



MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
September 7, 2006

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

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

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

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

**Staff requested that Items 2 and 6 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**A member of the audience requested that Item 6, 14, 18, 24 and 26 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Motion by Landguth, Seconded by Hennies and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 15 in accordance with the staff recommendations with the exception of Items 2, 6, 14, 18, 24 and 26. (6 to 0 with Anderson, Brewer, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)**

**Consent Calendar**

**The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar by any Planning Commissioner, staff member, or audience member, for separate consideration:**

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

1. Approval of the August 24, 2006 Planning Commission Meeting Minutes.
- 1A. Approval of the attached Revisions to the July 6, 2006 Planning Commission meeting.

**Planning Commission approved the following correction to page 41 of the minutes of the July 6, 2006 Planning Commission item regarding the motion on 06PD040:**



**Anderson moved, Schmidt seconded to approve the Major Amendment to the Planned Commercial Development to revise the landscape plan. The Motion unanimously carried to approve the Major Amendment to a Planned Commercial Development.**

3. No. 06CA020 - City of Rapid City Bikeway/Walkway Plan

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

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

4. No. 06CA021 - Section 28, T2N, R8E

A request by FMG, Inc. for Bypass, LLC to consider an application for a **Summary of Adoption Action for an Amendment to the Comprehensive Plan by revising the Northeast Area Neighborhood Future Land Use Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial** on that part of the SW1/4 NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM; thence S89°48'22"E, 454.91 feet to a point on the east ¼ line of Section 28; thence N46°26'34"E, 535.17 feet to a point, said point being the intersection with a non-tangent curve; thence Northwesterly, 285.07 feet along a curve to the right, said curve having a radius of 717.59 feet, said curve having a chord bearing of N32°10'36"W, a chord distance of 283.20 feet, to a point, said point being the intersection of a non-tangent line; thence S48°44'38"W, 920.40 feet to a 5/8" rebar with an aluminum survey cap at the center of Section 28, T2N, R8E, BHM, at the point of beginning; all located within the SW1/4 NE1/4, Section 28, T2N, R8E, BHM. Said parcel containing 4.826 acres more or less, more generally described as being located north of Mall Drive and West of Elk Vale Road.

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

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 October 5, 2006 Planning Commission meeting.**



7. No. 06PL114 - Barnhart Addition

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

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

8. No. 06PL123 - Cambell Square Addition

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

**Planning Commission recommended that the Layout Plat be continued to the September 21, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.**

9. No. 06PL127 - Hills View Subdivision

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

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

10. No. 06PL132 - Fountain Springs Park Subdivision

A request by CETEC Engineering for Franklin O. Simpson to consider an application for a **Layout Plat** on Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A and 11B of Block 3, Vacation of Public Access Easement, and dedicated public right-of-way of Fountain Springs Park Subdivision, located in the NW1/4 SW1/4, Section 26, and the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land in the NW¼ SW¼, Section 26 and the NE¼ SE¼, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows; Beginning at the



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

**Planning Commission recommended that the Layout Plat be continued to the October 5, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

11. No. 06PL133 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Preliminary Plat** on Lots 15 thru 23, Block 1; Lots 1 thru 16, Block 3; Lots 1 thru 19, Block 4; Lots 1 thru 6, Block 5; Lot 1, Block 7; and drainage Lot 1, Brookfield Subdivision, formerly a portion of the NE1/4 SE1/4, Section 13, located in the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4, Section 13, located in the NE1/4 SE1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Three Rivers Drive.

**Planning Commission recommended that the Preliminary Plat be continued to the October 5, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

12. No. 06PL134 - MJK Subdivision

A request by Advanced Engineering & Surveying, Inc. for Shane Daniel to consider an application for a **Layout Plat** on Tracts 1 and 2 of Lot B3 of Parcel B, MJK Subdivision, formerly Plat of Lots B2 and B3 of Parcel B, MJK Subdivision, formerly a part of Parcel B, MJK Subdivision, located in the NW1/4 SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the Plat of Lots B2 and B3 of Parcel B, MJK Subdivision, formerly a part of Parcel B, MJK Subdivision, located in the NW1/4 SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Derby Lane and East Minnesota Street.

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



1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
  2. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
  3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans must demonstrate adequate capacity of the downstream wastewater system;
  4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed and designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed;
  5. Upon submittal of a Preliminary Plat application, road construction plans for Minnesota Street shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In particular, the road construction plans shall show the street located in a minimum 100 foot wide right-of-way and constructed to a collector street standard;
  6. Upon submittal of a Preliminary Plat application, road construction plans for the access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In particular, the road construction plans shall show the street constructed to a lane place street standard;
  7. Upon submittal of a Preliminary Plat, all redline comments shall be addressed and resubmitted for review and approval;
  8. Prior to Preliminary Plat approval by Planning Commission, written approval of all the affected public utility companies shall be submitted to the Growth Management staff;
  9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 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. 06PL135 - IGT Subdivision  
A request by D. C. Scott Co. Land Surveyors for IGT to consider an application



for a **Preliminary Plat** on Lots 1 and 2, IGT Subdivision, formerly Tract B of Tract 1 of the W1/2 SW1/4, Section 23, and Tract 2 of the SW1/4 NW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Tract 1 of the W1/2 SW1/4, Section 23, and Tract 2 of the SW1/4 NW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of SD Highway 16 and south of Fox Road.

**Planning Commission recommended that the Preliminary Plat be continued to the September 21, 2006 Planning Commission to allow the applicant time to submit the required information.**

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

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

**Planning Commission recommended continued the SDCL 11-6-19 Review to allow the construction of Cheyenne Boulevard to the September 21, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.**

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

2. No. 06AN003 - Elk Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates.

6. No. 06PL090 - Elk Meadows Subdivision

A request by Dream Design International to consider an application for a **Preliminary Plat** on Lots 1 thru 5 of Block 1, Lots 1 thru 10 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 and 26 of Block 6, Lot 1 of Block 7, Lots 1 and 36 thru 41 of Block 8, Lots 1 thru 11 of Block 9, Lots 1 thru 13 of Block 10, Lots 1 thru 30 of Block 11 and Lot A and Lots 1 thru 23 of Block 12 and Dedicated Right-of-Way located in the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington



County, South Dakota, legally described as the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of the intersection of Elk Vale Road and Old Folsom Road.

Fisher presented the Annexation and Preliminary Plat requests.

