adjacent rights-of-way, all located in Heubner Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N16.04' of Lot 2 of SW1/4NW1/4 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 and Lot H3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Lot H1 of Lot A of the SE1/4NW1/4, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of Lot B of Lot 1 in the NW1/4SW1/4, Lot H1 of Lot B of Lot 1 of the NW1/4SW1/4, Lot 2 of the NW1/4SW1/4, Lot H1 of Lots 7 & 8 of the NW1/4SW1/4, Lot H1 of Lots 3,4, 5 & 6 of the NW1/4SW1/4, Lot H1 and Lot H2 of the NW1/4SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Century Road, east of LaCrosse Street and south of US 1-90.

Planning Commission recommended that the Tax Increment District No. 49 Project Plan be continued to the June 8, 2006 Planning Commission meeting.

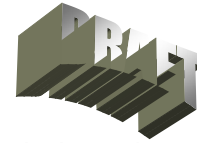
25. No. 06AN002 - Section 13, T2N, R7E

A request by Bill Freytag to consider an application for a **Petition for Annexation** on the unplatted portion of the S1/2 S1/2 W1/2 SW1/4, less 33 foot strip of land located along the west and south boundary lying within the Rapid City Corporate boundary, Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located western terminus of Country Road West.

Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the North Elk Fire Protection District.

26. No. 06CA011 - Knight's of Columbus Subdivision

A request by Fisk Land Surveying for Del Solano for the Rapid City Columbian Club to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from High Density Residential to Office Commercial with a Planned Commercial Development** on a parcel of land located in Block 126 of the Original Townsite of Rapid City, located in the NW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as follows: Beginning at the northwest corner of said Block 126, of the Original townsite of Rapid City, said point of being coincident with the northwest corner of Lots 16 of Block 126 and also coincident with the south right-of-way of Columbus Street, said point being marked by a mag nail in asphalt;



Thence, southeasterly along the north edge of Block 126 and along the south right-of-way of Columbus Street and along the north line of Lots 16, 15, 14, 13, 12, 11, 10 and the west five feet of Lot 9, S77°34'35"E, a distance of 180.17 feet more or less to the northwest corner of the alley adjoining the west five feet of Lot 9 of Block 126, said point being marked by a mag nail in asphalt; Thence, southwesterly along the easterly line of the west five feet of said Lot 9 of Block 126 and along the westerly edge of the alley right-of-way, S12°32'24"W, a distance of 159.82 feet, more or less to the southwest corner of the intersecting alleys in Block 126, said point being located on the north line of Lot 24 of said Block 126, and said point being marked by a rebar with a survey cap "LS 7719"; Thence, continuing southwesterly in said Lot 24 of Block 126, S12°40'28"W, a distance of 9.00 feet, more or less, to a point marked by rebar with survey cap "LS 7719"; Thence, northwesterly through Lots 24, 23, 22, 21, 20, 19, 18 and 17 of Block 126, N77°36'11"W, a distance of 180.18 feet, more or less to a point on the westerly line of Lot 17 of Block 126, said point being coincident with the easterly line of Fifth Street right-of-way, and said point being marked by a mag nail in asphalt; Thence, northeasterly along the westerly line of Block 126 and along the westerly line of Lot 17, along the westerly line of the vacated alley in Block 126 and along the westerly line of Lot 16 of Block 126, and coincident with the easterly edge of Fifth Street right-of-way, N12°33'06"E, a distance of 168.90 feet, more or less to the point of beginning. Said parcel contains 0.70 acres, more or less, more generally described as being located at 910 Fifth Street.

Planning Commission recommended that the Amendment to the Comprehensive Plan to the Long Range Comprehensive Plan to change the land use designation from High Density Residential to Office Commercial with a Planned Commercial Development be approved.

*27. No. 06PD007 - Red Rock Meadows Subdivision

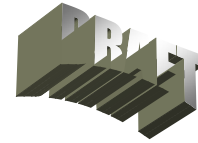
A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the unplatted portion of the E1/2 NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Cog Hill Lane.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the June 8, 2006 Planning Commission meeting.

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

*28. No. 06PD024 - South Robbinsdale Addition No. 2

A request by TSP, Inc. for Mercy Housing South Dakota LLC to consider an application for a **Major Amendment to a Planned Residential Development** on Lots 14 thru 28, Block 7, South Robbinsdale Addition No. 2, Section 7, T1N,



R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 408-432 East Fairlane Drive.

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

1. **Prior to any construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy of the proposed community building;**
2. **The uses allowed within the Planned Residential Development shall be limited to a maximum of 60 dwelling units and a community building. In addition, the use of the community building shall be limited to the residents of the Planned Residential Development;**
3. **All structural setbacks shall comply with Section 17.12.050 of the Rapid City Municipal Code;**
4. **The parking plan shall continually comply with the approved parking plan;**
5. **The minimum required number of landscaping points to be provided within 20 feet of the parking lot is hereby reduced from 18,000 points to 11,490 points;**
6. **The landscape plan shall continually comply with all other requirements of Section 17.50.300 of the Rapid City Municipal Code and the approved landscape plan;**
7. **The existing structures shall be fully fire sprinklered and fire alarmed as per the International Fire Code;**
8. **All applicable provisions of the International Fire Code shall be continually met;**
9. **The Meade-Hawthorne Drainage Basin fees shall be paid at the time a Building Permit is issued for the proposed new structure;**
10. **The dumpster locations shall continually comply with the approved plans; and,**
11. **The Major Amendment to a Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission or if the use as approved has ceased for a period of two years.**

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

*30. No. 06PD026 - Park Meadows Subdivision

A request by CETEC Engineering Services, Inc. for Park Hill Development, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the unplatted balance of the SW1/4 NE1/4 and the unplatted balance of the SE1/4 NE1/4, less right-of-way, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Smith Avenue.



