

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 22, 2006

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Barb Collins, Mike Derby, Ida Fast Wolf, Julie Gregg, Dennis Landguth and Karen Waltman.

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Travis Tegethoff, Jonathan Smith, Emily Fisher, Mary Bosworth, Todd Peckosh, Bill Knight, 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.

Motion by Brewer, Seconded by Collins and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 16 in accordance with the staff recommendations. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Landguth and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the February 8, 2007 Planning Commission Meeting Minutes.
2. 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 March 8, 2007 Planning Commission meeting.
3. 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 March 8, 2007 Planning Commission meeting to allow the applicant to submit additional information.

4. No. 06PL191 - IGT Subdivision

A request by D. C. Scott Co. Land Surveyors for G. E. Commercial Finance to consider an application for a **Preliminary Plat** on Lots 1 and 2 of IGT Subdivision, located in the W1/2 of the SW1/4, and the SW1/4 of the NW1/4, formerly Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west side of South Highway 16 and south of Fox Road.

Planning Commission recommended that the Preliminary Plat be continued to the March 8, 2007 Planning Commission meeting at the applicant's request.

5. No. 07AN001 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Petition for Annexation** on Government Lot 3 and the SE1/4 of the NW1/4, less Lot A, located in Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Valley Drive and west of Concourse Drive.

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

6. No. 07PL013 - Paradise Pines Subdivision

A request by Boschee Engineering for Dennis Zandstra to consider an application for a **Layout Plat** on Lot 1 of Block 1 of Paradise Pines Subdivision, located in the SW1/4 of the SE1/4, Section 7, and the NW1/4 of the NE1/4, Section 18, all located in T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2E, less right-of-way of the SW1/4 of the SE1/4, Section 7, T1S, R7E, BHM, and a portion of the NW1/4 of the NE1/4, Section 18, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of U.S. Highway 16 across from Busted Five Development.

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

1. **Prior to City Council approval, the Layout Plat shall be revised to include all of the proposed lots and shall show the plat title and certificate(s);**
2. **Upon submittal of a Preliminary Plat application, construction plans for U.S. Highway 16 shall be submitted for review and approval. In**

particular, the plans shall show the street constructed with curb, gutter, water, sewer, sidewalk and street light conduit or obtain a Variance to the Subdivision Regulations;

3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then 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;
4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed than it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;
5. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along U. S. Highway 16;
6. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along U. S. Highway 16 or a Variance to the Subdivision Regulations shall be obtained.
7. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

7. No. 07PL014 - Hamilton Subdivision

A request by FMG, Inc. for Bies Highway 79 LLP to consider an application for a **Preliminary Plat** on Lots A, B, C and D of Hamilton Subdivision, located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 and 2 of Hamilton Subdivision, located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Minnesota Street and west of S.D. Highway 79.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary construction easements shall be recorded at the Register of Deed's Office as needed;**

2. **Prior to Preliminary Plat approval by the City Council, construction plans showing the installation of sewer along Cambell Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
 3. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional ten feet of right-of-way along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained;**
 4. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
 5. **Prior to any development within the 100 year federally designated floodplain, a Floodplain Development Permit shall be obtained as needed. In addition, a 404 Permit shall be obtained from the Corp of Engineers as needed;**
 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; and,**
 7. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**
8. No. 07PL015 - Copperfield Vistas Subdivision
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 21 of Block 1, Lots 1 thru 4 of Block 2, Lots 1 thru 5 of Block 3, Lots 1 thru 3 of Block 4, Lots 1 and 2 of Block 5, and Lots 1 thru 6 of Block 6 and Utility Lot 1, all located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 28 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a rebar with survey cap "LS 6251"; thence, westerly along the north 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 corner being marked by a 5/8 inch rebar; thence, southwesterly along the northerly edge of Copperfield Drive right-of-way, S71°30'56"W, a distance of 63.29 feet, more or less to the northeast corner of Lot 1 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 83.02 feet, more or less; thence, continuing northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 15.67 feet, more or less, to the northwest corner of said Lot 1, said corner being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap; thence, northwesterly along the north 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 the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap "LS 2652"; thence, northwesterly along the north 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 the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 68.75 feet, more or less; thence, N15°55'14"E, a distance of 104.91 feet, more or less; thence, N74°04'46"W, a distance of 45.00 feet, more or less; thence, N15°55'14"E, a distance of 160.58 feet, more or less; thence, S76°13'24"E, a distance of 120.24 feet, more or less; thence, S78°04'22"E, a distance of 59.02 feet, more or less; thence, N13°46'36"E, a distance of 98.10 feet, more or less; thence, N76°13'24"W, a distance of 13.77 feet, more or less; thence, N13°46'36"E, a distance of 52.00 feet, more or less; thence, S76°13'24"E, a distance of 5.67 feet, more or less; thence, N13°46'36"E, a distance of 80.12 feet, more or less; thence, N00°35'05"E, a distance of 68.76 feet, more or less; thence, N00°00'00"W, a distance of 83.80 feet, more or less; thence, S90°00'00"W, a distance of 0.65 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 18.65 feet, more or less; thence, N00°00'00"W, a distance of 200.26 feet, more or less; thence, S90°00'00"W, a distance of 20.17 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 2.17 feet, more or less; thence, N00°00'00"W, a distance of 455.50 feet, more or less; thence, curving to southwest to the left on a curve with a radius of 562.00 feet, a delta of 01°25'51", an arc length of 14.03 feet, and a chord bearing of S78°05'02"W and chord distance of 14.03 feet; thence, N12°37'53"W, a distance of 76.00 feet, more or less; thence, curving to the northeast to the right on a curve with a radius of 638.00 feet, a delta of 10°54'37", an arc length of 121.49 feet, and a chord bearing of N82°49'25"E and chord distance of 121.30 feet; thence, N44°21'49"E, a distance of 14.30 feet, more or less; thence, N00°00'00"W, a distance of 15.20 feet, more or less; thence, N90°00'00"E, a distance of 52.00 feet, more or less; thence, S00°00'00"E, a distance of 15.13 feet, more or less; thence, S45°00'00"E, a distance of 14.14 feet, more or less; thence, N90°00'00"E, a distance of 142.69 feet, more or less, to a point on the north/south 1/4 section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said 1/4 section line, S00°05'16"E, a distance of 941.09 feet, more or less, to a point marked by an iron pin; thence, continuing southerly along said 1/4 section line, S00°05'03"E, a distance of 517.62 feet, more or less, to a point located on said 1/4 section line being marked by a rebar with survey cap "LS 6251"; thence, continuing southerly along said 1/4 section line, S00°03'43"E, a distance of 781.29 feet, more or less; thence, S89°47'47"W, a distance of 303.32 feet, more or less to a point along the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of 46.14 feet, more or less, to the northeast corner of said Lot 17, said corner being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision as shown on the plat

