

Draft

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
April 5, 2007

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

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Karen Bulman, Travis Tegethoff, Jonathan Smith, Emily Fisher, Todd Peckosh, Bill Knight, Kevin Lewis, and Carol Campbell.

Brown called the meeting to order at 7:01 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.

Staff requested that Item 6 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Hennies, Seconded by LeMay and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 18 in accordance with the staff recommendations with the exception of Item 6. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the March 22, 2007 Planning Commission Meeting Minutes.
2. 07TP006 - 2007 – 2011 Transportation Improvement Program Amendment No. 07-012.

Planning Commission recommended that the 2007-2011 Transportation Improvement Program Amendment #7-012 be approved.

3. No. 06CA028 - Rushmore Crossing
A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption Action on 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 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.

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

4. 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 April 26, 2007 Planning Commission meeting to allow the applicant to submit additional information.

5. No. 06PL176 - Blake Estates

A request by Renner & Associates for Rob Livingston to consider an application for a **Preliminary Plat** on Lots 1 thru 15 of Block 1 of Blake Estates Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lot 1 and Tract A of Government Lot 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Blake Road and West Highway 44.

Planning Commission recommended that the Preliminary Plat be continued to the May 24, 2007 Planning Commission meeting at the applicant's request.

7. 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 request to allow the construction of a communication facility to the April 26, 2007 Planning Commission meeting at the applicant's request.

8. No. 07AN002 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development, Inc. to

consider an application for a **Petition for Annexation** on S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, S1/2 NW1/4, Section 22, and NE1/4 NE1/4, W1/2 NE1/4, SE1/4 NE1/4, Section 27, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of Reservoir Road approximately one mile south of the intersection of SD Hwy 44 and Reservoir Road.

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

9. 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 of Copperfield Vistas Subdivision, 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 April 26, 2007 Planning Commission meeting to allow the applicant to submit additional information.

10. No. 07PL029 - Word of Hope Subdivision

A request by D. C. Scott Co. Land Surveyors for Wesleyan Church to consider an application for a **Preliminary Plat** on Lot 1 of Word of Hope Subdivision, located in the NE1/4 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NE1/4 SE1/4, lying southeast of Elk Vale Road, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the west side of Jolly Lane, at the north end between Jolly Lane cul-de-sac and curve in Elk Vale Road.

Planning Commission recommended that the Preliminary Plat be continued to the April 26, 2007 Planning Commission meeting to allow the applicant to submit the required information.

11. No. 07PL034 - Murphy Ranch Estates Subdivision

A request by Ron Davis for Davis Engineering, Inc. to consider an application for a **Preliminary Plat** on Lots 8 thru 12 of Block 5; Lot 11 of Block 6; Lots 1 thru 3 of Block 7; and Lot 2 of Block 8 of Murphy Ranch Estates Subdivision, located on the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the unplatted balance of Tract F on the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of Reservoir Road and south of Longview Road.

Planning Commission recommended that the Preliminary Plat be continued to the April 26, 2007 Planning Commission Meeting to allow the applicant to submit the required information.

12. No. 07PL042 - Flannery Subdivision No. 2

A request by Tyz Thurston to consider an application for a **Layout Plat** on Lots 13A and 13B of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 13 of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3825 Corral Drive.

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

1. **Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
2. **Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the City of Rapid City Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
3. **Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;**
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 then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed and designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed;**
5. **Upon submittal of a Preliminary Plat application, road construction plans for that portion of Ireland Place along the west side of the subject property shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 45 foot right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
6. **Upon submittal of a Preliminary Plat application, a Wildland Fire Mitigation plan be submitted for review and approval;**
7. **Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
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.

13. No. 07PL043 - Section 21, T1N, R7E

A request by David Kallemeyn for Irvin W. and Illa M. Cannon to consider an application for a **Layout Plat** on Lots 24A and 24B of the NE1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 24 of the NE1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3375 Corral Drive.

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

1. **Upon submittal of Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains along Easy Street shall be submitted for review and approval;**
2. **Upon submittal of Preliminary Plat application, construction plans for curb, gutter, street light conduit, and pavement shall be submitted for review and approval;**
3. **Upon submittal of a Preliminary Plat application, water system plans prepared by a Professional Engineer that demonstrate adequate fire and domestic flows shall be submitted for review and approval;**
4. **Upon submittal of a Preliminary Plat application, the applicant shall submit plans prepared by a Registered Professional Engineer showing the extension of sewer along Easy Street;**
5. **Upon submittal of a Preliminary Plat application, documentation shall be provided verifying the dedication of a small, irregular lot that is shown on the applicant's site plan. Additional dedication of right-of-way is required if dedication has not already taken place. Easements for water and sewer service lines that traverse through the small, irregular lot shall be obtained and identified on the Plat document if dedication of this right-of-way has not taken place;**
6. **Upon submittal of Preliminary Plat application, the plat document shall be revised showing a non access easement along Corral Drive as it abuts Lot 24B, and fifty feet of non access easement measured from the curb radius along Easy Street as it abuts Lot 24B;**
7. **Prior to submittal of Preliminary Plat application, the applicant shall obtain a variance for the front yard setback of the structure on Lot 24A;**
8. **Upon submittal of a Preliminary Plat application, a grading, drainage, drainage calculations and erosion control plan prepared by a Registered Professional Engineer shall be submitted for review and approval;**
9. **Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
10. **Upon submittal of a Preliminary 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,

11. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

14. No. 07PL045 - Trailwood Village Subdivision

A request by Sperlich Consulting, Inc. for Gordon Howie to consider an application for a **Preliminary Plat** on Lots 25 thru 32 of Block 18, Lots 9 thru 15 and Lots 18 thru 20 of Block 24, Lots 4 thru 9 of Block 25, and Lots 1 thru 5 of Block 26, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Savannah Street and southeast of the intersection of Albert Land and Plateau Lane.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, a 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;**
3. **Prior to Preliminary Plat approval by the City Council, a Master Utility Plan showing private utilities shall be submitted for review and approval. In particular, the Master Utility Plan shall show the location of Black Hills Fibercom in relation to the storm sewer pipe extending north from Lot 1 of Block 25. In addition, the construction plans shall be revised to show the relocation of the storm sewer pipe and/or the private utility if needed. The plat document shall also be revised to provide additional utility and/or drainage easements as needed;**
4. **Prior to Preliminary Plat approval by the City Council, a drainage plan showing the computation for all drainage and stormwater facilities shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed;**
5. **Prior to Preliminary Plat approval by the City Council, additional water information shall be submitted for review and approval demonstrating that the proposed water system will provide adequate fire and domestic flows;**
6. **Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a new fire hydrant in lieu of a salvaged fire hydrant;**
7. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a minimum 50 foot non-access easement along all corner lots or an Exception to the Street Design Criteria Manual shall be obtained;**
8. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and**

- approval;
9. Prior to submittal of a Final Plat application, the plat document shall be revised to show the western leg of Savannah Street as Leola Lane;
 10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

15. No. 07PL046 - Munoz Subdivision

A request by Mario Rangel for Angel Munoz to consider an application for a **Layout Plat** on Lots 1, 2 and 3 of Munoz Subdivision at N1/2 of NW1/4 of SW1/4 of SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as N1/2 of NW1/4 of SW1/4 of SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1540 Rand Road.

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

1. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;
2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the 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 particular, the sewer plans shall show the abandonment of the existing on-site wastewater system and the connection to the City sewer main as per Chapter 13.09.660 and Chapter 16.16.050 of the Rapid City Municipal Code. In addition, the

- plat document shall also be revised to provide utility easements as needed. In particular, the plat document shall identify a utility easement for the existing sewer main extending through the center of the property and access for maintenance to the sewer main;
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, road construction plans for Rand Road shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 8. Upon submittal of a Preliminary Plat application, road construction plans for Fountain Plaza Drive shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 10. 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;
 11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
16. No. 07SR014 - Section 22, T1N, 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 public sewer** on the W1/2 NW1/4 SE1/4 less Spring Brook Acres Subdivision, and less Lot H2; NW1/4 SW/14 SE1/4; and Catron Boulevard Right-of-way located adjacent to Lot 2, Potts Subdivision; all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Catron Boulevard, Vineyard Lane, Golden Eagle Drive.

Planning Commission continued the SDCL 11-6-19 Review request to allow the construction of a public sewer to the April 26, 2007 Planning Commission meeting to allow the applicant to submit revised construction plans.

17. No. 07SR016 - Section 4, T1N, R7E

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the installation of public water main** on Raider Road Right-of-Way lying in that part of S1/2 NW1/4 SW1/4 lying east of Hillsview Drive; and that part of N1/2 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Hillsview Drive to 700 feet east.