Planning Commission denied the Planned Residential Development - Initial and Final Development Plan without prejudice at the applicant's request.

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. 06RZ008 - GLM Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on property described by metes and bounds beginning at the west $\frac{1}{4}$ corner of Section 28, T2N, R8E, BHM, a found rebar and cap. Thence east along the east-west $\frac{1}{4}$ line a distance of 1050.14 Feet to the true point of beginning; Thence S00°05'52"E a distance of 400.02 Feet; Thence N89°53'17"E a distance of 1533.64 Feet; Thence N89°54'10"E a distance of 69.68 Feet; Thence N00°02'14"W a distance of 395.87 Feet to the center of Section 28, a found rebar and cap; Thence N89°57'47"W a distance of 1603.74 feet to the point of beginning. Containing 14.65 acres more or less, more generally described as being located at the northeast corner of the intersection of Dyess Avenue and Interstate 90 and at the eastern terminus of Mall Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be continued to the June 8, 2006 Planning Commission meeting to allow the application to be legally advertised.

32. No. 06RZ011 - Section 13, T2N, R7E

A request by Bill Freytag to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on the unplatted portion of the S1/2 S1/2 W1/2 SW1/4, less 33 foot strip of land located along the west and south boundary lying within the Rapid City Corporate boundary, Section 13, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the western terminus of Country Road West.

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

34. No. 06SV023 - Twilight Hill Subdivision

A request by D. C. Scott Surveyors for Cheryl Burrow Hitshe to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement along Reservoir Road and Ross Court and to waive the requirement to provide a planting screen easement along Reservoir Road as per Chapter 16 of the Rapid City Municipal Code.** on Lots A and B of Lot 16 of Twilight Hill Subdivision, and dedicated Reservoir Road Right-of-way; located in the SE1/4 SE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 16 of Twilight Hill Subdivision, and



dedicated Reservoir Road Right-of-way; located in the SE1/4 SE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Reservoir Road and Ross Court.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement along Reservoir Road and to install curb, gutter, sidewalk and street light conduit along Ross Court be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and That the Variance to the Subdivision Regulations to provide a ten foot wide planting screen easement along Reservoir Road be approved for that area only which is encroached upon by the existing residential structures.**

36. No. 06SV028 - LaGrand Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Eglin Street and to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Block 2, LaGrand Subdivision, located in the E1/2 NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the E1/2 NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of North Elk Vale Road and Eglin Street.

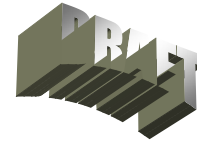
Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Eglin Street be denied without prejudice; and, that the Variance to waive the requirement to install sewer along Elk Vale Road be denied without prejudice; and, that the Variance to waive the requirement to install curb, gutter, sidewalk and street light conduit along Elk Vale Road be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall enter into a waiver of right to protest the assessment for the required improvements.**

*37. No. 06UR012 - Robbinsdale Addition No. 7

A request by Jerry Ludeman to consider an application for a **Conditional Use Permit to allow an oversized garage in the Low Density Residential Zoning District** on Lot 2 of Block 7, Robbinsdale Addition No. 7, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3409 Wisconsin Avenue.

Planning Commission approved the Conditional Use Permit to allow the construction of an oversized garage in a Low Density Residential District



with following stipulations:

1. Prior to initiation of construction, a **Building Permit** shall be obtained;
2. Prior to issuance of a **Building Permit**, a **Covenant Agreement** declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Register of Deeds Office;
3. The garage shall be constructed and maintained of the same general materials and the same color(s) as the existing residence; and,
4. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit.

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

---END OF HEARING CONSENT CALENDAR---

22. No. 06SV004 - Morrison Subdivision

A request by D.C. Scott Surveyors, Inc., for William Morrison to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on Parcel B of Lot 3, located in the SW1/4 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Green Valley Drive and east of Reservoir Road.

Prairie Chicken noted typographical error in the spelling of "Valley".

Prairie Chicken moved, Hennies seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Green Valley Drive be approved with the following stipulation:

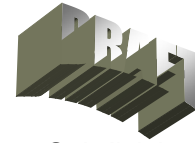
1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and, That the Variance to the Subdivision Regulations to waive the requirement to dedicate a ten foot wide planting screen easement be denied without prejudice. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)**

24. No. 05TI003 - Section 25, T2N, R7E

A request by City of Rapid City to consider a request for **Tax Increment District No. 36 Revised Project Plan Revisions** on Lot 1 of Block 1, & Dedicated right-of-way, of Tires Plus Addition, located in the NE1/4 of the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 1R and 2R