recorded in Book 22 of Plats on Page 21; 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 corner being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked with a rebar and survey cap "LS 2652"; 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 corner being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked by a rebar with survey cap "LS 2652"; thence, northeasterly along the east line of Lots 20 through 24 inclusive of Block 1 of Copperfield Subdivision, as shown on the plats recorded in Book 22 of Plats on Page 21 and 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 in Block 1 of Copperfield Subdivision, said corner being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; 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 corner being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195; thence, northeasterly along the east lines of Lots 26, 27 and 28 of Block One of Copperfield Subdivision, N02°40'24"E, a distance of 239.67 feet, more or less to the point of beginning, more generally described as being located east of Valley Drive and west of Concourse Drive.

Planning Commission recommended that the Preliminary Plat be continued to the March 8, 2007 Planning Commission meeting to allow the applicant to submit additional information.

9. No. 07SR004 - Original Town of Rapid City
A request by Festival of Presidents for the City of Rapid City Downtown Association to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on the Sixth Street right-of-way adjacent to Lots 31 thru 32 of Block 74 and Lots 14 thru 16 of Block 75, and Lots 17 thru 23 of Block 75 all of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of West Main Street and Sixth Street.

Planning Commission approved the SDCL 11-6-19 Review to allow temporary structures on public property.

10. No. 07SR005 - Original Town of Rapid City
A request by Festival of Presidents for the City of Rapid City Downtown Association to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on Lots 1 thru 16 of Block 95 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of

the intersection of St. Joseph Street and Sixth Street.

Planning Commission approved the SDCL 11-6-19 Review to allow temporary structures on public property.

11. No. 07SR006 - Section 31, T2N, R8E

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on the SE1/4 of the NW1/4 of the NE1/4 less a portion of Tract 1 of LaCrosse Estates, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 880 Meadowlark Drive.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of a sign on public property.

12. No. 07SR007 - Section 32, T2N, R7E

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on the S1/2 of the NE1/4 and the NE1/4 of the SE1/4, unplatted, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 514 City Springs Road.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of a sign on public property.

13. No. 07SR008 - Section 36, T2N, R7E

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on the unplatted portion of Block 4 of Millard Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 220 College Avenue.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of signs on public property.

14. No. 07SR009 - Section 35, T2N, R7E

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on the unplatted portion of the NW1/4 of the SW1/4 less Tract A and the W1/2 of the W1/2 of the NE1/4 of the SW1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Cowboy Hill.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of signs on public property.

15. No. 07SR010 - Section 32, T2N, R7E

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a sign on public property** on Tract AR

Mountain Springs Subdivision, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Galena Drive.

Planning Commission approved the SDCL 11-6-19 Review to allow the construction of a sign on public property.

16. No. 07VE002 - Section 23, T1N, R7E

A request by Sperlich Consulting, Inc. for Schriener Investments, LLC to consider an application for a **Vacation of Access and Utility Easement** on a portion of the 66 foot wide access and utility easement located in the NE1/4 of the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of the NE1/4 all located in Section 23, T1N, R7E, Rapid City, Pennington County, South Dakota, more generally described as being located north of Enchantment Road and west of the eastern terminus of Stumer Road.

Planning Commission recommended that the Vacation of Access and Utility Easement be approved with the following stipulations:

1. **Prior to City Council approval, documentation shall be submitted from all of the utility companies indicating approval of the Vacation of Access and Utility Easement request; and,**
2. **Prior to City Council approval, an alternate means of access in compliance with the Street Design Criteria Manual shall be recorded to provide access to the adjacent properties located north and east of the subject property.**

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

Brown announced that the Public Hearings on Items 17 through 36 were opened.

Planning Commission requested that Items 17, 22 and 23 be removed from the Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 22 and 34 be removed from the Hearing Consent Agenda for separate consideration.

Landguth moved, Gregg seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 17 through 36 in accordance with the staff recommendations with the exception of Items 17, 22, 23 and 34. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Landguth and Waltman voting yes and none voting no)

The Public Hearings for Items 17 through 36 were closed.

---HEARING ITEMS CONSENT CALENDAR---

18. 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 the 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 March 8, 2007 Planning Commission meeting to allow the applicant to submit additional information.

