



MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
May 24, 2007

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Barb Collins, Ida Fast Wolf, and Karen Waltman. Deb Hadcock, Council Liaison was also present

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

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

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

**Staff requested that Items 8 and 13 be removed from the Non-Hearing Consent Agenda for separate consideration.**

**Motion by Anderson Seconded by Waltman and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 14 in accordance with the staff recommendations with the exception of Items 8 and 13. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**

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

1. Approval of the May 10, 2007 Planning Commission Meeting Minutes.
2. No. 06PL176 - Blake Estates  
A request by Renner & Associates for Rob Livingston to consider an application for a **Preliminary Plat** on Lots 1 thru 15 of Block 1 of Blake Estates Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lot 1 and Tract A of Government Lot 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Blake Road and West Highway 44.  
  
**Planning Commission recommended that the Preliminary Plat be continued to the July 5, 2007 Planning Commission meeting at the applicant's request.**
3. No. 07CA016 - Kormylo Subdivision  
A request by Fisk Land Surveying & Consulting Engineers for Jenicey - Craig Uhre President to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land**



**use designation from Industrial to General Commercial with a Planned Commercial Development** on Lot A of Tract 2 of Kormylo Subdivision, located in the SW1/4 NW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3980 South Highway 79.

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

4. No. 07PL015 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 21 of Block 1, Lots 1 thru 4 of Block 2, Lots 1 thru 5 of Block 3, Lots 1 thru 3 of Block 4, Lots 1 and 2 of Block 5, and Lots 1 thru 6 of Block 6 and Utility Lot 1 of Copperfield Vistas Subdivision, all located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 28 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a rebar with survey cap "LS 6251"; thence, westerly along the north line of said Lot 28 in Block 1 of Copperfield Subdivision, S89°59'08"W, a distance of 109.97 feet, more or less, to the northwest corner of said Lot 28, said corner being marked by a 5/8 inch rebar; thence, southwesterly along the northerly edge of Copperfield Drive right-of-way, S71°30'56"W, a distance of 63.29 feet, more or less to the northeast corner of Lot 1 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 83.02 feet, more or less; thence, continuing northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 15.67 feet, more or less, to the northwest corner of said Lot 1, said corner being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap; thence, northwesterly along the north line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap "LS 2652"; thence, northwesterly along the north line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 68.75 feet, more or less; thence, N15°55'14"E, a distance of 104.91 feet, more or less; thence, N74°04'46"W, a distance of 45.00 feet, more or less;



