



MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
November 9, 2006

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Barb Collins, Mike Derby, Julie Gregg, Thomas Hennies, Dennis Landguth, Mike LeMay, and Karen Waltman. Deb Hadcock, Council Liaison was also present

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

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

Brown introduced Barb Collins and Mike Derby as new members to the Planning Commission.

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

**Staff requested that Items 15 and 22 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Brewer requested that Items 24 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**A member of the audience requested that Item 15 and 16 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Motion by Hennies, Seconded by Collins and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 28 in accordance with the staff recommendations with the exception of Items 15, 16, 22 and 24. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

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

1. Approval of the October 26, 2006 Planning Commission Meeting Minutes.
2. 06TP027 – 2007 Unified Planning Work Program – Final Report

**Planning Commission recommended approval of the Final 2007 Unified Planning Work Program.**

3. 06TP028 – 2007-2011 Transportation Improvement Program Amendment No. 07-004

**Planning Commission recommended approval of the 2007-2011 Transportation Improvement Program Amendment #7-004.**

4. 06TP029 – 2007-2011 Transportation Improvement Program Amendment No. 07-005

**Planning Commission recommended approval of the 2007-2011 Transportation Improvement Program Amendment #7-005.**

5. 06TP030 – 2007-2011 Transportation Improvement Program Amendment No. 07-006

**Planning Commission recommended approval of the 2007-2011 Transportation Improvement Program Amendment #7-006.**

6. 06TP031 – 2007-2011 Transportation Improvement Program Amendment No. 07-007

**Planning Commission recommended approval of the 2007-2011 Transportation Improvement Program Amendment #7-007.**

7. 06TP032 – 2007-2011 Transportation Improvement Program Amendment No. 07-008

**Planning Commission recommended recommends approval of the 2007-2011 Transportation Improvement Program Amendment #7-008.**

8. 06TP033 – 2007-2011 Transportation Improvement Program Amendment No. 07-009

**Planning Commission recommended approval of the 2007-2011 Transportation Improvement Program Amendment #7-009.**

9. 06TP034 – 2007-2011 Transportation Improvement Program Amendment No. 07-010

**Planning Commission recommended approval of the 2007-2011 Transportation Improvement Program Amendment #7-010.**

10. No. 06AN004 - Elysian Heights Subdivision

A request by Fisk Land Surveying & Consulting for Harley Taylor to consider an application for a **Petition for Annexation** on a parcel of land located in the N½ SW¼ of Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N½ SW¼ of said Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said

point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision,  $S00^{\circ}00'48''E$ , a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3, of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision,  $S00^{\circ}03'36''W$ , a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision,  $S32^{\circ}53'42''W$ , a distance of 67.03 feet more or less, to the westerly corner of said Lot 11 of Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision,  $S32^{\circ}58'25''W$ , a distance of 65.94 feet more or less, to the northwest corner of said Lot 12 in Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence,  $S90^{\circ}00'00''W$ , a distance of 704.97 feet more or less; thence,  $N90^{\circ}00'00''W$ , a distance of 747.30 feet more or less; thence,  $N69^{\circ}00'53''W$ , a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of  $02^{\circ}26'04''$ , an arc length of 20.92 feet more or less, and a chord bearing of  $S25^{\circ}13'48''W$ , and a chord distance of 20.91 feet, more or less; thence,  $N63^{\circ}33'10''W$ , a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of  $09^{\circ}44'59''$ , an arc length of 66.75 feet more or less, and a chord bearing of  $N21^{\circ}34'20''E$ , and a chord distance of 66.67 feet, more or less; thence,  $S83^{\circ}00'00''W$ , a distance of 363.67 feet more or less; thence,  $S04^{\circ}41'43''E$ , a distance of 202.00 feet more or less; thence,  $S35^{\circ}35'41''W$ , a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence,  $S89^{\circ}47'34''W$ , a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line,  $N00^{\circ}12'26''W$ , a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177),  $N89^{\circ}47'51''E$ , a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot One (1) of Block Five (5) of Westview Estates,  $N89^{\circ}46'54''E$ , a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-

quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89°51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89°48'06"E, a distance of 130.02 feet more or less, to the point of beginning, more generally described as being located at the southern terminus of Carriage Hills Drive.

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

11. No. 06CA031 - Boulevard Addition  
A request by Lise A. Balk-King, Robert E. Hurlbut, Ken Hunter, Bryan Sykora, Phil Spizzirri, Virginia S. Clark and Les Odegaard to consider an application for an **Summary of Adoption Action on an Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development** on Lots 19 thru 24, Block 3; Lots 1 thru 4, 21 thru 24, Block 4, Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of St. Joseph Street between 12th Street and West Boulevard.

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

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

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

**Planning Commission recommended that the Preliminary Plat be continued to the November 22, 2006 Planning Commission meeting.**

13. No. 06PL108 - Madison's Subdivision

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

**Planning Commission recommended that the Preliminary Plat be continued to the November 22, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

14. No. 06PL123 - Cambell Square Addition

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

**Planning Commission recommended that the Layout Plat be continued to the November 22, 2006 Planning Commission meeting to allow the applicant to submit the required information.**

17. No. 06PL168 - Long Acre Square Subdivision

A request by Jean-Francois and Michelle Julien to consider an application for a **Layout Plat** on Lots 6A and 6B, Long Acres Square Subdivision, formerly Lot 6, except the west 91.5 feet, Long Acre Square Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 6, except the west 91.5 feet, Long Acre Square Subdivision, Section 8, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 2111 South Valley Drive.

