

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
November 22, 2006

MEMBERS PRESENT: Peter Anderson, Gary Brown, Barbara Collins, Mike Derby, Ida Fast Wolf, Dennis Landguth, Mike LeMay and Sandra Runde.

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

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

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

**Runde and Anderson requested that Items 5, 7, 8, 11, 17 and 19 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**A member of the audience requested that Item 19 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Motion by Landguth, Seconded by Collins and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 23 in accordance with the staff recommendations with the exception of Items 5, 7, 8, 11, 17 and 19. (8 to 0 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and none voting no)**

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

1. Approval of the November 9, 2006 Planning Commission Meeting Minutes.
2. No. 06CA018 - Elks Meadows Subdivision  
A request by Dream Design International to consider an application for a **Summary of Adoption action on an Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Low Density Residential with a Planned Residential Development** on the unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located southeast of Elk Vale Road, northeast of Old Folsom Road and south of Elks Country Estates  
  
**Planning Commission approved the summary and authorized publication in the Rapid City Journal.**
3. No. 06CA025 - Tower Ridge 2 Subdivision  
A request by Dan Wilson for Site Work Specialists to consider an application for a **Summary of Adoption action on an Amendment to the Comprehensive Plan by revising the US Highway 16 Neighborhood Future Land Use Plan**

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

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

4. No. 06CA026 - Tower Ridge 2 Subdivision

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

"LS 6117"; Thence Fifth Course: along the southerly line of Lot 6 Block 1 of Tower Ridge 2 Subdivision with a bearing N66°39'36"E and a distance of 333.09 feet to the point of beginning, more generally described as being located northeast of the intersection of Promise Road and South Highway 16.

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

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

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

**Planning Commission recommended that the Preliminary Plat be continued to the December 7, 2006 Planning Commission meeting.**

9. 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.

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

10. No. 06PL169 - Section 7, T1S, R7E

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 December 7, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

12. No. 06PL175 - LJS Subdivision

A request by Fisk Land Surveying for Judy Lien to consider an application for a **Layout Plat** on Lots 2, 3 and 4 of LJS Subdivision, formerly a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the

unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to Maple Avenue and Mall Drive.

**Planning Commission recommended that the Layout Plat be continued to the December 7, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

14. No. 06PL178 - Catron Crossing Subdivision

A request by Boschee Engineering for OTS, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 8 of Block 1, lots 1 thru 8 of Block 2, Lots 1 thru 17 of Block 3, and lots 1 thru 9 of Block 4, located in the SW1/4 SW1/4, W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SW1/4 W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Bendt Drive.

**Planning Commission recommended that the Preliminary Plat be continued to the December 7, 2006 Planning Commission meeting to allow the applicant to submit the required information.**

15. No. 06PL179 - Red Cliff Terrace Subdivision

A request by Fisk Land Surveying for Sandra Fredrickson to consider an application for a **Layout Plat** on Lot G of Tract C of the south part of Lot 7, Red Cliff Terrace Subdivision, located in the SW1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4330 Jackson Boulevard.

**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 drainage plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate adequate capacity downstream and along Jackson Boulevard for the increased run-off flows. In addition, the plat document shall be revised to provide drainage easements as necessary;**
3. **Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the west lot line of the subject property shall be submitted for review and approval. In particular, the road construction plans shall show the streets**

- constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;
4. Upon submittal of a Preliminary Plat, road construction plans for Red Cliff Terrace 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/or easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with on-street parking or the street shall be located in a minimum 45 foot wide right-of-way and/or easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception to the Street Design Criteria Manual shall be obtained;
  5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans shall provide individual service lines to the lot(s) that do not cross over another lot. 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. The plans shall also demonstrate that adequate fire and domestic flows are being provided. In addition, the water plans shall provide individual service lines to the lot(s) that do not cross over another lot. The plat document shall also be revised to provide utility easements as needed;
  7. Upon submittal of a Preliminary Plat application, the applicant shall identify the use of the existing well located in the northwest corner of the property. In addition, the plat document shall be revised to show the well within a utility easement if needed;
  8. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show access to Lot 2 from Red Cliff Terrace or an Exception to the Street Design Criteria Manual shall be obtained to allow access from Jackson Boulevard, the higher order street;
  9. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide non-access easements in compliance with

the Street Design Criteria Manual or Exception(s) shall be obtained. In addition, an Approach Permit from the South Dakota Department of Transportation shall be obtained to allow the existing approach to serve two lot(s) in lieu of one lot;

10. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show Red Cliff Terrace located within right-of-way in lieu of a private roadway easement or an Exception to the Street Design Criteria Manual shall be obtained;
11. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show an eight foot wide utility and minor drainage easement along the interior of all lot lines or a Variance to the Subdivision Regulations shall be obtained;
12. Upon submittal of a Preliminary Plat application, the 15 foot wide water line easement shall be revised to provide a minimum 20 foot wide water line easement;
13. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
14. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Jackson Boulevard or a Variance to the Subdivision Regulations shall be obtained;
15. Prior to submittal of a Final Plat application, the plat document shall be revised to show the "private roadway easement" located along the east lot line as "Red Cliff Terrace" ;
16. Prior to submittal of a Final Plat application, the plat title shall be revised to read "Lots 1 and 2 of Lot G of Red Cliff Terrace Subdivision...";
17. Prior to submittal of a Final Plat application, the section line highway shall be vacated or that portion of the single family residence located in the section line highway shall be removed or surety shall be posted to insure the removal of the structure as identified;
18. Prior to submittal of a Final Plat application, the shed located on proposed Lot 2 shall be removed or surety posted to insure that the shed is removed and/or to allow a single family residence to be constructed on the property;
19. 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,
20. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

16. 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 denied the SDCL 11-6-19 Review to allow for construction of a city park without prejudice at the applicant's request.**

18. No. 06SR074 - Robbinsdale Park Addition

A request by Lon Van Deusen for the City of Rapid City to consider an application for a **SDCL 11-6-19 Review to install signs on public property** on Robbinsdale Park, less Lot 1, Robbinsdale Park Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 626 E. Fairmont Boulevard.

**Planning Commission approved the SDCL 11-6-19 Review to install signs on public property with the following stipulation:**

**1. A sign permit must be obtained prior to construction.**

20. No. 06SR076 - McMahon Industrial Park No. 2

A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation to consider an application for an **SDCL 11-6-19 Review to allow the construction of a communication facility** on Lot 1, Block 10, McMahon Industrial Park No. 2, located in the SW1/4 SE1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2870 Haines Avenue.

**Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a communication facility to the December 7, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.**

21. No. 06SR077 - Section 4, T1S, R8E

A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation to consider an application for an **SDCL 11-6-19 Review to allow the construction of a communication facility** on Government Lot 4, except the east 410 feet, Section 4, T1S, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 9200 South Highway 79.

**Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a communication facility to the December 7, 2006 Planning Commission meeting to allow the applicant time to submit the required information.**

22. No. 06SR078 - Mountain View Subdivision

A request by Kevin Lewis for the City of Rapid City to consider an application for an **SDCL 11-6-19 Review to acquisition of property for public use** on Lot 1 Revised, Block 6, Mountain View Subdivision, located in the E1/2 NE1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of West Florman and Mountain View Road.

**Planning Commission approved the SDCL 11-6-19 Review to allow acquisition of land for public use.**

23. No. 06SR079 - Section 35, T2N, R7E

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to acquire land for park purposes** on the W1/2 W1/2, NE1/4 SW1/4, and the unplatted portion of the NW1/4 SW1/4, less Tract A as shown on the plat filed in Plat Book 11, Page 40, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Interstate 90 and North West Boulevard.

**Planning Commission approved the SDCL 11-6-19 Review to acquire land for park purposes.**

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

5. No. 06CA032 - Rapid City Greenway Tract

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

In response to Derby's question, Elkins advised that the Summary of Adoption is published in the Rapid City Journal after the Comprehensive Plan Amendment has been approved by the City Council. She noted that this action simply authorizes publication.

Steve Brenden expressed his opposition to the encroachment into the Flood Hazard zoning district. Discussion followed.

**Anderson moved, Runde seconded and carried to approve the summary and authorize publication in the Rapid City Journal. (7 to 1 with Anderson, Brown, Collins, Fast Wolf, Landguth, LeMay and Runde voting yes and Derby voting no)**

7. 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.

Runde stated she would be abstaining from discussion and vote due to a conflict of interest.

**Landguth moved, Anderson seconded and carried to recommend that the**



**Preliminary Plat be continued to the January 4, 2007 Planning Commission meeting to allow the applicant to submit additional information. (7 to 0 to 1 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth and LeMay voting yes and none voting no and Runde abstaining)**

8. No. 06PL123 - Cambell Square Addition

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

Runde stated she would be abstaining from discussion and vote due to a conflict of interest.

**Anderson moved, LeMay seconded and carried to recommend that the Layout Plat be continued to the December 7, 2006 Planning Commission meeting to allow the applicant to submit the required information. (7 to 0 to 1 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth and LeMay voting yes and none voting no and Runde abstaining)**

11. No. 06PL174 - Section 19, T1N, R8E

A request by Centerline, Inc. for Lazy P-6 Land Co, Inc. to consider an application for a **Preliminary Plat** on Lot 2, North 80 Subdivision, located in Government Lot 1, located in the NW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land described as the S1/2 NW1/4 NW1/4, (Government Lot 1), Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Sandra Lane and north of Stumer Road.

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

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

1. **Prior to Preliminary Plat approval by the City Council, drainage information shall be submitted for review and approval. In particular, the drainage information shall identify on-site detention as needed or an off-site location for drainage detention shall be identified. In addition, drainage easement(s) shall be provided as needed;**
2. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
3. **Prior to submittal of a Final Plat application, Shelby Avenue right-of-way located east of the subject property shall be dedicated as public right-of-way or miscellaneous documents securing drainage and utility easements shall be recorded as needed;**

4. **Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual or Exception(s) shall be obtained;**
5. **Prior to submittal of a Final Plat application, the plat certificate(s) shall be revised to read Chapter 16.080.035 in lieu of Chapter 16.080.030; and,**
6. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (7 to 0 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth and LeMay voting yes and voting no and Runde abstaining)**

17. No. 06SR068 - Section 18, T1N, R8E

A request by Renae Kampa for Rushmore Soccer Club to consider an application for an **SDCL 11-6-19 Review to allow construction of a storage shed** on the unplatted balance of the west 672.6 feet of the south 500 feet of the SW1/4 NE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Derby Lane and East Minnesota Street.

Anderson expressed opposition to the structures in the park area. Elkins advised that the Parks and Recreation Department is in the process of developing a long range plan for the park system. Elkins stated that a discussion item can be placed on the Planning Commission agenda to specifically discuss buildings and other structures in the parks. Anderson requested that a discussion be placed on the next Planning Commission agenda.

**Landguth moved, LeMay seconded and carried to approve the SDCL 11-6-19 Review to allow construction of a storage shed with the following stipulations:**

1. **The shed will be ten feet by twenty four feet and eight feet high at the peak in size and will be a yellow color with white trim and grey shingles; and,**
2. **A building permit must be obtained prior to construction. (7 to 1 with Brown, Collins, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and Anderson voting no)**

**Landguth moved, LeMay seconded and unanimously carried to recommend that Item 13 be reconsidered. (8 to 0 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and none voting no)**

13. No. 06PL177 - Copperfield Vista Subdivision

A request by Dream Design International, Inc. to consider an application for a **Layout Plat** on Lots 1 thru 13 of Block 1; Lots 1 thru 25 of Block 2; Lots 1 thru 41 of Block 3; Lots 1 thru 24 of Block 4; Lots 1 thru 16 of Block 5; Lots 1 thru 20 of Block 6; Lots 1 thru 17 of Block 7; Lots 1 thru 16 of Block 8; Lots 1 thru 32 of Block 9; Lots 1 thru 36 of Block 10; Lots 1 thru 20 of Block 11; Lots 1 thru 38 of Block 12; Lots 1 thru 15 of Block 13; Lots 1 thru 39 of Block 14; Lot 1 of Block 15; Lot 1 of Block 16, all located in Section 4, T1N, R8E, BHM, Rapid City,