In response to Brewer's question, Elkins stated that the Planning Commission has allowed any item to be pulled and acted upon if the Planning Commission wishes.

Fisher presented the staff's recommendations for approval. Fisher further commented that the applicant has provided information required for approval. Fisher stated that staff's recommendation is to approve the Annexation and Preliminary Plat requests with stipulations.

Brendan expressed his concern with public funding being utilized for the development of the subject property.

Shafi stated that the proposed development is privately funded.

Roy Elliott, area resident, expressed his concerns with a secondary access and storm water runoff from the proposed development. Elliott expressed his opinion regarding the historic drainage flows of current drainage from the adjacent properties. Elliott stated his opinion that a secondary access should be constructed prior to approving the proposed development. Elliott commented that construction plans were not available for review of the proposed development. Elliott requested that the Annexation and Preliminary Plat requests be continued to a future Planning Commission meeting.

Elkins stated that Mr. Elliott was advised that the requests would be on the Agenda and was advised that they would be recommended by staff for approval. Elkins stated that the design plans for the secondary access have been submitted for review and approval. Elkins stated that drainage from the subdivision will flow into the existing detention ponds. Elkins further commented that Planning Commission has the discretion to continue these items or action up them at this time.

In response to Brewer's questions, Landeen advised that the notice is adequate for action by the Planning Commission. Discussion followed.

Shafai, representing the applicant, stated his opinion that the storm water runoff from the proposed subdivision would not drain into but rather away from Plum Creek. Shafai further commented that a secondary access will be constructed within the proposed subdivision. Shafai stated that the secondary access is different. Shafai identified that two detention ponds were constructed as a result of the Southeast Connector and have reduced the flows from the existing and future subdivision developments. Shafai stated that information for water, sewer and drainage have been submitted and have been reviewed and approved by Growth Management staff.



Elliott stated his opinion that detention ponds to reduce historic flows have not been constructed. Elliott expressed his opposition to the proposed development.

In response to Brewer's question, Fisher reviewed the proposed locations of the development and roads and access points. Discussion followed.

In response to Landguth's question, Elkins stated that information has been available for public review. Discussion followed.

Peckosh stated that the drainage report was submitted several weeks ago and has been available for review.

Elliott expressed his opinion that current storm water studies have not been supplied by the applicant.

**Landguth moved, Hennies seconded and unanimously carried to recommend that the Petition for Annexation be approved contingent on any payment due to the Rapid Valley Fire District being paid by the City of Rapid City and that the Preliminary Plat be approved with stipulations:**

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, written authorization from the Cyclone Ditch Association shall be submitted for review and approval indicating concurrence with the encasement of the ditch as proposed;**
- 3. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City;**
- 4. Prior to Preliminary Plat approval by the City Council, revisions and/or additional water and sewer information shall be submitted for review and approval if, and as needed;**
- 5. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In particular, drainage plans for the upstream detention areas shall be submitted for review and approval;**
- 6. Prior to Preliminary Plat approval by the City Council, drainage easements shall be recorded at the Register of Deed's Office as needed;**
- 7. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of the entire 100 foot right-of-way for E. Minnesota Street or a Variance to the Subdivision Regulations shall be obtained;**
- 8. 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;**





9. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
10. **Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual;**
11. **Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained;**
12. **Prior to submittal of a Final Plat application, a different street name for "Carson 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,**
13. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been designed and completed shall be posted and the subdivision inspection fees shall be paid. (6 to 0 with Anderson, Brewer, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)**

14. No. 06SR052 - Elk Meadows Subdivision

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

Elkins advised that the SDCL 11-6-19 Review request was pulled by an audience member. Elkins stated that staff's recommendation is that the SDCL 11-6-19 Review request be continued to the September 21, 2006 Planning Commission meeting.

**Hennies moved, Waltman seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow for construction of a City park to the September 21, 2006 Planning Commission Meeting to allow the applicant time to submit the required information. (6 to 0 with Anderson, Brewer, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)**

**Brewer announced that the Public Hearings on Items 16 through 31 were opened.**

**Staff requested that Items 18, 24, 26, 30 and 31 be removed from the Hearing Consent Agenda for separate consideration.**

**Landguth moved, Waltman seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 16 through 31 in accordance with the staff recommendations with the exception of Items 18, 24, 26, 30 and 31. (6 to 0 with Anderson, Brewer, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)**

**The Public Hearings for Items 16 through 31 were closed.**



---HEARING ITEMS CONSENT CALENDAR---

16. No. 05TI019 - East Anamosa Street  
A request by Centerline to consider an application for a **Tax Increment District No. 49 Project Plan** on Lot 1 – 28 and all adjacent rights-of-way, Block 11, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 – 14 and all adjacent rights-of-way, Tract A (formerly lots 15A thru 25A) and all adjacent rights-of-way, Lot 15-28 less lot 15A -25A and all adjacent rights-of-way, all located in Block 12, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted balance of SW1/4SE1/4 and the unplatted balance of SE1/4SE1/4 and all adjacent rights-of-way, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 3 and Lot 4 and all adjacent rights-of-way, Tract A & S1/2 vacated part of alley adjacent to Tract A and all adjacent rights-of-way, Lot A of Lot 1, Lot 2 and the S1/2 vacated Watertown St adjacent to said lot, Lot B of Lot 1, all located in Block 2, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract I and the N1/2 vacated portion of alley adjacent to Tract I and the S1/2 vacated Watertown St adjacent to Tract I and all adjacent rights-of-way, Block 2, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Block 3 and W375' of N1/2 vacated Watertown Street adjacent to Block 3 less W150' & less Lot 1-2 and the S1/2 vacated Madison Street adjacent to E475' Block 3 and the vacated alley in Block 3 less portion between Lots 1 & 2 and all adjacent rights-of-way, all located in Block 3, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1-2 and the S1/2 vacated Madison St adjacent to Lot 1 and the N1/2 vacated Watertown Street adjacent to Lot 2 and the vacated alley between Lots 1-2, Block 3 and all adjacent rights-of-way, all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of Block 1 and all adjacent rights-of-way, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 -2 and the balance of Block 4 and all adjacent rights-of-way, all located in Block 4, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4NE1/4 including Meadowlark Hills Sub & all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A & E1/2 vacated Cherry Ave of NE1/4NE1/4 and all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract B, C, D, F, G, and H and all adjacent rights-of-way, all of Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract E & E15' of vacated Cherry St adjacent to said Tract E, Block 1 and all adjacent rights-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, E100' of Tract A, Block 1 and adjacent right-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A less the E100' and the E15' of vacated Cherry St adjacent to said Tract A and adjacent right-of-way, Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of the 90' wide East Anamosa Street right-of-way located in the NE1/4 of Section 31 and the SE1/4 of Section 30, and the East Anamosa Street right-of-way located in the NW1/4 of Section 31 and the