of Five Star Subdivision and dedicated public right-of-way shown as Disk Drive, located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tracts 4-C of Parcel #4, and Tracts 4-A, C and D, all located in the SE1/4 NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots A, B & C of Lot 1 of Block 1 of Geld Subdivision and Lots 2 & 3 of Geld Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Parcel #3 in SW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Parcel #7 in SW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, described by metes and bounds as follows: Beginning on the West Section Line at the Northwest corner of the SW1/4 NW1/4 of said Section 25; thence East along the one-sixteenth line a distance of 350 feet to the TRUE POINT OF BEGINNING, thence due South a distance of 145 feet; thence North 76 degrees 15 feet East a distance of 610 feet to the East-West one-sixteenth line; thence West along the one-sixteenth line a distance of 592.6 feet to the true point of beginning; Lot 18 (except that portion of Lot 18 platted as Lot C of Pine View Subdivision, as shown on the plat filed in Plat Book 17, page 144), and all of Lots 19-22 together with the vacated Street abutting said lots as recorded in Miscellaneous Book 115, page 678, all located in Block 4, Pine View Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 8R of Block 3 as recorded on Plat of Tract CR and Lot 8R of Block 3 formerly Tract C and Lot 8 of Block 3 located in the NW1/4 NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2 of Lowe's Subdivision, formerly Tract 1 of Martley Subdivision and Tract CR of the NW1/4 of the NE1/4 located in the NW1/4 of NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Balance of Parcel No. 8 in the NW1/4 NW1/4 of Section 25, T2N, R7E, BHM, Pennington County, South Dakota; Unplatted portion of NW1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted Balance of NE1/4 NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot H-1 in the S1/2 NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Plat of dedicated public right-of-way shown as Disk Drive, formerly a portion of Parcel 5 of NE1/4NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; All of dedicated Public right-of-way of Disk Drive located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; A portion of Lot A of Howard Street/I-90 right-of-way located adjacent to Tracts 4-C of Parcel #4 and Tracts 4-A, C & D of the SE1/4NW1/4 and adjacent to Parcel #3 and Parcel #7 in the SW1/4NW1/4 and Lot 1R of Five Star Subdivision in the NW1/4 and Disk Drive right-of-way, all located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; The 100 foot Haines Avenue right-of-way beginning at the southern boundary of the Haines Avenue/Disk Drive intersection located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, then traveling northward and ending at the intersection of the North/South and East/West quarter section lines of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1 and Lot 2, The New Park Subdivision, located in the NW1/4SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; SW1/4SW1/4, NE1/4SW1/4, N1/2SE1/4SW1/4, all located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Dakota Subdivision #1, located in the S1/2SE1/4SW1/4 of Section 24, T2N, R7E,



BHM, Rapid City, Pennington County, South Dakota; Lakota Subdivision #1, Lakota Subdivision #2, and Lakota Subdivision #3, all located in the N1/2NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as extending north from Interstate 90 to Northridge Subdivision and from the east property boundary of Lowe's Subdivision to Bunker Drive.

Bulman presented the Tax Increment District No. 36 Revised Project Plan Revisions. Discussion followed.

Landguth moved, Brown seconded and unanimously carried to recommend that the Tax Increment District No. 36 Revised Project Plan Revisions be approved. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)

*29. No. 06PD025 - Stoney Creek South Subdivision

A request by Sperlich Consulting for William Donhiser to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 2 and 3 of Block 1, Stoney Creek South Subdivision, located in the NW1/4 SW1/4 SW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southwest corner of the intersection of Sheridan Lake Road and Catron Boulevard.

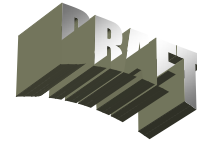
Brown stated that he would be abstaining from the discussion and the voting due to a conflict of interest.

Hennies moved, Landguth seconded and carried to deny the Final Commercial Development Plan without prejudice and that the Initial Commercial Development Plan be approved with the following stipulations:

- 1. Prior to issuance of a Building Permit, a Final Commercial Development Plan shall be reviewed and approved;**
- 2. Upon submittal of a Final Commercial Development Plan application, the site plan shall be revised to align the western approach along the access easement with the approach located directly north of the subject property;**
- 3. Upon submittal of a Final Commercial Development Plan application, the site plan shall be revised relocating the stacking aisle to the proposed drive thru window so that it does not run parallel with the access easement;**
- 4. Upon submittal of a Final Commercial Development Plan application, the southern approach along Sheridan Lake Road shall be reduced to 28 feet in width as per the Street Design Criteria Manual or an Exception shall be obtained;**
- 5. Upon submittal of a Final Commercial Development Plan application, the site plan shall be revised relocating the dumpsters from the access aisle located along the east side of the two buildings or the access aisle shall be revised to provide a minimum 20 foot wide clear lane along the entire length of the drive;**



6. Upon submittal of a Final Commercial Development Plan application, elevations showing screening around the dumpsters shall be submitted for review and approval;
7. Upon submittal of a Final Commercial Development Plan application, design plans for retaining walls four feet or greater in height shall be submitted for review and approval. In addition, the retaining walls shall be designed by a South Dakota Professional Registered Engineer;
8. Upon submittal of a Final Commercial Development Plan application, the location, size and noise rating of any exterior air handling equipment and all roof-top mechanical equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties;
9. Upon submittal of a Final Commercial Development Plan application, geotechnical information addressing fill to be placed on the site and pavement design shall be submitted for review and approval;
10. Upon submittal of a Final Commercial Development Plan application, water plans showing the location of fire hydrants, fire and water service lines, including the size of the proposed lines shall be submitted for review and approval;
11. Upon submittal of a Final Commercial Development Plan application, sewer plans showing the extension of site sanitary sewer mains, manholes and service lines shall be submitted for review and approval;
12. Upon submittal of a Final Commercial Development Plan application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate how run-off from this lot will be discharged or routed to show that the adjacent property will not be impacted under the design flows. In addition, the explicit approval of the adjacent property owner shall be obtained for continued discharge of the existing and any future flows over and across the adjacent property. The design of the riprap design, showing the dimensions of riprap at the end of the pipes, shall also be submitted for review and approval;
13. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
14. Upon submittal of a Final Commercial Development Plan application, a complete lighting package identifying the design of the proposed lighting shall be submitted for review and approval. In addition, the lighting shall be designed to be reflected within the property boundaries so as not to 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;
15. Upon submittal of a Final Commercial Development Plan application, a list of building materials and the color palette for the proposed structures shall be submitted for review and approval;
16. Upon submittal of a Final Commercial Development Plan application, the specific proposed use(s) and the gross feet gross floor area for each use within the structure(s) shall be identified. In addition, the