Planning Commission approved the SDCL 11-6-19 Review request to allow the installation of public water main.

18. No. 07SR018 - Rushmore Regional Industrial Park

A request by Fault & Foster for WWC License LLC, d/b/ Alltel to consider an application for an **SDCL 11-6-19 Review to allow the construction of a communication facility** on Lot 1 of Block 3 of Rushmore Regional Industrial Park, located in the E1/2 of Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 1400 Turbine Drive.

Planning Commission approved the SDCL 11-6-19 Review request to allow the construction of a communication facility.

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

6. 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 Albertta Drive.

LeMay moved, Hennies seconded and unanimously carried to acknowledge the applicant's request to withdraw the SDCL 11-6-19 Review request to allow the construction of a communication facility. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay voting yes and none voting no)

Brown announced that the Public Hearings on Items 19 through 42 were opened.

Staff requested that Items 26, 37 and 42 be removed from the Hearing Consent Agenda for separate consideration.

Anderson requested that Item 27 be removed from the Hearing Consent Agenda for separate consideration.

Brewer moved, Collins seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 19 through 42 in accordance with the staff recommendations with the exception of Items 26, 27, 37 and 42. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Hennies and

LeMay voting yes and none voting no)

The Public Hearings for Items 19 through 42 were closed.

---HEARING ITEMS CONSENT CALENDAR---

19. No. 05VR014 - Sletten Addition

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

Planning Commission recommended that the Vacation of Section Line Highway request be continued to the April 26, 2007 Planning Commission meeting.

20. 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 April 26, 2007 Planning Commission meeting to allow the applicant to submit additional information.

21. No. 06SV075 - Blake Estates

A request by Renner & Associates for Rob Livingston 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 and to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 15 of Block 1 of Blake Estates Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lot 1 and Tract A of Government Lot 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally

described as being located north of the intersection of West Highway 44 and Blake Road.

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 and to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code be continued to the May 24, 2007 Planning Commission meeting at the applicant's request.

22. No. 07CA011 - Plum Creek Development

A request by enVision Design, Inc. for Plum Creek Development LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial with a Planned Commercial Development** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County South Dakota. more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence S00°02'47"E a distance of 520.56 feet to the true point of beginning; Thence S64°12'46"E a distance of 216.53 feet; Thence S37°01'44"W a distance of 323.28 feet; Thence N00°02'47"W a distance of 352.28 feet to the true point of beginning containing an area of 1 acres more or less, more generally described as being located southeast of the intersection of Elk Vale Road and Willowbend Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial with a Planned Commercial Development be continued to the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the requested Comprehensive Plan Amendment.

23. No. 07CA012 - Plum Creek Development

A request by enVision Design, Inc. for Plum Creek Development LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 659.14 feet; Thence N43°11'32"E a distance of 908.40 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 764.34 feet; Thence S11°27'13"W a distance of 176.90 feet; Thence S00°00'00"E a distance of 425.77 feet; Thence N90°00'00"E a distance of 82.76 feet; Thence S47°24'00"E a distance of 55.30 feet; Thence S42°36'00"W a distance of 679.73 feet; Thence S36°48'24"E a distance of 230.78 feet to the south line of said SW1/4; Thence S89°58'32"W along said south line a distance of 1152.06 feet to the point of beginning, containing an area of 34 acres more or less, more generally described as being located southeast of the intersection of

Elk Vale Road and Willowbend Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be continued to the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the requested Comprehensive Plan Amendment.

24. No. 07CA013 - Plum Creek Development

A request by enVision Design, Inc. for Plum Creek Development LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a Tract of land located in the SW1/4 of Section 16, T1N, R8E of the BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence N89°53'45"E a distance of 963.59 feet; to the true point of beginning; Thence N89°53'45"E a distance of 440.90 feet; Thence S25°29'36"W a distance of 1072.85 feet to a point of curvature; Thence along the arc of a curve to the right having a radius of 204.00 feet, a central angle of 07°38'22" for a distance of 27.20 feet; Thence N60°47'57"W a distance of 304.64 feet; Thence N64°12'46"W a distance of 214.00 feet; Thence N37°01'44"E a distance of 266.29 feet to a point on a curve from which the radius point of said curve bears N52°56'54"W a distance of 3424.04 feet; Thence northeasterly along the arc of a curve to the left having a radius of 3424.04 feet, a central angle of 10°34'59" for a distance of 632.45 feet to the true point of beginning, containing an area of 10 acres more or less, more generally described as being located southeast of the intersection of Elk Vale Road and Willowbend Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be continued to the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the Comprehensive Plan Amendment.

25. No. 07CA014 - Kormylo Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Jenicey, Inc., Craig Uhre President to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the Land use designation from Industrial to General Commercial** on Lot A of Tract 2 of Kormylo Subdivision, located in the SW1/4 NW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of U.S. Highway 79 South Minnesota Street.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Industrial to General Commercial be denied without prejudice to allow the applicant to

submit a request to amend the Comprehensive Plan Amendment to General Commercial with a Planned Commercial Development.

*28. 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 April 26, 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.

*29. 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 April 26, 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.

*30. No. 07PD014 - Jackson Park Subdivision

A request by Mark and Mary Garry to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Lot 1 of Block 2 of Jackson Park Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2901 Chapel Lane.

Planning Commission continued the Planned Commercial Development - Initial and Final Development Plan to the April 26, 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.

*31. No. 07PD018 - CHMH Subdivision

A request by Cedarhill Corporation/ Bill Freytag, President to consider an application for a **Major Amendment to a Planned Residential Development** on Lots 18 thru 11 of Block 7; Lots 9 thru 11 of Block 10; and Lots 6 thru 9 of Block 8, all located in 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 Major Amendment to a Planned Residential Development 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. **A minimum 15 foot rear yard setback shall be provided. In addition, the single family residences and/or townhomes shall be one story structures only or a 25 foot rear yard setback shall be provided;**
4. **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;**
5. **The proposed structures shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of the Planned Residential Development; and,**
6. **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.

32. No. 07RZ016 - Plum Creek Development

A request by enVision Design, Inc. for Plum Creek Development LLC to consider an application for a **Rezoning from General Commercial District to Office**

Commercial District on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County South Dakota. more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence S00°02'47"E a distance of 520.56 feet to the true point of beginning; Thence S64°12'46"E a distance of 216.53 feet; Thence S37°01'44"W a distance of 323.28 feet; Thence N00°02'47"W a distance of 352.28 feet to the true point of beginning containing an area of 1 acres more or less, more generally described as being located southeast of the intersection of Elk Vale Road and Willowbend Road.

Planning Commission recommended that the Rezoning from General Commercial District to Office Commercial District be continued to the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the request.

33. No. 07RZ017 - Plum Creek Development

A request by enVision Design, Inc. for Plum Creek Development LLC to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 659.14 feet; Thence N43°11'32"E a distance of 908.40 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 764.34 feet; Thence S11°27'13"W a distance of 176.90 feet; Thence S00°00'00"E a distance of 425.77 feet; Thence N90°00'00"E a distance of 82.76 feet; Thence S47°24'00"E a distance of 55.30 feet; Thence S42°36'00"W a distance of 679.73 feet; Thence S36°48'24"E a distance of 230.78 feet to the south line of said SW1/4; Thence S89°58'32"W along said south line a distance of 1152.06 feet to the point of beginning, containing an area of 34 acres more or less, more generally described as being located southeast of the intersection of Elk Vale Road and Willowbend Road.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be continued to the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the related Comprehensive Plan.

34. No. 07RZ018 - Plum Creek Development

A request by enVision Design, Inc. for Plum Creek Development LLC to consider an application for a **Rezoning from Office Commercial District to General Commercial District** on a Tract of land located in the SW1/4 of Section 16, T1N, R8E of the BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence N89°53'45"E a distance of 963.59 feet; to the true point of beginning; Thence N89°53'45"E a distance of 440.90 feet; Thence S25°29'36"W a distance of 1072.85 feet to a point of curvature; Thence along the arc of a curve to the right having a radius of 204.00 feet, a central angle of 07°38'22" for a

distance of 27.20 feet; Thence N60°47'57"W a distance of 304.64 feet; Thence N64°12'46"W a distance of 214.00 feet; Thence N37°01'44"E a distance of 266.29 feet to a point on a curve from which the radius point of said curve bears N52°56'54"W a distance of 3424.04 feet; Thence northeasterly along the arc of a curve to the left having a radius of 3424.04 feet, a central angle of 10°34'59" for a distance of 632.45 feet to the true point of beginning, containing an area of 10 acres more or less, more generally described as being located southeast of the intersection of Elk Vale Road and Willowbend Road.

