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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 10, 2007

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

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Monica Heller, Vicki Fisher, Karen Bulman, Jonathan Smith, Emily Fisher, Mary Bosworth, Todd Peckosh, Tim Behlings, and Carol Campbell.

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

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

Motion by LeMay, Seconded by Anderson and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 13 in accordance with the staff recommendations. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the April 26, 2007 Planning Commission Meeting Minutes.
2. 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 May 24, 2007 Planning Commission meeting to allow staff to review recently submitted information.

3. 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

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the northeast to the right on a curve with a radius of 638.00 feet, a delta of $10^{\circ}54'37''$, an arc length of 121.49 feet, and a chord bearing of $N82^{\circ}49'25''E$ and chord distance of 121.30 feet; thence, $N44^{\circ}21'49''E$, a distance of 14.30 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 15.20 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 52.00 feet, more or less; thence, $S00^{\circ}00'00''E$, a distance of 15.13 feet, more or less; thence, $S45^{\circ}00'00''E$, a distance of 14.14 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 142.69 feet, more or less, to a point on the north/south 1/4 section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said 1/4 section line, $S00^{\circ}05'16''E$, 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, $S00^{\circ}05'03''E$, 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, $S00^{\circ}03'43''E$, a distance of 781.29 feet, more or less; thence, $S89^{\circ}47'47''W$, 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, $N22^{\circ}39'36''W$, 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, $N01^{\circ}44'10''W$, 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, $N26^{\circ}46'20''E$, 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, $N27^{\circ}11'29''E$, 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, $N19^{\circ}26'44''E$, 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, $N02^{\circ}40'24''E$, 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 May 24, 2007 Planning Commission meeting to allow the applicant to

submit additional information.

4. 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 May 24, 2007 Planning Commission Meeting to allow the applicant to submit the required information.

5. No. 07PL053 - Palmer Subdivision

A request by Renner & Associates, LLC for Stephen E. Hilton to consider an application for a **Layout Plat** on Hilton Tract of Palmer Subdivision of Section 14, T2N, R6E, BHM, Pennington County, South Dakota, legally described as Tract A of Palmer Subdivision and the SW1/4 of the NW1/4 of Section 14, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located east of Potter Road and north of Palmer Road.

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

6. No. 07PL054 - Quartz Canyon Subdivision

A request by Cody Schad to consider an application for a **Layout Plat** on Lots 1, 2, 3 and 4 of Quartz Canyon Subdivision, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Government Lot 1, and Lot A of Lot 2 of SW/14 NW/14, and Government Lot 2 less Lot A, all of Section 7, T1S, R7E, BHM, and Government Lot 6 of Section 6, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located near the Strato Bowl.

Planning Commission recommended that the Layout Plat be continued to the May 24, 2007 Planning Commission to allow the applicant to submit additional information.

7. No. 07PL060 - Forefather Flats Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1, 2 and 3 of Forefather Flats Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as that portion of the SW1/4 located north of Interstate 90, including Lot 3 of Starlite Subdivision, Less GLM Subdivision No. 2, all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Dyess Avenue and north of Interstate 90.

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, the applicant shall demonstrate that the existing N. 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;**
- 3. Prior to Preliminary Plat approval by the City Council, the water and sewer plans shall be revised to show service lines. In addition, the plans shall show the abandonment of any unused service lines at the main. The plat document shall also be revised to show utility easements as needed;**
- 4. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In particular, determination of the C values used in the drainage report shall be identified. In addition, the drainage plan shall address the conveyance of storm sewer from the south-southeast area of the property through Lots 1 and 2. The plat document shall also be revised to provide drainage easements as needed;**
- 5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show access easements along the south lot line of proposed Lots 1 and 2 as shown on the Master Plan. In addition, construction plans for the access easements shall be submitted for review and approval showing 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;**
- 6. Prior to Preliminary Plat approval by the City Council, revised construction plans for the 54 foot wide access and utility easement located along the common lot line of proposed Lots 1 and 2 shall be submitted for review and approval. In particular, the revised construction plans shall show the street located in a minimum 59 foot wide easement and constructed with street light conduit and sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained;**
- 7. Prior to Preliminary Plat approval by the City Council, road construction plans for E. Mall Drive shall be submitted for review and approval showing a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained;**
- 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 Offutt 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;
 10. Prior to Preliminary Plat approval by the City Council, road construction plans for Beale 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;
 11. Prior to Preliminary Plat approval by the City Council, the Traffic Impact Study shall be revised as follows:
 - Include projected traffic counts from “The Meadows Development” and additional proposed commercial development along E. Mall Drive to be located west of the subject property;
 - Identify the criteria used in determining the need for the expansion of E. Mall Drive from the existing three lanes to the proposed five lanes as shown in the Traffic Impact Study and identify what threshold will require the street improvements;
 - Adjust the maximum traffic utilizing N. Elk Vale Road to 20%;
 - Provide storage for Access One and Access Three based on the queue lengths identified in the Traffic Impact Study;
 - Show and analyze Dyess Avenue and E. Mall Drive as a four legged intersection in lieu of a three legged intersection;
 - Show and analyze the approach to E. Mall Drive located along the east lot line of the subject property as shown on the Master Plan;
 - Identify and analyze the truck route traffic for the subject property;
 - Clarify the analysis for the signalized access points along E. Mall Drive and space for optimum signal progression. In addition, a minimum of two southbound lanes in the northern leg of the intersection of Access Two and E. Mall Drive shall be provided if Access Two is to be signalized;
 - Analyze the Interstate 90 interchanges at E. North Street and N. Elk Vale Road to determine when dual northbound and southbound lefts will be required and identify if the proposed development is creating the need for the dual lefts;
 - Analyze the intersection of E. Mall Drive and N. Elk Vale Road to address the future widening of N. Elk Vale Road to five lanes;
 - All other red line comments shall be addressed;
 12. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to include street improvements as