thence, N15°55'14"E, a distance of 160.58 feet, more or less; thence, S76°13'24"E, a distance of 120.24 feet, more or less; thence, S78°04'22"E, a distance of 59.02 feet, more or less; thence, N13°46'36"E, a distance of 98.10 feet, more or less; thence, N76°13'24"W, a distance of 13.77 feet, more or less; thence, N13°46'36"E, a distance of 52.00 feet, more or less; thence, S76°13'24"E, a distance of 5.67 feet, more or less; thence, N13°46'36"E, a distance of 80.12 feet, more or less; thence, N00°35'05"E, a distance of 68.76 feet, more or less; thence, N00°00'00"W, a distance of 83.80 feet, more or less; thence, S90°00'00"W, a distance of 0.65 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 18.65 feet, more or less; thence, N00°00'00"W, a distance of 200.26 feet, more or less; thence, S90°00'00"W, a distance of 20.17 feet, more or less; thence, N00°00'00"W, a distance of 52.00 feet, more or less; thence, N90°00'00"E, a distance of 2.17 feet, more or less; thence, N00°00'00"W, a distance of 455.50 feet, more or less; thence, curving to southwest to the left on a curve with a radius of 562.00 feet, a delta of 01°25'51", an arc length of 14.03 feet, and a chord bearing of S78°05'02"W and chord distance of 14.03 feet; thence, N12°37'53"W, a distance of 76.00 feet, more or less; thence, curving to the northeast to the right on a curve with a radius of 638.00 feet, a delta of 10°54'37", an arc length of 121.49 feet, and a chord bearing of N82°49'25"E and chord distance of 121.30 feet; thence, N44°21'49"E, a distance of 14.30 feet, more or less; thence, N00°00'00"W, a distance of 15.20 feet, more or less; thence, N90°00'00"E, a distance of 52.00 feet, more or less; thence, S00°00'00"E, a distance of 15.13 feet, more or less; thence, S45°00'00"E, a distance of 14.14 feet, more or less; thence, N90°00'00"E, a distance of 142.69 feet, more or less, to a point on the north/south 1/4 section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said 1/4 section line, S00°05'16"E, a distance of 941.09 feet, more or less, to a point marked by an iron pin; thence, continuing southerly along said 1/4 section line, S00°05'03"E, a distance of 517.62 feet, more or less, to a point located on said 1/4 section line being marked by a rebar with survey cap "LS 6251"; thence, continuing southerly along said 1/4 section line, S00°03'43"E, a distance of 781.29 feet, more or less; thence, S89°47'47"W, a distance of 303.32 feet, more or less to a point along the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 17 in Block 1 of Copperfield Subdivision, N22°39'36"W, a distance of 46.14 feet, more or less, to the northeast corner of said Lot 17, said corner being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 18 in Block 1 of Copperfield Subdivision, N01°44'10"W, a distance of 58.19 feet, more or less, to the northeast corner of said Lot 18, said corner being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked with a rebar and survey cap "LS 2652"; thence, northeasterly along the east line of said Lot 19 in Block 1 of Copperfield Subdivision, N26°46'20"E, a distance of 44.28 feet, more or less, to the northeast corner of said Lot 19, said corner being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked by a rebar



with survey cap "LS 2652"; thence, northeasterly along the east line of Lots 20 through 24 inclusive of Block 1 of Copperfield Subdivision, as shown on the plats recorded in Book 22 of Plats on Page 21 and in Book 22 of Plats on Page 195, N27°11'29"E, a distance of 364.58 feet, more or less to the northeast corner of said Lot 24 in Block 1 of Copperfield Subdivision, said corner being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northeasterly along the east line of said Lot 25 in Block 1 of Copperfield Subdivision, N19°26'44"E, a distance of 83.01 feet, more or less, to the northeast corner of Said Lot 25, said corner being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195; thence, northeasterly along the east lines of Lots 26, 27 and 28 of Block One of Copperfield Subdivision, N02°40'24"E, a distance of 239.67 feet, more or less to the point of beginning, more generally described as being located east of Valley Drive and west of Concourse Drive.

**Planning Commission recommended that the Preliminary Plat be continued to the June 7, 2007 Planning Commission meeting to allow the applicant to submit additional information.**

5. No. 07PL029 - Word of Hope Subdivision

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

**Planning Commission recommended that the Preliminary Plat be continued to the June 7, 2007 Planning Commission meeting to allow the applicant to submit the required information.**

6. 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 June 7, 2007 Planning Commission Meeting to allow the applicant to submit the required information.**



7. 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 approved with the following stipulations:**

1. **Upon submittal of a Preliminary Plat application, water system plans prepared by a Registered Professional Engineer that demonstrate adequate fire and domestic flows shall be submitted for review and approval. If adequate fire flows cannot be met then the plat shall be revised to include a note stating that all habitable structures shall be sprinklered;**
2. **Upon submittal of a Preliminary Plat application a grading and erosion plan shall be submitted for review and approval;**
3. **Upon submittal of a Preliminary Plat application a Wildfire Mitigation Plan shall be submitted for review and approval;**
4. **Upon submittal of a Preliminary Plat application a drainage plan identifying that any discharge meets pre-development flow rates, or on-site detention shall be submitted for review and approval, in addition drainage flow throughout the subdivision shall be shown;**
5. **Upon submittal of a Preliminary Plat application the plat document shall be revised to show all access, drainage and utility easements as needed;**
6. **Upon submittal of a Preliminary Plat application the applicant is required to submit plans prepared by a Professional Engineer showing septic tank capacity, locations, information on soil type, percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems, and drain fields locations. In addition a note shall be placed on the Preliminary Plat document indicating that at the time that a building permit is applied for that a reserve drain field location shall be identified and held in reserve;**
7. **Upon submittal of a Preliminary Plat application, road construction plans for the access easement(s) shall be submitted for review and approval. In particular, the construction plans shall show the streets located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with on-street parking or the street shall be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be**