Planning Commission recommended that the Rezoning from Office Commercial District to General Commercial District be continued to the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the related Comprehensive Plan Amendment.

35. No. 07RZ019 - Kormylo Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Jenicey, Inc., Craig Uhre President to consider an application for a **Rezoning from Heavy Industrial District to General Commercial District** on Lot A of Tract 2 of Kormylo Subdivision, located in the SW1/4 NW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast corner of the intersection of U.S. Highway 79 South Minnesota Street.

Planning Commission recommended that the Rezoning from Heavy Industrial District to General Commercial District be continued to the April 26, 2007 Planning Commission meeting to be heard in conjunction with an Amendment to the Adopted Comprehensive Plan.

36. No. 07RZ020 - West Boulevard Addition

A request by Barbara Thirstrup Zar to consider an application for a **Rezoning from General Commercial District to Medium Density Residential District** on Lots 4 thru 7 of Block 9 of West Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 809 and 811 St. Cloud Street.

Planning Commission recommended that the Rezoning from General Commercial District to Medium Density Residential District be approved.

38. 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 of Copperfield Vistas Subdivision, 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 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 April 26, 2007 Planning Commission meeting to allow the applicant to submit additional information.

39. No. 07SV010 - Word of Hope Subdivision

A request by D. C. Scott Co. Land Surveyors for Wesleyan Church to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to develop section line right-of-way on an extension of Jolly Lane, dedicate additional public right-of-way on an extension of Jolly Lane, or install sidewalk on Jolly Lane; and to waive the requirements to install curb, gutter, sidewalk, sewer, water, or planting screen easement on Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Word of Hope Subdivision, located in the NE1/4 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NE1/4 SE1/4, lying southeast of Elk Vale Road, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on the west side of Jolly Lane, at the north end between Jolly Lane cul-de-sac and curve in Elk Vale Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to develop section line right-of-way on an extension of Jolly Lane, dedicate additional public right-of-way on an extension of Jolly Lane, to install sidewalk on Jolly Lane, and to waive the requirements to install curb, gutter, sidewalk, sewer, water, or planting screen easement on Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 26, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.

40. No. 07SV015 - Flannery Subdivision No. 2

A request by Tyz Thurston to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 13A and 13B of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 13 of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3825 Corral Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

41. No. 07SV018 - Trailwood Village Subdivision

A request by Sperlich Consulting, Inc. for Gordon Howie to consider an application for a **Variance to the Subdivision Regulations to allow a lot twice**

as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code on Lots 25 thru 32 of Block 18, Lots 9 thru 15 and Lots 18 thru 20 of Block 24, Lots 4 thru 9 of Block 25, and Lots 1 thru 5 of Block 26, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Savannah Street and southeast of the intersection of Albert Lane and Plateau Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code be approved.

---END OF HEARING CONSENT CALENDAR---

26. No. 07CA015 - Plum Creek Development

A request by enVision Design, Inc. for Plum Creek Development LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. more particularly described as follows: Commencing at the southwest corner of said SW1/4 of section 16, monumented with a "Brass Cap": Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 1320.78 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 622.29 feet to the true point of beginning; Thence N43°11'32"E a distance of 341.06 feet; Thence S52°58'51"E a distance of 45.24 feet; Thence S73°29'03"E a distance of 86.87 feet; Thence N65°38'53"E a distance of 86.30 feet; Thence N45°00'00"E a distance of 240.00 feet; Thence S45°00'00"E a distance of 127.13 feet to a point on a curve from which the radius of said curve bears S38°06'51"E a distance of 296.00 feet; Thence north easterly along the arc of a curve to the right having a radius of 296.00 feet, a central angle of 18°38'05" for a distance of 96.27 feet; Thence departing said curve S00°06'26"E a distance of 301.76 feet; Thence S11°27'13"W a distance of 56.86 feet to said south line; Thence S89°56'28"W along said south line a distance of 764.34 feet to the true point of beginning, containing an area of 4 acres more or less, more generally described as being located southeast of the intersection of Elk Vale Road and Willowbend Road.

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

Hennies moved, LeMay seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be denied without prejudice at the applicant's request. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay voting yes and none voting no)

27. No. 07OA004 - Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to amend Section 17.22.030 of Chapter 17.22 of the Rapid City Municipal Code by adding a new subsection 17.22.030(M) to allow Cellular Communication and radio and television station transmission towers and minor accessory structures as a Conditional Use in Light Industrial Zoning District.**

Anderson requested clarification on the Ordinance request. Elkins advised that there are two "J"'s in Section 17.22.030 of the Rapid City Municipal Code and this Ordinance will change one of the "J"'s to an "M".

Brewer moved, Hennies seconded and unanimously carried to recommend that the Ordinance Amendment to amend Section 17.22.030 of Chapter 17.22 of the Rapid City Municipal Code by renaming Subsection (J) to allow Cellular Communication and radio and television station transmission towers and minor accessory structures as a Conditional Use in Light Industrial Zoning District as Subsection (M) be approved. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay voting yes and none voting no)

37. No. 07RZ021 - Plum Creek Development

A request by enVision Design, Inc. for Plum Creek Development LLC to consider an application for a **Rezoning from Low Density Residential II District to General Commercial District** on ,a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; more particularly described as follows: Commencing at the southwest corner of said SW1/4 of section 16, monumented with a "Brass Cap": Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 1320.78 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 622.29 feet to the true point of beginning; Thence N43°11'32"E a distance of 341.06 feet; Thence S52°58'51"E a distance of 45.24 feet; Thence S73°29'03"E a distance of 86.87 feet; Thence N65°38'53"E a distance of 86.30 feet; Thence N45°00'00"E a distance of 240.00 feet; Thence S45°00'00"E a distance of 127.13 feet to a point on a curve from which the radius of said curve bears S38°06'51"E a distance of 296.00 feet; Thence north easterly along the arc of a curve to the right having a radius of 296.00 feet, a central angle of 18°38'05" for a distance of 96.27 feet; Thence departing said curve S00°06'26"E a distance of 301.76 feet; Thence S11°27'13"W a distance of 56.86 feet to said south line; Thence S89°56'28"W along said south line a distance of 764.34 feet to the true point of beginning, containing an area of 4 acres more or less, more generally described as being located southeast of the intersection of Elk Vale Road and Willowbend Road.

Dominicak stated that staff recommends that the Rezoning request be denied without prejudice at the applicant's request.

Planning Commission recommended that the Rezoning from Low Density

Residential II District to General Commercial District be denied without prejudice at the applicant's request. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay voting yes and none voting no)

*42. No. 07UR004 - Feigels Subdivision

A request by At Tatiana's Inc. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lot 3 of Block 2 of Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 1118 E North Street.

Dominicak stated that staff recommends that the Conditional Use Permit request be continued to the April 26, 2007 Planning Commission meeting at the applicant's request.

Planning Commission continued the Conditional Use Permit to the April 26, 2007 Planning Commission meeting at the applicant's request. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay voting yes and none voting no)

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

---BEGINNING OF REGULAR AGENDA ITEMS---

Tegethoff requested that items 43 and 44 be taken concurrently.

43. No. 07CA008 - Marlin Industrial Park

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 General Agriculture to General Commercial** on Lot 1 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Elk Vale Road and Creek Drive.

44. No. 07RZ012 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from No Use District to General Commercial District** on Lot 1 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Elk Vale Road and Creek Drive.

Tegethoff stated that staff recommends that the Comprehensive Plan Amendment and Rezoning requests be continued the April 26, 2007 Planning Commission meeting.

LeMay moved, Collins seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial; and,

That the Rezoning from No Use District to General Commercial District be continued to the April 26, 2007 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay voting yes and none voting no)

Dominicak requested that items 45, 46 and 47 be taken concurrently.