Pennington County, South Dakota, legally described as the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, excepting there from 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; and A parcel of land located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4, T1N, R8E, BHM, Pennington County, South Dakota more fully described as follows: Beginning at the center one quarter corner of said Section 4, said point being on the westerly line of the Drainage Right-of-way of Block 1 of Rushmore Regional Industrial Park, as shown on the plat filed on September 4, 1974 and recorded in Book 13 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, south along the one-quarter section line and along the westerly line of said Drainage Right-of-way in Block 1 of Rushmore Regional Industrial Park, S00°05'03"E, a distance of 271.44 feet, more or less, to a point marked by a rebar with surveyor cap "Hanson 6251" thence, continuing south along the one-quarter section line and along the westerly line of said Drainage Right-of-way in Block 1 of Rushmore Regional Industrial Park, S00°03'43"E, a distance of 781.29 feet, more or less, to a point marked by a rebar with surveyor cap "RW FISK 6565"; thence, S89°47'47"W, a distance of 303.32 feet, more or less, to a point on the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat filed on April 22, 1988 and recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northwesterly along the said east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of 46.14 feet to the northeast corner of said Lot 17, said point being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northwesterly along the east line of said Lot 18 in Block 1 of Copperfield Subdivision, N01°44'10"W, a distance of 58.19 feet, more or less to the northeast corner of said Lot 18, said point being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northeasterly along the east line of said Lot 19 in Block 1 of Copperfield Subdivision, N26°46'20"E, a distance of 44.28 feet, more or less to the northeast corner of said Lot 19, said point being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northeasterly along the east line of said Lot 20 in Block One 1 of Copperfield Subdivision, and along the east lines of Lots 21, 22 and 23 all in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and along the easterly line of Lot 24 in Block 1 of Copperfield Subdivision, as shown on the plat filed on June 12, 1989 and recorded in Book 22 of Plats on page 195, N27°11'29"E, a distance of 364.58 feet, more or less, to the northeast corner of said Lot 24, said point being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northeasterly along the east line of said Lot 25 in Block 1 of Copperfield Subdivision, N19°26'44"E, a distance of 83.01 feet, more or less to the northeast corner of said Lot 25, said point being

coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northeasterly along the east line of said Lot 26 in Block 1 of Copperfield Subdivision, and along the east lines of Lots 27 and 28 all in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, N02°40'24"E, a distance of 239.67 feet, more or less, to the northeast corner of said Lot 28, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, westerly along the northerly line of said Lot 28 in Block 1 of Copperfield Subdivision, S89°59'08"W, a distance of 109.97 feet, more or less, to the northwest corner of said Lot 28, said point being coincident with the northeasterly terminus of Copperfield Drive right-of-way, and said point being marked by a 5/8 inch rebar; thence, southwesterly along the northern terminus line of Copperfield Drive right-of-way, as shown on said plat recorded in Book 22 of Plats on Page 195, S71°30'56"W, a distance of 63.28 feet, more or less to the northwest terminus of said Copperfield Drive right-of-way, said point being coincident with the northeast corner of Lot 1 in Block 7 in Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a 5/8 inch rebar; thence, westerly along the northerly line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 98.69 feet more or less, to the northwest corner of said Lot 1, said point being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with survey cap; thence, westerly along the northerly line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, westerly along the northerly line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a 5/8 inch bent rebar; thence, northwesterly along the northerly line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 72.95 feet, more or less, to the northwest corner of said Lot 5, said point being coincident with the northeast corner of Lot 6 in Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, northwesterly along the northerly line of said Lot 6 in Block 7 of Copperfield Subdivision, and along the northerly line of Lots 7 and 8 in said Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on page 17, N71°30'00"W, a distance of 236.99 feet, more or less to the northwest corner of said Lot 8 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 9 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, westerly along the northerly line of said Lot 9 in Block 7 of Copperfield Subdivision, and along the northerly line of Lot 10 in said Block 7

of Copperfield Subdivision, N89°59'43"W, a distance of 169.90 feet, more or less to the northwest corner of said Lot 10 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 11 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, southwesterly along the northerly line of said Lot 11 in Block 7 of Copperfield Subdivision, and along the northerly line of Lot 12 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and along the northerly line of Lot 13 in Block 7 of Copperfield Subdivision as shown on the plat filed on December 21, 1995 and recorded in Book 27 of Plats on page 64, S67°59'57"W, a distance of 210.58 feet, more or less to the northwest corner of said Lot 13 in Block 7 of Copperfield Subdivision, said point being coincident with the northeasterly terminus of Summerfield Drive right-of-way as shown on said plat recorded in Book 27 of Plats on Page 64, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, westerly along the northerly terminus of said Summerfield Drive right-of-way, S89°57'45"W, a distance of 60.03 feet, more or less, to the northwest terminus of said Summerfield Drive right-of-way, said point being coincident with the northeast corner of Lot 1 in Block 8 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on page 64, and said point being marked by a rebar with surveyor cap "Polenz 4208"; thence, westerly along the northerly line of said Lot 1 in Block 8 of Copperfield Subdivision, S89°39'20"W, a distance of 116.98 feet, more or less to the northwest corner of said Lot 1 in Block 8 of Copperfield Subdivision, said point being located on the west 1/16th section line of said Section 4, T1N, R8E, BHM, Pennington County, South Dakota, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northerly along the 1/16th section line, N00°02'44"E, a distance of 262.82 feet, more or less to the ¼ section line and the northwest corner of the NE¼ SW¼ of said Section 4, T1N, R8E, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, east along the ¼ section line, N89°48'42"E, a distance of 1328.91 feet, more or less, to the point of beginning, more generally described as being located east of Valley Drive and west of Concourse Drive.

Penny Habib, area resident expressed opposition to the proposed development on the subject property. Habib stated her concern with possible negative impact from water shortage and emergency vehicle access as well as the impact on the adjacent land owners.

Mark Gustaf, area resident, expressed concerns with the proposed development on the subject property.

Fisher presented the Layout Plat request. Fisher stated that the staff recommendation is that the applicant be required to address drainage, access and specific development plans on the subject property as part of the Preliminary Plat application. Fisher stated that staff is recommending that the Layout Plat be approved with stipulations as outlined in the staff report. Discussion followed.

Elkins stated that staff would contact the applicant regarding the location of the signs to be posted on the property. Elkins stated that the adjacent property

owners would need to take their concerns with regarding to water availability to the Rapid Valley Sanitary District. Discussion followed.

Hector Urcelay, area resident, expressed concerns with storm water runoff from development on the subject property. Urcelay requested clarification on the proposed development. Urcelay requested that the Layout Plat request be denied.