**Planning Commission recommended that the Layout Plat be approved with**

**the following stipulations:**

- 1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;**
- 2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Perrine Drainage Basin Design Plan shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed pre-developed flows. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 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. In addition, 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, a water system analysis shall be submitted demonstrating that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;**
- 7. Upon submittal of a Preliminary Plat, road construction plans for S. Valley Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of five additional feet of right-of-way or a Variance to the Subdivision Regulations shall be obtained;**
- 8. Upon submittal of a Preliminary Plat, road construction plans for Long Acre Drive shall be submitted for review and approval. In particular, the road construction plans shall show the street located**

- in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 4.5 additional feet of right-of-way or a Variance to the Subdivision Regulations shall be obtained;
9. 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;
  10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  11. Prior to submittal of a Final Plat application, the shed(s) shall be relocated to provide the minimum required setback(s) as per the Pennington County Zoning Ordinance. In addition, upon dedication of the additional right-of-way for Long View Drive and S. Valley Drive, Variances shall be obtained as needed to reduce the setback(s) for the existing single family residence and attached garage or the minimum required setback(s) shall be provided;
  12. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal, or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1, or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;
  13. 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; and,
  14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
18. No. 06PL169 – Oliver Subdivision  
A request by Boschee Engineering for Dr. Don Oliver to consider an application for a **Preliminary Plat** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Wilderness Canyon Road and 47th Avenue West.



**Planning Commission recommended that the Preliminary Plat be continued to the November 22, 2006 Planning Commission meeting at the applicant's request.**

19. No. 06PL170 - Brentwood Subdivision

A request by Fisk Land Surveying & Consulting, Inc. for Brent Pushing to consider an application for a **Preliminary Plat** on Lots 1 thru 4, Brentwood Subdivision, located in the S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4; SW1/4 SE1/4 SE1/4, Section 25, T1N, R6E, BHM, Pennington County, South Dakota, legally described as S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4; SW1/4 SE1/4 SE1/4, Section 25, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located western terminus of Sun Ridge Road.

**Planning Commission recommended that the Preliminary Plat be continued to the November 22, 2006 Planning Commission meeting to allow the applicant to submit the required information.**

20. No. 06PL171 - Elysian Heights Subdivision

A request by Fisk Land Surveying for Harley Taylor to consider an application for a **Preliminary Plat** on Lots 1 thru 8, Elysian Heights Subdivision and the dedicated Right-of-way, located in the N1/2 SW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the N½ SW¼ of Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N½ SW¼ of said Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00°00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3, of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00°03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32°53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11 of Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence,





southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision,  $S32^{\circ}58'25''W$ , a distance of 65.94 feet more or less, to the northwest corner of said Lot 12 in Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence,  $S90^{\circ}00'00''W$ , a distance of 704.97 feet more or less; thence, North, a distance of 747.30 feet more or less; thence,  $N69^{\circ}00'53''W$ , a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of  $02^{\circ}26'04''$ , an arc length of 20.92 feet more or less, and a chord bearing of  $S25^{\circ}13'48''W$ , and a chord distance of 20.91 feet, more or less; thence,  $N63^{\circ}33'10''W$ , a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of  $09^{\circ}44'59''$ , an arc length of 66.75 feet more or less, and a chord bearing of  $N21^{\circ}34'20''E$ , and a chord distance of 66.67 feet, more or less; thence,  $S83^{\circ}00'00''W$ , a distance of 363.67 feet more or less; thence,  $S04^{\circ}41'43''E$ , a distance of 202.00 feet more or less; thence,  $S35^{\circ}35'41''W$ , a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence,  $S89^{\circ}47'34''W$ , a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line,  $N00^{\circ}12'26''W$ , a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177),  $N89^{\circ}47'51''E$ , a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot One (1) of Block Five (5) of Westview Estates,  $N89^{\circ}46'54''E$ , a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way,  $N89^{\circ}51'26''E$ , a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates,  $N89^{\circ}50'31''E$ , a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates,  $N89^{\circ}48'02''E$ , a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates,  $N89^{\circ}52'45''E$ , a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS

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

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

- 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, all construction plans and final Engineering Reports shall be sealed by a Registered Professional Engineer;**
- 3. Prior to Preliminary Plat approval by the City Council, a drainage plan in compliance with the Arrowhead Drainage Basin Design Plan shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed pre-developed flows. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 4. Prior to Preliminary Plat approval by the City Council, a water system analysis prepared by a Registered Professional Engineer shall be submitted for review and approval verifying that sufficient quantities for domestic and fire flows are being provided. If it is determined that the water main along Carriage Hills Drive shall be oversized to serve future development within the area, then a request for reimbursement of the oversize cost(s) shall be submitted to City Council for review and approval. In addition, the construction plans shall be revised accordingly;**
- 5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Lot 1 as it abuts Carriage Hills Drive and the first 50 feet of all corner lot(s) or an Exception to the Street Design Criteria Manual shall be obtained;**
- 6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show an eight foot wide utility and minor drainage**

**easement along the interior sides of all lot lines, including Lots 1 and 2 or a Variance to the Subdivision Regulations shall be obtained;**

- 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the subdivision name as Elysian Heights Subdivision in lieu of Davis Subdivision within the utility and drainage easement note;**
- 9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
- 10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

21. No. 06SR052 - Elks Meadows Subdivision

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

**Planning Commission recommended that the SDCL 11-6-19 Review to allow for construction of a city park be continued to the November 22, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.**

23. No. 06SR066 - McMahon Subdivision

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

**Planning Commission recommended that the SDCL 11-6-19 Review to allow the donation of park land be approved.**

25. No. 06SR072 - Section 5, T1N, R8E

A request by Baffuto Architectura for Kim Morey, Western Dakota Technical Institute to consider an application for an **11-6-19 SDCL Review to construct a building on public property** on Tract B of the E1/2 SE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1600 Sedivy Lane.

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

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. All red line comments must be addressed and the red lined drawings must be returned prior to issuance of a building permit;**
- 3. Fire hydrants shall be in place and operational prior to building**

- construction; and,**  
4. **All applicable provisions of the International Fire Code shall be continually met.**

26. No. 06VE027 - Countryside South Subdivision

A request by Kenneth N. and Helen W. Han to consider an application for a **Vacation of a Note on a Plat** on Lot 33, Block 3, Countryside South Subdivision, Section 32, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5499 Blue Stem Court.