*45. No. 07PD019 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial Development Plan** on a parcel of land located in the SW1/4 of the SW1/4, the SE1/4 of the SW1/4, the SW1/4 of the SE1/4 and the NW1/4 of the SW1/4 of Section 29 and the NE1/4 of the SE1/4 and the SE1/4 of the SE1/4 of Section 30 and the NE1/4 of the NW1/4 and the NW1/4 of the NE1/4 of Section 32, in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at a point, said point being the common corner of Sections 29, 30, 31 and 32 of T2N, R8E, BHM; thence S89°53'53"E a distance of 2845.59' to the Point Of Beginning; thence N89°47'40"E a distance of 63.38'; thence S26°02'24"W a distance of 340.04'; thence with a curve turning to the right with an arc length of 759.14', with a radius of 2954.92', with a chord bearing of N71°01'21"W, with a chord length of 757.05'; thence N63°54'32"W a distance of 136.37'; thence N63°07'09"W a distance of 73.30'; thence N63°03'41"W a distance of 199.66'; thence with a curve turning to the left with an arc length of 1728.24', with a radius of 2123.30', with a chord bearing of N86°22'53"W, with a chord length of 1680.93'; thence N00°05'30"E a distance of 53.06'; thence N00°05'55"W a distance of 145.01'; thence N89°54'01"W a distance of 450.93'; thence N00°07'26"E a distance of 92.70'; thence N29°09'10"E a distance of 475.27'; thence N60°50'50"W a distance of 973.51'; thence with a curve turning to the left with an arc length of 385.34', with a radius of 536.00', with a chord bearing of N29°01'49"W, with a chord length of 377.10'; thence N49°37'34"W a distance of 11.21'; thence N06°26'29"W a distance of 14.58'; thence with a curve turning to the left with an arc length of 46.34', with a radius of 650.00', with a chord bearing of N34°15'38"E, with a chord length of 46.33'; thence N32°13'06"E a distance of 161.14'; thence with a curve turning to the right with an arc length of 118.97', with a radius of 550.00', with a chord bearing of N38°24'54"E, with a chord length of 118.74'; thence with a curve turning to the right with an arc length of 48.38', with a radius of 549.52', with a chord bearing of N53°03'27"E, with a chord length of 48.37'; thence with a curve turning to the right with an arc length of 85.35', with a radius of 545.00', with a chord bearing of N54°08'02"E, with a chord length of 85.26'; thence N62°10'16"E a distance of 115.08'; thence with a curve turning to the right with an arc length of 389.76', with a radius of 550.00', with a chord bearing of S89°01'26"E, with a chord length of 381.66'; thence with a curve turning to the right with an arc length of 35.52', with a radius of 549.52', with a chord bearing of S60°56'49"E, with a chord length of 35.51'; thence with a curve turning to the right with an arc length of 36.25', with a radius of 546.33', with a chord bearing of S63°07'43"E, with a chord length of 36.25'; thence S61°13'39"E

- a distance of 82.65'; thence S64°19'57"E a distance of 67.76'; thence S61°13'39"E a distance of 897.99'; thence with a curve turning to the right with an arc length of 139.48', with a radius of 550.00', with a chord bearing of S53°57'46"E, with a chord length of 139.10', thence S38°54'51"E a distance of 65.91'; thence with a curve turning to the right with an arc length of 81.91', with a radius of 545.00', with a chord bearing of S35°30'38"E, with a chord length of 81.83', thence S31°12'19"E a distance of 16.15'; thence S33°47'32"E a distance of 110.77'; thence S31°12'19"E a distance of 48.39'; thence with a curve turning to the left with an arc length of 319.16', with a radius of 650.00', with a chord bearing of S45°16'18"E, with a chord length of 315.96', thence S50°09'15"E a distance of 27.87'; thence S61°13'39"E a distance of 92.02'; thence S63°48'53"E a distance of 110.77'; thence S61°13'39"E a distance of 614.39'; thence S55°31'01"E a distance of 50.25'; thence S61°13'39"E a distance of 87.15'; thence S63°48'53"E a distance of 110.77'; thence S61°13'39"E a distance of 346.29'; thence with a curve turning to the right with an arc length of 127.89', with a radius of 450.00', with a chord bearing of S53°05'09"E, with a chord length of 127.46', thence S36°52'16"E a distance of 43.34'; thence S43°13'39"E a distance of 103.53'; thence with a curve turning to the left with an arc length of 258.75', with a radius of 555.00', with a chord bearing of S56°35'02"E, with a chord length of 256.42', thence with a curve turning to the left with an arc length of 157.51', with a radius of 555.00', with a chord bearing of S78°04'13"E, with a chord length of 156.98', returning to the Point Of Beginning, having an area of 3,471,402 square feet, 79.69 acres, more generally described as being located southwest of the intersection of I-90 and U.S. Highway 14 and 16.
46. No. 07PL038 - Rushmore Crossing
A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 through 7 of Block 1, Tracts A, B, C, D, and E of Block 2, Lots 1 through 9 of Block 3, Tracts G and J, of Rushmore Crossing, and Eglin Street (formerly part Farnwood Avenue), Luna Avenue extension, areas dedicated for public right-of-way purposes, easements and vacation of easements and public right-of-ways of Rushmore Crossing in Sections 29, 30 and 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota, legally described as Lots BR of Lots 2 of the SE1/4 SW1/4 of Section 29; Lots C of Lots 2 of the SE1/4 SW1/4 of Section 29; Tract C of the SW1/4 of Section 29; Lots 1 of the SW1/4 SE1/4 Section 29; Lots A of Lots 1 and 2 on the SE1/4 SE1/4 of Section 29; Lots 1R of Lots 1 and 2 of the SE1/4 SW1/4 of Section 29; unplatted portions of the SW1/4 of Section 29; Lots H-1, located in the N1/2 SE1/4 of Section 30; part of Lots 1 and 2, Block 2 of Rapps Addition, located in the SE1/4 of Section 30; part of Lots M, located in the NW1/4 SE1/4 of Section 30; part of Lots K-4 of Marshall Heights Tract, located in the SW1/4 of Section 30; and the unplatted portions of the SE1/4 of Section 30; and Tract C in the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Interstate 90 and North LaCrosse Street.
47. No. 07SV013 - Rushmore Crossing
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, sewer, water and pavement and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1 through 7 of Block 1, Tracts A, B, C, D, and E of Block 2, Lots 1 through 9 of Block 3, Tracts G and J, of Rushmore Crossing, and Eglin Street (formerly part Farnwood Avenue), Luna Avenue extension, areas dedicated for public right-of-way purposes, easements and vacation of easements and public right-of-ways of Rushmore Crossing in Sections 29, 30 and 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota., legally described as Lots BR of Lots 2 of the SE1/4 SW1/4 of Section 29; Lots C of Lots 2 of the SE1/4 SW1/4 of Section 29; Tract C of the SW1/4 of Section 29; Lots 1 of the SW1/4 SE1/4 Section 29; Lots A of Lots 1 and 2 on the SE1/4 SE1/4 of Section 29; Lots 1R of Lots 1 and 2 of the SE1/4 SW1/4 of Section 29; unplatted portions of the SW1/4 of Section 29; Lots H-1, located in the N1/2 SE1/4 of Section 30; part of Lots 1 and 2, Block 2 of Rapps Addition, located in the SE1/4 of Section 30; part of Lots M, located in the NW1/4 SE1/4 of Section 30; part of Lots K-4 of Marshall Heights Tract, located in the SW1/4 of Section 30; and the unplatted portions of the SE1/4 of Section 30; and Tract C in the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Interstate 90 and North LaCrosse Street.

Dominicak presented the Planned Commercial Development, Preliminary Plat and Variance requests. Dominicak stated that staff recommends that the Planned Commercial Development and Preliminary Plat and Variance requests be approved with stipulations as identified in the staff reports.

In response to Hennies questions regarding East Anamosa Street, Elkins stated that East Anamosa is off the site and is not part of the proposed development on the subject property. Discussion followed.

In response to Anderson's question, Dominicak identified the existing permits and conditions that would need to be met prior to the issuance of any additional permits. Dominicak further advised that calculations for the additional impact on the Elk Vale lift station will need to be reviewed and approved. Elkins identified funding sources for the sewer extension across Interstate 90. Discussion followed.

In response to Derby's concern for the adequacy of the existing lift station, Elkins identified options for long range plans for development and the effect on the lift station and water access.

Discussion followed regarding the anticipated East Anamosa and LaCrosse Street intersection level of service.

In response to Brewer's question regarding the letter of intent relative to the proposed square footage on the proposed development, Elkins stated that the developer has indicated that they will submit a revised site plan to identify their proposed increase in the number of parking spaces.

In response to Brewer's question regarding the Rapp Street connection, Dominick stated that Rapp Street LaCrosse Street intersection is proposed to be realigned to accommodate development on the subject property.

Larry Christofferson, area land owner expressed his concern on the vacation of the Section Line Highway and the negative impact to the access to his property. Elkins advised that the Section Line Highway crosses the railroad tracks and that there is no public railroad crossing at that location. Elkins identified an alternate location for the access to Mr. Christofferson's property. Discussion followed.

Hennies moved, LeMay seconded and unanimously carried to continue the Planned Commercial Development - Initial Development Plan to the April 26, 2007 Planning Commission meeting to allow the applicant to submit a revised legal description expanding the boundaries of the development and to submit additional information. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay 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.