- parking plan shall be revised as needed to provide parking for the proposed use(s);
17. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the 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;
 18. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrants shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structure(s) shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;
 19. 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;
 20. All provisions of the General Commercial District 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 to 1 with Andrews, Brewer, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no and Brown abstaining)

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

33. No. 06SV011 - Canyon Springs Preserve

A request by Wyss Associates, Inc. for Canyon Springs, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 87, Block 1; Lot 1, Block 2, Canyon Springs Preserve, less Lot 1 of Firehouse Subdivision and the "Nemo" Road right-of-way, formerly the unplatted portion of the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26, T2N, R6E, BHM, Pennington County, South Dakota, legally described as a tract of land located in the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26; T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Nemo Road.

Fisher presented the request for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code.



Fisher stated that staff's recommendation is that the Variance be approved with one stipulation.

Brown moved, Prairie Chicken seconded and unanimously carried to recommend that the Subdivision Variance to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the north-south section line highway located adjacent to the west side of Section 26 and the east-west section line highway located adjacent to the south side of Section 22 shall 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. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)**

35. No. 06SV027 - Park Meadows Subdivision

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

Fisher advised that the applicant did not meet the mailing notification requirement for the Variance to the Subdivision Regulations. Fisher stated that staff's recommendation is that the Variance request be continued to the June 8, 2006 Planning Commission meeting at the applicant's request.

Landguth moved, Hennies seconded and unanimously carried to recommend that the request for a Variance to the Subdivision Regulations to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16 of the Rapid City Municipal Code be continued to the June 8, 2006 Planning Commission meeting at the applicant's request. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that items 38, 39 and 40 be taken concurrently.

38. No. 05PL159 - Prairiefire Subdivision

A request by Britton Engineering for Prairiefire Investments, LLC to consider an application for a **Preliminary Plat** on Lots 11-14, Block 1; Lots 4-11, Block 2; Lots 5-8, Block 3; Lots 3-8, Block 4; Prairiefire Subdivision, located in the NE1/4,



Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of NE1/4 NE1/4 less a portion of Lot 8 and all of Lot 9 of Eisenbraun Subdivision less Winton Subdivision; all of SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; all in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.

39. No. 05SV060 - Prairiefire Subdivision

A request by Britton Engineering & Land Surveying for Prairiefire Investments, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, streetlight conduit; and dedicate additional right-of-way; and allow platting one half of a right-of-way** on Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 NE1/4, less the Eisenbraun Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.

40. No. 05SV061 - Prairiefire Subdivision

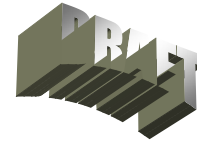
A request by Britton Engineering for Prairiefire Investments, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 11-14, Block 1; Lots 4-11, Block 2; Lots 5-8, Block 3; Lots 3-8, Block 4; Prairiefire Subdivision, located in the NE1/4, Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of NE1/4 NE1/4, less a portion of Lot 8 and all of Lot 9 of Eisenbraun Subdivision less Winton Subdivision; all of SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; all in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the western terminus of Mondo Street.

Fisher presented the Preliminary Plat request for approval and; request for the Variances to the Subdivision Regulations. Fisher stated that staff's recommendation is that the Preliminary Plat be approved with stipulations and that the Variances to the Subdivision Regulations be approved in part and denied in part as outlined in the staff reports.

Dan Walken and Scott Grimsrud, Prairie Fire Investments reviewed the proposed development on the subject property and further requested that the Variance requests for curb, gutter and sidewalk be approved. Discussion followed regarding ditch design calculations, curb, gutter and sewer.

Hadcock expressed her support for the proposed development on the subject property. Discussion followed.

David Rodd, 7029 Winton, expressed his concern with the existing drainage ditch and surface water runoff from the proposed development on the subject property. Discussion followed.



Landguth expressed his support for staff's recommendation for approval of the Preliminary Plat and Variance requests with stipulations.

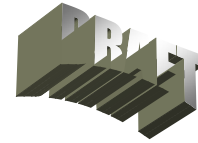
In response to Brewer's question, Walken reviewed the drainage flow direction and detention ponds. Discussion followed.

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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, all construction plans and final Engineering Report(s) shall be sealed and signed by a Professional Engineer registered by the state of South Dakota;**
- 3. Prior to Preliminary Plat approval by the City Council, a utility distribution plan signed by the appropriate representative(s) showing the location of gas, telephone, electric and cable shall be submitted for review and approval;**
- 4. 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 tests for review and approval. If results of the soils resistivity test indicate severe potential towards corrosion of buried metal products, then information shall be provided demonstrating that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protection as needed for buried water system metal fixtures shall be provided;**
- 5. Prior to Preliminary Plat approval by the City Council, drainage calculations and calculations for the detention pond shall be submitted for review and approval. In addition, calculations verifying that the ditches, pipe, etc. are sized to carry the flows shall be submitted for review and approval. The plat document shall also be revised to show drainage easements as needed;**
- 6. Prior to Preliminary Plat approval by the City Council, additional water information prepared by a Registered Professional Engineer shall be submitted for review and approval. In particular, the water information shall include the calculations and water system analysis verifying that six inch water mains are adequately sized and verifying adequate source, storage and flows for domestic and fire demands. In addition, the well and storage tank design(s) shall be submitted for review and approval. The water plans shall also be revised to show the fire hydrants at high points in the profile or show the water line to be installed on a straight grade to eliminate the high points in the vertical alignment.**
- 7. Prior to Preliminary Plat approval by the City Council, a note shall be placed on the construction plans stating that the sanitary sewer easements shall be kept clear of all obstacles;**