**Planning Commission recommended that the Vacation of a Note on a Plat be approved.**

27. No. 06VE028 - Stonehanks Subdivision

A request by Fisk Land Surveying for Richard Gary and Cory Michael Lundstrom to consider an application for a **Vacation of Note on a Plat** on Lot 3, Stonehanks Subdivision, located in the SW1/4 SE1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2525 West Chicago Street.

**Planning Commission recommended that the Vacation of Note on a Plat be approved.**

28. No. 06VE029 - Stonehanks Subdivision

A request by Fisk Land Surveying for Richard Gary and Cory Michael Lundstrom to consider an application for a **Vacation of an Easement** on Lot 3, Stonehanks Subdivision, located in the SW1/4 SE1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2525 West Chicago Street.

**Planning Commission recommended that the Vacation of Easement for an “Emergency Vehicle Easement” be approved with the following stipulations:**

1. **Prior to City Council approval, Exhibit “A”, the revised location for the Emergency Vehicle Easement, shall be noted on the exhibit as an easement; and,**
2. **Prior to City Council approval, Exhibit “A”, the revised location for the Emergency Vehicle Easement, shall be recorded with the Register of Deeds.**

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

15. 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.

Gary Renner, representing Jim Baily expressed his concerns with phasing development of the subject property and the negative impact to the adjacent property owner. Renner expressed his opinion that there is no guarantee to the City that the minor arterial street will be constructed as development progresses.

In response to LeMay's questions, Elkins stated that anything over a three lane collector street would be the City's responsibility. Discussion followed.

Lengthy discussion followed with regard to phasing and construction obligations of the minor arterial street.

Ted Schultz, CETEC Engineering representing the applicant, identified the phasing of the proposed development. Schultz advised that meetings have been held with the City and the adjacent property owner.

In response to Anderson's questions, Schultz reviewed the sequence of the proposed phases on the subject property. Discussion followed.

In response to Hennies' question, Schultz reviewed conversations with the adjacent property owner.

In response to Waltman's question, Schultz advised that there is no time frame in place for completion of development of Phases II and III. Discussion followed.

Frank Simpson, expressed his opinion that requiring the applicant to plat Phase I and I concurrently would make the proposed development cost prohibitive.

Jim Baily, adjacent land owner, stated that he has had limited conversations with CETEC Engineering and the applicant. Discussion followed.

Elkins cautioned the Planning Commissioners with regard to changing the long standing policy on phased platting without significant opportunity for input from the development community.

**Anderson moved, Hennies seconded and carried to recommend that the Layout Plat be continued to the November 22, 2006 Planning Commission meeting. (Roll Call Vote: 6 to 4 with Anderson, Brewer, Derby, Hennies, LeMay and Waltman voting yes and Brown, Collins, Hennies and Landguth voting no.)**

16. No. 06PL161 - Arrowhead Vista Subdivision

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

Michelle Schweitzer, Dream Design International requested that the staff's review be completed prior to the November 22, 2006 Planning Commission meeting.

Elkins stated that staff can complete their review only if the applicant addresses access to the adjacent property. Discussion followed.

**Hennies moved, Brewer seconded and unanimously carried to recommend that the Layout Plat be continued to the November 22, 2006 Planning Commission meeting to allow the applicant to submit the required information. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

22. 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.

Elkins stated that staff recommends that the SDCL 11-6-19 Review be approved.

**Brewer moved, Hennies seconded and unanimously carried to approve the**

**SDCL 11-6-19 Review to allow the construction of Cheyenne Boulevard. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

24. No. 06SR069 - Original Town of Rapid City

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

**Brewer moved, Hennies seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the remodel and construction of the Dahl Fine Arts Center. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

**Brown announced that the Public Hearings on Items 29 through 65 were opened.**

**Staff requested that Items 33, 37, 41, 47, 54, 63 and 64 be removed from the Hearing Consent Agenda for separate consideration.**

**Waltman requested that Item 30 be removed from the Hearing Consent Agenda for separate consideration.**

**Hennies moved, Waltman seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 29 through 65 in accordance with the staff recommendations with the exception of Items 30, 33, 37, 41, 47, 54, 63 and 64. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

**The Public Hearings for Items 29 through 65 were closed.**

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

29. 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 December 7, 2006 Planning**

**Commission meeting.**

31. No. 06CA034 - Section 22, T2N, R7E

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial with a Planned Light Industrial Development** on Lot B of the W1/2 SW1/4, less Lot H1; and Lot Y of Lot H2 of the SW1/4 less Lot H1 and H2, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Deadwood Avenue and Interstate 90.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial with a Planned Light Industrial Development be approved.**

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

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

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be approved.**

34. No. 06CA037 - Skyline Village Subdivision

A request by CETEC Engineering Services, Inc. for Generations, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land Use Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Office Commercial with a Planned Unit Development** on the East 1/2 of the South 495' of NE1/4 SE1/4; and the East 1/2 of the SE1/4 SE1/4, Unplatted, less Lot 1 of the Bendert Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land**



**Use Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Office Commercial with a Planned Unit Development be approved.**

35. No. 06CA038 - Skyline Village Subdivision

A request by CETEC Engineering Services, Inc. for Generations, Inc. to consider an application for an **Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land Use Plan to change the land use designation from a Planned Residential Development with four dwelling units per acre to Office Commercial with a Planned Unit Development** on the west 1/2 of the SE1/4 SE1/4, Section 22, Unplatted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land Use Plan to change the land use designation from a Planned Residential Development with four dwelling units per acre to Office Commercial with a Planned Unit Development be approved.**

36. No. 06CA039 - Skyline Village Subdivision

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

**Planning Commission recommended that the Amendment to the Comprehensive Plan to amend the Major Street Plan to relocate a collector street be approved.**

38. No. 06CA043 - New Park Subdivision

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

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the future land use designation from Park Forest to Low Density Residential with a Planned Residential Development be approved.**

39. No. 06CA044 - McMahon Subdivision

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

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from Residential to Public be approved.**

40. No. 06CA045 - Vista Lake Subdivision No. 2

A request by John Skulborstad to consider an application for an **Amendment to the Comprehensive Plan to change the Long Range Plan from Public District to Office Commercial with a Planned Commercial Development** on Lot 1, Vista Lake Subdivision No. 2, located in the NE1/4 SW1/4 and the N1/2 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4600 Jackson Boulevard.