19. No. 06SV079 - IGT Subdivision

A request by D. C. Scott Co. Land Surveyors for G. E. Commercial Finance to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along the section line highway and Berglund Road; to waive the requirement to install street light conduit along Berglund Road and Fox Road; to allow platting half the Right-of-way, to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and water along the section line highway, and the U.S. Hwy 16 service road as per Chapter 16.16 of the Rapid City Municipal Code** on Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Promise Road and U.S. Highway 16 South.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Berglund Road, to waive the requirement to install street light conduit along Berglund Road and Fox Road and to allow platting half a right-of-way, to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and water along the section line highway, and the US Hwy 16 service road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 8, 2007 Planning Commission meeting at the applicant's request.

20. No. 07CA006 - Brewer Subdivision

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the Land Use Designation from Industrial to Public** on a portion of Brewer Subdivision including Lots 1 and 2, formerly the balance of Outlot 3 of the SW1/4 NW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Tallent Street and Ash Avenue.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the Land Use Designation from Industrial to Public be denied without prejudice at the applicant's request.

21. No. 07CA007 - Catron Crossing

A request by Boschee Engineering to OTS, Inc. to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to a Planned Residential Development with a maximum density of 4.8 dwelling units per acre** on a parcel of land located in the SW1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at the found corner No. 3977 along the southwest section line of Section 22 and Sheridan Lake Road right-of-way; thence N31°32'20"E along a imaginary line, 481.85 feet to the true point of beginning; thence N26°16'50"E 166.37 feet; thence N00°00'00"W 112.04 feet; thence N12°21'02"E 160.14 feet; thence N23°19'30"E 120.85 feet; thence S68°58'39"E 24.58 feet; thence N53°48'13"E 78.46 feet; thence S00°02'33"W 317.97 feet; thence S00°02'33"W 199.35 feet; thence S00°01'07"E 48.25 feet; thence S89°51'52"W 240.83 feet; to the point of beginning, more generally described as being located south end of Bendt Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to a Planned Residential Development with a maximum density of 4.8 dwelling units per acre be approved with the following stipulation:

1. **Prior to Planning Commission approval, a Planned Development Designation application shall be submitted and approved for the subject property.**

*24. No. 07PD001 - Stoney Creek South Subdivision

A request by Sperlich Consulting, Inc. for William Donhiser to consider an application for a **Planned Commercial Development - Initial & Final Development Plan** on Lot 7 of Block 2 of Stoney Creek South Subdivision, located in the NW1/4 of the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Bendt Drive and Catron Boulevard.

Planning Commission continued the Planned Commercial Development - Initial & Final Development Plan to the March 8, 2007 Planning Commission meeting at the applicant's request.

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

*25. No. 07PD003 - Starlite Subdivision

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

Planning Commission continued the Planned Light Industrial Development - Initial and Final Development Plan to the March 8, 2007 Planning Commission meeting to allow the applicant to submit additional information.

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

*26. No. 07PD004 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the SE1/4 of the NW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, excepting therefrom Lot A as shown on the plat recorded in Plat Book 17 on Page 167; and Government Lot 3 of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, Less a parcel of land located in Government Lot 3, of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the north 1/4 corner of said Section 4, said corner being marked with a GLO Brass Cap; thence, southerly along the 1/4 section line, S00°05'16"E, a distance of 512.09 feet, more or less; thence, S89°54'44"W, a distance of 193.07 feet, more or less; thence, curving southwest to the left on a curve with a radius of 326.00 feet, a delta of 15°03'07", an arc length of 85.64 feet, and a chord bearing of S07°28'00"W and a chord distance of 85.40 feet; thence, S00°03'34"E, a distance of 108.52 feet, more or less; thence, S89°50'20"W, a distance of 968.82 feet, more or less; thence, N00°00'48"W, a distance of 181.83 feet, more or less; thence, curving northwest to the left on a curve with a radius of 226.00 feet, a delta of 00°42'26", an arc length of 2.79 feet, and a chord bearing of N00°22'01"W and a chord distance of 2.79 feet; thence, S89°53'30"W, a distance of 151.98 feet, more or less, to a point located on the west one-1/16th line of said Section 4; thence, northerly along said 1/16th line, N00°00'49"W, a distance of 520.21 feet, more or less to the north section line of said Section 4, said point being a 1/16th section corner and marked by a rebar with survey cap "6251"; thence, easterly along the north line of said Section 4, N89°50'15"E, a distance of 1324.26 feet, more or less, to the point of beginning, (Said tract of land contains 19.90 acres or 866,706 square feet, more or less); and, a parcel of land located in the NE1/4 of the SW1/4, 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 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 1/4 section line and the northwest corner of the NE1/4 of the SW1/4 of said Section 4, T1N, R8E, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, east along the 1/4 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.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the March 8, 2007 Planning Commission meeting to allow the applicant to submit additional information.

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

27. No. 07RZ004 - Catron Crossing

A request by Boschee Engineering for OTS, Inc. to consider an application for a **Rezoning from General Commercial District to Low Density Residential District** on a parcel of land located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at the found corner No. 3977 of the southwest corner of Section 22; thence N89°51'52"E along south section line of Section 22, 298.47 feet to the true point of beginning; beginning at a point; thence N89°51'52"E 195.37 feet; thence N00°01'07"W 458.25 feet; thence N00°02'33"E 199.35 feet; thence N00°02'33"E 317.97 feet; thence S53°48'13"W 78.46 feet; thence N68°58'39"W 24.58 feet; thence S23°19'30"W 120.85 feet; thence S12°21'02"W 160.14 feet; thence S00°00'00"E 112.04 feet; thence S26°16'50"W 217.16 feet; thence S16°04'27"W 91.13 feet; thence S16°04'27"W 46.34 feet; thence S10°12'24"W 126.12 feet; thence S88°50'10"E 129.50 feet; thence S00°04'44"W 105.50 feet; to the point of beginning; containing 4.48 acres more or less, more

generally described as being located at the southern terminus of Bendt Drive.