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

- 1. Prior to Preliminary Plat approval by the City Council, 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 no later than April 9, 2007;**
- 2. Prior to Preliminary Plat approval by the City Council, complete water plans showing the design of the off-site improvements shall be submitted for review and approval;**
- 3. Prior to Preliminary Plat approval by the City Council, complete sewer plans showing the design of the off-site improvements shall be submitted for review and approval;**
- 4. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the existing Elk Vale Road lift station has capacity to accommodate the proposed development or construction plans must be submitted for review and approval showing the improvements to the lift station as needed;**
- 5. Prior to Preliminary Plat approval by the City Council, the geotechnical report shall be revised to 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;**

6. Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate the ability to maintain the 48 inch RCP drainage pipe extending between the north and south detention ponds at a 30 foot depth within a 30 foot wide easement or the easement width must be revised accordingly;
7. Prior to Preliminary Plat approval by the City Council, drainage information shall be submitted for review and approval demonstrating that run-off from Rapp Street will not flow into the Quality Inn parking lot or the construction plans shall be revised accordingly;
8. Prior to Preliminary Plat approval by the City Council, road construction plans for Interstate 90 shall be submitted for review and approval. In particular, the plans shall show the street constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
9. Prior to Preliminary Plat approval by the City Council, road construction plans for E. North Street shall be submitted for review and approval. In particular, the plans shall show the street constructed with sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
10. Prior to Preliminary Plat approval by the City Council, road construction plans for Rapp Street shall be submitted for review and approval. In particular, the plans shall show the street constructed with sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show an additional five feet of right-of-way along Rapp Street;
11. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highways shall be submitted for review and approval. In particular, the plans shall show the streets constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highways shall be vacated;
12. Prior to Preliminary Plat approval by the City Council, road construction plans for Sunnyside Avenue shall be submitted for review and approval. In particular, the plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
13. Prior to Preliminary Plat approval by the City Council, road construction plans for Cambell Street shall be submitted for review and approval. In particular, the plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 9.5 additional feet of right-of-way;
14. Prior to Preliminary Plat approval by the City Council, road construction plans for Access Easements shall be submitted for

- review and approval. In particular, the plans shall show the streets located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
15. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised demonstrating that storage is being provided along Eglin Street, LaCrosse Street, Luna Avenue, E. North Street and the intersection of LaCrosse Street and E. Anamosa Street as per the Traffic Impact Study. In addition, the construction plans shall be revised to show new striping along LaCrosse Street and E. North Street to provide the required storage as per the Traffic Impact Study;
 16. Prior to Preliminary Plat approval by the City Council, the Traffic Impact Study shall be revised to clearly identify the criteria used in determining the need for the connection of Luna Avenue to E. Anamosa Street and what threshold will require the street improvement. In addition, the construction plans shall be revised to include the improvements as needed. The applicant shall also enter into an agreement with the City regarding the construction of the street improvements to serve their development as identified in the Traffic Impact Study;
 17. Prior to Preliminary Plat approval by the City Council, the Traffic Impact Study shall be revised to clearly identify the criteria used in determining the need for the improvements at the intersection of LaCrosse Street and E. Anamosa Street and what threshold will require the street improvements. In addition, the construction plans shall be revised to include the improvements as needed. The applicant shall also enter into an agreement with the City regarding the construction of the street improvements to serve their development as identified in the Traffic Impact Study;
 18. Prior to Preliminary Plat approval by the City Council, the Traffic Impact Study shall be adjusted to assume 900,000 square feet of commercial development in lieu of 861,000 square feet. In addition, the construction plans shall be revised to provide any additional street improvements as needed;
 19. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the fence along Interstate 90 as a maximum four foot high fence or a Fence Height Exception to allow the proposed six foot high fence shall be obtained;
 20. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide an easement for that portion of the retaining wall(s) located outside of right-of-way used in the design of the street(s). In addition, an Engineer stamped design for all proposed retaining walls in excess of four feet shall be submitted for review and approval;
 21. Prior to Preliminary Plat approval by the City Council, the applicant must identify the location and design of the approach to the Quality Inn property. In addition, the applicant must demonstrate that the

- parking lot and retaining wall are outside of the right-of-way;
22. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the lot located in the northwest corner of the intersection of Eglin Street and Rapp Street labeled with a lot and block number. In addition, a note shall be placed on the plat document identifying the use of the lot since the size of the lot precludes any structural development or the lot shall be platted into an adjacent property;
 23. Prior to Preliminary Plat approval by the City Council, a copy of the approved Approach Permit from the South Dakota Department of Transportation for the modifications to the approach onto East North Street shall be submitted for review and approval;
 24. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the ten foot wide power line easement located in the southeast corner of the property to be vacated. In addition, written documentation from the utility company shall be submitted for review and approval concurring with the proposed easement vacation;
 25. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide non-access easements as per the Street Design Criteria Manual or an Exception shall be obtained;
 26. Prior to Preliminary Plat approval by the City Council, a revised cost estimate of the subdivision improvements shall be submitted for review and approval;
 27. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to retain that portion of the Rapp Street right-of-way and the 66 foot wide public access easement to be vacated as a utility easement or the utilities shall be relocated. In addition, written documentation from Black Hills Power shall be submitted for review and approval indicating concurrence with the Vacation requests;
 28. Prior to submittal of a Final Plat application, the plat document shall be revised to show Eglin Street as Farnwood Avenue or a Road Name Change shall be submitted for review and approval;
 29. Prior to submittal of a Final Plat application, the plat title shall be revised to read "Lot H-1 located in the S1/2N1/2SE1/4 of Section 30". In addition, the title shall be revised to read "part of Lot M of the NW1/4SE1/4 of Section 30". The plat shall also be revised to show the correct book and page in lieu of "Plat Book 9, Page 58" as currently shown. In addition, the plat document shall also be revised to eliminate one of the Director of Equalization signatures. The plat shall also be revised to remove the "temporary easements" from the document. In addition, the plat title shall be revised to specifically identify the proposed vacation of each proposed access easement, right-of-way and/or section line highway;
 30. Upon submittal of a Final Plat application, surety shall be posted for traffic signals as needed and/or the applicant shall enter into an agreement to install the signalized lights when warrants are met;
 31. 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,
32. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay voting yes and none voting no)

In response to Anderson's question, Elkins stated that it is her understanding that the applicant is in agreement with the stipulations for approval.

LeMay moved, Anderson seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along E. North 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 improvements;

That the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along Rapp Street be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Rapp 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 improvements;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Rapp Street be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Spruce Street be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Sunnyside Avenue and 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 improvements; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the easement width from 59 feet to 30 feet along the access easements be approved with the following stipulation:

1. Upon submittal of a Final Commercial Development Plan, pedestrian access shall be provided through the site, lighting shall be provided throughout the parking lots and along the access easements as needed, a separation shall be provided between the access easements and the parking areas and utilities shall be extended as needed to serve the proposed lot(s). (9 to 0 with Anderson, Brewer, Brown,

Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay voting yes and none voting no)

*48. No. 07PD020 - Riverside Addition

A request by ARC International, Inc. for First Western Condominium Association to consider an application for a **Major Amendment to a Planned Commercial Development** on Tract A of Block 4 of Riverside Addition located in SE1/4 of SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 West Boulevard.

Elkins presented the staff recommendation to continue the Major Amendment request to the April 26, 2007 Planning Commission meeting. Elkins further advised that Planning Commission could choose to approve the Major Amendment request with the stipulation that the landscaping be reviewed and approved by staff.

Collins moved, LeMay seconded to continue the Major Amendment to a Planned Commercial Development to the April 26, 2007 Planning Commission meeting.

In response to Brewer's question, Elkins identified the location of the concrete pad. Elkins further commented that staff recommends that the concrete pad be replaced with landscaping. Discussion followed.

Brewer expressed his support to approve the Major Amendment and require the staff to review and approve the landscaping plan prior to issuance of a building permit.

Substitute motion by Brewer, and seconded by Derby and carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

1. **That the landscaping on the site shall be revised to comply with the previously approved landscape plan showing the relocation of landscape materials from the northeast corner of the site as it abuts Omaha Street. That prior to issuance of the full permits of the construction that the applicant submit a revised landscaping plan addressing the entryway issue to be reviewed and approved by staff;**
2. **A minimum of 228 parking spaces shall be provided. In addition, seven of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be "van" accessible. In addition, 15 stacking lanes shall be provided for the bank teller drive through windows. All provisions of the Off-Street Parking Ordinance shall be continually met;**
3. **The proposed commercial structure shall be used as a bank, retail sales, professional and business offices, medical facilities, a commercial coffee kiosk and storage. Any other use shall require a Major Amendment to the Planned Commercial Development;**
4. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**

5. **An Industrial Pre-treatment Permit shall be obtained as needed prior to issuance of a building permit;**
6. **All Uniform Fire Codes shall be met;**
7. **The structure(s) shall continue to conform architecturally to the plans and elevations and color palette submitted as part of the original Planned Commercial Development Plan (#04PD047);**
8. **All signage shall conform to the design, color and location as shown in the approved sign package submitted as a part of the Major Amendment to the Planned Commercial Development (#05PD063);**
9. **All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Commercial Development or a subsequent Major Amendment; and,**
10. **The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

LeMay requested a friendly amendment to remove concrete pad prior to review and approval by staff. The friendly amendment was accepted by Brewer and Derby. Discussion followed.