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the Long Range Future Land Use Plan from Public District to Office Commercial with a Planned Commercial Development be approved.**

42. No. 06PD070 - Section 4, T1N, R7E

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

**Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the November 22, 2006 Planning Commission meeting to allow the applicant to submit additional information and to revise the site plan to comply with the Rapid City Municipal Code.**

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

43. No. 06PD071 - McMahon Subdivision and New Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1 and 2, Tract A; and Lots 1 thru 7, Tract B, McMahon Subdivision; Lots 1 thru 6 of Tract A, Lots 7 and 8 of Tract B, all of Lot 1 of New Park Subdivision,

located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and south of Kathryn Avenue.

**Planning Commission approved the Planned Residential Development - Initial and Final Development Plan with the following stipulations:**

1. **Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the structures;**
2. **A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. Any additional reductions in the minimum required setbacks shall require a Major Amendment to the Planned Residential Development;;**
3. **The proposed structures shall conform architecturally to the plans and elevations submitted;**
4. **All International Fire Codes shall be continually met;**
5. **All driveways shall be constructed as per Section 8.2.7 and Figure 8-5 of the Street Design Criteria Manual;**
6. **The Planned Residential Development – Initial and Final Development Plan is not effective until such time as the rezoning from Public District to Low Density Residential District is effective (06RZ053); and,**
7. **The Planned Residential Development shall allow 17 single family residences. Any change in use shall require a Major Amendment. In addition, 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.***

44. No. 06PD073 - Cottonwoods Subdivision

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

**Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the November 22, 2006 Planning Commission meeting to allow the applicant to submit additional information and to revise the site plan to comply with the minimum**

requirements of the Rapid City Municipal Code.

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

45. No. 06PD078 - Section 19, T1N, R8E

A request by Ken Anderson for First Evangelical Free Church to consider an application for a **Planned Residential Development - Initial Development** on a parcel of land in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as follows: commencing from the southern southwest level corner of Lot 18, Block 3, Gemstone Subdivision, a rebar with red plastic cap marked "Hanson #6251", thence S00°07'54"W a distance of 52.00 feet to a rebar with a red plastic camp marked "Hanson #6251" and the point of beginning, thence S45°06'20"W a distance of 13.87 feet to a rebar with red plastic cap marked "Hanson #6251" thence S00°07'54"W a distance of 236.01 feet to the PC of a Right-Hand curve with a radius of 638.00 feet, a central angle of 17°07'32" and an arc length of 190.70 feet to a point, thence S89°52'02"E a distance of 626.63 feet to a point, thence N00°07'54"E a distance of 428.69 feet to a point, thence N44°52'04"W a distance of 7.07 feet to a point, thence N89°52'02"W a distance of 583.54 feet to the point of beginning, said parcel containing 5.9961 acres more or less, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sandra Lane and Parkview Drive.

**Planning Commission approved the Planned Residential Development - Initial and Final Development Plan with the following stipulations:**

1. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **All plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A;**
3. **An air quality permit shall be obtained prior to any construction;**
4. **Upon submittal of a Final Development Plan, the applicant shall submit building elevations meeting all the building height requirements as per Section 17.12.060 and Section 17.50.260 (C) of the Rapid City Municipal Code;**
5. **Prior to Planning Commission approval of a Final Development Plan, a sign package shall be submitted showing all signage proposed or a Major Amendment to the Planned Residential Development must be obtained;**
6. **Upon submittal of a Final Development Plan, a revised parking plan shall be submitted for review and approval meeting all the requirements of Section 17.50.270;**
7. **Upon submittal of a Final Development Plan, a lighting package shall be submitted showing all lighting provided is arranged so as to provide security and to reflect light toward the parking areas;**
8. **Upon submittal of a Final Development, a landscape plan must be**

- submitted for review and approval;
9. Upon submittal of a Final Development Plan, a revised site plan shall be submitted for review and approval that provides screening for the loading area and the location and screening of dumpsters and exterior air handling units;
  10. Upon submittal of a Final Development Plan, a revised site plan must be submitted showing the location of hydrants and a minimum 20 foot wide access aisle along the north side of the structure for review and approval;
  11. All applicable provisions of the International Fire Code shall be continually met and the structure shall be fully fire sprinkled and fire alarmed/detected;
  12. Upon submittal of a Final Development Plan, a drainage and grading plan shall be submitted for review and approval;
  13. Upon submittal of a Final Development Plan, the applicant shall submit water and sewer plans identifying the size and location of all service and fire lines. In addition, the applicant shall demonstrate that adequate domestic and fire flows are provided;
  14. Prior to Planning Commission approval of a Final Development Plan, a Final Plat for the subject property shall be approved and recorded at the Pennington County Register of Deeds office; and,
  15. Upon submittal of a Final Development Plan, elevations must be submitted for review and approval indicating building materials and colors.

***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.***

46. No. 06PD085 - Professional Plaza Subdivision  
A request by Centerline, Inc. for CSU Properties, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 1, Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 550 North Fifth Street.