Planning Commission recommended that the Rezoning from General Commercial District to Low Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment(s) to the U.S. Highway 16 Area Future Land Use Plan with the following stipulation:

- 1. Prior to Planning Commission approval, a Planned Development Designation application shall be submitted and approved for the subject property.**

28. No. 07RZ005 - Catron Crossing

A request by Boschee Engineering for OTS, Inc. to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on a parcel of land located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the found corner No. 3977 of the southwest corner of Section 22; thence N89°51'52"E along south section line of Section 22, 493.84 feet to the true point of beginning; thence N89°51'52"E 818.42 feet; thence N00°00'36"E 564.46 feet; thence N89°59'24"W 709.07 feet; thence N76°18'05"W 108.67 feet; thence N00°00'00"W 63.32 feet; along a curve to the left having a radius of 274.00 feet through a central angle of 23°19'30" along said curve having a chord direction of N11°39'45"E; thence N23°19'30"E 113.52 feet; along a curve to the right having a radius of 476.00 feet through a central angle of 27°58'03" along said curve having a chord direction of N09°20'29"E; thence N04°38'33"W 36.30 feet; thence S85°21'27"W 69.30 feet; thence S06°18'31"W 135.46 feet; thence S53°48'13"W 26.53 feet; thence S00°02'33"W 317.97 feet; thence S00°02'33"W 199.35 feet; thence S00°01'07"E 458.25 feet; to the point of beginning; containing 11.31 acres more or less, more generally described as being located at the southern terminus of Bendt Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be approved with the following stipulation:

- 1. Prior to Planning Commission approval, a Planned Development Designation application shall be submitted and approved for the subject property.**

29. No. 07RZ007 - Brewer Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Medium Density Residential District to Public District** on a portion of Brewer Subdivision including Lots 1 and 2, formerly the balance of Outlot 3 of the SW1/4 NW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Tallent Street and Ash Avenue.

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

30. No. 07RZ008 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in Government Lot 3 and the SE1/4 of the NW1/4 of Section 4, T1N, R8E, BHM, Pennington County, more fully described as follows: Commencing at the northeast corner of said Lot 3, said point being coincident with the north one-quarter corner of said Section 4, T1N, R8E, BHM, Pennington County, South Dakota, said corner being marked by a brass cap; thence, southerly along the one-quarter section line, S00°05'16"E, a distance of 512.09 feet, more or less, to the point of beginning; thence, continuing southerly along the one-quarter section line, S00°05'16"E, a distance of 1914.86 feet, more or less, said point being marked by an iron pin; thence, continuing southerly along the one-quarter section line, S00°05'03"E, a distance of 246.18 feet, more or less to the center one quarter corner of said Section 4, said point being marked by a rebar with surveyor cap number 6565; thence, westerly along the one-quarter section line, S89°48'42"W, a distance of 1328.91 feet, more or less to the southwest corner of the SE1/4 of the NW1/4 of said Section 4, said point being marked by a rebar with surveyor cap number 6565; thence, northerly along the one-sixteenth section line, N00°02'44"E, a distance of 1048.69 feet, more or less to the southwest corner of Lot A of the SE1/4 NW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded in Plat Book 17 on Page 167, said point being marked by a 5/8 inch rebar; thence, easterly along the south line of said Lot A, N89°59'59"E, a distance of 145.15 feet, more or less to the southeast corner of said Lot A, said point being marked by a 5/8 inch rebar; thence, northerly along the east line of said Lot A, N00°02'52"E, a distance of 110.12 feet, more or less, to the northeast corner of said Lot A, said point being marked by a 5/8 inch rebar; thence, westerly along the north line of said Lot A, S89°53'30"W, a distance of 145.14 feet, more or less, to the northwest corner of said Lot A and the one-sixteenth section line, said point being marked by a 5/8 inch rebar; thence, northerly along the one-sixteenth section line N00°00'48"W, a distance of 995.00 feet, more or less; thence, N89°53'30"E, a distance of 151.98 feet, more or less; thence, curving to the right on a curve with a radius of 226.00 feet, an arc length of 2.79 feet, a delta of 00°42'26", and a chord bearing of S00°22'01"E with a chord distance of 2.79 feet; thence, S00°00'48"E, a distance of 181.83 feet, more or less; thence, N89°50'20"E, a distance of 968.82 feet, more or less; thence, N00°03'34"W, a distance of 108.52 feet, more or less; thence, curving to the right on a curve with a radius of 326.00 feet, an arc length of 85.64 feet, a delta of 15°03'07", and a chord bearing of N07°28'00"E with a chord distance of 85.40 feet; thence, N89°54'44"E, a distance of 193.07 feet, more or less, to the point of beginning, more generally described as being located east of Valley Drive and west of Concourse Drive.