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

- 1. Upon submittal of a Preliminary Plat application, a traffic impact study shall be submitted for review and approval. In addition, the plat document shall be revised as per the traffic impact study recommendation(s);**
- 2. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a second street connection to the subject property as a part of Phase One of the development or the right-of-way shall be dedicated as an "H" Lot or on a separate plat document or an Exception to allow 492 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual shall be obtained;**
- 3. 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;**
- 4. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall show the design of drainage swales, ditches and storm sewers sized in compliance with the Unnamed Tributary Drainage Basin Design Plan and the Drainage Criteria Manual. In particular, the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed pre-developed flows or on-site detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 5. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval. In particular, the utility master plan shall provide sewer and water service to the adjacent properties as well as looped system(s) as needed;**
- 6. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision**

- Regulations shall be obtained. In addition, calculations shall be submitted for review and approval demonstrating adequate capacity downstream to the connection point with the sewer trunk. An agreement shall also be entered into to allow City service to flow into the Rapid Valley Sanitary District system if and as needed. In addition, the plat document shall also be revised to provide utility easements as needed;
7. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show all the water main line(s) located within right-of-way or access to the water main line(s) must be demonstrated. In addition, 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. The plans shall also demonstrate that adequate fire and domestic flows are being provided and that the water system is being looped as needed. The plat document shall also be revised to provide utility easements as needed;
  8. 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;
  9. Upon submittal of a Preliminary Plat, road construction plans for E. Anamosa Street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  10. Upon submittal of a Preliminary Plat, road construction plans for Homestead Street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with on-street parking or the street shall be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception to the Street Design Criteria Manual shall be obtained;
  11. Upon submittal of a Preliminary Plat application, road construction plans for Copperfield Drive, Summerfield Drive, New England Street, Spur 1, Spur 2 and Alice Drive shall be submitted for review and approval showing the street(s) located in a minimum 52 foot wide

- right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
12. Upon submittal of a Preliminary Plat application, road construction plans for Conservation Drive, Shorthorn Drive, Bar Five Ranch Court, Banjo Court, Norway Street and Eunice Court shall be submitted for review and approval showing the street(s) located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sac street(s) with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
  13. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show access to that portion of the property located south of Lot 1, Block 16. In addition, the plat document shall be revised to show the lot labeled numerically. In addition, the applicant shall identify a building envelope and/or a reasonable use for the proposed lot;
  14. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the entire right-of-way for the northern portion of Summerfield Drive on the subject property or the adjacent property owner shall sign the application and the legal description shall include the adjacent property;
  15. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a shared approach for the townhome lots or the plat document shall be revised to provide a minimum 35 foot separation between driveways or an Exception to the Street Design Criteria Manual shall be obtained;
  16. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the lot number on the proposed lot located north of Lot 1, Block 13. In addition, the applicant shall identify a building envelope and/or a reasonable use for the proposed lot;
  17. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show Alice Drive at a 90 degree intersection with Summerfield Drive;
  18. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual or Exception(s) shall be obtained;
  19. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  20. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;
  21. Prior to Preliminary Plat approval by the City Council, the property



22. shall be annexed into the City limits of Rapid City;
23. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along E. Anamosa Street or a Variance to the Subdivision Regulations shall be obtained;
24. Prior to submittal of a Preliminary Plat application, the Elk Vale Neighborhood Future Land Use Plan shall be amended to allow the proposed development or the plat document shall be revised accordingly;
25. Prior to submittal of a Final Plat application, the applicant shall submit different street names for "Spur 1" and "Spur 2" to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
26. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
27. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (8 to 0 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and none voting no)

19. No. 06SR075 - Section 29, T1N, R7E

A request by Buell Consulting, Inc. for Cellular Inc. Network Corporation to consider an application for an **SDCL 11-6-19 Review to allow the construction of a communication facility** on Lot 1, located in the SE1/4 SW1/4, less Lot H1 and less Right-of-way, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 7800 Alberta Drive.

Elkins stated that the staff recommends that the SDCL 11-6-19 Review be continued to the December 7, 2006 Planning Commission meeting as information has not been submitted documenting the need for the facility.

Christina Erickson, area resident, expressed opposition to the installation of the cell tower on the subject property within a residential neighborhood.

Amy Scruton, area resident, expressed her opinion in opposition to the placement of a cell tower in the residential area.

Bill Highland, Board member of the Countryside Homeowner's Association, expressed objections to the placement of the proposed cell tower on the subject property within the residential neighborhood.

Elkins advised that staff recommends that the applicant provide more information to be reviewed by staff.

Troy Erickson, area resident, expressed his opposition to the placement of the cell tower on the subject property within the residential neighborhood.

In response to LeMay's questions, Elkins identified the locations of adjacent commercial properties within the neighborhood. Discussion followed.

Brian Reiss, area resident, expressed opposition to the installation of the cell tower placement in a residential neighborhood. Reiss further expressed his opinion on the possible negative impact from the increased noise and light pollution.

John Rowe, representing Buell Consulting, requested that the SDCL 11-6-19 Review request be continued to the January 4, 2007, Planning Commission meeting. Discussion followed.

**Anderson moved, Landguth seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a communication facility to the January 4, 2007 Planning Commission Meeting to allow the applicant time to submit the required information. (8 to 0 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and none voting no)**

**Brown announced that the Public Hearings on Items 24 through 40 were opened.**

**A member of the audience requested that Item 26, 27 and 40 be removed from the Hearing Consent Agenda for separate consideration.**

**LeMay moved, Landguth seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 24 through 40 in accordance with the staff recommendations with the exception of Items 26, 27 and 40. (8 to 0 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and none voting no)**

**The Public Hearings for Items 24 through 40 were closed.**

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

24. No. 06CA041 - Section 16, T1N, R7E  
A request by Sperlich Consulting, Inc. for B&T Investments to consider an application for an **Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development** on a portion of the SE1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northeasterly corner of the dedicated right-of-way of Severson Street as shown in Plat Book 29 on Page 128, and the Point of Beginning; Thence, first course: easterly, along the prolongation of the northerly boundary of Lot 3 of Corral Drive Subdivision, a distance of 470.00± feet, to a point on the westerly edge of the right-of-way of Lot H1 of the SE1/4 SE1/4 of said Section 16 (westerly edge of Sheridan Lake Road Right-of-Way); Thence, second course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 370.00± feet, to an angle point on the westerly edge of said Lot H1 of

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

**Planning Commission recommended that the Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial with a Planned Commercial Development be denied without prejudice at the applicant's request.**

25. No. 06CA046 - Starlite Subdivision

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 General Commercial to Light Industrial with a Planned Light Industrial Development** on Lot 1 B of Starlite Subdivision located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the southeast corner of Beale Street and Dyess Avenue and north of Eglin Street.