**Planning Commission continued the Major Amendment to a Planned Commercial Development to the November 22, 2006 Planning Commission to allow the applicant to submit additional information.**

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

48. No. 06RZ038 - McMahon Subdivision

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

**Planning Commission recommended that the Rezoning from Medium Density Residential to Public be approved in conjunction with the associated Amendment to the Comprehensive Plan.**

49. No. 06RZ039 - Elysian Heights Subdivision

A request by Fisk Land Surveying & Consulting for Harley Taylor to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the N $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N $\frac{1}{2}$  SW $\frac{1}{4}$  of said Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00°00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3, of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00°03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 of Block 3 of Wildwood Subdivision, S32°53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11 of Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32°58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12 in Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90°00'00"W, a distance of 704.97 feet more or less; thence, North, a distance of 747.30 feet more or less; thence, N69°00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 02°26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25°13'48"W, and a chord distance of 20.91 feet, more or less;

thence, N63°33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 09°44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21°34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83°00'00"W, a distance of 363.67 feet more or less; thence, S04°41'43"E, a distance of 202.00 feet more or less; thence, S35°35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89°47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00°12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89°47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot One (1) of Block Five (5) of Westview Estates, N89°46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89°51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89°48'06"E, a distance of 130.02 feet more or less, to the

point of beginning, more generally described as being located at the southern terminus of Carriage Hills Drive.

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

50. No. 06RZ041 - Section 26, T1N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on a parcel of land located in the NE1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, SE1/4 SE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Tartan Court and Catron Boulevard.

**Planning Commission recommended that the Rezoning from No Use District to General Agriculture District be approved.**

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

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

**Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved in conjunction with the associated Amendment to the Comprehensive Plan and the Planned Development Designation.**

52. No. 06RZ043 - Section 22, T2N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Light Industrial District** on Lot B of the W1/2 SW1/4, less Lot H1; and Lot Y of Lot H2 of the SW1/4 less Lot H1 and H2, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Deadwood Avenue and Interstate 90.

**Planning Commission recommended that the Rezoning from No Use District to Light Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Development Designation.**

53. No. 06RZ044 - Sections 22, 23, 26 and 27, T2N, R7E



A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on SW1/4 NW1/4, W1/2 SW1/4, Section 23, T2N, R7E; W1/2 NW1/4 lying North of Interstate 90, Section 26, T2N, R7E; the unplatted portion of N1/2 lying north of Interstate 90, Section 27, T2N, R7E; and, all of Section 22 lying north of Interstate 90 less Lot 1 thru 3 of R & L Subdivision and less Lot 1R Revised and Lot 2R Revised of Summit Industrial Park, all located in Section 22; and less Lot B of W1/2SW1/4 less Lot H1 and Lot Y of Lot H2 of SW1/4 less Lot H1 and Less Lot H2, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and less E1/2, SE1/4 SE1/4, SW1/4 SW1/4; SW1/4 SW1/4, SE1/4 SW1/4; W1/2 SE1/4, SW1/4 SE1/4 SW1/4; S1/2 NW1/4, SW1/4 SE1/4 SW1/4; SW1/4 NE1/4, SW1/4 SE1/4 SW1/4; All less R & L Subdivision, less a strip of land 80' wide adjacent and parallel to SE line of Lot 3, R & L Subdivision, less a strip of land 100' wide adjacent and parallel to north boundary of I-90 and less ROW, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Deadwood Avenue and Interstate 90.

**Planning Commission recommended that the Rezoning from No Use District to General Agriculture District be approved.**

55. No. 06RZ053 - New Park Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Public District to Low Density Residential District** on Lots 1 thru 6, Tract A, Lots 7 and 8, Tract B, all of Lot 1 of New Park Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and South of Kathryn Avenue.

**Planning Commission recommended that the Rezoning from Public District to Low Density Residential District be approved.**

56. No. 06RZ054 - Canyon Park Estates

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on Lot 1, Tract K-1, Canyon Park Estates, Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5740 West Highway 44.

**Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the November 22, 2006 Planning Commission meeting to be heard in conjunction with the Comprehensive Plan Amendment.**

57. No. 06RZ055 - Skyline Village Subdivision

A request by CETEC Engineering Services, Inc. for Generations, Inc. to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on the south 495 feet of the NE1/4 SE1/4, less Lot 1 of Bendert Subdivision; and the SE1/4 SE1/4 of Section 22, Unplatted, T1N, R7E,

BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16.

**Planning Commission recommended that the Rezoning from General Agriculture District to Office Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment(s) to the U.S. Highway 16 Area Future Land Use Plan.**

58. No. 06RZ056 - Section 26, T1N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on the unplatted balance of the NW1/4 NE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and east of U.S. Highway 16.

**Planning Commission recommended that the Rezoning from No Use District to General Agriculture District be approved.**

59. No. 06RZ057 - Vista Lake Subdivision No. 2

A request by John Skulborstad to consider an application for a **Rezoning from Park Forest District to Office Commercial District** on Lot 1, Vista Lake Subdivision No. 2, located in the NE1/4 SW1/4 and the N1/2 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4600 Jackson Boulevard.

**Planning Commission recommended that the Rezoning request from Park Forest District to Office Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment to the Long Range Future Land Use Plan.**

60. No. 06RZ059 - Springbrook Acres

A request by John Diedrichs and Kirk Wermager to consider an application for a **Rezoning from Park Forest District to Low Density Residential District** on Lot 1R of Tract B; Lot 2R2 of Tract B; Woodford Dr., a private drive and utility easement; all located in Springbrook Acres, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Golden Eagle Drive.

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

61. No. 06SV065 - Arrowhead Vista Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on the north 389.4 feet of Tract C, located in the NW1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City,

Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sunset Vista Road and Sheridan Lake Road.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the November 22, 2006 Planning Commission Meeting to allow the Variance to the Subdivision Regulations to be heard in conjunction with the Layout Plat.**

62. No. 06SV066 – Oliver Subdivision

A request by Boschee Engineering for Dr. Don Oliver 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, pavement; and to allow 10 foot wide dirt road to serve as access to Lot 1 and to allow Wilderness Canyon Road to remain a 24 foot paved street with water as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 3, Block 1, Oliver Subdivision, located in the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Wilderness Canyon Road and 47th Avenue West.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the Requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement along Wilderness Canyon Road and an access easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the November 22, 2006 Planning Commission meeting at the applicant's request.**

65. No. 06VR009 - O'Meara Addition

A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-Way** on Lot 2, O'Meara Addition and Lot B of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Tower Road at the intersection of Skyline Ranch Road and Tower Road.

**Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulations:**

1. **Prior to City Council approval, documentation from all affected utility companies shall be submitted indicating no objection to the vacation request; and,**
2. **Prior to City Council approval, a utility easement for that portion of right-of-way to be vacated shall be recorded at the Register of Deed's Office.**

---END OF HEARING CONSENT CALENDAR---

30. No. 06CA028 - Rushmore Crossing

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

South Dakota; DESCRIPTION No. 9: A portion of the unplatted portion of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 10: the unplatted portion of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 30, lying south of Lot H1, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 11: the unplatted portion of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 12: the unplatted portion of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  and excepting therefrom the N $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 30, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 13: the W $\frac{1}{2}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 29, lying north of Tract C, T2N, R8E, BHM, Pennington County, South Dakota; DESCRIPTION No. 14: the Farnwood Avenue Right of Way, located in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 30, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of I-90 between North LaCrosse Street and East North Street.

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

**Brewer moved, Hennies seconded and carried to recommend that the Amendment to the Comprehensive Plan to amend the Major Street Plan to change an arterial street to a collector, to eliminate a collector street and to relocate a collector street be continued to the November 22, 2006 Planning Commission meeting to allow the applicant to submit an updated Traffic Impact Study. (9 to 0 to 1 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth and LeMay voting yes and none voting no and Waltman abstaining)**

Elkins requested that items 33, 41 and 63 be taken concurrently.

33. No. 06CA036 - Fountain Springs Park Subdivision  
A request by CETEC Engineering Services, Inc. for Franklin O. Simpson to consider an application for an **Amendment to the Comprehensive Plan to revise the Major Street Plan to relocate a minor arterial street** on a parcel of land in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26 and the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 27, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 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 $\frac{1}{4}$ , 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 $\frac{1}{4}$ , Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81 feet along the west line of said Tract B to the Point of Beginning, more

generally described as being located south of Harmony Heights Lane.

41. No. 06PD061 - Fountain Springs Park Subdivision

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

63. No. 06SV067 - Fountain View 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 install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on a parcel of land in the NE1/4 SE1/4, Section 27, T2N, R7E; and the NW1/4 SW1/4, Section 26 T2N, R7E, less part of Tract B and less Tract C, Wesleyan Christian, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Commencing 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°09'18"W along the Right-of-Way of Harmony Heights Lane a distance of 52.00 feet to the true point of beginning, a point to become the new northeast corner of Block 4 of Fountain Springs Park Subdivision. From said point, thence S72°11'11"W along the Right-of-Way of Harmony Heights Lane a distance of 267.40 feet; thence through a curve to the right having a radius of 230.00 feet, a distance of 6.54 feet to a point; Thence S17°50'42"E, 110.21 feet; Thence S15°26'14"E, 110.10 feet; Thence S00°04'38"E, 106.70 feet to a point; Thence N89°55'22"E, 429.64 feet to a point; Thence N00°04'38"W, 166.22 feet to a point; Thence N84°29'24"W, 52.96 feet; Thence N79°46'11"W, 113.48 feet; Thence N17°50'42"W, 220 feet to the northeast corner of Block 4. Said parcel containing

2.97 acres more or less, legally described as the unplatted portion of the NE1/4 SE1/4, Section 27, T2N, R7E; and the NW1/4 SW1/4, Section 26 T2N, R7E, less part of Tract B and less Tract C, Wesleyan Christian, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive.

Elkins stated that staff recommends that the Comprehensive Plan Amendment, the Planned Residential Development and Variance requests be continued to the November 22, 2006 Planning Commission meeting.

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

**Brewer moved, Hennies seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to revise the Major Street Plan to relocate a minor arterial street, the Planned Residential Development - Initial and Final Development Plan and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along an access easement as per Chapter 16.16 of the Rapid City Municipal Code continued to the November 22, 2006 Planning Commission meeting. (9 to 0 to 1 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no and Collins abstaining)**

37. No. 06CA040 - Skyline Village Subdivision

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

Fisher stated that staff's recommendation is that the Amendment to the Comprehensive Plan be approved.

**LeMay moved, Waltman seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan by revising the U.S. Highway 16 Area Future Land Use Plan to change the land use designation from a Planned Residential Development with one dwelling unit per acre to Office Commercial with a Planned Unit Development be approved. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

47. No. 06PD087 - Knight's of Columbus Subdivision

A request by Fisk Land Surveying & Consulting for Pete Anderson, McCarthy Properties, LLC to consider an application for a **Major Amendment to a**



**Planned Commercial Development** on a parcel of land located in Block 126 of the Original Townsite of Rapid City, located in the NW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as follows: Beginning at the northwest corner of said Block 126, of the Original townsite of Rapid City, said point of being coincident with the northwest corner of Lots 16 of Block 126 and also coincident with the south right-of-way of Columbus Street, said point being marked by a mag nail in asphalt; Thence, southeasterly along the north edge of Block 126 and along the south right-of-way of Columbus Street and along the north line of Lots 16, 15, 14, 13, 12, 11, 10 and the west five feet of Lot 9, S77°34'35"E, a distance of 180.17 feet more or less to the northwest corner of the alley adjoining the west five feet of Lot 9 of Block 126, said point being marked by a mag nail in asphalt; Thence, southwesterly along the easterly line of the west five feet of said Lot 9 of Block 126 and along the westerly edge of the alley right-of-way, S12°32'24"W, a distance of 159.82 feet, more or less to the southwest corner of the intersecting alleys in Block 126, said point being located on the north line of Lot 24 of said Block 126, and said point being marked by a rebar with a survey cap "LS 7719"; Thence, continuing southwesterly in said Lot 24 of Block 126, S12°40'28"W, a distance of 9.00 feet, more or less, to a point marked by rebar with survey cap "LS 7719"; Thence, northwesterly through Lots 24, 23, 22, 21, 20, 19, 18 and 17 of Block 126, N77°36'11"W, a distance of 180.18 feet, more or less to a point on the westerly line of Lot 17 of Block 126, said point being coincident with the easterly line of Fifth Street right-of-way, and said point being marked by a mag nail in asphalt; Thence, northeasterly along the westerly line of Block 126 and along the westerly line of Lot 17, along the westerly line of the vacated alley in Block 126 and along the westerly line of Lot 16 of Block 126, and coincident with the easterly edge of Fifth Street right-of-way, N12°33'06"E, a distance of 168.90 feet, more or less to the point of beginning. Said parcel contains 0.70 acres, more or less, more generally described as being located at 910 Fifth Street.