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identified in the revised Traffic Impact Study as needed for the proposed development. The plat document shall also be revised to eliminate the non-access easement for the approach located along the east lot line of the subject property if the approach location is supported by the revised Traffic Impact Study. 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;

13. Prior to Preliminary Plat approval by the City Council, the Master Plan shall be revised aligning "Access Three" with the approach along the north side of E. Mall Drive. In addition, the Master Plan shall be revised to preclude backing from the adjacent parking spaces into the access easement(s);
14. Prior to Preliminary Plat approval by the City Council, a 404 Permit shall be obtained from the Corp of Engineers or an acknowledgement from the Corp of Engineers shall be submitted indicating that a 404 Permit is not needed;
15. Prior to Preliminary Plat approval by the City Council, note #1 on the plat document shall be revised to eliminate "except where major drainage easements are located" or a Variance to the Subdivision Regulations shall be obtained to waive the requirement to provide a minimum eight foot wide minor drainage and utility easement on the interior side of all lot lines and right-of-way;
16. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
17. 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;
18. 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,
19. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

8. No. 07RD001 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **Resolution renaming a portion of West Chicago Street to Founders Park Drive** on Tract 18 and the vacated West Street adjacent to said Tract 18 of Rapid City Greenway Tract and Tract 17, Less Lot H-1 (Also in Section 34, T2N-R7E) of Rapid City Greenway Tract, all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Founders Park Drive.

Planning Commission recommended the road name West Chicago Street near Founders Park Subdivision be changed to Founders Park Drive.

9. No. 07RD002 - Rushmore Crossing

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

Resolution renaming Farnwood Avenue to Eglin Street on Lot K-4 Less Lot H1 Marshall Heights Tract, Lot 1 and the S1/2 vacated alley adjacent to said Lot Rapps Addition, Lot 2 and the S1/2 vacated alley adjacent to said Lot Rapps Addition, Lot M located in the NW1/4 SE1/4, the unplatted portion of the N1/2 SE1/4 Lying south of I-90 less that portion SE1/4 NW1/4, unplatted portion of SE1/4 NW1/4 SE1/4 Lying south of H1; unplatted portion of SW1/4 SE1/4 Lying S of Lot H1, Lots 1 and 2 of Bedco Subdivision, all located in Section 30 T2N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of North LaCrosse Street and Rapp Street.

Planning Commission recommended the street name Farnwood Avenue be changed to Eglin Street and the short section of Rapp Street at the intersection of North LaCrosse Street be changed to Eglin Street.

10. No. 07SR014 - Section 22, T1N, R7E

A request by City of Rapid City to consider an application for a **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 SW1/4 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 to allow the construction of a public sewer to the May 24, 2007 Planning Commission meeting to allow the applicant to submit revised construction plans.

11. No. 07SR022 - Marshall Heights Tract

A request by David R. Jeffries for Black Hills Chapter, American Red Cross to consider an application for an **SDCL 11-6-19 Review to allow the construction of a communication tower on public property** on Tract A of Lot C of Lot S-1, Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1221 North Maple Avenue.

Planning Commission continued the SDCL 11-6-19 Review request to allow the construction of a communication tower on public property to the May 24, 2007 Planning Commission meeting to allow the applicant to submit additional information.

12. No. 07SR027 - Braeburn Addition

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow a four foot high fence on public property** on Tract D plus a portion of the Right-of-way of Braeburn Addition, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Sylvan Lane and Jackson Boulevard.

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Planning Commission approved the SDCL 11-6-19 Review to allow a structure on public property with the following stipulation:

- 1. Prior to Planning Commission approval, the applicant is required to obtain a Flood Development Permit.**

13. No. 07VE008 - Rapid Valley Subdivision

A request by Sperlich Consulting, Inc. for All Around Construction, Inc. to consider an application for a **Vacation of a Note on a Plat** on Lot 1 of Block 5 of Rapid Valley Subdivision, located in the NE1/4 of the NE1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of E. St. Francis Street and Pecan Lane.

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

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

Brown announced that the Public Hearings on Items 14 through 36 were opened.

Staff requested that 33 be removed from the Hearing Consent Agenda for separate consideration.

Planning Commission requested that Items 17, 24 and 27 be removed from the Hearing Consent Agenda for separate consideration.