posted with no parking signs or an Exception to the Street Design Criteria Manual shall be obtained. In addition, a fire apparatus turnaround shall be provided at the end of each access easement in excess of 150 feet in length;

8. Upon submittal of a Preliminary Plat application road construction plans for the section line highway located on the western boundary shall be submitted for review and approval. In particular, the section line highway shall be located within 49 feet of right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water, sewer or Variance to the Subdivision Regulations shall be obtained;
9. Upon submittal of a Preliminary Plat application a geotechnical report including pavement design shall be submitted for review and approval.
10. Upon submittal of a Preliminary Plat application the applicant shall obtain an exception to allow a 860 foot cul-de-sac in lieu of a maximum 500 foot long cul-de-sac with intermediate turnarounds every 600 feet, or the plat document shall be revised to comply with the Street Design Criteria Manual;
11. Prior to submittal of a Preliminary Plat application a Variance from the Pennington County Zoning Board of Adjustment shall be obtained to reduce the minimum required 40 acre lot size requirement of the General Agriculture District or the property shall be rezoned to allow the proposed lots or the plat shall be revised to comply with the minimum lot size of the General Agriculture District;
12. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
13. Upon submittal of a Final Plat application the applicant shall submit proof of the legal entity which will provide for the mechanism for street maintenance and snow removal if the proposed streets are to be private.
14. Upon submittal of a Final Plat application, the applicant shall provide proof of the legal entity which will provide the mechanism for maintenance of the community water facility for review and approval;
15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

9. No. 07PL062 - Paradise Pines Subdivision

A request by Boschee Engineering for Scott and Janice Zandstra to consider an application for a **Preliminary Plat** on Lot 1 of Block 1 of Paradise Pines Subdivision, located in the SW1/4 of the SE1/4, Section 7; and the NW1/4 of the NE1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2E, less Right-of-way of the SW1/4 of the SE1/4, Section 7, T1S, R7E, BHM; and a portion of the NW1/4 of the NE1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as



being located southwest of the intersection of Wilderness Canyon Road and U.S. Highway 16.

**Planning Commission recommended that the Preliminary Plat be continued to the June 7, 2007 Planning Commission meeting.**

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

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the construction of a public sewer** on the W1/2 NW1/4 SE1/4 less Spring Brook Acres Subdivision, and less Lot H2; NW1/4 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 at the eastern terminus of Catron Boulevard and the western terminus of Golden Eagle Drive.

**Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a public sewer to the June 7, 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 June 7, 2007 Planning Commission meeting to allow the applicant to submit additional information.**

12. No. 07SR029 - Boulevard Addition

A request by Exchange Club of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on Blocks 1 and 2 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Halley Park at 515 West Boulevard.

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

14. No. 07VE004 - Hillsvieview Haven Subdivision

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



**Planning Commission recommended that the Planning Commission acknowledge the applicant's withdrawal of the Vacation of an Access Easement.**

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

8. No. 07PL061 - Century 21 Subdivision

A request by Centerline, Inc. for Action Development, Inc. to consider an application for a **Layout Plat** on Lots 1, 2 and 3 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 of Century 21 Subdivision, less Lot H1, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of E. North Street and the proposed E. Anamosa Street.

Fisher presented the Layout Plat request. Fisher stated that the boundaries have been revised. Fisher stated that staff recommends that the Layout Plat request be approved with stipulations.