SW1/4 of Section 30 all adjacent to LaCrosse Street, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Railroad Right-of-Way located in the NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A and Lot B and all adjacent rights-of-way, West Century Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N170' of S313.96' of Lot 2 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 and Lot 2 and all adjacent rights-of-way, Buckingham Rental Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot B of Lot 1 of SW1/4NW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A, B, C, and D of Lot 1 of NW1/4SW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 1, Century "21" and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A in NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract D in NE1/4NW1/4 including Lot 1 of Tract D of Heubner Subdivision and all adjacent rights-of-way, all located in Heubner Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N16.04' of Lot 2 of SW1/4NW1/4 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 and Lot H3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Lot H1 of Lot A of the SE1/4NW1/4, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of Lot B of Lot 1 in the NW1/4SW1/4, Lot H1 of Lot B of Lot 1 of the NW1/4SW1/4, Lot 2 of the NW1/4SW1/4, Lot H1 of Lots 7 & 8 of the NW1/4SW1/4, Lot H1 of Lots 3,4, 5 & 6 of the NW1/4SW1/4, Lot H1 and Lot H2 of the NW1/4SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Century Road, east of LaCrosse Street and south of US I-90.

**Planning Commission recommended that the Tax Increment District No. 49 Project Plan be continued to the September 21, 2006 Planning Commission meeting at the applicant's request.**

17. No. 05VR014 - Sletten Addition

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

**Planning Commission recommended that the Vacation of Section Line**



**Highway request be continued to the October 5, 2006 Planning Commission meeting.**

19. No. 06CA024 - Fountain Springs Park Subdivision

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

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the land use designation from Park Forest to Medium Density Residential with a Planned Residential Development be approved.**

\*20. No. 06PD047 - Huffman Subdivision

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

**Planning Commission continued the Planned Commercial Development – Initial and Final Development Plan to the September 21, 2006 Planning Commission meeting 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.***

\*21. No. 06PD059 - Woodridge Subdivision

A request by R. Fred Thurston to consider an application for a **Major Amendment to a Planned Residential Development to reduce the minimum required front yard setback from 25 feet to 16 feet** on Lot 26, Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1127 Woodridge Drive.

**Planning Commission approved the Major Amendment to a Planned Residential Development to reduce the minimum required front yard setback from 25 feet to 16 feet with the following stipulations:**

- 1. Prior to initiation of construction, a Building Permit shall be obtained;**
- 2. The uses allowed within the Planned Commercial Development shall be limited to a single family residence. Any change in use will require approval of a Major Amendment to the Planned Residential Development;**
- 3. A minimum front yard setback of 16 feet shall be provided in front of the structure located on the subject property. In addition, a minimum front yard setback of 18 feet shall be provided in front of the garage door for any garages provided on the subject property;**
- 4. Prior to Planning Commission approval, a complete site plan shall be submitted for review and approval;**
- 5. The stipulations approved as part of the original Planned Residential Development will remain valid with this Major Amendment;**
- 6. All applicable provisions of the International Fire Code shall be continually met; and,**
- 7. The Major Amendment to the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

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

\*22. No. 06PD060 - Eastridge Estates Subdivision

A request by Greg Wierenga, P.E., for CETEC Engineering Services, Inc. to consider an application for a **Major Amendment to a Planned Residential Development to reduce the minimum required rear yard setback from 25 feet to 19.5 feet** on Lot 5B of Block 4, Eastridge Estates Subdivision, located in the W1/2 NE1/4, E1/2 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 229 Enchantment Road.



**Planning Commission approved the Major Amendment to a Planned Residential Development to reduce the minimum required rear yard setback from 25 feet to 19.5 feet with the following stipulations:**

- 1. All provisions of the Low Density Residential Development shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to a Planned Residential Development;**
- 2. All stipulations of the Original Planned Residential Development – Final Development Plan shall be met at all times; and**
- 3. A minimum 19.5 foot rear yard setback shall be provided for the townhouse structure on Lot 5B.**

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

**\*23. No. 06PD061 - Fountain Springs Park Subdivision**

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

**Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the October 5, 2006 Planning Commission meeting to allow the property to be rezoned from General Agriculture District to Medium Density Residential District.**



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

25. No. 06RZ028 - Fountain Springs Park Subdivision

A request by CETEC Engineering for Franklin O. Simpson to consider an application for a **Rezoning from General Agriculture District to Medium Density Residential District** on a parcel of land beginning at the southwest corner of the NW1/4 SW1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence N89°55'39"E 240.24 feet to a point; Thence N29°57'38"W 245.17 feet to a point; Thence N05°57'38"W 321.39 feet to a point on the Right-of-Way of Harmony Heights Lane; Thence S72°10'55"W 205.74 feet along said Right-of-Way to a point; Thence along a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet to a point on said Right-of-Way; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence along said South line N89°41'23"E 114.61 feet to the point of beginning, more generally described as being located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive.

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

27. No. 06SV049 - Hills View Subdivision

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

**Planning Commission recommended that the Variance to the Subdivision Regulations to reduce the right-of-way from 49 feet to 25 feet along an access easement and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the September 21, 2006 Planning Commission meeting to allow the applicant to submit additional information.**



28. No. 06SV050 - Fountain Springs Park Subdivision

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

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to reduce the pavement width from 27 feet to 24 feet along Sunny Springs Drive as per Chapter 16.16 of the Rapid City Municipal Code be continued to the October 5, 2006 Planning Commission meeting to be heard in conjunction with the associated Layout Plat.**

29. No. 06SV051 - MJK Subdivision

A request by Advanced Engineering & Surveying, Inc. for Shane Daniel to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer, water, street light conduit; and to waive the requirement to install sidewalk on both sides of the street as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts 1 and 2 of Lot B3 of Parcel B, MJK Subdivision, formerly Plat of Lots B2 and B3 of Parcel B, MJK Subdivision, formerly a part of Parcel B, MJK Subdivision, located in the NW1/4 SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Plat of Lots B2 and B3 of Parcel B, MJK Subdivision, formerly a part of Parcel B, MJK Subdivision, located in the NW1/4





SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Derby Lane and East Minnesota Street.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sewer, water, street light conduit, and to waive the requirement to install sidewalk on both sides of the street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:**

- 1. A sidewalk shall be provided on the south side of the access easement.**

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

Elkins requested that items 18, 24 and 26 be taken concurrently.