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

Anderson left the dais at this point and approached the lectern. Anderson requested that the Planned Commercial Development be approved with a stipulation number 13 modified to include language allowing a slight variation of the color pallet.

**Brewer moved, Landguth seconded and approved the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:**

- 1. The structure shall be used for office(s). Any other use shall require a Major Amendment to the Planned Commercial Development;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. A minimum of 57,450 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;**



4. The parking requirement is hereby reduced from 69 parking spaces to 37 parking spaces. Two of the parking spaces shall be handicap accessible with one of the handicap spaces being "van accessible". Any removal of the building in whole or part or any change in use shall require that additional parking be provided as per the City's adopted Off-Street Parking Ordinance;
5. The front yard setback is hereby reduced from 25 feet to 12.4 feet for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be provided;
6. The side yard setback is hereby reduced from 25 feet to .8 feet for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot side yard setback be provided;
7. The rear yard setback is hereby reduced from 25 feet to 7.7 feet for the existing building. Any removal of the building in whole or part shall require that a minimum 25 foot rear yard setback be provided;
8. A maximum lot coverage of 44% in lieu of 35% shall be allowed. Any removal of the building in whole or part shall require that a maximum 35% lot coverage be maintained;
9. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Initial and Final Planned Commercial Development. Any additional signage shall require a Major Amendment to the Planned Commercial Development;
10. The dumpster shall be located as proposed on the site plan and shall be screened with an opaque screening fence;
11. All International Fire Codes shall be met. In particular, any change in use shall require that the building be sprinklered;
12. Prior to issuance of a building permit, the approach along 5<sup>th</sup> Street shall be widened from 16 feet to 20 feet to accommodate two way traffic or an Exception to the Street Design Criteria Manual shall be obtained; and,
13. The structure shall conform architecturally to the plans and elevations and color palette submitted or a slight variation in the color pallet as part of this Initial and Final Planned Commercial Development. (9 to 0 with Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay 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.***

54. No. 06RZ048 - Section 10, T1N, R8E  
A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on all of the dedicated right-of-way adjacent to Lot A-revised, formerly Lot A of Plat 1, located in the NW1/4 SW1/4, lying south of the Railroad right-of-way, located in the NW1/4 SW1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota,

more generally described as being located south of the intersection of East Highway 44 and Jolly Lane.

Elkins clarified that staff is recommending that the Rezoning request be continued to the November 22, 2006 Planning Commission meeting.

**Hennies moved, LeMay seconded and unanimously carried to recommend that the Rezoning be continued to the November 22, 2006 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

64. No. 06SV068 - Section 11, T1N, R7E

A request by Wyss Associates 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 as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2, located in the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Tower Road and South Highway 16.

Fisher stated that staff recommends that the Variance request be continued to the November 22, 2006 Planning Commission meeting.

**Brewer moved, Hennies seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Fairmont Boulevard be continued to the November 22, 2006 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

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

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

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

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

Elkins stated that staff recommends that the Amendment to the Comprehensive Plan request be continued to the November 22, 2006 Planning Commission meeting at the applicant's request.

**Brewer moved, Waltman seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development be continued to the November 22, 2006 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

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

A request by Sperlich Consulting, Inc. for B&T Investments to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** on a portion of the SE1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northeasterly corner of the dedicated right-of-way of Severson Street as shown in Plat Book 29 on Page 128, and the Point of Beginning; Thence, first course: easterly, along the prolongation of the northerly boundary of Lot 3 of Corral Drive Subdivision, a distance of 470.00± feet, to a point on the westerly edge of the right-of-way of Lot H1 of the SE1/4 SE1/4 of said Section 16 (westerly edge of Sheridan Lake Road Right-of-Way); Thence, second course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 370.00± feet, to

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

Elkins stated that staff recommends that the Rezoning request be continued to the November 22, 2006 Planning Commission meeting at the applicant's request.

**Brewer moved, Waltman seconded and unanimously carried to recommend that the Rezoning from Medium Density Residential District to General Commercial District be continued to the November 22, 2006 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

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

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

shown on the plat recorded in Book 10 of Highway Plats on Page 60, said point being marked by a GLO brass cap; Thence, southerly along the one-quarter section line and along the east line of said Lot 3 and the west line of Lot H-8 and the west line of said Lot 2, S00°05'16"E, a distance of 452.85 feet, more or less, to a point marked by a rebar with survey cap "RW FISK 6565"; Thence, westerly, S89°50'15"W, a distance of 1324.84 feet, more or less, to a point on the west line of said Lot 3, said point being coincident with the east line of Lot 4 (also known as Government Lot 4) and said point being marked by a rebar with survey cap "RW FISK 6565"; Thence, northerly along the west line of said Lot 3 and the east line of said Lot Four 4, N00°00'48"W, a distance of 452.85 feet, more or less, to the northwest corner of said Lot 3, coincident with the northeast corner of said Lot 4 and located on the north section line of said Section 4, said point being marked by a rebar with cap number "6251"; Thence, easterly along the north line of said Lot 3 and along the north section line of said Section 4, N89°50'15"E, a distance of 1324.26 feet, more or less, to the point of beginning, more generally described as being located at the western terminus of East Anamosa Street.