In response to Anderson's question, Fisher stated that the applicant has reviewed the stipulations.

Fisher further identified the location of the subject property.

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

1. **Prior to City Council approval of the Layout Plat, a detail of the proposed street design for the access easement(s) shall be submitted for review and approval demonstrating that the streets, including private and public utilities, can be constructed in the proposed easement width;**
2. **Prior to City Council approval of the Layout Plat, a Utility Master Plan (plan view) for the entire site shall be submitted for review and approval;**
3. **Upon submittal of a Preliminary Plat application, a drainage plan in accordance with the Drainage Criteria Manual, the Perrine Drainage Basin Plan and the East Mall Drive/Dyess South Drainage Basin Plan shall be submitted for review and approval. The drainage plan shall also include calculations demonstrating that discharge from any site facilities will result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities must be provided or expanded as needed. In addition, the plat document shall be revised to provide drainage easements as needed;**
4. **Upon submittal of a Preliminary Plat application, construction plans for E. Anamosa Street shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light**





- conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of a Preliminary Plat application, construction plans for the access easement(s) shall be submitted for review and approval. In particular, the construction plans shall show the streets located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  6. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow the access easement(s) to serve more than four lots or the plat document shall be revised to show the street(s) located in right-of-way;
  7. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. In addition, calculations shall be provided demonstrating adequate capacity downstream between the site and the 42 inch trunk line located at the intersection of Sedivy Lane and E. St. Francis Street. The plat document shall also be revised to provide utility easements as needed;
  8. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains and service lines shall be submitted for review and approval. In addition, water calculations demonstrating adequate fire flows shall be submitted for review and approval. The water plans shall also show the water mains located ten feet inside the right-of-way or justification to construct the water mains five feet inside the right-of-way shall be submitted for review and approval. In addition, the plat document shall be revised to provide utility easements as needed;
  9. Upon submittal of a Preliminary Plat application, a traffic analysis shall be submitted for review and approval;
  10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  11. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show non-access easements as per the Street Design Criteria Manual;
  12. Upon submittal of a Preliminary Plat application for the future phase of the development that includes Century Road, road construction plans for the street shall be submitted for review and approval. In particular, the road construction plans shall show Century Road located south of E. Anamosa Street in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, with no on street parking, curb, gutter, sidewalk, street light conduit, water and sewer and Century Road located north of E. Anamosa Street 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. Approval of the Master Plan does not approve the proposed alignment of Century Road. Prior to submittal of a Preliminary Plat application for this future phase of the development, the alignment and location of Century Road shall be addressed and the plat document revised as needed;

13. Upon submittal of a Preliminary Plat application for the future phase of the development that includes E. North Street, road construction plans for the street shall be submitted for review and approval. In particular, road construction plans shall show the construction of curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
14. Upon submittal of a Preliminary Plat application for the future phase of the development that includes the extension of E. Anamosa Street to Century Road, the applicant shall coordinate the design of the west end of E. Anamosa street with the adjacent property owner(s) to insure alignment of the street section and utilities between properties;
15. Upon submittal of a Preliminary Plat application for the future phase of the development that includes the access easement as it intersects with E. North Street, the plat document shall be revised to show the access easement aligning with Menard Drive or an Exception to the Street Design Criteria Manual shall be obtained to reduce the minimum required separation between the streets;
16. Approval of the Master Plan does not approve the proposed termination of the access easement in the northern portion of the subject property. Prior to submittal of a Preliminary Plat application for this future phase of the development, the extension of the access easement shall be addressed and the plat document revised as needed;
17. Upon submittal of a Preliminary Plat application for the future phase of the development that includes the extension of the 60 foot wide public right-of-way, road construction plans for the street shall be submitted for review and approval. In particular, the road construction plans shall show the street 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;
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. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)

13. No. 07SR031 - Brookside Subdivision



A request by W. A. McBride for Kiwanis Mary Hall Committee to consider an application for an **SDCL 11-6-19 Review to allow the construction of a structure on public property** on Tract A of Brookside Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3220 W South Street.