8. Prior to Preliminary Plat approval by the City Council, road construction plans for Anderson Road shall be submitted for review and approval. In particular, the construction plans shall show Anderson Road located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface or a minimum 24 foot wide paved surface and posted with no parking signs, with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of five additional feet of right-of-way;
9. Prior to Preliminary Plat approval by the City Council, road construction plans for Mondo Street, Receda Street, Zamia Street, Winton Street and Felicia Street shall be submitted for review and approval. In particular, the 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;
10. Prior to Preliminary Plat approval by the City Council, road construction plans for Abelia 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 and street light conduit or a Variance to the Subdivision Regulations shall be obtained;
11. Prior to Preliminary Plat approval by the City Council, road construction plans for the east-west street located directly south of the Detention Lot 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 or a Variance to the Subdivision Regulations shall be obtained;
12. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
13. Prior to Preliminary Plat approval by the City Council, the plat title shall be revised to include a “formerly” description;
14. Prior to the start of construction, a Utility Permit from the Pennington County Highway Department shall be obtained as needed for the installation of utilities within Pennington County right-of-way;
15. Prior to submittal of a Final Plat, the applicant shall submit a proposed street name for the east-west street located directly south of the Detention Lot to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
16. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;
17. Prior to submittal of a Final Plat application, the plat document shall



be revised to show the Detention Lot and the Well Lot as numbered lots. In addition, the lots shall be identified as drainage and/or utility easements as needed;

18. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal; or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1; or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;
19. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the community water facility and the Well Lot for review and approval;
20. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the Detention Lot for review and approval; and,
21. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

That the Variance to the Subdivision Regulations to dedicate additional right-of-way along Anderson Road be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to allow platting half of a right-of-way along Anderson Road be approved; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit and sewer along Anderson Road be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along the internal streets be approved with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvements; and

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied. (4 to 3 with Andrews, Brewer, Brown and LeMay voting yes and Hennies, Landguth, and Prairie Chicken voting no)

Bulman requested that items 41 and 42 be taken concurrently.

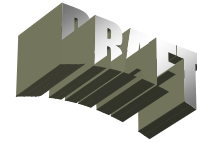
41. No. 06PL043 - GLM Subdivision
A request by Dream Design International, Inc. to consider an application for a



Preliminary Plat on Lots 1 thru 8 of GLM Subdivision No. 2, located in the NW1/4 SW1/4, Seciton 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the N1/2 SW1/4 of Section 28, T2N, R8E, Black Hills Meridian, in the City of Rapid City more particularly described as follows: beginning at the center 1/4 corner of Section 28, a found rebar and cap, this being the true point of beginning; thence along the east-west 1/4 section line N89 57'47"W a distance of 1603.74 feet; thence along the east-west 1/4 section line N89 57'47"W a distance of 550.00 feet to a found #5 rebar and cap stamped "4224"; thence S00 07'49"E a distance of 200.11 feet to a found #5 rebar and cap stamped "4224"; thence N89 58'18"W a distance of 449.81 feet to a found #5 rebar and cap stamped "4224"; thence N89 58'18"W a distance of 17.00 feet; thence S00 08'31"E a distance of 85.04 feet; thence S14 38'03"E a distance of 118.65 feet; thence S89 57'46"E a distance of 987.10 feet to a found #5 rebar and cap stamped "Arleth and Assoc. LS3977"; thence N89 53'19"E a distance of 1533.39 feet to a found #5 rebar and cap stamped "Arleth and Assoc. LS3977"; thence N89 54'10"E a distance of 69.68 feet; thence N00 02'14"W a distance of 395.87 feet to the point of beginning, said tract of land containing an area of 21.80 acres more or less, more generally described as being located at the northeast corner of the intersection of Dyess Avenue and Interstate 90 and at the eastern terminus of Mall Drive.

42. No. 06SV018 - GLM Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement; to waive the requirement to install sidewalk along E. Mall Drive; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement and to waive the requirement to dedicate additional right-of-way along Dyess Avenue as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 thru 8 of GLM Subdivision No. 2, located in the NW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the N1/2 SW1/4 of Section 28, T2N, R8E, Black Hills Meridian, in the City of Rapid City more particularly described as follows: beginning at the center 1/4 corner of Section 28, a found rebar and cap, this being the true point of beginning; thence along the east-west 1/4 section line N89 57'47"W a distance of 1603.74 feet; thence along the east-west 1/4 section line N89 57'47"W a distance of 550.00 feet to a found #5 rebar and cap stamped "4224"; thence S00 07'49"E a distance of 200.11 feet to a found #5 rebar and cap stamped "4224"; thence N89 58'18"W a distance of 449.81 feet to a found #5 rebar and cap stamped "4224"; thence N89 58'18"W a distance of 17.00 feet; thence S00 08'31"E a distance of 85.04 feet; thence S14 38'03"E a distance of 118.65 feet; thence S89 57'46"E a distance of 987.10 feet to a found #5 rebar and cap stamped "Arleth and Assoc. LS3977"; thence N89 53'19"E a distance of 1533.39 feet to a found #5 rebar and cap stamped "Arleth and Assoc. LS3977"; thence N89 54'10"E a distance of 69.68 feet; thence N00 02'14"W a distance of 395.87 feet to the point of beginning, said tract of land containing an area of 21.80 acres more or less, more generally described as being located at the northeast corner of the intersection of Dyess Avenue and Interstate 90 and at the eastern terminus of Mall Drive.