**Planning Commission recommended that the Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the land use designation from General Commercial to Light Industrial with a Planned Light Industrial Development be continued to the December 7, 2006 Planning Commission meeting.**

\*28. No. 06PD082 - Section 16, T1N, R7E

A request by Sperlich Consulting, Inc. for B&T Investments to consider an application for a **Major Amendment to a Planned Unit Development** on a portion of the SE1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing

at the northeasterly corner of the dedicated right-of-way of Severson Street as shown in Plat Book 29 on Page 128, and the Point of Beginning; Thence, first course: easterly, along the prolongation of the northerly boundary of Lot 3 of Corral Drive Subdivision, a distance of 470.00± feet, to a point on the westerly edge of the right-of-way of Lot H1 of the SE1/4 SE1/4 of said Section 16 (westerly edge of Sheridan Lake Road Right-of-Way); Thence, second course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 370.00± feet, to an angle point on the westerly edge of said Lot H1 of the SE1/4 of the SE1/4 of said Section 16; Thence, third course: southwesterly, along the westerly edge of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, a distance of 78.65± feet to an angle point on the westerly edge of said Lot H1 of the SE1/4 SE1/4 of said Section 16; Thence, fourth course: southerly, along the westerly edge of the right-of-way of said Lot H1 of the SE1/4 SE1/4 of said Section 16, a distance of 84.65± feet to the southwesterly corner of the right-of-way of said Lot H1 SE1/4 SE1/4 of said Section 16, common to a point on the northerly boundary of Lot 1 of the SE1/4 SE1/4 of Section 16 (Corral Drive right-of-way); Thence, fifth course: westerly, along the northerly boundary of said Lot 1 of the SE1/4 SE1/4 of Section 16, a distance of 345.47± feet, to the southeasterly corner of the right-of-way of said Severson Street; Thence, sixth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 89.41± feet, to a point of curve along the easterly edge of the right-of-way of said Severson Street; Thence, seventh course: northerly, along the easterly edge of the right-of-way of said Severson Street, curving to the left on a curve with a radius of 326.00 feet, a delta angle of 09 21'07", an arc length of 44.72± feet, to a point of tangency along the easterly edge of the right-of-way of said Severson Street; Thence, eighth course: northerly, along the easterly edge of the right-of-way of said Severson Street, a distance of 366.70± feet, to the northeasterly corner of the dedicated right-of-way of said Severson Street, and the Point of Beginning, more generally described as being located at the northwest corner of the intersection of Sheridan Lake Road and Corral Drive.

**Planning Commission denied the Major Amendment to a Planned Unit Development without prejudice at the applicant's request.**

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

\*29. No. 06PD088 - CHMH Subdivision

A request by Bill Freytag for Cedarhill Corporation to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 8 thru 11, Block 7; Lots 9 thru 11, Block 10; and Lots 6 thru 9, Block 8, all located in the CHMH Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south, west and east of the intersection of Sagewood Street and Brook Street.

**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. 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;
3. All provisions of the Low Density Residential II District and the Mobile Home Residential District, respectively, shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
4. The proposed structures shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Initial and Final Planned Residential Development; and,
5. The Planned Residential Development shall allow for the construction of single family residence(s) and/or townhome(s). However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years.

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

\*30. No. 06PD090 - Section 22, T1N, R7E

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on a portion of the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Golden Eagle 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. Prior to issuance of a building permit, a Final Plat shall be reviewed and approved;
3. 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. In addition, a minimum eight foot side yard setback shall be provided for a one story residence and a minimum 12 foot side yard setback shall be provided for a two story residence;
4. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial

- and Final Planned Residential Development or a subsequent Major Amendment;
5. The proposed structures shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Initial and Final Planned Residential Development;
  6. Prior to issuance of a building permit for Lot 5, a fire apparatus turnaround shall be identified on the lot. In addition, prior to issuance of a Certificate of Occupancy, the fire apparatus turnaround shall be constructed in compliance with the International Fire Code;
  7. All retaining walls in excess of four feet must be designed and stamped by a Professional Engineer;
  8. All signage shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development. In particular, the sign shall be located outside of the sight triangle(s). In addition, a sign permit shall be obtained for the signage; and,
  9. The Planned Residential Development shall allow for the construction of single family residence(s). However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years.

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

- \*31. No. 06PD091 - Harter Addition and Donhiser Addition  
A request by Sperlich Consulting, Inc. for Black Hills Pediatric Dentistry to consider an application for a **Major Amendment to a Planned Commercial Development to expand the parking lot and install additional landscaping** on Lots 1 and 2 of Lot K and Lot 1 of Lot J, Harter Addition; and Lot B, Donhiser Addition, located in the NE1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 624 Sheridan Lake Road.

**Planning Commission continued the Major Amendment to a Planned Commercial Development to expand the parking lot and install additional landscaping to the December 7, 2006 Planning Commission meeting to allow the applicant to submit the required 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.***

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

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

**Planning Commission recommended that the Rezoning from Medium Density Residential District to General Commercial District be denied without prejudice at the applicant's request.**

33. No. 06RZ060 - Meadow View Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on Tract B, Meadow View Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Catron Boulevard and South Hill Subdivision and East of U. S. Highway 16.

**Planning Commission recommended that the Rezoning from No Use**

**District to General Agriculture District be approved.**

34. No. 06RZ061 - Starlite Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Commercial District to Light Industrial District** on Lot 1 B of Starlite Subdivision located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast corner of Beale Street and Dyess Avenue and north of Eglin Street.

**Planning Commission recommended that the Rezoning from General Commercial District to Light Industrial District be continued to the December 7, 2006 Planning Commission meeting.**

35. No. 06RZ062 - Section 35, 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 NE1/4 SW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of U. S. Highway 16 and south of Sammis Trail.

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

36. 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 denied without prejudice at the applicant's request.**

37. No. 06SV066 - Section 7, T1S, R7E

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 December 7, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

38. 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.

**Planning Commission recommended 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 approved with the following stipulation:**

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

**That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Mount Rushmore Road be approved with the following stipulation:**

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

39. No. 06SV069 - LJS Subdivision

A request by Fisk Land Surveying for Judy Lien to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks, curb, gutter, street light conduit, sewer and water main along Mall Drive and N. Maple Avenue and to reduce the pavement width from 40 feet to 26 feet along Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2, 3 and 4 of LJS Subdivision, formerly a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Maple Avenue and Mall Drive.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks, curb, gutter, street light conduit, sewer and water main along Mall Drive and N. Maple**

**Avenue and to reduce the pavement width from 40 feet to 26 feet along Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code be continued to the December 7, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

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

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

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

Steven Brenden, area resident, expressed concerns with the location of the proposed secondary structures on the site and the use of an access across private property.

**Collins moved, Runde seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the December 7, 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. (8 to 0 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and none voting no)**

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

\*27. No. 06PD073 - Cottonwoods Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Ronneberg Investments, LLC 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.

Donovan Broberg, representing Ronneberg Investments, LLC, requested an exception to the ordinance requirement for a ten foot wide landscape buffer and requested that he be allowed to provide a five foot landscape buffer with the existing five foot hedge. Discussion followed.

In response to Landguth's question, Elkins stated that possible future encroachment of pavement by both street expansion and the proposed parking

lot pavement could have a negative impact on the root zone of the hedge.