Elkins stated that staff's recommendation is that the Planning Commission acknowledges the applicant's request to withdraw the SDCL 11-6-19 Review request.

**Brewer moved, Waltman seconded and unanimously carried to acknowledge the applicant's request to withdraw the SDCL 11-6-19 Review to allow the construction of a structure on public property. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**

**Brown announced that the Public Hearings on Items 15 through 34 were opened.**

**Staff requested that Items 17 and 21 be removed from the Hearing Consent Agenda for separate consideration.**

**A member of the audience requested that Item 22, 23, 24, 25, 26, 27 and 28 removed from the Hearing Consent Agenda for separate consideration.**

**Brewer moved, Anderson seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 15 through 34 in accordance with the staff recommendations with the exception of Items 17, 21, 22, 23, 24, 25, 26, 27 and 28. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**

**The Public Hearings for Items 15 through 34 were closed.**

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

15. 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 June 7, 2007 Planning Commission meeting.**

16. No. 06SV075 - Blake Estates  
A request by Renner & Associates for Rob Livingston to consider an application



for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway and to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 15 of Block 1 of Blake Estates Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Tract A of Government Lot 1 and Tract A of Government Lot 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of the intersection of West Highway 44 and Blake Road.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway and to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 5, 2007 Planning Commission meeting at the applicant's request.**

\*18. 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 June 7, 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.***

\*19. No. 07PD030 - North 80 Subdivision

A request by Unique Signs, Inc. for GGL Operations, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 1B of North 80 Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 330 E. Stumer Road.

**Planning Commission continued the Major Amendment to a Planned Commercial Development to the June 7, 2007 Planning Commission meeting to allow the applicant to submit a revised site plan and sign package.**



***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.***

\*20. No. 07PD031 - Stoney Creek South Subdivision

A request by Sperlich Consulting, Inc. for William Donhiser to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 2 and 3 of Block 1, Stoney Creek South Subdivision, located in the NW1/4 of the SW1/4 of the SW1/4 of the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5622 and 5734 Sheridan Lake Road.

**Planning Commission approved the Major Amendment to a Planned Commercial Development with the following stipulations:**

1. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
2. **The Air Quality Permit shall be amended to include the new construction prior to the start of construction on this phase of the development;**
3. **The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan. In particular, a parapet shall be provided along all four sides of the structure and the roof top shall be brown in color;**
4. **The proposed commercial structure shall be used for retail, office, banking, laundromat, restaurant, fitness center and medical clinic(s) uses as allowed in the General Commercial District. In particular, no more than 3,172 square feet of restaurant area and 3,172 square feet of fitness center area shall be allowed as proposed. In addition, no on-sale liquor use shall be allowed as a part of this Planned Commercial Development. Any other use or change in use shall require a Major Amendment to the Planned Commercial Development;**
5. **All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. The lighting for the sign shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;**
6. **A minimum of 104,035 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
7. **A minimum of 136 parking spaces shall be provided. Six of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;**
8. **All outdoor lighting shall be reflected within the property boundaries**





so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;

9. The dumpster(s) shall be located as shown on the site plan and screened on all four sides as proposed;
10. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrants shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structure(s) shall be fully fire sprinkled and fire alarmed as per the currently adopted International Fire Code;
11. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
12. All provisions of the General Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment.

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

29. No. 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 June 7, 2007 Planning Commission meeting to allow the applicant to submit additional information.**

30. No. 07SV010 - Word of Hope Subdivision  
A request by D. C. Scott Co. Land Surveyors for Wesleyan Church to consider an application for a **Variance to the Subdivision Regulations to waive the**



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

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to develop section line right-of-way on an extension of Jolly Lane, dedicate additional public right-of-way on an extension of Jolly Lane, to install sidewalk on Jolly Lane, and to waive the requirements to install curb, gutter, sidewalk, sewer, water, or planting screen easement on Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the June 7, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.**

31. 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 June 7, 2007 Planning Commission meeting to allow the applicant to submit additional information.**

32. No. 07SV024 - Century 21 Subdivision

A request by Centerline, Inc. for Action Development, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit and to reduce the right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 of Century 21 Subdivision, less Lot H1, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of E. North Street and the proposed E.