Hennies moved, Landguth seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 14 through 36 in accordance with the staff recommendations with the exception of Items 17, 24, 27 and 33. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

The Public Hearings for Items 14 through 36 were closed.

---HEARING ITEMS CONSENT CALENDAR---

14. 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 May 24, 2007 Planning Commission meeting.

15. 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 May 24, 2007 Planning Commission meeting to allow staff to review recently submitted information.

16. No. 07CA008 - Marlin Industrial Park

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

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial be continued to the May 24, 2007 Planning Commission meeting to allow the Future Land Use Committee to continue their review of the request.

18. No. 07CA018 - Sections 4 and 5, T1N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Light Industrial to General Commercial** on the eastern 33 feet of Section 5 beginning at the SE corner of Section 5 extending 450 feet northerly and, the western 33 feet of Section 4 beginning at the SW corner of Section 4 extending northerly 450 feet, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located a portion of South Valley Drive south of South Dakota Highway 44.

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

19. No. 07CA019 - Section 23, T2N, R7E

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A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Low Density Residential II** on the east 33 feet of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Bunker Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the Future Land Use Designation from Park Forest to Low Density Residential II be approved.

20. No. 07CA020 - Sections 13, 14 and 24, T2N, R7E

A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Medium Density Residential** on that portion of the east 33 feet of the S1/2 SE1/4 SE1/4, Section 14, T2N, R7E; the south 33 feet of the S1/2 SW1/4 SW1/4 of Section 13, T2N, R7E; and the west 33 feet of the S1/2 SW1/4 SW1/4, Section 13, T2N, R7E; and the east 918.40 feet of the north 33 feet of the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Country Road West.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to Medium Density Residential be approved.

*21. 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 May 24, 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.

*22. 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 denied the Planned Commercial Development - Initial and Final Development Plan without prejudice at the applicant's request.

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

23. 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.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be continued to the May 24, 2007 Planning Commission meeting to allow the Future Land Use Committee to continue their review of the request.

25. No. 07RZ029 - F & N Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on a tract of land located in the N1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota more particularly described as follows: Beginning at the C-W1/16 corner of said Section 3; thence along the east/west 1/4 line of said Section 3 S89°57'22"W a distance of 662.08 feet; thence S89°56'40"W a distance of 208.22 feet; thence S00°12'49"E a distance of 662.59 feet; thence N89°58'04"E a distance of 413.48 feet; thence S00°00'00"E a distance of 31.60 feet; thence N89°52'05"E a distance of 689.38 feet; thence S00°01'33"E a distance of 631.94 feet; thence N89°46'49"E a distance of 159.74 feet; thence S89°56'58"E a distance of 240.23 feet; thence S89°55'17"E a distance of 62.97 feet; thence N89°59'12"E a distance of 252.11 feet; thence N00°14'43"W a distance of 186.68 feet; thence N00°16'15"W a distance of 115.1 feet; thence S89°45'52"W a distance of 92.79 feet; thence N05°55'11"W a distance of 47.62 feet; thence N22°54'31"W a distance of 54.50 feet; thence N40°36'51"W a distance of 920.50 feet; thence N19D10'56"W a distance of 55.10 feet; thence N71°12'38"E a distance of 14.49 feet; thence N00°03'34"W a distance of 170.35 feet; thence S89°57'22"W a distance of 226.32 feet To the point of beginning: said tract containing 28.29 acres more or less, more generally described as being located south of Homestead Street between Elk Vale Road and Degeest Drive.

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

26. No. 07RZ030 - Section 21, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on the unplatted portion of the N1/2 of the N1/2 of the NW1/4 of the NE1/4 and the N1/2 of the N1/2 of the NE1/4 of the NW1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of Elk Vale Road and west of the southern terminus of Jolly Lane.

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

28. No. 07RZ032 - Sections 4 and 5, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Light Industrial District** on all of the dedicated right-of-way adjacent to the easterly boundary of Tract C of the SE1/4 SE1/4, Lot H of Tract A and Lot N of Tract A of Schlottman Addition, to the centerline of East Saint Andrew Street located in the SE1/4 SE1/4 Section 5; and, all of the dedicated right-of-way adjacent to the westerly boundary of Lot 1 of Lot D and Lot D to the centerline of East Saint Andrew Street, located in the SW1/4 SW1/4, Section 4, all located in T1N, R8E, BHM, Rapid City, South Dakota, more generally described as being located on South Valley Drive south of South Dakota Highway 44.

Planning Commission recommended that the Rezoning from No Use District to Light Industrial District be continued to the June 7, 2007 Planning Commission meeting.

29. No. 07RZ033 - Section 19, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on the NE1/4 NW1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota, less from the north 1/4 corner of Section 19, T2N, R8E, BHM, on the 1/4 line S00°14'33"W 33.00 feet to the point of beginning; thence S00°14'33"W 260.00 feet; thence N89°33'54"W 207.54 feet; thence N00°14'33"E 260.00 feet; thence S89°33'54"E 207.54 feet to the point of beginning, all located in the Section 19, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of West Nike Road and south of Country Road.