Substitute motion by Brewer, and seconded by Derby and carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

1. **That the landscaping plan be revised to eliminate the concrete pad at the northeast corner of the site and replace the concrete pad with plant material and submit for review and approval by the Growth Management Director prior to issuance of all building permits;**
2. **A minimum of 228 parking spaces shall be provided. In addition, seven of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be "van" accessible. In addition, 15 stacking lanes shall be provided for the bank teller drive through windows. All provisions of the Off-Street Parking Ordinance shall be continually met;**
3. **The proposed commercial structure shall be used as a bank, retail sales, professional and business offices, medical facilities, a commercial coffee kiosk and storage. Any other use shall require a Major Amendment to the Planned Commercial Development;**
4. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
5. **An Industrial Pre-treatment Permit shall be obtained as needed prior to issuance of a building permit;**
6. **All Uniform Fire Codes shall be met;**
7. **The structure(s) shall continue to conform architecturally to the plans and elevations and color palette submitted as part of the original Planned Commercial Development Plan (#04PD047);**
8. **All signage shall conform to the design, color and location as shown in the approved sign package submitted as a part of the Major**

- Amendment to the Planned Commercial Development (#05PD063);**
9. **All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Commercial Development or a subsequent Major Amendment; and,**
 10. **The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (6 to 3 with Anderson, Brewer, Brown, Derby, Gregg and Hennies voting yes and Collins, Fast Wolf and LeMay 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. 07PD021 - Original Town of Rapid City

A request by TSP Three, Inc. for Bob Brandt to consider an application for a **Final Planned Commercial Development to allow a Commercial Development with an on-sale liquor establishment** on Block 66 of Dan's Supermarket Tract revised of Original Town of Rapid City, less Lot 1 (also in Block 67) and Less Lot H-1, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 3rd Street.

Dominicak presented the Final Planned Commercial Development request recommending that the Final Planned Commercial Development be approved with stipulations. Dominicak reviewed staff's concerns for the proposed tower sign on the subject property specifically the location of the tower sign within the 25 foot setback and the Light Emitting Diode sign proposed to be mounted on the west side of the building adjacent to an existing Light Emitting Diode billboard.

Bob Brandt, applicant, requested that the proposed sign tower and the electronic display sign be approved. Brandt identified the location of the sign and further expressed his opinion that the proposed structure is not in the sight triangle. Brandt requested that additional uses be allowed on the subject property include a discount store, a recreation center, a health club, used or second hand sales and a beauty salon to allow greater flexibility.

In response to Hennies' question, Brandt stated that there are no plans for an off-sale liquor use on the subject property. In response to Hennies' question, Elkins stated that if the Planning Commission wished, a stipulation could be placed on the Major Amendment request stating that no off-sale liquor establishments shall be allowed unless a Major Amendment is approved.

Hennies moved, LeMay seconded to amend the stipulations to require that no off-sale liquor establishment is permitted unless approved as a Major

Amendment. (8 to 1 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Hennies and LeMay voting yes and Fast Wolf voting no)

Collins expressed her opposition to the Light Emitting Diode (LED) application on the proposed sign.

Lengthy discussion followed regarding the electronic sign and it's proximity to an electronic billboard.

Brewer moved, Fast Wolf seconded and unanimously carried to amend Stipulation No. 1 to allow the 10 foot front yard setback for the sign tower. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay voting yes and none voting no)

Steve Brenden, area resident expressed concerns with the location of proposed sign on the subject property. Discussion followed.

Discussion followed regarding the additional allowed uses requested by the applicant.

Hennies moved, Collins seconded to amend the allowed uses in the stipulations for approval to include health club and beauty salon. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay voting yes and none voting no)

In response to Derby's question, Elkins stated that site specific sign packages are reviewed and approved through a Planned Development request. Discussion followed regarding appropriateness of an LED sign at the location.

Collins moved, Hennies seconded and unanimously carried to approve the Final Planned Commercial Development to allow a Commercial Development with an on-sale liquor establishment with the following stipulations:

- 1. That the revised sign package and site plan shall be approved with a 10 foot front yard setback to the sign structure along Omaha Street. In addition, the sign package shall be revised to eliminate the 14 foot X 14 foot LED sign from the northwest corner of the 64,237 square foot retail structure. The balance of the signage shall conform to the design, color and location as shown in the sign package submitted and approved as a part of the Planned Commercial Development. The lighting for the sign shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign. In addition a sign permit and/or a Historic Sign Review shall be obtained as needed for each sign**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the street rights-of-way;**
- 4. Prior to the start of each phase of construction, a South Dakota**

- Codified Law 11.1 Historic Review shall be obtained as needed;**
- 5. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;**
 - 6. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
 - 7. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;**
 - 8. The structures shall be used as a carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant, health club, beauty salon and storage unless otherwise specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment to the Planned Commercial Development. In addition, an on-sale liquor use in conjunction with a full service restaurant shall be allowed in the 1,400 square foot restaurant. Any other use shall require a Major Amendment to the Planned Commercial Development. In addition, a Final Commercial Development Plan shall be reviewed and approved prior to issuance of a building permit for Phase Two of the development;**
 - 9. A minimum of 129,240 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
 - 10. A minimum of 209 parking spaces shall be provided. Seven of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
 - 11. The dumpsters shall be located as shown on the site plan and screened on all four sides as proposed with a four foot high screening fence. A six foot high screening fence shall be allowed if a Fence Height Exception is obtained as needed;**
 - 12. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
 - 13. All International Fire Codes shall be met;**
 - 14. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,**
 - 15. That no off-sale liquor establishment is permitted unless approved with a Major Amendment.**

Lengthy discussion followed regarding the proposed LED sign location.

Brewer moved, LeMay moved to continue the Planning Commission meeting past the 9:00 a.m. deadline. (9 to 0 with Anderson, Brewer, Brown,

Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay voting yes and none voting no)

Collins moved, Hennies seconded and unanimously carried to approve the Final Planned Commercial Development to allow a Commercial Development with an on-sale liquor establishment with the following stipulations:

- 1. That the revised sign package and site plan shall be approved with a 10 foot front yard setback to the sign structure along Omaha Street. In addition, the sign package shall be revised to eliminate the 14 foot X 14 foot LED sign from the northwest corner of the 64,237 square foot retail structure. The balance of the signage shall conform to the design, color and location as shown in the sign package submitted and approved as a part of the Planned Commercial Development. The lighting for the sign shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign. In addition a sign permit and/or a Historic Sign Review shall be obtained as needed for each sign**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the street rights-of-way;**
- 4. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;**
- 5. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;**
- 6. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;**
- 7. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;**
- 8. The structures shall be used as a carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant, health club, beauty salon and storage unless otherwise specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment to the Planned Commercial Development. In addition, an on-sale liquor use in conjunction with a full service restaurant shall be allowed in the 1,400 square foot restaurant. Any other use shall require a Major Amendment to the Planned Commercial Development. In addition, a Final Commercial Development Plan shall be reviewed and approved prior to issuance of a building permit for Phase Two of the development;**
- 9. A minimum of 129,240 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 10. A minimum of 209 parking spaces shall be provided. Seven of the**

spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;

11. The dumpsters shall be located as shown on the site plan and screened on all four sides as proposed with a four foot high screening fence. A six foot high screening fence shall be allowed if a Fence Height Exception is obtained as needed;
12. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
13. All International Fire Codes shall be met; and,
14. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
15. That no off-sale liquor establishment is permitted unless the approved with a Major Amendment. (8 to 1 with Anderson, Brewer, Brown, Collins, Fast Wolf, Gregg, Hennies and LeMay 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.

50. No. 07PL044 - Eastern Acres Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Michael Leiby to consider an application for a **Layout Plat** on Lots 16A and 16B of Block 4 of Eastern Acres Subdivision, located in Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 16 of Block 4 of Eastern Acres Subdivision, located in Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5870 Mercury Drive.

51. No. 07SV017 - Eastern Acres Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Michael Leiby to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 16A and 16B of Block 4 of Eastern Acres Subdivision, located in Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 16 of Block 4 of Eastern Acres Subdivision, located in Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5870 Mercury Drive.