Steve Brenden, area resident stated his opposition to the exception request to relocating the hedge.

**Anderson moved, Landguth seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the December 7, 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. (8 to 0 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and none voting no)**

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

40. No. 06SV070 - Copperfield 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 allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 13 of Block 1; Lots 1 thru 25 of Block 2; Lots 1 thru 41 of Block 3; Lots 1 thru 24 of Block 4; Lots 1 thru 16 of Block 5; Lots 1 thru 20 of Block 6; Lots 1 thru 17 of Block 7; Lots 1 thru 16 of Block 8; Lots 1 thru 32 of Block 9; Lots 1 thru 36 of Block 10; Lots 1 thru 20 of Block 11; Lots 1 thru 38 of Block 12; Lots 1 thru 15 of Block 13; Lots 1 thru 39 of Block 14; Lot 1 of Block 15; Lot 1 of Block 16, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, excepting there from 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; and A parcel of land located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4, T1N, R8E, BHM, Pennington County, South Dakota more fully described as follows: Beginning at the center one quarter corner of said Section 4, said point being on the westerly line of the Drainage Right-of-way of Block 1 of Rushmore Regional Industrial Park, as shown on the plat filed on September 4, 1974 and recorded in Book 13 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, south along the one-quarter section line and along the westerly line of said Drainage Right-of-way in Block 1 of Rushmore Regional Industrial Park, S00°05'03"E, a distance of 271.44 feet, more or less, to a point marked by a rebar with surveyor cap "Hanson 6251" thence, continuing south along the one-quarter section line and along the westerly line of said Drainage Right-of-way in Block 1 of Rushmore Regional Industrial Park, S00°03'43"E, a distance of 781.29 feet, more or less, to a point marked by a rebar with surveyor cap "RW FISK 6565"; thence, S89°47'47"W, a distance of 303.32 feet, more or less, to a point on the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat filed on April 22, 1988

and recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northwesterly along the said east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of 46.14 feet to the northeast corner of said Lot 17, said point being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northwesterly along the east line of said Lot 18 in Block 1 of Copperfield Subdivision, N01°44'10"W, a distance of 58.19 feet, more or less to the northeast corner of said Lot 18, said point being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northeasterly along the east line of said Lot 19 in Block 1 of Copperfield Subdivision, N26°46'20"E, a distance of 44.28 feet, more or less to the northeast corner of said Lot 19, said point being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northeasterly along the east line of said Lot 20 in Block One 1 of Copperfield Subdivision, and along the east lines of Lots 21, 22 and 23 all in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 21, and along the easterly line of Lot 24 in Block 1 of Copperfield Subdivision, as shown on the plat filed on June 12, 1989 and recorded in Book 22 of Plats on page 195, N27°11'29"E, a distance of 364.58 feet, more or less, to the northeast corner of said Lot 24, said point being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northeasterly along the east line of said Lot 25 in Block 1 of Copperfield Subdivision, N19°26'44"E, a distance of 83.01 feet, more or less to the northeast corner of said Lot 25, said point being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, northeasterly along the east line of said Lot 26 in Block 1 of Copperfield Subdivision, and along the east lines of Lots 27 and 28 all in Block 1 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, N02°40'24"E, a distance of 239.67 feet, more or less, to the northeast corner of said Lot 28, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, westerly along the northerly line of said Lot 28 in Block 1 of Copperfield Subdivision, S89°59'08"W, a distance of 109.97 feet, more or less, to the northwest corner of said Lot 28, said point being coincident with the northeasterly terminus of Copperfield Drive right-of-way, and said point being marked by a 5/8 inch rebar; thence, southwesterly along the northern terminus line of Copperfield Drive right-of-way, as shown on said plat recorded in Book 22 of Plats on Page 195, S71°30'56"W, a distance of 63.28 feet, more or less to the northwest terminus of said Copperfield Drive right-of-way, said point being coincident with the northeast corner of Lot 1 in Block 7 in Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a 5/8 inch rebar; thence, westerly along the northerly line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a

distance of 98.69 feet more or less, to the northwest corner of said Lot 1, said point being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with survey cap; thence, westerly along the northerly line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, westerly along the northerly line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a 5/8 inch bent rebar; thence, northwesterly along the northerly line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 72.95 feet, more or less, to the northwest corner of said Lot 5, said point being coincident with the northeast corner of Lot 6 in Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251:" thence, northwesterly along the northerly line of said Lot 6 in Block 7 of Copperfield Subdivision, and along the northerly line of Lots 7 and 8 in said Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on page 17, N71°30'00"W, a distance of 236.99 feet, more or less to the northwest corner of said Lot 8 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 9 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, westerly along the northerly line of said Lot 9 in Block 7 of Copperfield Subdivision, and along the northerly line of Lot 10 in said Block 7 of Copperfield Subdivision, N89°59'43"W, a distance of 169.90 feet, more or less to the northwest corner of said Lot 10 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 11 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, southwesterly along the northerly line of said Lot 11 in Block 7 of Copperfield Subdivision, and along the northerly line of Lot 12 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and along the northerly line of Lot 13 in Block 7 of Copperfield Subdivision as shown on the plat filed on December 21, 1995 and recorded in Book 27 of Plats on page 64, S67°59'57"W, a distance of 210.58 feet, more or less to the northwest corner of said Lot 13 in Block 7 of Copperfield Subdivision, said point being coincident with the northeasterly terminus of Summerfield Drive right-of-way as shown on said plat recorded in Book 27 of Plats on Page 64, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, westerly along the northerly terminus of said Summerfield Drive right-of-way, S89°57'45"W, a distance of 60.03 feet, more or less, to the northwest terminus of said Summerfield Drive right-of-way, said point being coincident with the northeast corner of Lot 1 in Block 8 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on page 64, and said point being marked by a

rebar with surveyor cap "Polenz 4208"; thence, westerly along the northerly line of said Lot 1 in Block 8 of Copperfield Subdivision, S89°39'20"W, a distance of 116.98 feet, more or less to the northwest corner of said Lot 1 in Block 8 of Copperfield Subdivision, said point being located on the west 1/16th section line of said Section 4, T1N, R8E, BHM, Pennington County, South Dakota, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northerly along the 1/16th section line, N00°02'44"E, a distance of 262.82 feet, more or less to the ¼ section line and the northwest corner of the NE¼ SW¼ of said Section 4, T1N, R8E, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, east along the ¼ section line, N89°48'42"E, a distance of 1328.91 feet, more or less, to the point of beginning, more generally described as being located east of Valley Drive; west of Concourse Drive.