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

30. No. 07RZ034 - Section 23, T2N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use to Low Density Residential II** on the east 33 feet of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Bunker Drive.

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

with the associated Comprehensive Plan Amendment.

31. No. 07RZ035 - Sections 13, 14 and 24, T2N, R7E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on that portion of the east 33 feet of the S1/2 SE1/4 SE1/4, Section 14, T2N, R7E; the south 33 feet of the S1/2 SW1/4 SW1/4 of Section 13, T2N, R7E; and the west 33 feet of the S1/2 SW1/4 SW1/4, Section 13, T2N, R7E; and the east 918.40 feet of the north 33 feet of the NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Country Road West.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District II be approved in conjunction with the associated Comprehensive Plan Amendment.

32. No. 07RZ037 - Section 21, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on south 33 feet of the SW1/4 SE1/4, and the south 33 feet of the W1/2 SE1/4 SE1/4; all located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Seger Drive and North Elk Vale Road.

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

34. 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 May 24, 2007 Planning Commission meeting to allow the applicant to submit additional information.

35. No. 07SV020 - Quartz Canyon Subdivision

A request by Cody Schad to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2, 3 and 4 of Quartz Canyon Subdivision, Section 7, T1S, R7E, BHM, Pennington County, South

Dakota, legally described as Government Lot 1, and Lot A of Lot 2 of SW/14 NW/14, and Government Lot 2 less Lot A, all of Section 7, T1S, R7E, BHM, and Government Lot 6 of Section 6, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located near the Strato Bowl.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code be continued to the May 24, 2007 Planning Commission meeting to allow the applicant to submit additional information.

36. No. 07SV023 - Forefather Flats Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sidewalk along both sides of the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3 of Forefather Flats Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the center one-quarter corner of said Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota thence S54°36'14"W 858.71' to a point on the southerly right-of-way line of East Mall Drive, said point being the Point of Beginning; Thence following the southerly right-of-way line of East Mall Drive N89°53'22"E a distance of 315.35'; Thence departing said southerly right-of-way line of East Mall Drive S00°00'00"E a distance of 29.38'; Thence with a curve turning to the left with an arc length of 25.01', with a radius of 118.00', with a chord bearing of S06°04'18"E, with a chord length of 24.96', Thence S12°08'36"E a distance of 60.47'; Thence with a curve turning to the right with an arc length of 25.01', with a radius of 118.00', with a chord bearing of S06°04'18"E, with a chord length of 24.96'; Thence S00°00'00"E a distance of 44.47'; Thence S90°00'00"W a distance of 333.35'; Thence N00°00'00"E a distance of 182.00'; to the aforesaid southerly right-of-way line of East Mall Drive to the Point of Beginning, having an area of 59,268 square feet, 1.36 acres, and, a parcel of land located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the center one-quarter (C1/4) corner of said Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota thence S37°45'00"W 628.29' to a point on the southerly right-of-way line of East Mall Drive, said point being the Point of Beginning; Thence following the said southerly right-of-way line of East Mall Drive N89°53'22"E a distance of 385.03' to a point on the south quarter line of the aforesaid Section 28; Thence departing said southerly right-of-way line of East Mall Drive and following said south quarter line of Section 28 S00°02'40"E a distance of 183.35'; Thence departing the said south quarter line of the Section 28 S90°00'00"W a distance of 367.18'; Thence N00°00'00"E a distance of 44.47'; Thence with a curve turning to the left with an arc length of 25.01', with a radius of 118.00', with a chord bearing of N06°04'18"W, with a chord length of 24.96', Thence N12°08'36"W a distance of 60.47'; Thence with a curve turning to the right with an arc length of 25.01', with a radius of 118.00',

with a chord bearing of N06°04'18"W, with a chord length of 24.96', Thence N00°00'00"E a distance of 29.38' to the said southerly right-of-way line of East Mall Drive and the Point of Beginning, having an area of 68,687 square feet, 1.58 acres, and, a parcel of land located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the center one-quarter (C1/4) corner of said Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota thence S00°02'40"E 679.39' to a point on the south quarter line of aforesaid Section 28, said point being the Point of Beginning; Thence following said south quarter line of Section 28 S00°02'40"E a distance of 741.31' to the northerly right-of-way line of Offutt Street; Thence following said northerly right-of-way line of Offutt Street N89°50'04"W a distance of 580.15'; Thence departing said northerly right-of-way line of Offutt Street N00°00'05"E a distance of 739.63'; Thence N90°00'00"E a distance of 579.55' to the aforesaid south quarter line of Section 28 and the Point of Beginning, having an area of 429,361 square feet, 9.86 acres, more generally described as being located east of Dyess Avenue and north of Interstate 90.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sidewalk along both sides of the 54 foot wide access and utility easement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. **That a sidewalk be constructed along one side of the 54 foot wide access and utility easement.**

---END OF HEARING CONSENT CALENDAR---

Anderson requested that items 17 and 24 be considered concurrently.

17. 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.

24. 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.

In response to Anderson's question, Bulman stated that the Future Land Use Committee determined that the subject property was appropriate for Office Commercial use.