18. No. 06CA018 - Elk Meadows Subdivision  
A request by Dream Design International to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Low Density Residential with a Planned Residential Development** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates.
24. No. 06RZ019 - Elk Meadows Subdivision  
A request by Dream Design International to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates.
26. No. 06SV039 - Elk Meadows Subdivision  
A request by Dream Design International to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 5 of Block 1, Lots 1 thru 10 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 and 26 of Block 6, Lot 1 of Block 7, Lots 1 and 36 thru 41 of Block 8, Lots 1 thru 11 of Block 9, Lots 1 thru 13 of Block 10, Lots 1 thru 30 of Block 11 and Lot A and Lots 1 thru 23 of Block 12 and Dedicated Right-of-Way located in the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of the intersection of Elk Vale Road and Old Folsom Road.

Fisher presented the Amendment to the Comprehensive Plan, the Rezoning and the Variance to the Subdivision Regulations requests. Fisher stated that handouts have been presented on the dias. Fisher presented the staff's recommendation is that the Comprehensive Plan, the Rezoning and the Variance



to the Subdivision Regulations requests be approved with stipulations.

Lewis noted that Ray Elliott requested that these requests were pulled for separate consideration and that Ray Elliott has left the meeting.

In response to Brewer's questions, Elkins stated that items have been pulled previously for consideration and action by Planning Commission. Elkins reviewed staff's recommendations for submitted requests.

Lewis reviewed previous action by Planning Commission on applications submitted for review and approval.

Steve Brendan, area resident, expressed his opposition to items on the Agenda being pulled and acted upon that is contradictory from the staff's original recommendations.

**Landguth moved, Hennies seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Low Density Residential with a Planned Residential Development be approved; the Rezoning from General Agriculture District to Low Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Development Designation; and the Variance to the Subdivision Regulations to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code be approved. (6 to 0 with Anderson, Brewer, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)**

30. No. 06SV052 - IGT Subdivision

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

Elkins stated that staff's recommendation is that the Variance to the Subdivision Regulations request be continued to the September 21, 2006 Planning Commission meeting to be heard in conjunction with the Preliminary Plat request.

**Waltman moved, Fast Wolf seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to dedicate right-of-way on the west half of the section line highway, the Variance to the Subdivision Regulations to dedicate right-of-way on the east half of the**



**section line highway and to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer on the section line highway, the Variance to the Subdivision Regulations to dedicate an additional nine and a half feet of right-of-way and to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer on Fox Road, the Variance to the Subdivision Regulations to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer on U.S. Highway 16 Service Road; and, the Variance to the Subdivision Regulations to waive the planting screen easement as per Chapter 16 of the Rapid City Municipal Code be continued to the September 21, 2006 Planning Commission meeting. (6 to 0 with Anderson, Brewer, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)**

\*31. No. 06UR015 - LaGrand Subdivision

A request by Dream Design International, Inc. to consider an application for a **Conditional Use Permit to allow a Car Wash in General Commercial Zoning District** on a parcel of land located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of said Section 33, T2N, R8E, BHM, said point being coincident with the southeast corner of Section 28, T2N, R8E, BHM, and said point being located within Elk Vale Road right-of-way; thence, westerly along the south line of said Section 28, and coincident with the north line of said Section 33, N89°59'35"W, a distance of 127.35 feet, more or less, said point being located on the west line of Elk Vale Road right-of-way, and said point being marked by a rebar with aluminum SD-DOT cap, thence S00°07'49"E a distance of 183.05 feet, more or less to the point of beginning, said point being located on the west line of Elk Vale Road right-of-way, and said point being marked by a rebar with survey cap "LS 6565"; thence, S89°50'38"W, a distance of 59.44 feet, more or less, to a point marked by a rebar with survey cap "LS 6565"; thence, along the arc of a curve to the left whose chord bears S61°46'00"W and has a length of 102.48 feet, more or less, having a radius of 250.05 feet, more or less, and a central angle of 23°39'02" and an arc length of 103.21 feet, more or less; thence, S49°56'30"W; a distance of 101.29 feet, more or less, to a point marked by a rebar with survey cap "LS 6565"; thence, along the arc of a curve to the right whose chord bears S69°52'58"W and has a length of 238.78 feet, more or less, having a radius of 350.06 feet, more or less, a central angle of 39°52'57" and an arc length of 243.67 feet, more or less; thence, S45°00'26"W, a distance of 48.30 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, S00°00'28"W, a distance of 262.50 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, S89°59'35"E, a distance of 486.81 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, north along the west line of Elk Vale Road right-of-way, N00°07'57"W, a distance of 492.66 feet, more or less, to the point of beginning. Said tract of land contains 4.27 acres or 186,001 square feet, more or less, more generally described as being located at the southwest corner of the intersection of North Elk Vale Road and Eglin Street.

Bulman presented the Conditional Use Permit request to allow a Car Wash in the General Commercial Zoning District request. Bulman stated that staff's



recommendation is to approve the Conditional Use Permit with stipulations.

In response to Anderson's question, Bulman stated that the word "Major" should be added to stipulation number two. Discussion followed.

**Landguth moved, Waltman seconded and unanimously carried to approve the Conditional Use Permit to allow a Car Wash in General Commercial Zoning District with the following stipulations:**

1. **A Building Permit shall be obtained prior to initiation of any construction and that a Certificate of Occupancy shall be obtained prior to occupying the building;**
2. **A Major Amendment to the Conditional Use Permit shall be submitted when the future signage is determined;**
3. **A minimum of 85 parking spaces shall be provided. Four of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, three stacking lanes shall be provided for the car wash. All provisions of the Off-Street Parking Ordinance shall be continually met;**
4. **A minimum of 166,890 landscaping points shall be provided. The submitted landscape plan shall continually comply with all requirements of the Zoning Ordinance and be maintained in a live vegetative state and replaced as necessary;**
5. **All applicable provisions of the International Fire Code shall be continually met;**
6. **The proposed structure shall conform architecturally to the proposed elevations;**
7. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 0 with Anderson, Brewer, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)**

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

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

Fisher requested that items 32, 33, 34 and 35 be taken concurrently.