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

31. No. 07RZ009 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on a parcel of land located in Government Lot 3, of Section 4, T1N, R8E, BHM,

Pennington County, South Dakota, more fully described as follows: Beginning at the north 1/4 corner of said Section 4, said corner being marked with a GLO Brass Cap; thence, southerly along the 1/4 section line, S00°05'16"E, a distance of 512.09 feet, more or less; thence, S89°54'44"W, a distance of 193.07 feet, more or less; thence, curving southwest to the left on a curve with a radius of 326.00 feet, a delta of 15°03'07", an arc length of 85.64 feet, and a chord bearing of S07°28'00"W and a chord distance of 85.40 feet; thence, S00°03'34"E, a distance of 108.52 feet, more or less; thence, S89°50'20"W, a distance of 968.82 feet, more or less; thence, N00°00'48"W, a distance of 181.83 feet, more or less; thence, curving northwest to the left on a curve with a radius of 226.00 feet, a delta of 00°42'26", an arc length of 2.79 feet, and a chord bearing of N00°22'01"W and a chord distance of 2.79 feet; thence, S89°53'30"W, a distance of 151.98 feet, more or less, to a point located on the west 1/16th line of said Section 4; thence, northerly along said 1/16th line, N00°00'49"W, a distance of 520.21 feet, more or less to the north section line of said Section 4, said point being a 1/16th section corner and marked by a rebar with survey cap "6251"; thence, easterly along the north line of said Section 4, N89°50'15"E, a distance of 1324.26 feet, more or less, to the point of beginning, more generally described as being located east of Valley Drive and west of Concourse Drive.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be approved in conjunction with the associated Planned Development Designation.

32. No. 07SV001 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Variance to the Subdivision regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of the NE1/4 of the SE1/4, Section 13, T2N, R7E, BHM, and a portion of Tract 5 of Sletten Addition, located in the NW1/4 of the SW1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the easterly 1/4 Corner of Section 13, T2N, R7E, common with the westerly 1/4 corner of Section 18, T2N, R8E, and common with the northwesterly corner of Tract 5 of Sletten Addition, and the Point of Beginning; Thence, first course: S89°38'53"E, along the northerly boundary of said Tract 5 of Sletten Addition, a distance of 33.00 feet, to a point on the easterly edge of the statutory section line right-of-way in said Section 18; Thence, second course: S00°07'25"W, along the easterly edge of said statutory section line right-of-way, a distance of 1090.65 feet, to a point of curve of Lot H-1 of Tract 5 of Sletten Addition; Thence, third course: northwesterly, curving along the northeasterly edge of the right-of-way of said Lot H-1 of Tract 5 of Sletten Addition, curving to the left on a curve with a radius of 285.79 feet, a delta angle of 27°48'23", an arc length of 138.70 feet, a chord bearing of N13°46'46"W, and a chord distance of 137.34 feet, to the northwesterly corner of said Lot H-1 of Tract 5 of Sletten Addition, and a point of compound curvature; Thence, fourth course: northwesterly, curving to the left on a curve with a radius of 253.40 feet, a delta angle of 14°54'34", an arc length of 65.94 feet, a chord bearing of N30°00'02"W, and a chord distance of 65.75 feet, to a point on the westerly edge of the statutory section line right-of-way in said

Section 13; Thence, fifth course: N00°07'25"E, along the westerly edge of said statutory section line right-of-way, a distance of 900.49 feet, to a point on the Center 1/4 line of said Section 13; Thence, sixth course: N89°56'42"E, along said Center 1/4 line of said Section 13, a distance of 33.00 feet, to the easterly 1/4 Corner of Section 13, T2N, R7E, common with the westerly 1/4 Corner of Section 18, T2N, R8E, and common with the northwesterly corner of Tract 5 of Sletten Addition, and the Point of Beginning, more generally described as being located at the northern terminus of Cobalt Drive.

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 the section line highway as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement; and,
2. Prior to submittal of a Final Plat application, the section line highway shall be vacated.

33. No. 07SV002 - Paradise Pines Subdivision

A request by Boschee Engineering for Dennis Zandstra to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and reduce the right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Block 1 of Paradise Pines Subdivision, located in the SW1/4 of the SE1/4, Section 7, and the NW1/4 of the NE1/4, Section 18, all located in T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2E, less right-of-way of the SW1/4 of the SE1/4, Section 7, T1S, R7E, BHM, and a portion of the NW1/4 of the NE1/4, Section 18, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of U.S. Highway 16 across from Busted Five Development.

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 U.S. Highway 16 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 of the improvements.

That the Variance to the Subdivision Regulations to waive the requirement to reduce the right of way width along U.S. Highway 16 be denied without prejudice.

35. No. 07SV004 - Copperfield Vistas Subdivision

A request by Dream Design International to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sewer along Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code** on a parcel of land located in the SW1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South

Dakota, more fully described as follows: Commencing at the north center 1/16th corner of said Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, said corner being marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, southerly along the one-quarter 1/4 section line, S00°05'16"E, a distance of 135.90 feet, more or less, to the point of beginning, said point being marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, N90°00'00"E, a distance of 631.62 feet, more or less, to a point marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, curving to the left on a curve with a radius of 462.00 feet, a delta of 09°39'31" an arc length of 77.88 feet, and a chord bearing of N85°10'15"E and chord distance of 77.79 feet, to a point on the westerly edge of existing Concourse Drive right-of-way, said point being marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, southeasterly along the westerly edge of said Concourse Drive right-of-way and curving to the right on a curve with a radius of 438.53 feet, a delta of 09°57'02" an arc length of 76.16 feet, and a chord bearing of S07°07'13"E and chord distance of 76.06 feet, to a point on the westerly edge of existing Concourse Drive right-of-way, said point being marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, southwesterly and curving to the right on a curve with a radius of 538.00 feet, a delta of 09°17'59", an arc length of 87.32 feet, and a chord bearing of S85°21'00"W and chord distance of 87.23 feet, to a point marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, S90°00'00"W, a distance of 631.51 feet, more or less to a point located on the one-quarter 1/4 section line of said Section 4, said point being marked by a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, northerly along said 1/4 section line, N00°05'16"W, a distance of 76.00 feet, more or less, to the point of beginning, more generally described as being located west of the intersection of Homestead Street and Concourse Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sewer along Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