Anderson left the meeting at this time.

Tegethoff presented the Layout Plat and Variance to the Subdivision Regulations requests. Tegethoff stated that staff recommends that the Layout Plat and Variance to the Subdivision regulations requests be approved with stipulations.

LeMay moved, Brewer 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 grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the City of Rapid City Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
- 3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed;**
- 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 then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed and designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed;**
- 5. Upon submittal of a Preliminary Plat application, road construction plans for that portion of Mercury Drive along the south side of the subject property shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 6. Upon submittal of a Preliminary Plat application, information shall be submitted to the Growth Management Department demonstrating that the Rapid Valley Sanitation District staff has reviewed and approved the utility plans;**
- 7. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
- 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.

That the Variance to the Subdivision Regulations to waive the improvements of water and sewer as per Chapter 16.16 of the Rapid City Municipal Code be denied; and,

That the Variance to the Subdivision Regulations to waive the improvements of pavement, curb, gutter, streetlight conduit, and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

- 1. A minimum 20 foot wide paved surface shall be provided along Mercury Drive as it abuts the subject property; and,**
- 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements. (8 to 0 with Brewer, Brown, Collins, Derby, Fast Wolf, Gregg, Hennies and LeMay voting yes and none voting no)**

Dominicak requested that items 52 and 53 be taken concurrently.

52. No. 07PL047 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development, Inc. to consider an application for a **Layout Plat** on Lots A thru E, Lots 1 thru 729, Morningstar Subdivision, S1/2 NE1/4, SE1/4 less Tract 1 of the Bradeen Subdivision, less Right-of-Way, Section 22; W1/2 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4, Section 27, T1N, R8E, BHM, Pennington County, legally described as S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, Section 22, and NE1/4 NE1/4, W1/2 NE1/4, SE1/4 NE1/4, Section 27, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of Reservoir Road approximately one mile south of the intersection of SD Hwy 44 and Reservoir Road.

53. No. 07SV019 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Reservoir Road and to provide a sidewalk on both sides of the collector street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A thru E, Lots 1 thru 729, Morningstar Subdivision, S1/2 NE1/4, SE1/4 less Tract 1 of the Bradeen Subdivision, less Right-of-Way, Section 22; W1/2 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4, Section 27, T1N, R8E, BHM, Pennington County, legally described as S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, Section 22, and NE1/4 NE1/4, W1/2 NE1/4, SE1/4 NE1/4, Section 27, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located west of Reservoir Road approximately one mile south of the intersection of SD Hwy 44 and Reservoir Road.

Dominicak presented the Layout Plat and the Variance to the Subdivision Regulations requests recommending that the requests be approved with stipulations as identified in the staff reports.

In response to Collins' question, Dominicak stated that the portion of the

development in the flood plain would be designated as park area.

Phil Olsen, applicant requested that the Layout Plat and Variance to the Subdivision Regulations requests be approved.

Ted Schultz, CETEC reviewed the proposed development on the subject property.

Randy Fisher, Designworks, agent for the applicant reviewed the proposed access points, street design and the proposed drainage plan.

Fast Wolf left the meeting at this time.

In response to Hadcock's question, Schultz identified the source of water for the proposed development. Schultz stated that a water study would be accomplished to indicate adequate water supply to accommodate developments and the airport. Lengthy discussion followed regarding the sewer and water of the proposed development.

In response to Derby's question, Schultz stated that the adjacent land owner has taken a neutral stance to the proposed annexation of his property.

In response to Derby's question, Elkins stated that the proposed development is consistent with the draft Future Land Use Plan for the area.

Elkins stated that the applicant requests that the sidewalk be approved for one side of the collector street on the subject property. Lengthy discussion followed regarding sidewalks on the proposed development.

Collins expressed her support for the sidewalks to be placed on both sides of the collector street.

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

- 1. Prior to submittal of a Preliminary Plat application, a Comprehensive Plan Amendment to the Major Street Plan relocating the collector street as proposed shall be approved or the plat document shall be revised accordingly;**
- 2. Prior to submittal of a Preliminary Plat application, the applicant shall coordinate with the City the design and construction of trunk sewers in excess of 15 inches, water transmission mains in excess of 12 inches and the water reservoir;**
- 3. Prior to submittal of a Preliminary Plat application, the construction plans shall be revised to show property line sidewalks along all streets in lieu of curb side sidewalks with standard curb and gutter, with the exception of lane place streets, or an Exception to the Street Design Criteria Manual shall be obtained;**
- 4. Prior to submittal of a Preliminary Plat application, the applicant shall demonstrate that Street N aligns with Sparrow Hawk Trail located on**

- the east side of Reservoir Road or that adequate separation exists between the two intersections or the plat document shall be revised accordingly. The applicant also has the option of obtaining an Exception to reduce the separation between approaches as per the Street Design Criteria Manual;
5. Prior to submittal of a Preliminary Plat application, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;
 6. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow 24 lots in lieu of 20 lots along a cul-de-sac street or the plat document shall be revised accordingly;
 7. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show access to Lots 24 and 25 located in the Phase 6 thru 10 area of the development;
 8. Prior to 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. In particular, the plat document shall be revised to show a non-access easement along Reservoir Road or an Exception shall be obtained to allow access from a higher order street;
 9. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show all lots abutting a street a minimum frontage of 25 feet or a Variance to the Zoning Ordinance shall be obtained or an Initial and Final Planned Residential Development shall be reviewed and approved addressing the requirement;
 10. Upon submittal of a Preliminary Plat application, a traffic analysis shall be submitted for review and approval. In addition, the construction plans shall be revised to show street improvements along Reservoir Road and at the intersection of Reservoir Road and S.D. Highway 44 as needed;
 11. 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;
 12. 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;
 13. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
 14. Upon submittal of a Preliminary Plat application, the applicant shall submit a copy of the Letter of Map Revision approved by the Federal

- Emergency Management Agency. In addition, a Floodplain Development Permit shall be obtained as needed prior to the start of any construction within the federally designated 100 year floodplain area;
15. Upon submittal of a Preliminary Plat application, the applicant shall demonstrate that the proposed 30 inch pipe will convey the Cyclone Ditch flows or the size of the pipe shall be revised accordingly;
 16. Upon submittal of a Preliminary Plat application, the applicant shall submit written documentation from the Cyclone Irrigation Ditch Association and the South Side Irrigation Ditch Association indicating concurrence with the improvements to the respective ditches;
 17. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. The plat document shall also be revised to provide utility easements as needed;
 18. Upon submittal of a Preliminary Plat application, the grade Street "DD" shall be adjusted to allow the sewer to gravity flow or construction plans for a lift station to serve this area of the subject property shall be submitted for review and approval. The plat document shall also be revised to show the lift station within a utility easement or on a separate lot. In addition, prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the lift station for review and approval;
 19. 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 and that no negative effect on the airport area is being created by the development. In particular, the water plans shall demonstrate that the low-low level water system extends to the north and west property lines as per the Green Valley Water System Analysis by Alliance of Engineers and Architects. In addition, the low-low level water system shall be revised to provide looping to the proposed reservoir or justification shall be submitted for review and approval for not looping the system. The water plans shall also show a low level water main and a low-low level water main along Reservoir Road. In addition, the plat document shall also be revised to provide utility easements as needed;
 20. Upon submittal of a Preliminary Plat application, a water modeling plan shall be submitted as a part of Phase One of the development to determine the trigger to provide the reservoir improvement. In addition, the plat document for Phase One shall be revised to include the reservoir lot or a utility easement shall be recorded for the reservoir if needed. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the

- mechanism for maintenance of the reservoir for review and approval;
21. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located through the subject property shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway 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 or the section line highway shall be vacated;
 22. Upon submittal of a Preliminary Plat application, road construction plans for Reservoir Road shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the entire section line highway shall be dedicated as right-of-way or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way;
 23. Upon submittal of a Preliminary Plat, road construction plans for the collector 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;
 24. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot 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-sacs with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 25. Upon submittal of a Preliminary Plat application, road construction plans for the sub-collector streets, or those streets serving more than twenty lots, shall be submitted for review and approval. In particular, the streets shall be located in a minimum 52 foot right-of-way and

- constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
26. Upon submittal of a Preliminary Plat, road construction plans for the lane place streets, or those street serving not more than twenty lots, shall be submitted for review and approval. In particular, the road construction plans shall show the streets 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;
 27. Upon submittal of a Preliminary Plat, a revised utility master plan showing public and private utilities shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties;
 28. 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;
 29. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 30. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City;
 31. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Reservoir Road or a Variance to the Subdivision Regulations shall be obtained;
 32. Prior to submittal of a Final Plat application, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names;
 33. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the Open Space Area for review and approval;
 34. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the lots identified as "Irrigation Drainage" for review and approval;
 35. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the lots identified as "Drainage" for review and approval;
 36. 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,

37. 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, sidewalk and street light conduit along Reservoir 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 assessments for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Reservoir Road be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install a sidewalk along both sides of the collector street be denied. (6 to 1 with Brewer, Brown, Collins, Gregg, Hennies and LeMay voting yes and Derby voting no)

54. No. 07SR017 - Section 35, T1N, R7E

A request by Centerline, Inc. for Founder's Park, LLC to consider an application for an **SDCL 11-6-19 Review to extend a public water main** on the north 327.2 feet of N1/2 SE1/4 lying west of I-90 Right-of-way less W1/2 NW1/4 SE1/4, less North Boulevard Addition and less Lot H1, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 Philadelphia Street.