Anderson moved, Hennies seconded and unanimously carried to recommend 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 approved; and, That the Rezoning from General Commercial District to Office Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Development Designation. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, and LeMay voting yes and none voting no)

27. No. 07RZ031 - Sections 4 and 5, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on the eastern 33 feet of Section 5 beginning at the SE corner of Section 5 extending 450 feet northerly and, the western 33 feet of Section 4 beginning at the SW corner of Section 4 extending northerly 450 feet, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on a portion of South Valley Drive south of South Dakota Highway 44.

In response to Derby's question, Elkins stated that staff recommends that the Rezoning request be denied without prejudice.

Derby moved, LeMay seconded and unanimously carried to recommend that the Rezoning from No Use District to General Agriculture District be denied without prejudice. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, and LeMay voting yes and none voting no)

33. No. 07RZ038 - Section 21, T2N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on the eastern 33 feet of the E1/2 SE1/4 SE1/4, all located in Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Seger Drive and North Elk Vale Road.

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

In response to Hennies' question, Elkins advised that there was an error in the legal description. Elkins further commented that staff's recommendation is to

deny the Rezoning request to allow staff to submit a new application with a correct legal description.

Landguth moved, Derby seconded and unanimously carried to acknowledge the applicant's request to deny the Rezoning from No Use District to General Agriculture District without prejudice. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, and LeMay voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Bulman requested that items 37 and 38 be taken concurrently.

37. 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.

38. 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.

Bulman presented staff's recommendation that the Amendment to the Adopted Comprehensive Plan and the Rezoning 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; and, That the rezoning from General Agriculture District to General Commercial District be denied without prejudice at the applicant's request. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, and LeMay voting yes and none voting no)

Bulman requested that items 39 and 40 be taken concurrently.

39. 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.

40. 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.

Bulman presented the Future Land Use Committee's recommendation that the Amendment to the Adopted Comprehensive Plan and the Rezoning request be denied.

John Olsen, Treasurer for the Plum Creek Home Owners' Association, expressed the Plum Creek Home Owner's Association opposition to the proposed Amendment to the Adopted Comprehensive Plan and Rezoning requests.

Roger Erickson, area resident, requested that the Amendment to the Adopted Comprehensive Plan and Rezoning requests be denied. Erickson expressed his opinion that rezoning to General Commercial would have a negative impact to the neighborhood.

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. That the Rezoning from Office Commercial District to General Commercial District be denied. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

Bulman requested that items 41 and 42 be taken concurrently.

41. No. 07CA017 - 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 233.77 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 223.52 feet to the east line of the SW1/4 of the SW1/4 of said Section 16; Thence N00°01'14"W along said east line a distance of 801.05 feet to said south line of the N1/2 of the SW1/4; Thence S89°56'28"W along said south line a distance of 701.09 feet to the true point of beginning, containing an area of five acres more or less, more generally described as being located southeast of the intersection of Elk Vale Road and Willowbend Road.

42. No. 07RZ028 - 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 233.77 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 223.52 feet to the east line of the SW1/4 of the SW1/4 of said Section 16; Thence N00°01'14"W along said east line a distance of 801.05 feet to said south line of the N1/2 of the SW1/4; Thence S89°56'28"W along said south line a distance of 701.09 feet to the true point of beginning, containing an area of five acres more or less, more generally described as being located southeast of the intersection of Elk Vale Road and Willowbend Road.

Bulman stated that staff recommends that the Amendment to the Adopted Comprehensive Plan and Rezoning requests 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; and, That the Rezoning from Low Density Residential II District to General Commercial District based on the recommendations of the Future Land Use Committee on the related Comprehensive Plan Amendments be denied

without prejudice at the applicant's request. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

*43. No. 07PD028 - Professional Plaza Subdivision

A request by CSU Properties, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 550 North Fifth Street.

Bulman presented staff's recommendation to continue the Major Amendment request to the June 7, 2007 Planning Commission meeting at the applicant's request.

Teresa Gibson, area resident expressed her opposition to the proposed Commercial Development on the subject property.

Derby moved, Hennies seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the June 7, 2007 Planning Commission meeting to allow the application to be legally advertised. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth 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.

Elkins requested that items 44 and 45 be taken concurrently.

44. 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.

Elkins stated that staff's recommendation that the Preliminary Plat and Variance to the Subdivision Regulations requests be continued to the May 24, 2007 Planning Commission meeting.

45. 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.

Hennies moved, LeMay seconded and unanimously carried to recommend that the Preliminary Plat; and, 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 May 24, 2007 Planning Commission meeting. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)

Smith requested that items 46 and 47 be taken concurrently.

46. No. 07PL059 - Highland Park Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Alan A. Neiger to consider an application for a **Layout Plat** on Lot 1 Revised and Lot of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 5 (less Lot H1) and the balance of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Highland Park Drive and Mount Rushmore Road.

47. No. 07SV022 - Highland Park Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Alan A. Neiger to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, and to reduce the pavement width from 26 feet to 21 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 Revised and Lot of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 5 (less Lot H1) and the balance of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Highland Park Drive and Mount Rushmore Road.