32. No. 06PL074 - Skyline Pines East

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Layout Plat** on Lots 1 thru 5, Skyline Pines East, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 SE1/4, less Walpole Heights Subdivision, and less right-of-way, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located



northwest of the intersection of Mount Rushmore Road and Tower Road.

33. No. 06SV030 - Skyline Pines East

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

\*34. No. 06PD030 - Skyline Pines East

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an application for a **Planned Commercial Development - Initial Development Plan** on an unplatted tract of land located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota described as follows; beginning at the NW corner of the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 11, T1N, R7E, BHM, Travel 690.30 feet at a bearing S89°37'13"E to a point, then Travel 140.54 feet at a bearing S89°34'10"E to a point, then Travel 185.49 feet at a bearing S89°50'15"E to a point, then Travel 237.94 feet at a bearing S89°45'1"E to a point, then Travel 687.73 feet at a bearing N89°51'38"E to a point, then Travel 370.78 feet at a bearing S89°47'54"E to a point, then Travel 108.32 feet at a bearing S57°21'42"W to a point, then Travel 62.85 feet at a bearing S38°44'22"W to a point, then Travel 88.72 feet at a bearing S68°05'3"W to a point, then Travel 46.48 feet at a bearing S54°14'57"W to a point, then Travel 95.36 feet at a bearing S47°30'41"W to a point, then Travel 77.14 feet at a bearing S69°34'14"W to a point, then Travel 160.44 feet at a bearing S45°17'36"W to a point, then Travel 19.76 feet at a bearing S45°37'24"W to a point, then Travel 74.14 feet at a bearing S45°51'3"W to a point, then Travel 95.64 feet at a bearing S34°32'11"E to a point, then Travel 219.69 feet at a bearing S55°7'3"W to a point, then Travel 333.97 feet along a 292.60 RHF curve with a chord bearing S5°32'55"W, then Travel 166.06 feet at a bearing S44°48'23"E to a point, then Travel 38.11 feet along a 38.06 LHF curve with a chord bearing S39°36'26"E, then Travel 214.00 feet at a bearing S34°24'28"E to a point, then Travel 84.11 feet at a bearing S45°11'37"W to a point, then Travel 990.30 feet at a bearing S89°57'45"W to a point, then Travel 722.17 at a bearing N to a point, then Travel 536.64 feet at a bearing N65°58'10"W to a point, then Travel 427.77 feet at a bearing S55°15'47"W to a point, then Travel 625.45 feet at a bearing N00°31'58"E back to the origin. Parcel described contains 1,713,559.45 square feet or approximately 39.3 acres, more generally described as being located northwest of the intersection of Mount Rushmore Road and Tower Road.

\*35. No. 06PD031 - Skyline Pines East

A request by Wyss Associates, Inc. for WEB Land Holdings, LLC to consider an



application for a **Planned Residential Development - Initial Development Plan** on an unplatted Tract of land located in the NW¼ of SE¼ of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota described as follows; beginning at the SW corner of the NW¼ of SE¼ of Section 11, T1N, R7E, BHM. Travel 697.60 feet at a bearing of N00°16'55"E to a point, then Travel 427.77 feet at a bearing of N55°15'47"E to a point, then Travel 536.64 feet at a bearing of S65°58'10"E to a point, then Travel 722.17 feet at a bearing of S to a point, then Travel 845.09 feet at a bearing of S89°57'25"W to the origin. Parcel described contains 696815.78 square feet or approximately 16 acres, more generally described as being located northeast terminus of Pevans Parkway.

Fisher presented the Layout Plat, Planned Developments and Variance requests. Fisher reviewed the current zoning of the subject property and adjacent developments. Fisher identified topographic characteristics of the subject property. Fisher reviewed staff's recommended stipulations of approval. Fisher commented on similar applications that were previously reviewed and approved by Planning Commission and City Council. Fisher stated that staff's recommendation is that the Layout Plat, Planned Developments and Variance requests be approved with stipulations.

In response to Anderson's questions, Fisher stated that parking plans would be provided at the time the Final Commercial Development is submitted.

Pat Wyss, representing WEB Holdings reviewed the proposed development on the subject property. Wyss identified the proposed parking spaces available for each dwelling unit. Wyss requested that the Variance request as it pertains to the 40 dwelling unit rule be approved. Wyss commented that the proposed development request is a reduction in the amount of dwelling units previously approved by the Planning Commission and City Council. Wyss requested that the completion time be extended. Discussion followed.

In response to Anderson's question, Elkins stated that the Ordinance allows for phase development plans. Elkins further suggested that "Phasing" language can be added to the stipulations with submittal of the Final Development Plan.

In response to Landguth's question, Elkins stated that similar developments have been approved previously by the Planning Commission and the City Council. Discussion followed.

Hennies expressed his concerns with the emergency vehicle access on the proposed development. Discussion followed.

Knight stated emergency vehicle access is adequate and that the water pressure availability is adequate. Discussion followed.

In response to Waltman's questions, Fisher stated that adjacent property owners reviewed the proposed development plans and did not voice opposition to the request.

In response to Brewer's question, Elkins stated that the Plat has previously been



approved and can be acted upon by the applicant.

In response to Anderson's question, Elkins reviewed the topography of the subject property and the proposed development. Discussion followed.

Hennies reiterated his concerns regarding emergency vehicle access on the proposed development.

Brewer expressed his support for the proposed development.