Dominicak stated that staff recommends that the SDCL 11-6-19 Review request be continued to the April 26, 2007 Planning Commission meeting.

Collins moved, Brewer seconded and unanimously carried to continue the 11-6-19 SDCL Review request to extend public water and sewer to the April 26, 2007 Planning Commission meeting. (7 to 0 with Brewer, Brown, Collins, Derby, Gregg, Hennies and LeMay voting yes and none voting no)

55. No. 07SV016 - Section 21, T1N, R7E

A request by David Kallemeyn for Irvin W. and Illa M. Cannon to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, water and sewer along Easy Street and to waive the requirement to install sidewalk along Corral Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 24A and 24B of the NE1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 24 of the NE1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3375 Corral Drive.

Smith presented the Variance to the Subdivision Regulations request and draft recommendation for denial of the request.

Illa Cannon, applicant requested that the Variance to the Subdivision Regulations request be approved with the stipulations that they be required to sign a Waiver of Right to Protest any future assessment. Discussion followed.

LeMay left the meeting at this time.

David Kallemeyn, co-applicant requested that the Variance to the Subdivision Regulations request be continued to allow the applicant to explore a possible assessment project. Discussion followed.

Hennies moved, Gregg seconded to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code along Easy Street be denied.

Cannon requested that the Variance to the Subdivision Regulations be continued to the April 26, 2007 Planning Commission meeting.

Substitute motion by Derby moved, seconded by Collins and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code along Easy Street be continued to the April 26, 2007 Planning Commission meeting at the applicant's request. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Hennies voting yes and none voting no)

Elkins requested that items 56 and 57 be taken concurrently.

56. No. 07TI003 - Red Rock Estates

A request by Kevin Buntrock for The Estates and Golf Club at Red Rock to consider an application for a **Revised Project Plan for Tax Increment District No. 32 for Red Rock Estates** on Lots 1 thru 11 of Block 1, Lots 1 thru 19 of Block 2, Lots 1 thru 3 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5, Outlot 1, and dedicated streets, all in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lot 1, 2, 3A, 3B, 4A, and 4B of Block 6 of Red Rock Estates Phase 1A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Lots 4 thru 16 of Block 3, Lot 2 and Lot 3 of Block 4, Lots 1 thru 6 of Block 7, Lots 1 thru 3 of Block 8, all in Red Rock Estates Phase 2, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Outlot A of Tract A, Countryside Sub, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Well Lot, and Balance of Picardi Ranch Road, and Balance of Tract 1 (Less Red Rock Estates and Less ROW), all in Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted E1/2 NW1/4 NE1/4 less Red Ridge Ranch and ROW, SW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates, less Red Rock Estate Phase 1A, and Less Row, E1/2 NW1/4 less Red Rock Estates and Less ROW, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Unplatted N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Sub; N1/2 NE1/4 SW1/4 less Red Rock Estates & Less Countryside Sub; E1/2 NE1/4, and W1/2 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County,

South Dakota, more generally described as being located north of the intersection of Sheridan Lake Road and Muirfield Drive.

57. No. 07TI004 - Red Rock Meadows

A request by Kevin Buntrock for The Estates and Golf Club at Red Rock to consider an application for a **Revised Project Plan for Tax Increment District No. 46 for Red Rock Meadows Revised** on N1/2 NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, S1/2 NW1/4 NW1/4 and SW1/4 NW1/4, all located in Section 28, T1N, R7E, BHM, Rapid City Pennington County, South Dakota; and, Block 16, Lots 1-4 (Golf Course); Block 17, Lots 1-10; Block 15, Lots 1-8 (Golf Course); Block 18, Lots 1-17; Block 10, Lots 1-6 and Outlot G-1; Block 11, Lots 1-37; Block 7, Lots 7-9; Block 12, Lots 1-13; Block 9, Lots 1-6 (Golf Course); Block 8, Lots 4, 5A and 6; Block 2, Lots 1-21; Block 13, Lots 1A, 1B, 2-5; Block 14, Lots 1A, 1B, 2A, 2B, 3-6; Block 1, Lots 1-11; Block 4, Lot 1, 4 & 5; Block 3, Lots 1-3; Block 5, Lot 1; Outlot G less Lots 20 & 21 of Block 2 & less Lots 4 & 5 of Block 4; Outlot 1; Lot P (Utility Lot); All located in Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Block 6, Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8, 9A, 9B, 10A, 10B, 11A, 11B, 12 of Red Rock Estates Phase 1A, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Block 3, Lots 4-16; Block 8, Lot 1-3; Block 7, Lots 1-6; Block 4, Lots 2-3; All located in Red Rock Estates Phase II, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Well Lot; Balance of Tract 1 less Red Rock Estates & less ROW; Balance of Picardi Ranch Road; All located in Red Ridge Ranch Subdivision, Section 29, T1N, R7E, Rapid City, Pennington County, South Dakota; and, Outlot A of Tract A, Countryside Subdivision; Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, E1/2NW1/4NE1/4 less Red Ridge Ranch & less ROW; SW1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates less Red Rock Estates Phase 1A & less ROW; E1/2 NW1/4 less Red Rock Estates & less ROW; W1/2 W1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates & less ROW; E1/2 NE1/4; All rights-of-way located within Red Rock Estates, Red Rock Estates Phase 1A, Red Rock Estates Phase II, and Red Ridge Ranch Subdivision; All located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Sheridan Lake Road and Muirfield Drive.

Elkins stated that Tax Increment Financing Committee recommends that the Revised Project Plan requests be approved as the requests are to re-allocate costs within the approved Project Plan and the total costs do not change.

Collins moved, Hennies seconded and unanimously carried to recommend that the Tax Increment District No. 32 Revised Project Plan (Second Revision) for Red Rock Estates, The Tax Increment District No. 46 Revised Project Plan for Red Rock Meadows be approved. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Hennies voting yes and none voting no)

*58. No. 07UR003 - Original Town of Rapid City

A request by Erich D. Orris to consider an application for a **Conditional Use**

Permit to allow an on-sale liquor establishment on Lots 17 and 18 and north 55 feet of Lots 19 thru 21 on Block 84 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 520 7th Street.

Elkins stated that the staff recommends that the Conditional Use Permit be denied without prejudice as the State Statute does not allow the applicant to acquire a wine license.

Eric Orris, applicant requested that the Conditional Use Permit request be approved. Orris stated that he would like to place the beer license in effect immediately and would continue to lobby for the wine license.

Elkins stated that if the Planning Commission wishes, the Conditional Use Permit could be continued to the April 26, 2007 Planning Commission meeting. Discussion followed regarding the proposed use and possible stipulations of approval.

In response to Derby's question, Orris reviewed the State Law prohibiting the wine use on the subject property. Discussion followed.

Collins moved, Hennies seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the April 26, 2007 Planning Commission meeting. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Hennies 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.

59. No. 07VE004 - Hillsvieview Haven Subdivision

A request by Angle Survey for Brandon Payne to consider an application for a **Vacation of an Access Easement** on Lots 23 and 24 of Block 1 of Hillsvieview Haven Subdivision, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 23640 and 23642 Busted Five Court.

Elkins stated that staff recommends that the Vacation of an Access Easement be continued to the May 10, 2007 Planning Commission meeting at the applicant's request.

Collins moved, Brewer seconded and unanimously carried to recommend that the Vacation of an Access Easement be continued to the May 10, 2007 Planning Commission meeting at the applicant's request. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Hennies voting yes and none voting no)

60. Discussion Items
61. Staff Items
62. Planning Commission Items
63. Committee Reports
 - A. City Council Report (March 19, 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, Brewer moved, Hennies seconded and unanimously carried to adjourn the meeting at 10:08 a.m. (6 to 0 with Brewer, Brown, Collins, Derby, Gregg and Hennies voting yes and none voting no)