Bulman presented the Preliminary Plat request and the Variance requests. Bulman stated that the Preliminary Plat and the Variance requests be approved as outlined in the staff reports. Bulman stated that the applicant is in concurrence with staff's recommendations.

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

- 1. Prior to Preliminary Plat approval by City Council, a revised plat shall be provided indicating sidewalks on both sides of E. Mall Drive or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by City Council, a revised plat shall be provided indicating non-access easements at Lots 7 and 8 along Mall Drive;**
- 3. Prior to Preliminary Plat approval by City Council, construction plans for E. Mall Drive indicating the location of all utilities and services for each lot shall be submitted;**
- 4. Prior to Preliminary Plat approval by City Council, a revised plat shall be provided dedicating 17 feet of right-of-way along Dyess Avenue or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Prior to Preliminary Plat approval by City Council, a revised plat shall be provided indicating a non-access easement along Dyess Avenue;**
- 6. Prior to Preliminary Plat approval by City Council, road construction plans for Dyess Avenue located along the west lot line of proposed Lot 1 shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 100 foot right-of-way and a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 7. Prior to Preliminary Plat approval by City Council, additional grading, erosion control, and drainage information shall be submitted for review and approval including plans for improvements to the access easement. The drainage plan shall include calculations to demonstrate that any discharge from development facilities shall result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities shall be provided. The plat document shall be revised to provide drainage easements as needed;**
- 8. Prior to Preliminary Plat approval by City Council, water system analysis verifying source, adequate water quantity, and storage capacity for domestic and fire flows shall be submitted;**
- 9. Prior to Preliminary Plat approval by City Council, a sewer plan prepared by a Professional Registered Engineer shall be submitted for review and approval;**
- 10. Prior to Preliminary Plat approval by City Council, construction plans for the 66 foot wide access easement shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to**



- the Subdivision Regulations shall be obtained;
11. Prior to Preliminary Plat approval by City Council, a revised plat shall be provided indicating a 115 foot non-access easement along the access and utility easement or an Exception to the Street Design Criteria Manual shall be obtained;
 12. Prior to Preliminary Plat approval by City Council, a revised plat shall be provided indicating a 40 foot by 40 foot shared approach between Lot 1 and Lot 2;
 13. An exception to the Street Design Criteria Manual is hereby granted to reduce the distance from the intersection of Dyess Avenue and E. Mall Drive from 460 feet to 417 feet;
 14. All infrastructures shall be in accordance with the 2003 International Fire Code;
 15. Prior to Preliminary Plat approval by City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval; and,
 16. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along E. Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement for Dyess Avenue as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

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

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way for Dyess Avenue as per Chapter 16.16 of the Rapid City Municipal Code be denied.

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water, sewer for the access easement as per Chapter 16.16 of the Rapid City Municipal Code be denied. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)

43. No. 06PL047 - New Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Tracts A and B of Lot 1, New Park Subdivision; Tracts F, G and H of McMahon Subdivision; located in the NW1/4 SW1/4 and the NE1/4 SW1/4, Section 24 T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a Tract of land located in the NE1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota described as follows; Beginning at the southwest corner of Tract D of found rebar and cap this being the true point of beginning; Thence S00°58'28"E a distance of 928.44 feet to an angle point; Thence S86°46'02"E a distance of 824.85 feet to an angle



point; Thence N00°10'09"E a distance of 929.35 feet to a found rebar and cap; Thence N89°49'51" a distance of 819.76 feet to the point of beginning. Said Tract of land containing 17.54 acres more or less, more generally described as being located west of Haines Avenue and south of Kathryn Avenue.

Elkins presented the Preliminary Plat request Elkins stated that staff's recommendation is that the Preliminary Plat be approved with stipulations.

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

- 1. The Master Plan as revised and submitted on May 24, 2006 is hereby approved subject to compliance with all applicable City standards;**
- 2. Prior to Preliminary Plat approval by the City Council, a cost estimate for the design and construction of all subdivision improvements in accordance with all City standards shall be submitted for review and approval;**
- 3. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been designed and completed shall be posted and the subdivision inspection fees shall be paid. If Tax Increment Financing is to be used to provide the required surety, the Project Plan shall be revised and the Developer's Agreement shall be approved and signed by the developer;**
- 4. Upon submittal of the Final Plat, separate plat applications and documents shall be submitted for McMahon Subdivision and New Park Subdivision. All lots shall be referenced as lots, not tracts; and,**
- 5. Upon submittal of the Final Plat, the plat shall be revised to include the dedication of the right-of-way for the road connection to the park land. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)**

Tegethoff requested that items 44 and 45 be taken concurrently.

44. No. 06PL058 - Kensington Heights Subdivision

A request by Sperlich Consulting, Inc. for Kensington Heights LLC to consider an application for a **Preliminary Plat** on Lots 2R,3R, 4R, 5A and 5B, of Block 3, Kensington Heights Subdivision, formerly Lots 2 thru 5 of Block 3, Kensington Heights Subdivision, located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2 thru 5 of Block 3, Kensington Heights Subdivision, located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4316, 4324, 4406 and 4414 Davin Drive.

45. No. 06SV025 - Kensington Heights Subdivision

A request by Sperlich Consulting, Inc. for Kensington Heights LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water, pavement and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2R,3R, 4R, 5A and 5B, of



Block 3, Kensington Heights Subdivision, formerly Lots 2 thru 5 of Block 3, Kensington Heights Subdivision, located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2 thru 5 of Block 3, Kensington Heights Subdivision, located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4316, 4324, 4406 and 4414 Davin Drive.