36. No. 07SV005 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to provide easements across lots or centered on rear or side lot lines for utilities and drainage as per Chapter 16.12.200.A of the Rapid City Municipal Code** on Lots 1 thru 21 of Block 1, Lots 1 thru 4 of Block 2, Lots 1 thru 5 of Block 3, Lots 1 thru 3 of Block 4, Lots 1 and 2 of Block 5, and Lots 1 thru 6 of Block 6 and Utility Lot 1, all located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 28 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a rebar with survey cap "LS 6251"; thence, westerly along the north 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 corner being marked by a 5/8 inch

rebar; thence, southwesterly along the northerly edge of Copperfield Drive right-of-way, $S71^{\circ}30'56''W$, a distance of 63.29 feet, more or less to the northeast corner of Lot 1 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, $N88^{\circ}29'49''W$, a distance of 83.02 feet, more or less; thence, continuing northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, $N88^{\circ}29'49''W$, a distance of 15.67 feet, more or less, to the northwest corner of said Lot 1, said corner being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap; thence, northwesterly along the north line of said Lot 3 in Block 7 of Copperfield Subdivision, $N88^{\circ}42'16''W$, 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 the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap "LS 2652"; thence, northwesterly along the north line of said Lot 4 in Block 7 of Copperfield Subdivision, $N88^{\circ}18'11''W$, 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 the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, $N71^{\circ}45'04''W$, a distance of 68.75 feet, more or less; thence, $N15^{\circ}55'14''E$, a distance of 104.91 feet, more or less; thence, $N74^{\circ}04'46''W$, a distance of 45.00 feet, more or less; thence, $N15^{\circ}55'14''E$, a distance of 160.58 feet, more or less; thence, $S76^{\circ}13'24''E$, a distance of 120.24 feet, more or less; thence, $S78^{\circ}04'22''E$, a distance of 59.02 feet, more or less; thence, $N13^{\circ}46'36''E$, a distance of 98.10 feet, more or less; thence, $N76^{\circ}13'24''W$, a distance of 13.77 feet, more or less; thence, $N13^{\circ}46'36''E$, a distance of 52.00 feet, more or less; thence, $S76^{\circ}13'24''E$, a distance of 5.67 feet, more or less; thence, $N13^{\circ}46'36''E$, a distance of 80.12 feet, more or less; thence, $N00^{\circ}35'05''E$, a distance of 68.76 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 83.80 feet, more or less; thence, $S90^{\circ}00'00''W$, a distance of 0.65 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 52.00 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 18.65 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 200.26 feet, more or less; thence, $S90^{\circ}00'00''W$, a distance of 20.17 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 52.00 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 2.17 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 455.50 feet, more or less; thence, curving to southwest to the left on a curve with a radius of 562.00 feet, a delta of $01^{\circ}25'51''$, an arc length of 14.03 feet, and a chord bearing of $S78^{\circ}05'02''W$ and chord distance of 14.03 feet; thence, $N12^{\circ}37'53''W$, a distance of 76.00 feet, more or less; thence, curving to the northeast to the right on a curve with a radius of 638.00 feet, a delta of $10^{\circ}54'37''$, an arc length of 121.49 feet, and a chord bearing of $N82^{\circ}49'25''E$ and chord distance of 121.30 feet; thence, $N44^{\circ}21'49''E$, a distance of 14.30 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 15.20 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 52.00 feet, more or less; thence, $S00^{\circ}00'00''E$, a distance of 15.13 feet, more or less; thence, $S45^{\circ}00'00''E$, a distance of 14.14 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 142.69

feet, more or less, to a point on the north/south 1/4 section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said 1/4 section line, S00°05'16"E, a distance of 941.09 feet, more or less, to a point marked by an iron pin; thence, continuing southerly along said 1/4 section line, S00°05'03"E, a distance of 517.62 feet, more or less, to a point located on said 1/4 section line being marked by a rebar with survey cap "LS 6251"; thence, continuing southerly along said 1/4 section line, S00°03'43"E, a distance of 781.29 feet, more or less; thence, S89°47'47"W, a distance of 303.32 feet, more or less to a point along the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of 46.14 feet, more or less, to the northeast corner of said Lot 17, said corner being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21; 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 corner being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked with a rebar and survey cap "LS 2652"; 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 corner being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked by a rebar with survey cap "LS 2652"; thence, northeasterly along the east line of Lots 20 through 24 inclusive of Block 1 of Copperfield Subdivision, as shown on the plats recorded in Book 22 of Plats on Page 21 and 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 in Block 1 of Copperfield Subdivision, said corner being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; 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 corner being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195; thence, northeasterly along the east lines of Lots 26, 27 and 28 of Block One of Copperfield Subdivision, N02°40'24"E, a distance of 239.67 feet, more or less to the point of beginning, more generally described as being located east of Valley Drive and west of Concourse Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to provide easements across lots or centered on rear or side lot lines for utilities and drainage as per Chapter 16.12.200.A of the Rapid City Municipal Code be continued to the March 8, 2007 Planning Commission meeting to allow the applicant to submit additional information.