Proffitt stated that staff recommends that the Amendment to the Comprehensive Plan request be denied without prejudice at the applicant's request.

**Hennies moved, Landguth seconded and unanimously carried to recommend that the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from Planned Residential Development with 1.5 dwelling units per two acres to Low Density Residential be denied without prejudice at the applicant's request. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

69. No. 06SR071 - Forkner Addition

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 Review to reconstruct an existing street** on Lot A of Lots 7 and 12; Lot B of Lots 7, 8, 9 and 12, Forkner Addition, all located in the NW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Cambell Street and E. North Street along the south side of the E. North Street right-of-way.

Fisher presented the SDCL 11-6-19 request. Fisher stated that staff recommends that the SDCL 11-6-19 Review be approved. Discussion followed.

In response to Brewer's questions, Fisher identified the existing road surface and the proposed road surface. Discussion followed.

In response to Collins' question, Fisher indicated the location of the approach identified by the Department of Transportation that is to be eliminated on Cambell Street. Lengthy discussion followed.

Fisher recommended that the SDCL 11-6-19 Review be continued to the November 22, 2006 Planning Commission meeting at the applicant's request.

Hadcock expressed her opinion that the construction of the road should be consistent.

**Brewer moved, Hennies seconded and unanimously carried to continue the SDCL 11-6-19 Review to the November 22, 2006 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

70. No. 06SV064 - Wright Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code** on Tract A, Wright Subdivision, located in the N1/2 SW1/4, SE1/4 NE1/4; SW1/4 SW1/4, SE1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion located in the N1/2 SW1/4, SE1/4 NE1/4; SW1/4 SW1/4, SE1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Skyline Ranch Road Area.

Fisher presented the Variance request. Fisher stated that staff recommends that the Variance request be denied.

Michelle Schweitzer requested that the Variance request be approved due to the existing fire hydrant location. Schweitzer expressed her opinion that an easement is in place and recorded at the Register of Deeds and would allow the adjacent property owner to extend the water line.

Bill Knight stated that the location of the fire hydrant location is adequate.

Discussion followed regarding the easement and the water line location on the subject property.

In response to Hadcock's question, Dominicak stated that the staff recommends that the water line be extended to the adjacent property owner's lot line. Discussion followed.

**Hennies moved, Gregg seconded and carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code be denied. (8 to 2 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and Brewer and Collins voting no)**

71. No. 06UR021 - Original Town of Rapid City

A request by Baffuto Architecttura for Cornerstone Rescue Mission to consider an application for a **Conditional Use Permit to allow the expansion of an existing mission** on Lots 11 thru 14, Lots 17 thru 23, the east 10 feet of the vacated Right-of-way adjacent to Lot 17, the vacated alley between Lots 11 thru 14, and Lots 19 thru 23 of Block 80, Original Town of Rapid City, Section 1, T1N,

R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 30 Main Street.

Tegethoff presented the Conditional Use Permit request. Tegethoff stated that staff recommends that the Conditional Use Permit request be approved with stipulations.

Hennies requested that staff make sure that the alley has been vacated.

In response to Brewer's question, Roger Steele reviewed the proposed duration of occupation of the veterans served by the Cornerstone Rescue Mission. Discussion followed.

**Waltman moved, LeMay seconded and unanimously carried to approve the Conditional Use Permit to allow the expansion of an existing mission with the following stipulations:**

- 1. A building permit must be obtained prior to any construction and a certificate of occupancy obtained prior to occupancy;**
- 2. All plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A;**
- 3. The parking and landscaping shall continually comply with all requirements of the Zoning Ordinance and the approved site plan. All landscaping shall be maintained in a live vegetative state at all times;**
- 4. The new additions to the existing structure shall be fully fire sprinkled and fire alarmed/detected and all applicable provisions of the International Fire Code shall continually be met;**
- 5. Prior to issuance of a building permit drainage, site grading, and erosion control plans shall be submitted for review and approval**
- 6. All red line comments must be addressed and the red lined drawings must be returned prior to issuance of a building permit;**
- 7. The proposed structures shall conform architecturally to the plans and elevations submitted;**
- 8. The Amendment to a 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. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**

**Anderson moved, Brewer seconded and carried to reconsider Item Number 70. (Roll call vote 7 to 3 with Anderson, Brewer, Collins, Derby, Gregg, LeMay and Waltman voting yes and Brown, Hennies and Landguth voting no)**

70. No. 06SV064 - Wright Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code** on Tract A, Wright Subdivision, located in the N1/2 SW1/4, SE1/4 NE1/4; SW1/4 SW1/4,

SE1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion located in the N1/2 SW1/4, SE1/4 NE1/4; SW1/4 SW1/4, SE1/4 NE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Skyline Ranch Road Area.

Anderson expressed his support of the Variance request.

Hennies expressed his support of staff's recommendation to deny the Variance request. Discussion followed.

**Hennies moved, Landguth seconded and carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code be denied. (Roll call vote 6 to 4 with Brown, Collins, Derby, Gregg, Hennies and Landguth voting yes and Anderson, Brewer, LeMay and Waltman voting no)**

72. Discussion Items

73. Staff Items

74. Planning Commission Items

- A. Volunteers for Planning Commission position on the Sign Code Board of Appeals and the Development Appeals and Review Board.

Elkins requested volunteers for appointment by the Mayor to vacancies on Sign Code Board of Appeals and Development Appeals Review Board.

Brown volunteered for the Sign Code Board of Appeals.

Brewer volunteered for the Development Appeals Review Board rather than the Zoning Board.

Hennies volunteered for the Zoning Board.

Elkins stated that the Mayor would make appointments and the appointments would go forward to City Council for approval.

**There being no further business, Hennies moved, Brewer seconded and unanimously carried to adjourn the meeting at 8:55 a.m. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies, Landguth, LeMay and Waltman voting yes and none voting no)**