Brown relinquished the chair and stated he would be abstaining from discussion and vote due to a conflict of interest.

Smith presented staff's recommendation for the Layout Plat and Variance to the Subdivision Regulations requests. Smith stated that the Layout Plat is to relocate a common boundary on the subject property. Smith advised that the staff's recommendation is that the Layout Plat and Variance to the Subdivision Regulations requests be approved with stipulations.

In response to Hennies' question, Smith identified the proposed revised boundary. Discussion followed.

Elkins advised that the applicant is only relocating the boundary on the subject property.

Janelle Finck, Fisk Land Surveying representing the applicant, stated that the applicant has not submitted definitive plans for the subject property. Discussion followed.

Donnie Plant, area resident, expressed his concern with the existing street width; Elkins advised that the street width not increase.

Bill Beshara, area resident, expressed concern with possible commercial development on the subject property and the resulting increased traffic and possible negative impact to the neighborhood. Discussion followed.

Finck identified the location of the pavement and sidewalk on the subject property. Finck further commented on the requirements for development that the applicant would be required to fulfill. Finck expressed her opinion in support of the Variance request for the sidewalk along Rushmore Road.

Hennies expressed his opposition to granting variances that doesn't identify a specific use. Discussion followed.

Elkins reviewed the platting and variance processes. Lengthy discussion followed.

In response to Landguth's question, Elkins identified the requirements that the applicant would need to meet for a Planned Commercial Development.

Hadcock expressed her opposition to the variance requests not to install sidewalk. Discussion followed.

Bob Basher, area business owner, expressed his concern for the negative impact from increased traffic on the subject property.

In response to Derby's question, Elkins stated that a Planned Commercial Development would need to be brought forward prior to development.

Finck identified the applicant's options for future development of proposed development on the subject property. Discussion followed.

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

- 1. Upon submittal of a Preliminary Plat application, a grading and erosion plan shall be submitted for review and approval;**
- 2. Upon submittal of a Preliminary Plat application, drainage information shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating drainage flows which will be adequately conveyed from the site without impacting downstream property and streets, flow direction, collection system and required detention. In addition the plat document shall show any required drainage easements.**
- 3. Upon submittal of a Preliminary Plat application, the applicant shall submit information identifying the location of all proposed and existing water and sewer mains, and service lines;**
- 4. Upon submittal of a Preliminary Plat application, the applicant shall submit plans prepared by a Registered Professional Engineer identifying the location of utilities, storm drainage, street light conduit, curb, gutter, and sidewalk for all proposed access easements and streets, or obtain a Variance to the Subdivision Regulations;**
- 5. Upon submittal of a Preliminary Plat application, the applicant shall submit for review and approval a geotechnical report, including pavement design;**
- 6. Upon submittal of Preliminary Plat application, the applicant shall provide design details prepared by a Registered Professional Engineer that demonstrates that the shared approach for Lot 1 and Lot 2 meets City design standards;**
- 7. Upon submittal of a Preliminary Plat application, the applicant shall revise the boundary survey document to identify all parking spaces for Lot 2, including handicap and van accessible parking spaces. The revised plan shall demonstrate that the minimum number of parking spaces as identified in Section 17.50.20 have been met for the current use;**
- 8. Upon submittal of a Preliminary Plat application the applicant shall revise the plat document to show a non access easement where Mount Rushmore Road abuts Lot 1, and a non access easement where Highland Park Drive abuts Lot 1 a distance of 85 feet, as measured from the northeast property corner of Lot 1;**
- 9. Upon submittal of a Final Plat, the applicant shall remove the existing structure on Lot 1. The applicant is required to obtain all necessary permits from the Building Inspection Department prior to demolition;**
- 10. Prior to approval of a Preliminary Plat application the applicant shall obtain a Major Amendment to a Planned Commercial Development to allow for a minimum front yard setback of 11.5 feet on Lot 2;**
- 11. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;**

12. 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,

13. 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 street light conduit along Mount Rushmore Road be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Mount Rushmore Road be denied.

That the Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter along Mount Rushmore Road, and sewer, street light conduit, curb, gutter, sidewalk along Highland Park Drive, and to reduce the pavement width along Highland Park Drive from 26 to 21 feet 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. (6 to 0 to 1 with Anderson, Derby, Gregg, Hennies, Landguth and LeMay voting yes and none voting no and Brown abstaining)

48. No. 07SR021 - Section 36, T2N, R7E

A request by Jim Bethel for Black Hills Area Council, Boy Scouts to consider an application for an **SDCL 11-6-19 Review to allow the installation of a shed on public property** on Lot RU 36 RU Lots, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 144 North Street.

Elkins stated that staff's recommendation that the SDCL 11-6-19 Review request be continued to the May 24, 2007 Planning Commission meeting.