**Anderson moved, LeMay seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code be approved. (8 to 0 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and none voting no)**

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

Elkins requested that Item 51 be taken out of sequence.

51. No. 06SR073 - North Rapid Subdivision

A request by Pennington County to consider an application for an **11-6-19 SDCL Review to allow a secure detention facility in addition to the existing work release facility on public property** on Lots 1 thru 18, Block 18, North Rapid Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 703 Adams Street.

Elkins stated that staff recommends that the SDCL 11-6-19 Review request be continued to the December 7, 2006 Planning Commission meeting at the applicant's request. Discussion followed.

Ron Buskerud, Administrative Assistant to the Pennington County Board of Commissioners requested that the SDCL 11-6-19 Review request be continued to the December 7, 2006 Planning Commission meeting.

**Anderson moved, Runde seconded and unanimously carried to continue the 11-6-19 SDCL Review to allow a secure detention facility in addition to the existing work release facility on public property to the December 7, 2006 Planning Commission meeting. (8 to 0 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and none voting no)**

41. No. 06CA028 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a

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

Fisher stated that staff recommends that the Amendment to the Comprehensive Plan request be continued to the December 7, 2006 Planning Commission meeting.

**LeMay moved, Collins seconded and unanimously 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 December 7, 2006 Planning Commission meeting to allow the applicant to submit an updated Traffic Impact Study. (8 to 0 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and none voting no)**

Fisher requested that items 42 thru 45 be taken concurrently.

42. No. 06CA036 - Fountain Springs Park Subdivision

A request by CETEC Engineering Services, Inc. for Franklin O. Simpson to consider an application for an **Amendment to the Comprehensive Plan to revise the Major Street Plan to relocate a minor arterial street** on a parcel of land in the NW1/4 SW1/4, Section 26 and the NE1/4 SE1/4, Section 27, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE1/4 SE1/4, Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE1/4 SE1/4, Section 27 monumented with an Iron rod; Thence N89°55'39"E 390.12 feet along the South line of the NW1/4 SW1/4, 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.

43. 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 NW1/4 SW1/4, Section 26 and the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows; Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE1/4 SE1/4 of said Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE1/4 SE1/4 of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW1/4 SW1/4 of said Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81' along the West line of said Tract B to the Point of Beginning, more generally described as being located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive.

44. 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.

\*45. 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 NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 26 and the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows; Beginning at the Northwest corner of Tract B of Fountain View Subdivision as recorded in Book 29, Page 239, Said point being monumented with an Iron rod; Thence S72°10'55"W along the Right-of-Way of Harmony Heights Lane a distance of 319.49 feet to a point; Thence along the Right-of-Way of Harmony Heights Lane through a curve to the right having a radius of 229.63 feet, a distance of 3.70 feet; Thence S00°02'56"E 469.04 feet to a point on the South line of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 27; Thence N89°41'23"E 114.61 feet along said South line to a point on the East line of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 27 monumented with an Iron rod; Thence N89°55'39" E 390.12 feet along the South line of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 26 to a point; Thence N00°01'21"W 325.13 feet to a point; Thence S89°58'39"W 122.54 feet to a point; Thence N24°44'05"E 64.04 feet to a point on the 125 foot radius non-tangent curve of said Tract B that concaves to the Northeast; Thence along said curve to a chord intersect point N41°33'15"W at a distance of 100.51 feet; Thence N17°50'42"W 113.81' along the West line of said Tract B to the Point of Beginning, more generally described as being located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive.

Fisher presented the Amendment to the Comprehensive Plan, the Layout Plat, Variance to the Subdivision Regulations and the Planned Residential Development requests. Fisher requested that all items be approved with stipulations. Fisher stated that the phasing plan presented by the applicant is consistent with other phasing plans approved by City Council.

Gary Renner, representing the adjacent property owner, requested that the Comprehensive Plan, the Layout Plat, the Variance and the Planned Residential Development requests be denied or required to construct the proposed north-south arterial road as part of the first phase of the development. Renner expressed his opinion that the road may not be constructed by the applicant as phasing continues because of construction costs. Discussion followed.

In response to Landguth's questions, Elkins identified the access points available to the adjacent property owner if Phase II was not constructed on the

proposed development. Discussion followed.

Elkins clarified the Code requirements relating to construction of the road on the proposed development. Discussion followed.

Ted Schultz, CETEC Engineering, representing the applicant stated that the property can be developed in phases. Schultz stated that the applicant will request Tax Increment Financing funds for assistance to construct the intersection north of the development.

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

**Anderson moved, LeMay seconded and carried to recommended that the Amendment to the Comprehensive Plan to revise the Major Street Plan to relocate a minor arterial street be approved;**

**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 Deadwood Avenue 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, the water**

- plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
7. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the minor arterial street in the southwest corner of the subject property as per the Major Street Plan. In addition, road construction plans for the minor arterial street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained to relocate and/or eliminate the street;
  8. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the existing access easement located along the west lot line of the subject property. In addition, road construction plans for the access easement shall be submitted for review and approval showing curb, gutter and sidewalk along the west side of the street or a Variance to the Subdivision Regulations shall be obtained;
  9. Upon submittal of a Preliminary Plat application, road construction plans for the internal street shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, a fire apparatus turnaround shall be provided at the end of the street;
  10. Upon submittal of a Preliminary Plat application, road construction plans for the proposed 50 foot wide access easement shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with on-street parking or the street shall be located in a minimum 45 foot wide right-of-way and/or easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception to the Street Design Criteria Manual shall be obtained. In addition, a fire apparatus turnaround shall be provided at the end of the street;
  11. 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;
12. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  13. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show non-access easements as per the Street Design Criteria Manual;
  14. Prior to submittal of a Final Plat application, the applicant shall submit a street name for the proposed internal street to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
  15. 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,
  16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required;

That 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 be approved;

That the Planned Residential Development - Initial and Final Development Plan 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. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed and approved for the lots;
3. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
4. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development; and,
5. The Planned Residential Development shall allow for the construction of townhomes and/or single family residence(s). However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years. (7 to 0 to 1 with Anderson, Brown, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and none voting no and Collins 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.*

46. No. 06CA047 - Canyon Park Estates

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Park Forest to Low Density Residential** on Lot 1 of Tract K-1 of 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.

Bulman stated that staff recommends that the Amendment to the Comprehensive Plan request be approved.

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

**LeMay moved, Runde seconded and carried to recommend that the Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Park Forest to Low Density Residential be approved. (7 to 0 to 1 with Brown, Collins, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and none voting no and Anderson abstaining)**

\*47. No. 06PD089 - Kateland Subdivision

A request by Sperlich Consulting, Inc. for Lifestyle Homes to consider an application for a **Major Amendment to a Planned Residential Development to reduce the side yard setback from six feet to four feet** on Lot 4 of Block 2, Kateland 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 4303 Kateland Street.