---END OF HEARING CONSENT CALENDAR---

17. No. 06CA028 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Comprehensive Plan to amend the Major Street Plan to change an arterial street to a collector street, to eliminate a collector street and to relocate a collector street** on Parcel 1 thru 15 and detention ponds, Rushmore Crossing, Sections, 29, 30, 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as DESCRIPTION No. 1: Lot BR of Lot 2 of the SE1/4 SW1/4, Section 29 in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 2: Lot C of Lot 2 of the SE1/4 SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 15, Page 103; DESCRIPTION No. 3: Tract C of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 11, Page 68; DESCRIPTION No. 4: that portion of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying South of Lot H3 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 109 and lying South of Lot H1 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 113 and lying South of Lot H2 of said SW1/4 as shown on the plat filed in Highway Plat Book 3, Page 292 and lying South of Lot H4 of said SW1/4 as shown on the plat filed in Highway Plat Book 10, Page 150 (Interstate 90 right-of-way) and lying North of the Railroad right-of-way; excepting therefrom Lot A of the SE1/4 SW1/4, as shown on the plat filed in Plat Book 10, Page 122; AND excepting therefrom Tract C of said SW1/4, as shown on the plat filed in Plat Book 11, Page 68; and excepting therefrom Lot 1R, 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 H1 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.

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

Brewer moved, Landguth seconded and carried to recommend that the Amendment to the Comprehensive Plan to amend the Major Street Plan to change an arterial street to a collector street, to eliminate a collector street and to relocate a collector street be continued to the March 8, 2007 Planning Commission meeting to allow staff sufficient time to review a recently submitted Traffic Impact Study. (8 to 0 to 1 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg and Landguth voting yes and none voting no and Waltman abstaining)

22. No. 07OA002 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to Section 16.24.015 Establishing a Process by Which Exceptions Can be Granted to the City's Lot Length to Width Requirements.**

In response to Brewer's question, Elkins stated that the second page of the Ordinance was not linked.

Steve Brenden, area resident expressed his concern that the public does not have a recourse to appeal committee decisions.

Elkins reviewed the appeal process included in the Ordinance. Elkins stated that staff recommends that the proposed Ordinance be approved.

Brewer moved, Gregg seconded and unanimously carried to recommend that the Ordinance Amendment to add Section 16.24.015 to allow exceptions to be granted to the lot length to width requirements be approved. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Landguth and Waltman voting yes and none voting no)

23. No. 07OA003 – Ordinance Amendment

A request by Faulk & Foster for WWC License LLC, d/b/a Alltel to consider an application for an **Ordinance Amendment to add communication towers and antennas as a Conditional Use in the Heavy Industrial and Light Industrial Zoning District by amending Chapter 17.24.030 and Chapter 17.22.030 of the Rapid City Municipal Code.**

In response to Brewer's questions, Elkins stated that the proposed Ordinance would duplicate an existing Ordinance. Elkins stated that applicant is in concurrence with staff's recommendation to deny the request without prejudice.

Anderson moved, Collins seconded and unanimously carried to recommend that the Ordinance Amendment to add communication towers and antennas as a Conditional Use in the Heavy Industrial and Light Industrial Zoning District by amending Chapter 17.24.030 and Chapter 17.22.030 of the Rapid City Municipal Code be denied without prejudice. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Landguth and Waltman voting yes and none voting no)

34. No. 07SV003 - Hamilton Subdivision

A request by FMG, Inc. for Bies Highway 79 LLP to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Minnesota Street and to waive the requirement to install sewer along Cambell Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A, B, C and D of Hamilton Subdivision, located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 and 2 of Hamilton Subdivision, located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Minnesota Street and west of South Dakota Highway 79.

Jerry Foster, agent for Bies Highway 79 LLP requested that the recommended stipulation of approval requiring a Waiver of Right to Protest be eliminated. Foster expressed his opinion that the Waiver is not necessary.

Fisher explained that a Waiver of Right to Protest would address possible future development. Discussion followed.

Fast Wolf left the meeting at this time.

Derby moved, Anderson seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Minnesota Street be approved with the following stipulation;

1. **A ten foot wide utility and pedestrian access easement shall be provided along the south property line of lot 2 beginning at the southeast corner of Lot 2 and extending to the extension of the west right-of-way line of Triple Crown Drive; and,**

That the Variance to the Subdivision Regulations to waive the requirement

to install sewer along Cambell Street be approved. The motion failed (3 to 5 with Anderson, Brewer and Derby voting yes and Brown, Collins, Gregg, Landguth and Waltman voting no)

Discussion continued.

Landguth moved, Gregg seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Minnesota Street be approved with the following stipulation;

- 1. A ten foot wide utility and pedestrian access easement shall be provided along the south property line of lot 2 beginning at the southeast corner of Lot 2 and extending to the extension of the west right-of-way line of Triple Crown Drive; and,**

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along Cambell Street be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement. The motion failed (3 to 5 with Brown, Gregg and Waltman voting yes and Anderson, Brewer, Collins, Derby and Landguth voting no)**

Brenden expressed his support of staff's recommendation that a Waiver of Right to Protest be signed by the applicant.

Derby moved, Anderson seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Minnesota Street be approved with the following stipulation;

- 1. A ten foot wide utility and pedestrian access easement shall be provided along the south property line of lot 2 beginning at the southeast corner of Lot 2 and extending to the extension of the west right-of-way line of Triple Crown Drive; and,**

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along Cambell Street be approved. The motion carried (7 to 1 with Anderson, Brewer, Collins, Derby, Fast Wolf, Gregg, Landguth and Waltman voting yes and Brown voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

37. No. 06SR071 - Forkner Addition

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

Fisher presented the staff recommendation that the SDCL 11-6-19 Review request be denied without prejudice at the applicant's request.

Fast Wolf returned to the meeting at this time.