Gregg moved, LeMay seconded and unanimously carried to continue the SDCL 11-6-19 Review to the May 24, 2007 Planning Commission meeting. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, and LeMay voting yes and none voting no)

49. No. 07SR023 - Rapid City Regional Airport

A request by Kadrmas, Lee & Jackson for Rapid City Regional Airport to consider an application for an **SDCL 11-6-19 Review to allow the extension a watermain at the Rapid City Regional Airport** on Lots 2 and 3 of Rapid City Airport No. 4, Section 6, T1N, R9E; Lot 1 of Rapid City Airport No. 4, Section 5, T1N, R9E; Lots 4 and 5 of Rapid City Airport No. 4, Section 7, T1N, R9E, Lots 3, 4 and 7 of Rapid City Airport No. 1, Section 8, T1N, R9E; Lots 1 and 2 of SW1/4, Lot 1 of the SW1/4 SE1/4, Section 8, T1N, R9E; all of Section, less portion of Rapid City Airport No. 6, Section 17, T1N, R9E; Lot P-2 (also in Section 20) and Lot T (also in Section 20) Rapid City Airport No. 6, T1N, R9E; Lots 1 and Lot 2 of Rapid City Airport No. 3, Section 9, T1N, R9E; N1/2 less portion of Rapid City Airport No. 6, Section 20, T1N, R9E; Lot P-1 of Rapid City Airport No. 6, Section 20, T1N, R9E; Lot 2 of Rapid City Airport No. 5, Section 20, T1N, R9E; W1/2 NW1/4, NW1/4 SW1/4, portion of SW/14 SW1/4, Tract G, H & I, Section 20, T1N,

R9E; Lots 3, 4, 5, 5A and Lot 6 of Rapid City Airport No. 5, Section 21, T1N, R9E; Lots 7 and 8 of Rapid City Airport No. 5, Section 28, T1N, R9E; a Tract of land in the NW1/4 NW1/4, Section 16, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Rapid City Regional Airport.

Elkins stated that staff's recommendation is that the SDCL 11-6-19 Review request be approved with stipulations.

Anderson moved, LeMay seconded and unanimously carried to approve the SDCL 11-6-19 Review request to allow the extension of a watermain at the Rapid City Regional Airport with the following stipulations:

- 1. Prior to Planning Commission approval, a water system analysis shall be submitted for review and approval;**
- 2. Prior to Planning Commission approval, a Master Plan of the Rapid City Regional Airport water system shall be submitted for review and approval;**
- 3. Prior to Planning Commission approval, revised construction plans shall be submitted for review and approval identifying the required number of fire hydrants; and,**
- 4. Prior to Planning Commission approval, a Special Exception to the City of Rapid City Standard Specifications shall be submitted for review and approval allowing flush type fire hydrants. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth and LeMay voting yes and none voting no)**

50. No. 07SR025 - Section 35, T2N, R7E

A request by Brian Gonzales for Century Development Co. to consider an application for an **SDCL 11-6-19 Review for the acquisition of street right-of-way and construction of a public street** on the north 327.2 feet of the N1/2 of the SE1/4 lying west of Interstate 90 Right-of-Way, excepting there from the W1/2 of the NW1/4 of the SE1/4, and less North Boulevard Addition, located in the unplatted (9779); and, the East 670 feet of the south 30 feet of the SW1/4 NE1/4, and SW1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 Philadelphia Street.

Fisher stated that staff recommends that the SDCL 11-6-19 Review request be continued to the May 24, 2007 Planning Commission meeting.

Hennies moved, LeMay seconded and unanimously carried to continue the SDCL 11-6-19 Review to the May 24, 2007 Planning Commission meeting. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, and LeMay voting yes and none voting no)

51. No. 07SR026 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for an **SDCL 11-6-19 Review to allow the construction of a lift station** on a portion of the E1/2 of the NW1/4 of the SE1/4 of Section 22, located

in the E1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north and east of the intersection of Catron Boulevard and Golden Eagle Drive.

Fisher stated that staff recommends that the SDCL 11-6-19 Review request be continued to the May 24, 2007 Planning Commission meeting.

Hennies moved, Landguth seconded and unanimously carried to continue the SDCL 11-6-19 Review to the May 24, 2007 Planning Commission meeting. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, and LeMay voting yes and none voting no)

52. No. 07SR028 - Rushmore Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 Review to construct a 12 inch water main and a 15 inch sewer main across public land and in the public right-of-way from East North Street to Lowery Lane** on land located in Section 29, T2N, R8E, described as beginning at the intersection of East North Street and Eglin Street, approximately 166' east of said intersection at a found property corner "LS 3095", this being the point of beginning; thence N85°59'37"W, 125.72' to an existing sanitary sewer manhole being the true point of beginning; thence N86°14'35"E, 400.00'; thence S89°52'31"E, 400.00'; thence N77°01'56"E, 400.00'; thence N81°08'38"E, 399.39'; thence N88°54'12"E, 294.33'; thence N88°54'12"E, 274.89'; thence N00°24'55"E, 297.10'; thence N00°24'55"E, 279.86'; thence N56°20'09"E, 345.05'; thence S89°44'06"E, 430.13'; thence S89°44'06"E, 400.00'; thence S89°44'06"E, 400.00'; thence S89°44'06"E, 400.00'; thence S89°44'06"E, 400.00'; thence S89°54'03"E, 300.68' to an existing sanitary sewer manhole, this being the end of said baseline, all containing approximately 4.68 acres, more generally described as being located at 2300 Eglin Street.