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

- 1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;**
- 2. Upon submittal of a Preliminary Plat, a grading plan and an erosion and sediment control plan for all improved areas prepared by a Registered Professional Engineer shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat, a Drainage Plan in accordance with the Meade Hawthorne Drainage Basin Design Plan shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that discharge from any site facilities will result in net drainage basin run-off not exceeding pre-development flows or local detention facilities shall be provided or expanded as necessary. In addition, the plat document shall be revised to provide drainage easements as needed;**
- 4. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. The plat document shall also be revised to provide utility easements as needed;**
- 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to**



7. **provide utility easements as needed;**
7. **Upon submittal of a Preliminary Plat, road construction plans for Fairmont Boulevard shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;**
8. **Upon submittal of a Preliminary Plat application, road construction plans for Pevans Parkway shall be submitted for review and approval. In particular, the street shall be located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;**
9. **Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a non-access easement along Fairmont Boulevard except for the approved approach locations as per the Street Design Criteria Manual;**
10. **Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met;**
11. **Prior to submittal of a Preliminary Plat application, an Exception to allow a 1,570 foot long cul-de-sac with no intermediate turnarounds every 600 feet in lieu of a maximum 500 foot long cul-de-sac as per the Street Design Criteria Manual or the plat document shall be revised accordingly;**
12. **Prior to Preliminary Plat approval by the City Council, all construction plans and final Engineering reports shall be sealed and signed by a Professional Engineer registered by the State of South Dakota;**
13. **Upon submittal of a Preliminary Plat, the plat document shall be revised to show the sewer main located through the northern portion of the property within a utility easement. In addition, the terms of the easement shall be submitted for review and approval;**
14. **Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
15. **Upon submittal of 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.**

**that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and reduce right-of-way**





width from 52 feet to 49 feet and to reduce pavement width from 27 feet to 24 feet along Pevans Parkway be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the south 550 feet of Fairmont Boulevard be approved with the following stipulations:

1. The balance of Fairmont Boulevard shall be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer;
2. A minimum 80 foot wide right-of-way shall be dedicated for all of Fairmont Boulevard as it abuts the subject property; and,
3. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for sidewalk and pavement along the south 550 feet of Fairmont Boulevard as it abuts the subject property.

To approve the Planned Commercial Development - Initial Development Plan with the following stipulations:

1. An Exception to allow 220 dwelling units in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual hereby be approved;
2. A Final Plat shall be approved prior to or in conjunction with a Final Commercial Development Plan;
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
4. Upon submittal of a Final Commercial Development Plan application, a sign package shall be submitted for review and approval;
5. Upon submittal of a Final Commercial Development Plan application, a lighting package shall be submitted for review and approval;
6. Upon submittal of a Final Commercial Development Plan application, a landscaping plan shall be submitted for review and approval;
7. Upon submittal of a Final Commercial Development Plan application, elevations of the proposed residences shall be submitted for review and approval. In addition, a list of building materials and color palette shall be submitted for review and approval;
8. Upon submittal of a Final Commercial Development Plan application, an elevation of any proposed fencing and/or retaining walls shall be submitted for review and approval. In addition, any retaining wall above four feet in height shall be designed by a Professional Engineer;
9. Upon submittal of a Final Commercial Development Plan, a parking plan shall be submitted for review and approval. In particular, the parking plan shall identify a minimum of 330 parking spaces with eight of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. The garage parking shall also be designed to provide a minimum height to allow emergency vehicle access as per Fire Department standards;
10. Upon submittal of a Final Residential Development Plan application, a



- grading plan prepared by a Professional Engineer shall be submitted for review and approval;
11. Upon submittal of a Final Residential Development Plan application, a geotechnical report shall be submitted for review and approval. In particular, the geotechnical report shall address slope stability and provide recommendations for construction procedures and measures to mitigate any potential slides;
  12. Upon submittal of a Final Planned Commercial Development application, the location, size and noise rating of any exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
  13. Upon submittal of a Final Planned Residential Development, the location and size of the dumpsters shall be submitted for review and approval. In addition, the dumpsters shall be screened;
  14. Upon submittal of a Final Planned Residential Development, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided for the proposed ten story structure(s);
  15. Upon submittal of a Final Planned Residential Development, 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;
  16. Prior to submittal of a Final Residential Development Plan application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;
  17. 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 addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. All of the apartment condominium structures shall be sprinklered;
  18. A maximum building height of ten stories or 100 feet in lieu of three stories or 35 feet as per the Office Commercial District shall be allowed for the apartment condominium buildings with the stipulation that additional landscaping be provided along the perimeter of the subject property. The landscaping plans shall be submitted for review and approval upon submittal of a Final Commercial Plan;
  19. All provisions of the underlying zoning designation(s) shall be met unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment; and,
  20. The Planned Commercial Development shall allow for the construction of four 55 unit apartment condominium towers on the property. However, the Planned Commercial Development shall expire if the use is not undertaken and completed unless a Phasing Plan has



not been submitted for review and approval as part of the Final Commercial Development Plan.

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

to approve the Planned Residential Development - Initial Development Plan with the following stipulations:

1. A Final Plat shall be approved prior to or in conjunction with a Final Planned Residential Development;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. Upon submittal of a Final Residential Development Plan application, a sign package shall be submitted for review and approval;
4. Upon submittal of a Final Residential Development Plan application, a lighting package shall be submitted for review and approval;
5. Upon submittal of a Final Residential Development Plan application, a landscaping plan shall be submitted for review and approval;
6. Upon submittal of a Final Residential Development Plan application, elevations of the proposed residences shall be submitted for review and approval. In addition, a list of building materials and color palette shall be submitted for review and approval;
7. Upon submittal of a Final Residential Development Plan application, a grading and geotechnical report shall be submitted for review and approval. In particular, the geotechnical report shall address slope stability and provide recommendations for construction procedures and measures to mitigate any potential slides;
8. 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 and all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
9. Prior to issuance of a building permit, the property owner shall submit the proposed driveway grade for review and approval. If the proposed driveway grade exceeds 16%, the dwelling unit shall be sprinklered. In addition, a residential style fire apparatus turnaround shall be provided on any lot with a driveway in excess of 150 feet;
10. An Exception to the Street Design Criteria Manual is hereby granted to allow a 1,550 foot long cul-de-sac, with no intermediate turnarounds, in lieu of a maximum 500 foot long cul-de-sac with intermediate turnarounds every 600 feet with the stipulation that a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented prior to submittal of a Final Residential Development Plan application;



11. All provisions of the underlying zoning designation(s) shall be met unless otherwise specifically authorized as a stipulation of the Final Residential Development Plan application or a subsequent Major Amendment; and,
12. The Planned Residential Development shall allow for the construction of three single family residences on the property. However, the Planned Residential Development shall expire if the use is not undertaken and completed unless a Phasing Plan has not been submitted for review and approval as part of the Final Commercial Development Plan. (Roll Call Vote 4 to 2 with Anderson, Brewer, Landguth and Waltman voting yes and Fast Wolf and Hennies, 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.*

\*36. No. 06PD050 - Mediterranean Subdivision

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

Fisher presented the Planned Commercial Development request. Fisher stated that the applicant has submitted a revised sign package. Fisher stated that staff's recommendation is to approve the Planned Commercial Development request with stipulations.