Tegethoff presented the Major Amendment request. Tegethoff stated that staff recommends that the Major Amendment to the Planned Residential Development be approved with stipulations.

Discussion followed on the number of projects constructed in the wrong location or without the required setbacks.

In response to Landguth's comment, Elkins stated that a stipulation of approval can be placed on the Major Amendment that if the building is removed for any reason, any new construction would comply with the setback requirements. Elkins further commented that an additional stipulation of approval would preclude any additional encroachment being allowed along the current building line on the subject property. Discussion followed.

**Landguth moved, LeMay seconded and carried to approve the Major Amendment to a Planned Residential Development to reduce the minimum required side yard setback from 6 feet to 4 feet with the following stipulations:**

- 1. All provisions of the Medium Density Residential Zoning District shall be met unless otherwise specifically authorized as a stipulation of**

- this Major Amendment to a Planned Residential Development;**
- 2. All stipulations of the Original Planned Residential Development – Final Development Plan shall be met at all times;**
  - 3. A minimum 4 foot side yard setback shall be provided for the single family structure on Lot 4 of Block 2, Kateland Subdivision;**
  - 4. The Major Amendment to a Planned Residential Development is not effective until such time as the Vacation of Easement (06VE030) is approved by City Council and recorded at the Pennington County Register of Deeds office;**
  - 5. That no expansion be allowed along the existing building line without a Major Amendment; and,**
  - 6. That any new building shall comply with the minimum required six foot setback should the existing building be removed or destroyed. (7 to 1 with Anderson, Brown, Collins, Derby, Landguth, LeMay and Runde voting yes and Fast Wolf voting no)**

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

\*48. 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.

Bulman presented the Major Amendment request. Bulman stated that staff recommends that the Major Amendment request be denied without prejudice.

In response to Anderson's question, Bulman stated that the applicant has a temporary certificate of occupancy. Discussion followed.

Steven Brenden, area resident, requested that the application be denied. Brenden expressed his support for the staff's recommendation.

Steve Colgan, representing an adjacent property owner, requested that the property owner be forced to comply with City Code and that the Planning Commission deny the application.

**Anderson moved, Collins seconded and carried to deny the Major Amendment to a Planned Commercial Development without prejudice.** Discussion followed.

**Derby moved and Collins seconded to continue the Major Amendment to a Planned Commercial Development to the December 7, 2006 Planning Commission meeting.** Discussion followed.

**Collins withdrew the second. The motion died for the lack of a second.**

**The motion to deny the Major Amendment to a Planned Commercial Development without prejudice was approved. (7 to 1 with Anderson, Brown, Collins, Fast Wolf, Landguth, LeMay and Runde voting yes and Derby voting no)**

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

49. 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.

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

Fast Wolf left the meeting at this time.

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

- 1. Prior to Preliminary Plat approval by City Council, the applicant shall submit a revised site plan demonstrating the proposed phases of final platting;**
- 2. Prior to Preliminary Plat approval by City Council, an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;**
- 3. All International Fire Codes shall be continually met and the structures shall be fully fire sprinkled if minimum access requirements and minimum required fire flows cannot be met;**
- 4. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented;**
- 5. Prior to Preliminary Plat approval by City Council, the property shall be rezoned to a zoning district as required to allow a minimum 10 acre lot or a Variance from the Pennington County Zoning Board of**



- Adjustment shall be obtained; and,**
6. **Prior to submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid. (7 to 0 with Anderson, Brown, Collins, Derby, Landguth, LeMay and Runde voting yes and none voting no)**

50. No. 06SR071 - Forkner Addition

A request by Dream Design International, Inc. to consider an application for a **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.

Elkins stated that the staff recommends that the SDCL 11-6-19 Review request be continued to the December 7, 2006 Planning Commission meeting.

**Runde moved, Collins seconded and unanimously carried to continue the SDCL 11-6-19 Review to the December 7, 2006 Planning Commission meeting at the applicant's request. (7 to 0 with Anderson, Brown, Collins, Derby, Landguth, LeMay and Runde voting yes and none voting no)**

52. 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.

Elkins stated that staff recommends that the Rezoning request be approved.

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

**Runde moved, LeMay seconded and carried to recommend that the Rezoning from No Use District to Low Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment. (6 to 0 to 1 with Brown, Collins, Derby, Landguth, LeMay and Runde voting yes and none voting no and Anderson abstaining)**

53. No. 06OA006 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to establish the Fifth Street Overlay Zoning District by adding Chapter 17.62 to Title 17 of the Rapid City Municipal Code** generally described as being located north of Fairmont Boulevard and south of Kansas City Street between Third Street and Sixth Street.

Fast Wolf returned to the meeting at this time.

Proffitt presented the Ordinance Amendment to establish the Fifth Street Overlay Zoning District as directed by City Council.

In response to Anderson's comment, Proffitt stated that the purpose of the Ordinance Amendment is to protect the neighborhood from large multifamily residential complexes. Proffitt further commented that new requirements would be added for new construction. Discussion followed.

Dennis Casey, commercial property owner, expressed concern with the possible negative impact on future requests for commercial rezoning along Fifth Street. Discussion followed.

Janet Smith, area resident, requested that a neighborhood meeting be required. Smith expressed her concern for possible negative impact to property owners. Discussion followed.

**LeMay moved, Runde seconded and carried to recommended that the An Ordinance Amendment to establish the Fifth Street Overlay Zoning District by adding Chapter 17.61 to Title 17 of the Rapid City Municipal Code be approved. (7 to 0 with Anderson, Brown, Collins, Fast Wolf, Landguth, LeMay and Runde voting yes and Derby voting no)**

54. Discussion Items

- A. Elkins stated that Commissioner Anderson suggested a subcommittee to review types of buildings allowed in the parks system.

In response to Anderson's comment, Elkins advised that the Parks and Recreation Director is currently working on a master plan with board members to integrate Master Plan with the Comprehensive Plan and Future Land Use Plans. Elkins suggested that this be placed on the agenda in two weeks to ask Mr. Cole to address the Master Plan process and to address the buildings.

55. Staff Items

56. Planning Commission Items

**There being no further business, LeMay moved, Landguth seconded and unanimously carried to adjourn the meeting at 9:08 a.m. (8 to 0 with Anderson, Brown, Collins, Derby, Fast Wolf, Landguth, LeMay and Runde voting yes and none voting no)**