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

In response to Anderson's questions, Elkins stated that the improvement in the public right-of-way is off-site from the development and will accommodate the proposed development. Elkins further commented that the funding will come from the .16 funding and the Tax Increment Financing District.

Steve Brenden, Rapid City resident expressed concern for the sewer capacity on the subject and adjacent properties.

Dominicak stated that there are ongoing studies and proposed improvement of the lift station to accommodate the proposed development on the subject property. Discussion followed.

In response to Landguth's question, Elkins reviewed long-term options to accommodate sewer in adjacent area of the proposed development.

LeMay moved, Hennies seconded and unanimously carried to approve the

SDCL 11-6-19 Review to construct a 12 inch water main and a 15 inch sewer main across public land and in the public right-of-way from East North Street to Lowery Lane with the following stipulations:

- 1. Prior to Planning Commission approval, the applicant shall demonstrate access to all of the proposed manholes; and,**
- 2. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings and red line comments. In addition, the red lined drawings shall be returned to the Growth Management Department. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, and LeMay voting yes and none voting no)**

53. No. 07VE004 - Hillsview 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 Hillsview 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.

Smith presented the Vacation of Access Easement request. Smith stated that staff recommends that the Vacation of an Access Easement request be denied.

Heather McCauley, area resident, expressed her opinion in support for the Vacation of the Access Easement. McCauley requested that the Vacation of Access Easement be approved.

In response to Derby's question, Elkins identified the topography of the emergency vehicle access through the subject property. Elkins further commented that an access easement would need to be in place. Discussion followed

Jenny Van Zanten, area resident expressed her concern with existing shrubs and fencing that would impede fire apparatus access through the subject property. Van Zanten expressed her opinion that an alternate access could be provided for emergency access easement. Discussion followed.

Elkins identified staff's position for retaining the access easement through the subject property. Discussion followed.

Tim Behlings, Fire Department, reviewed the Fire Department's position for retaining an access easement. Discussion followed.

Hennies moved, Derby seconded and unanimously carried to recommend that the Vacation of an Access Easement be continued to the May 24, 2007 Planning Commission meeting. (6 to 1 with Anderson, Brown, Derby, Gregg, Hennies, and LeMay voting yes and Landguth voting no)

*54. No. 07UR006 - Section 4, T1N, R8E

A request by Unique Signs for Dwayne Pankratz to consider an application for a

Conditional Use Permit to allow an off-premise billboard sign in a General Commercial District on a parcel of land described as Elk Vale Road and East Anamosa Commencing at a point, said being the northeast corner of the intersection of East Anamosa Street and Elk Vale Road; Thence S00°06'41"W 238.22 feet to the point of beginning. Thence S89°55'40"W a distance of 50 feet; Thence S00°06'41"W a distance of 30 feet; Thence N89°55'40"E a distance of 50 feet; Thence N00°06'41"E a distance of 30 feet to the point of beginning, more generally described as being located at 311 Elkvale Road.

Elkins stated the Conditional Use Permit request was inadvertently placed on this Agenda and that no action is required for item 54.

Item was inadvertently placed on this Agenda. The Conditional Use Permit to allow an off-premise billboard sign in a General Commercial District was continued at the April 26, 2007 Planning Commission meeting to the May 24, 2007 Planning Commission meeting.

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.

55. Discussion Items

56. Staff Items

57. Planning Commission Items

- A. Appointments to the Future Land Use Committee.

Elkins stated that the Future Land Use Committee is requesting volunteers to serve on the Committee.

Derby and Landguth volunteered to serve on the Future Land Use Committee.

58. Committee Reports

- A. City Council Report (April 16, 2007)

The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

No. 06PD070 - Section 4, T1N, R7E

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

On January 4, 2007 the Planning Commission recommended that the

Planned Residential Development - Initial and Final Development Plan be approved with stipulations. On April 16, 2007 the City Council denied the **Planned Residential Development - Initial and Final Development Plan** without prejudice at the applicant's request.

No. 06PD097 - Vista Lake Subdivision No. 2

A request by John M. Rowe, Buell Consulting, Inc. for Cellular, Inc. Network Corporation d/b/a Verizon Wireless to consider an application for a **Major Amendment to a Planned Residential Development to allow the construction of a cellular tower and accessory structures** on Lot 1 of Vista Lake Subdivision No. 2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4600 Jackson Boulevard.

On March 22, 2007 the Planning Commission approved the **Major Amendment to a Planned Residential Development to allow the construction of a cellular tower and accessory structures** with stipulations. On April 16, 2007 the City Council approved the **Major Amendment to a Planned Residential Development to allow the construction of a cellular tower and accessory structures** with revised stipulations on appeal.

- 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, Hennies moved, Gregg seconded and unanimously carried to adjourn the meeting at 8:35 a.m. (7 to 0 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, and LeMay voting yes and none voting no)