Anamosa Street.

**Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit and to reduce the right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code be continued to the June 7, 2007 Planning Commission meeting to allow the applicant to submit additional information.**

\*33. 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.

**Planning Commission continued the Conditional Use Permit to allow an off-premise billboard sign in a General Commercial District to the June 21, 2007 Planning Commission meeting at the applicant's request.**

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

\*34. No. 07UR007 - LaGrand Subdivision

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Conditional Use Permit** on a parcel of land located in the NE¼ NE¼, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of said Section 33, T2N, R8E, BHM, said point being coincident with the southeast corner of Section 28, T2N, R8E, BHM, and said point being located within Elk Vale Road right-of-way; thence, westerly along the south line of said Section 28, and coincident with the north line of said Section 33, N89°59'35"W, a distance of 127.35 feet, more or less, said point being located on the west line of Elk Vale Road right-of-way, and said point being marked by a rebar with aluminum SD-DOT cap, thence S00°07'49"E a distance of 183.05 feet, more or less to the point of beginning, said point being located on the west line of Elk Vale Road right-of-way, and said point being marked by a rebar with survey cap "LS 6565"; thence, S89°50'38"W, a distance of 59.44 feet, more or less, to a point marked by a rebar with survey cap "LS 6565"; thence, along the arc of a curve to the left whose chord bears S61°46'00"W and has a length of 102.48 feet, more or less, having a radius of 250.05 feet, more or less, and a central



angle of 23°39'02" and an arc length of 103.21 feet, more or less; thence, S49°56'30"W; a distance of 101.29 feet, more or less, to a point marked by a rebar with survey cap "LS 6565"; thence, along the arc of a curve to the right whose chord bears S69°52'58"W and has a length of 238.78 feet, more or less, having a radius of 350.06 feet, more or less, a central angle of 39°52'57" and an arc length of 243.67 feet, more or less; thence, S45°00'26"W, a distance of 48.30 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, S00°00'28"W, a distance of 262.50 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, S89°59'35"E, a distance of 486.81 feet, more or less to a point marked by a rebar with survey cap "LS 6565"; thence, north along the west line of Elk Vale Road right-of-way, N00°07'57"W, a distance of 492.66 feet, more or less, to the point of beginning. Said tract of land contains 4.27 acres or 186,001 square feet, more or less, more generally described as being located southwest corner of the intersection of North Elk Vale Road and Eglin Street.

**Planning Commission continued the Major Amendment to a Conditional Use Permit to the June 7, 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.***

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

Elkins requested that items 17 and 21 be taken concurrently.

17. No. 07CA009 - Knecht Park Subdivision  
A request by Rimrock Estates, LLC for Heavy Constructors, Inc. to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from Flood Hazard to Medium Density Residential with a Planned Residential Development** on Lot 1 of Knecht Park Subdivision, Sections 8 and 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Idlehurst Lane and Jackson Boulevard.
  
21. No. 07RZ014 - Knecht Park Subdivision  
A request by Rimrock Estates, LLC for Heavy Constructors, Inc. to consider an application for a **Rezoning from Flood Hazard District to Medium Density Residential District** on Lot 1 of Knecht Park Subdivision, Sections 8 and 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Idlehurst Lane and Jackson Boulevard.

Elkins presented the staff's recommendation to continue applications to the July



26, 2007 Planning Commission meeting at the applicant's request.

Steve Brenden, Rapid City resident, expressed his opposition to the proposed Comprehensive Plan Amendment and Rezoning requests.