Tegethoff presented the Preliminary Plat request and the Subdivision Variance request. Tegethoff stated that staff's recommendation is to approve the Preliminary Plat and the Variance request with stipulations.

Doug Sperlich, Sperlich Consulting, Inc. requested that the Preliminary Plat and the Variance requests be approved. Discussion followed.

Prairie Chicken left the meeting at this time.

Brewer moved, Brown 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, the plat document shall be revised to show the dedication of the northern 260 feet of Elm Avenue and the east half of Elm Avenue located on adjacent properties or the rights-of-way shall be dedicated as a part of separate plat actions or as "H Lots", or a Subdivision Variance shall be obtained. In addition, the applicant shall coordinate the construction of Elm Avenue with the adjacent property owner(s); and,**
- 2. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Elm Avenue as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code be approved. (6 to 0 with Andrews, Brewer, Brown, Hennies, Landguth and LeMay voting yes and none voting no)

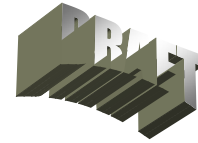
Fisher requested that items 46 and 47 be taken concurrently.

46. No. 06PL059 - Black Hills Speedway Addition

A request by Sperlich Consulting, Inc. for Speedway Enterprises LLC to consider an application for a **Layout Plat** on the unplatted portion of the S1/2 SW1/4 NW1/4; and a portion of the NW1/4 SW1/4, North and East of Highway 44, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East Highway 44 and Jolly Lane.

47. No. 06SV026 - Black Hills Speedway Addition

A request by Sperlich Consulting, Inc. for Speedway Enterprises LLC to consider an application for a **Variance to the Subdivision Regulations to waive the**



requirement to install curb, gutter, sidewalk along S.D. Highway 44, to install curb, gutter, sidewalk, water, and additional pavement along Jolly Lane and to waive sidewalk along Tulip Street as per Chapter 16.16 of the Rapid City Municipal Code on the unplatted portion of the S1/2 SW1/4 NW1/4; and a portion of the NW1/4 SW1/4, North and East of Highway 44, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of East Highway 44 and Jolly Lane.

Fisher requested that the Layout Plat and the Subdivision Variance requests be continued to the June 22, 2006 Planning Commission meeting at the applicant's request.

LeMay moved, Brown seconded and unanimously carried to recommend that the Layout Plat; and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along S.D. Highway 44, to install curb, gutter, sidewalk, sewer, water, and additional pavement along Jolly Lane and to waive sidewalk along Tulip Street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the June 22, 2006 Planning Commission meeting at the applicant's request. (6 to 0 with Andrews, Brewer, Brown, Hennies, Landguth and LeMay voting yes and none voting no)

48. No. 06SV024 - Darlington Estates

A request by Centerline for Magheramore, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 18, Darlington Estates, formerly a portion of the NE1/4 lying west of the Railroad right-of-way, located in the N1/2 NW1/4, Section 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 lying west of the Railroad right-of-way, located in the N1/2 NW1/4, Section 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Old Folsom Road and Lamb Road.

Fisher presented the Subdivision Variance requests recommended approval with stipulations. Fisher presented the Exception request to waive the requirements to provide visitor parking. Fisher identified that staff has not recommended approval of similar requests; however, the Planning Commission and City Council have recently granted similar requests in subdivisions with larger lot sizes. As such, Fisher stated that if the Planning Commission determines it is appropriate to recommend approval of the Exception to waive the requirement to provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence with the stipulation that the streets be posted with no parking signs and that a note be placed on the plat stating that no further platting of the lots shall be allowed

Prairie Chicken returned to the meeting at this time.



LeMay moved, Prairie Chicken seconded and unanimously carried to determined it is appropriate, that an Exception to waive the requirement to provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence with the stipulation that the streets be posted with no parking signs and that a note be placed on the plat stating that no further platting of the lots shall be allowed;

That the Variance to the Subdivision Regulations to allow a lot twice as long as wide be approved;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer along Lamb Road, Hidalgo Court and Kimbrewich Road be approved with the following stipulation:

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

An Exception to reduce the driveway separation from 35 feet to five feet is hereby granted;

An Exception to allow a 1,250 foot long cul-de-sac with an intermediate turnaround approximately 875 feet in lieu of a maximum 1,200 foot long cul-de-sac with an intermediate turnaround every 600 feet is hereby granted. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)

49. No. 06VR003 - Boulevard Addition

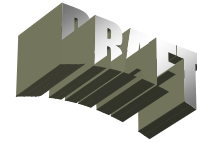
A request by Richard O. Stahl to consider an application for a **Vacation of Right-of-Way** on South Street Right-of-way lying adjacent to Lots 2A and 3A of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of South Street and West Street.

Tegethoff presented the request for the Vacation of the South Street Right-of-Way. Tegethoff noted that the petition with the required signatures of all of the adjacent land owners has not been submitted. He recommended that the request be tabled to allow the applicant to submit the required stipulations. Discussion followed.

Richard O. Stahl requested that the Planning Commission approve the Vacation of Right-of-way. Stahl expressed his opinion that the terrain on the subject property would not be conducive to vehicle traffic. Discussion followed.

In response to LeMay's questions, Elkins stated that existing utilities are in place and would leave discontinuous right-of-way sections. Discussion followed.

Brown moved, Hennies seconded and unanimously carried to recommend that the Vacation of Right-of-Way be tabled. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)



*50. No. 06PD027 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development – Initial and Final Development Plan** on Lots 1 thru 6 of Block 19 and Lots 1 thru 8 of Block 20, Red Rock Estates, located in the NE1/4 SE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Ainsdale Court and the northwest side of Portrush Road and Kennemer Drive.