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

**Hennies moved, Landguth seconded and unanimously carried to approve the Planned Commercial Development - Final Development Plan with the following stipulations:**

1. The proposed screening fence shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development;
2. The pole sign along Canyon Lake Drive shall measure a maximum of ten feet in height by 11.8 feet in width. In addition, a maximum 3 foot by 9 foot message board with manually changeable lettering shall be allowed along the bottom of the sign. An electronic reader board shall not be allowed. In addition, the sign shall be constructed with similar building materials and color palette as the proposed structure. The balance of the directional signs and the awning sign shall conform architecturally to the design plans and color palette



- submitted as a part of this Planned Commercial Development. The lighting for the sign(s) shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
  4. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;
  5. Prior to issuance of a building permit, the civil engineering sheets shall be stamped and signed by a Professional Engineer registered by the State of South Dakota;
  6. The proposed structure shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development;
  7. A minimum of 38,814 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  8. A minimum of 28 parking spaces shall be provided. Two of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, four stacking lanes shall be provided for the drive-up window. All provisions of the Off-Street Parking Ordinance shall be continually met;
  9. The hours of operation for the drive-up window shall be limited to 7:00 a.m. to 11:00 a.m. In addition, the access lane to the drive-up window shall be gated when the drive-up is not in use. The gate shall conform to the proposed elevation and design plans submitted as a part of this Final Planned Commercial Development;
  10. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
  11. The air handling equipment shall be screened with an opaque screening fence as shown on the elevation(s);
  12. The screening fence located along the south and west lot line(s) shall conform architecturally to the proposed elevations, design plans and color palette submitted with this Final Planned Commercial Development. In particular, the fence shall be constructed of wood and be six feet in height, except for the first 25 feet of the fence as it extends from Canyon Lake Drive and/or 38<sup>th</sup> Street. This portion of the fence shall not be more than four feet in height;
  13. The International Fire Code shall be continually met;
  14. 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;
  15. The Planned Commercial Development shall expire if the use is not



undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,

16. The proposed structure shall be used as an ice cream store. In addition, all provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment. (5 to 0 to 1 with Brewer, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no and Anderson abstaining)

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

\*37. No. 06PD057 - Fairway Hills Subdivision

A request by Fisk Land Surveying for Dlorah, Inc. to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 5A, Block 2, and Lot 3A Revised, Block 11, Fairway Hills Subdivision, legally described as Lot 5A, Block 2, Fairway Hills Subdivision; and A tract of land located in the N½ SW¼, SW¼ NW¼, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the southeast corner of Lot 29R of Fairway Hills P.R.D., as shown on the plat filed on February 17, 1984 and recorded in Plat Book 19 on Page 124, said corner being marked by a rebar with survey cap number 3095; thence, S73°09'46"E, more or less, a distance of 4.84 feet more or less, to a point along the westerly edge of Fairway Hills Drive right-of-way, as shown on the plat filed on March 10, 1986 and recorded in Plat Book 20 on Page 224, said corner being marked by a rebar with survey cap number 6565; thence, southerly and along the westerly edge of said Fairway Hills Drive right-of-way, S16°50'14"W, more or less, a distance of 160.90 feet, more or less to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 96.87 feet, a delta of 17°55'27", an arc length of 30.30 feet, a chord bearing of S25°58'25"W, more or less, and a chord distance of 30.18 feet, more or less, to a point of tangent on the westerly edge of said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way, S34°46'00"W, more or less, a distance of 496.97 feet, more or less to a point of curvature on said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northwesterly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 151.11 feet, a delta of 91°35'13", an arc length of 241.55 feet, a chord bearing of S80°36'45"W, more or less, and a chord distance of 216.64 feet, more or less, to a point of tangent along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, N53°37'38"W, more or less, a



distance of 69.36 feet, more or less, to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way and curving to the left on a curve with a radius of 230.00 feet, a delta of  $04^{\circ}41'57''$ , an arc length of 18.86 feet, a chord bearing of  $N56^{\circ}09'17''W$ , more or less and a chord distance of 18.86 feet, more or less, to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, as shown on the plat filed September 22, 2004 and recorded in Plat Book 32 on page 94, and curving to the left on a curve with a radius of 230.00 feet, a delta of  $16^{\circ}30'34''$ , an arc length of 66.27 feet, a chord bearing of  $N66^{\circ}39'30''W$ , more or less and a chord distance of 66.04 feet, more or less to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point also being the southeast corner of Lot 16 of Block 10 of Fairway Hills PRD, as shown on the aforementioned plat, said point being marked by a rebar with survey cap number 6565; thence, northeasterly along the easterly line of said Lot 16 in Block 10 of Fairway Hills PRD,  $N14^{\circ}38'21''E$ , more or less, a distance of 102.58 feet, more or less, to the northeast corner of said Lot 16, said corner being coincident with the southeast corner of Lot 15 of Block 10 of Fairway Hills PRD, and said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the easterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD,  $N14^{\circ}38'21''E$ , more or less, a distance of 83.44 feet, more or less to a point on the easterly lot line of said Lot 15, said point being marked by a rebar with survey cap number 6565; thence, northwesterly along the northeasterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD,  $N25^{\circ}09'50''W$ , more or less, a distance of 132.38 feet, more or less to the northerly corner of said Lot 15, said corner being coincident with the northeast corner of Lot 14 of Block 10 of Fairway Hills PRD and also coincident with the southeast corner of Lot 3B of Fairway Hills PRD, as shown on the plat filed July 9, 1980 and filed in plat Book 17, Page 189, and also coincident with the westerly lot line of Lot 3A of Fairway Hills PRD, as shown on the plat filed November 21, 1979 and recorded in Plat Book 17 on Page 132, said corner being marked by a rebar with survey cap number 1019; thence, northeasterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD,  $N17^{\circ}55'58''E$ , more or less, a distance of 191.15 feet, more or less, to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being marked by a rebar with survey cap number 6565; thence, northwesterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD,  $N20^{\circ}01'18''W$ , more or less, a distance of 326.69 feet, more or less to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being coincident with the southwest corner of Lot H1 of Lot 3A of Fairway Hills PRD as shown on the plat filed on August 30, 1991 and recorded in Book 8 of Highway Plats on Page 39, said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the southerly line of said Lot H1 of Lot 3A of Fairway Hills PRD,  $N57^{\circ}02'43''E$ , more or less, a distance of 77.75 feet, more or less, to the southeasterly corner of said Lot H1 of Lot 3A, said point also being located on the northeasterly lot line of said Lot 3A of Fairway Hills PRD and also on the southwesterly line of Lot 2 of Fairway Hills PRD, as shown on the plat filed on November 30, 1977 and recorded in Plat Book 15 of Page 215; said corner