Brewer moved, Waltman seconded and unanimously carried to deny the SDCL 11-6-19 Review to modify an existing road without prejudice at the applicant's request. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Landguth and Waltman voting yes and none voting no)

38. No. 06SR088 - Marshall Heights Subdivision No. 2

A request by Centerline, Inc. for R.C. Implement Company to consider an application for an **SDCL 11-6-19 Review to extend a private sewer in a public right-of-way** on Tract F of Marshall Heights Subdivision No. 2 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 751 East Disk Drive.

Tegethoff presented the staff recommendation that the SDCL 11-6-19 Review request be approved with stipulations.

Brewer moved, Gregg seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the extension of a private sewer main with the following stipulations:

- 1. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; and,**
- 2. Prior to Planning Commission approval, all necessary sewer easements shall be recorded at the Pennington County Register of Deeds Office. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Landguth and Waltman voting yes and none voting no)**

39. No. 06SR089 - Rapid Valley Subdivision

A request by Sperlich Consulting, Inc. for Jamie Gerlach to consider an application for an **SDCL 11-6-19 Review to allow the extension of public utilities** on Lots 1 thru 12 of Block 5 of Rapid Valley Subdivision located in the N1/2 of the NE1/4 of Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sedivy Lane and East St. Francis Street.

Tegethoff presented the staff recommendation that the SDCL 11-6-19 Review request be continued to the March 8, 2007 Planning Commission meeting.

Landguth moved, Collins seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the extension of public utilities to the March 8, 2007 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Landguth and Waltman voting yes and none voting no)

40. No. 07SR001 - Starlite Subdivision

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 Review to extend sanitary sewer on public property** on the public right-of-way at the intersection of Beale Street and Lowry Lane; the public right-of-way for Offutt Street and Interstate I90 right-of-way immediately north of the intersection of Beale Street and Lowry Lane; and the unplatted portion of the SW1/4 north of I90 less Lot 3 of Starlite Subdivision, less GLM Subdivision; and the unplatted portion of the NW1/4 of the SE1/4 of I90; Lot E of the S1/2 of the SE1/4, all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of I90 and Lowry Lane.

Tegethoff presented the staff recommendation that the SDCL 11-6-19 Review request be approved with stipulations.

Collins moved, Waltman seconded and unanimously carried to approve the SDCL 11-6-19 Review to extend sanitary sewer on public property with the following stipulations:

- 1. Prior to Planning Commission approval, the applicant shall coordinate the location of the proposed manhole in the Interstate 90 right-of-way with the South Dakota Department of Transportation; and,**
- 2. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Landguth and Waltman voting yes and none voting no)**

41. No. 07SR011 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 Review for the acquisition of street right-of-way and construction of a public street** on a parcel of land located in the SW1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the north center 1/16th corner of said Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, said corner being marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, southerly along the one-quarter 1/4 section line, S00°05'16"E, a distance of 135.90 feet, more or less, to the point of beginning, said point being marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, N90°00'00"E, a distance of 631.62 feet, more or less, to a point marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, curving to the left on a curve with a radius of 462.00 feet, a delta of 09°39'31" an arc length of 77.88 feet, and a chord bearing of N85°10'15"E and chord distance of 77.79 feet, to a point on the westerly edge of existing Concourse Drive right-of-way, said point being marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, southeasterly along the westerly edge of said Concourse Drive right-of-way and curving to the right on a curve with a radius of 438.53 feet, a delta of 09°57'02" an arc length of 76.16 feet, and a chord bearing of S07°07'13"E and

chord distance of 76.06 feet, to a point on the westerly edge of existing Concourse Drive right-of-way, said point being marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, southwesterly and curving to the right on a curve with a radius of 538.00 feet, a delta of 09°17'59", an arc length of 87.32 feet, and a chord bearing of S85°21'00"W and chord distance of 87.23 feet, to a point marked with a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, S90°00'00"W, a distance of 631.51 feet, more or less to a point located on the 1/4 section line of said Section 4, said point being marked by a 5/8 inch rebar with survey cap "RW FISK 6565"; thence, northerly along said 1/4 section line, N00°05'16"W, a distance of 76.00 feet, more or less, to the point of beginning., more generally described as the extension of Homestead Street west of Concourse Drive.

Fisher presented the staff recommendation that the SDCL 11-6-19 Review request be continued to the March 8, 2007 Planning Commission meeting.

In response to Anderson's questions, Fisher identified the street improvement within the H-lot that would require and the SDCL 11-6-19 Review.

Brewer moved, Waltman seconded and unanimously carried to continue the SDCL 11-6-19 Review for the acquisition of street right-of-way and construction of a public street to the March 8, 2007 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Landguth and Waltman voting yes and none voting no)

42. No. 07VE003 - Red Rock Estates

A request by Dream Design International, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 1 of Block 9 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Prestwick Road and Muirfield Drive.

Tegethoff presented the staff recommendation that the SDCL 11-6-19 Review request be continued to the March 8, 2007 Planning Commission meeting at the applicant's request.

Collins moved, Landguth seconded and unanimously carried to recommend that the Vacation of a Non-Access Easement be continued to the March 8, 2007 Planning Commission meeting at the applicant's request. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Landguth and Waltman voting yes and none voting no)

43. Discussion Items

Dominicak stated that Tuesday March 20, 2007 from 11:30 to 1:00 has been scheduled for a training session for Planning Commission members to discuss zoning 101 and Planning Commission roles as City Council liaisons.

44. Staff Items

45. Planning Commission Items

46. Committee Reports

- A. City Council Report (February 5, 2007)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Landguth moved, Brewer seconded and unanimously carried to adjourn the meeting at 7:46 a.m. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Landguth and Waltman voting yes and none voting no)