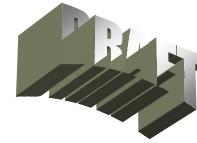
Fisher presented the Planned Residential Development – Initial and Final Development Plan request. Fisher stated that staff's recommendation is that the Planned Residential Development – Initial and Final Development Plan be approved with stipulations.

Hani Shafi, Dream Design International, Inc. requested that the Planned Residential Development – Initial and Final Development Plan be approved with the revised site plan. Discussion followed.

Brewer moved, Brown seconded and unanimously carried to recommend that the Planned Residential Development-Initial and Final Development Plan be approved with the following stipulations:

1. **The Exception to reduce the lot frontage abutting a street right-of-way from 25 feet to 20 feet is hereby approved;**
2. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
3. **Prior to issuance of a Certificate of Occupancy a Final Plat shall be reviewed and approved for the townhome lots;**
4. **A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence;**
5. **All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;**
6. **The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development; and,**
7. **The Planned Residential Development shall allow for the construction of a single family residence Lots 6 and 7, Block 20. The balance of the lots shall allow for the construction of townhome(s). However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)**

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



Commission.

51. No. 06PL061 - Black Hills Center

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lot 4 of Block 4, Black Hills Center, located in the NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion located in the NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern corner of Parkview Drive and Fifth Street.

Fisher presented the Preliminary Plat application. Fisher state that staff's recommendation is that the Preliminary Plat be approved with stipulations.

Brown moved, Prairie Chicken 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 approval, a site plan showing existing topography at five foot contour intervals shall be submitted for review and approval. In addition, a site plan demonstrating that the lot is buildable shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the Planning Commission, a site plan showing the existing construction design of Parkview Drive and 5th Street shall be submitted for review and approval. In particular, the site plan shall show curb, gutter, sidewalk, street light conduit and pavement. In addition, the site plan shall the location and size of water main(s) and fire hydrants and the location and size of sewer main(s) and manhole(s);**
3. **Prior to Preliminary Plat approval by the City Council, a grading plan for the lot addressing access and sidewalk grades shall be submitted for review and approval;**
4. **Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall clarify how run-off from this lot will be discharged or routed when further improvements at this site are proposed. In addition, the drainage plan shall show that drainage from the site that runs onto and across a portion of the adjacent property will not impact the adjacent property under the design flows. The explicit approval of the adjacent property owner for continued discharge of the existing and any future flows over and across the adjacent property shall also be obtained. In addition, the plat document shall be revised to show drainage easements as needed;**
5. **Prior to Preliminary Plat approval by the City Council, a site plan showing the existing 42 inch reinforced concrete pipe crossing this property from 5th Street shall be submitted for review and approval. In addition, the plat document shall be revised to show easements as needed;**
6. **Prior to Preliminary Plat approval by the City Council, road**



construction plans for the section line highway located along the west line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway 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 Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
8. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along 5th Street and the first 230 feet of Parkview Drive as it extends north from 5th Street or an Exception to the Street Design Criteria Manual shall be obtained; and,
9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)

52. No. 06SR041 - Rapid City Greenway Tract

A request by Gathering of the Clans to consider an application for an **SDCL 11-6-19 Review to allow a temporary use on public property** on Tract 20, Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 301 North Fifth Street.

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

Bulman presented the SDCL 11-6-19 Review requests to allow a Gathering of the Clans festival and sporting events. Bulman recommended that the application for an SDCL 11-6-19 Review to allow a temporary use on public property be approved with stipulations.

Brewer moved, Landguth seconded and unanimously carried to recommend that the SDCL 11-6-19 Review to allow a temporary use on public property be approved with the following stipulations:

1. A Temporary Use Permit shall be obtained prior to the event;
2. Prior to obtaining a Temporary Use Permit, the total number of restrooms to be provided shall be determined by the Building Official;
3. Prior to obtaining a Temporary Use Permit, all plans shall be submitted to the Fire Department for approval and the inspection of all tents shall have received approval by the Fire Department;
4. Prior to issuance of a Temporary Use Permit, a copy of the evacuation plan shall be submitted to the City and Pennington County Emergency Management Department for review and approval;



5. **The beer tent shall be completely fenced and security on site at all times;**
6. **No camping shall be permitted within the floodway or floodplain at any time;**
7. **All requirements of Section 17.28 of the Zoning Ordinance regarding the Flood Hazard Zoning District shall be continually met and all requirements of the Floodplain Development Ordinance shall be met; and,**
8. **The 11-6-19 Review to allow a temporary use on public property for the Gathering of the Clans event shall be for September 2, 2006 only. (6 to 0 to 1 with Andrews, Brewer, Brown, Hennies, Landguth and Prairie Chicken, voting yes and none voting no and LeMay abstaining)**

53. Discussion Items

54. Staff Items

- A. Elkins stated the applicants' representative for 06VE008 called the office after the item had been considered by the Planning Commission and indicated that she could not attend the Planning Commission meeting. Elkins asked if the Planning Commission members would like to reconsider the item. Discussion followed.
- B. Elkins reviewed the updated Tax Increment Chart provided to the Planning Commission members.
- C. Elkins acknowledged the Growth Management staff's hard work and extra effort to keep all of the applications moving forward. She commended the entire staff for their dedication and hard work.

There being no further business, Brown moved, Prairie Chicken seconded and unanimously carried to adjourn the meeting at 8:57 a.m. (7 to 0 with Andrews, Brewer, Brown, Hennies, Landguth, LeMay and Prairie Chicken, voting yes and none voting no)