being marked by a rebar with survey cap number 6565; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwesterly line of said Lot 2 of Fairway Hills PRD, S22°24'27"E, more or less, a distance of 100.94 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 3095; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwesterly line of said Lot 2 of Fairway Hills PRD, S40°29'56"E, more or less, a distance of 133.62 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 1019; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southerly line of said Lot 2 of Fairway Hills PRD, South 76 degrees 54 minutes 53 seconds East, more or less, a distance of 221.11 feet, more or less, to a point on the northeasterly lot line of said Lot 3A, said point being coincident with the southeast corner of said Lot 2 of Fairway Hills PRD and also coincident with the westerly line of Lot 30 of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and recorded in Plat Book 19 on page 124, said point being marked by a rebar with survey cap number 1019; thence, southerly along the easterly line of said Lot 3A of Fairway Hills PRD and along the westerly line of said Lot 30 of Fairway Hills PRD, S08°05'24"E, more or less, a distance of 102.89 feet, more or less, to a point on the easterly line of said Lot 3A, said point being coincident with the southwest corner of said Lot 30, said point being marked by a rebar with survey cap number 3095; thence, northeasterly along the southerly line of said Lot 30 of Fairway Hills PRD, N76°46'01"E, more or less, a distance of 105.59 feet, more or less to the southeast corner of said Lot 30, said corner also being coincident with the southwesterly corner of Lot 29R of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and filed in Page Book 19 and Page 124, said corner being marked by a rebar with survey cap number 3095; thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, N76°42'20"E, more or less, a distance of 161.03 feet, more or less, to a point on the southerly lot line of said Lot 29R, said point being marked by a rebar with survey cap 3095; thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, N87°22'22"E, more or less, a distance of 66.97 feet, more or less, to the point of beginning. Said tract of land contains 8.00 acres, more or less, more generally described as being located on Fairway Hills Drive.

Tegethoff presented the Major Amendment to a Planned Residential Development request. Tegethoff stated that the applicant has met with the adjacent property owners. Tegethoff stated that staff's recommendation is the Major Amendment request be approved with stipulations.

Carol Murphy, area resident, expressed concerns with existing water pressure on adjacent developments from the subject property.

In response to Anderson's question, Elkins stated that an agreement has been completed to provide a separate high pressure/low pressure water line to improve the water flow to the subject property.

Nancy Christensen, area resident, expressed concerns with the height of the





structures on the proposed development. Christensen requested that the Major Amendment request be denied. Discussion followed.

In response to Hennies' question, Elkins stated that the subject property was designated for apartments. Discussion followed.

Janelle Fink, Fisk Land Surveying, stated that the applicant has met with adjacent property owners as directed by the Planning Commission. Fisk stated that the use is a permitted use in the current zoning district. Fisk reviewed the topography of the subject property and locations and heights of the proposed structures on the development. Fink requested Planning Commission's approval of the Major Amendment request.

**Landguth moved, Hennies seconded and unanimously carried to approve the Major Amendment to the Fairway Hills Planned Residential Development Plan with the following stipulations:**

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
- 3. Prior to issuance of a Building Permit, a Final Plat shall be reviewed and approved reconfiguring the two lots as shown on the site plan;**
- 4. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Major Amendment to the Planned Residential Development Plan;**
- 5. The increase in building height from 35 feet to 37.5 feet for Buildings 1 and 3, from 35 feet to 38.5 feet for Building 2, and from 35 feet to 41 feet for Building 4 is hereby authorized and any additional increase in building height shall require a Major Amendment to the Planned Residential Development;**
- 6. The installation of a basketball court is hereby authorized and any future fence for the basketball court would require a Minimal Amendment, and any fence over six feet in height would require a fence height exception and a building permit;**
- 7. The lighting plan shall continually comply with all requirements of the Rapid City Municipal Code and the approved lighting plan;**
- 8. Prior to Planning Commission approval, a sign package shall be submitted for review and approval showing any signage provided or a Major Amendment to the Planned Residential Development must be obtained for any signage;**
- 9. A minimum of 192 parking spaces shall be provided with six handicap accessible spaces. One of the handicap spaces shall be "van" accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
- 10. A minimum of 152,946 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 11. Each air handling unit shall not exceed four ton in size. In addition,**



the air handling equipment shall be screened either with an opaque screening fence or a landscaping screen consisting of evergreen plant material and maintained in a live vegetative state and replaced as necessary;

12. The dumpsters shall be screened with an opaque screening fence or located within the structure(s);
13. All International Fire Codes shall be met;
14. Prior to issuance of a building permit, the applicant shall submit detention pond outlet details and riprap calculations;
15. Prior to issuance of a building permit, the applicant shall submit plan and profile sheets for water and sanitary sewer and water information and analysis demonstrating sufficient quantities for domestic and fire flows;
16. Prior to issuance of a building permit, the applicant shall submit a revised site plan showing the location of a pedestrian cross walk for review and approval;
17. Prior to Planning Commission approval, an elevation of the parking structure shall be submitted for review and approval;
18. The subject property shall be used as a 96 unit condominium complex with parking as an accessory use to the complex. Any other use shall require a Major Amendment to the Fairway Hills Planned Residential Development Plan; and,
19. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years. (6 to 0 with Anderson, Brewer, Fast Wolf, Hennies, Landguth and Waltman voting yes and none voting no)

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

38. Discussion Items

Crime Statistics on 12<sup>th</sup> and Saint Joseph Street.

**Hennies moved, Waltman seconded and unanimously carried to continue the Crime Statistics on 12<sup>th</sup> and Saint Joseph Street to a future Planning Commission meeting. (6 to 0 with Anderson, Brewer, Fast Wolf, Hennies, Landguth, and Waltman voting yes and none voting no)**

39. Staff Items

Elkins introduced Rodney Proffitt the new Community Planning Coordinator to the Planning Commission.



40. Planning Commission Items

**There being no further business, Landguth moved, Waltman seconded and unanimously carried to adjourn the meeting at 9:00 a.m. (6 to 0 with Anderson, Brewer, Fast Wolf, Hennies, Landguth, and Waltman voting yes and none voting no)**