In response to Anderson's question, Elkins advised that there would be no additional notification of hearing.

Keith Catron, area resident, expressed his opposition to the proposed Comprehensive Plan Amendment and Rezoning requests.

Rob Corner, area resident, expressed his opposition to the proposed Comprehensive Plan Amendment and Rezoning requests.

Suzanne Martley, area resident, expressed his opposition to the proposed Comprehensive Plan Amendment and Rezoning requests. Martley further commented on the positive effect of the additional services provided by the existing buffer.

**Motion by Brewer, seconded by Collins and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Flood Hazard to Medium Density Residential with a Planned Residential Development; and, That the Rezoning request from Flood Hazard District to Medium Density Residential District be continued to the July 26, 2007 Planning Commission meeting to allow the applicant time to submit additional information. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**

Elkins requested that items 22 thru 28 be taken concurrently.

22. No. 07RZ022 - Red Rock Estates

A request by City of Rapid City to consider an application for a **Rezoning from Low Density Residential District to General Agriculture District** on Lot 4 of Block 16 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota less the following described property: beginning at the northwest corner of Section 29, thence S89°56'23"E, 2053.37 feet; thence S00°00'39"W, 77.05 feet to a point of curvature; thence southerly along the arc of said curve to the right whose radius is 374.00 feet and whose delta is 21°21'18", an arc length of 139.40 feet to a point on said curve; thence N68°38'03"W, 150.00 feet; thence S42°44'25"W, 163.28 feet; thence S88°50'49"W, 453.19 feet; thence S85°24'59"W, 183.42 feet; thence N74°24'46"W, 476.27 feet; thence N79°54'55"W, 162.92 feet; thence S79°09'58"W, 154.84 feet; thence S19°17'53"E, 150.00 feet to a point lying on a curve concave to the south and whose chord bears S69°10'39"W, 20.01 feet; thence westerly along the arc of said curve to the left whose radius is 376.00 feet and whose delta is 03°02'57", an arc length of 20.01 feet; thence N19°17'53"W, 150.15 feet; thence S65°34'24"W, 254.94 feet to a point lying on a curve concave to the south and whose chord bears N77°30'26"W, 120.54 feet; thence westerly



along the arc of said curve to the left whose radius is 226.00 feet and whose delta is 30°56'04", an arc length of 122.02 feet; thence N00°18'22"W, 263.37 feet to the point of beginning, all located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Bethpage Drive between Prestick Road and Lundin Court.

23. No. 07RZ023 - Red Rock Estates

A request by City of Rapid City to consider an application for a **Rezoning from Low Density Residential District to General Agriculture District** on Lot 8 of Block 15 and Outlot G-1 of Red Rock Estates; and the balance of Tract 1 less Red Rock Estates and less right of way; and well lot and the balance of Picardi Ranch Road of the Red Ridge Ranch; and the W1/2 NW1/4 NE1/4 less Red Ridge Ranch and less Red Rock Estates and less right-of-way; and the E1/2 NW1/4 NE1/4 less Red Ridge Ranch and less right-of-way; and the SW1/4 NE1/4 less Red Ridge Ranch less Red Rock Estates less Red Rock Estates Phase 1A and less right-of-way; and the E1/2 NW1/4 less Red Rock Estates and less right-of-way; and the E1/2 NE1/4 less Red Rock Meadows Subdivision, less Red Rock Estates, less Lot H1 and less right-of-way; all located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located lying north of Muirfield Drive and Potrush Road between Prestwick Road and Kennemer Drive.

24. No. 07RZ024 - Red Rock Estates

A request by City of Rapid City to consider an application for a **Rezoning from Low Density Residential District to General Agriculture District** on Outlot G less Lots 20 and 21 of Block 2 and less Lots 4 and 5 of Block 4 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Muirfield Drive and east of Prestwick Road.

25. No. 07RZ025 - Red Rock Estates

A request by City of Rapid City to consider an application for a **Rezoning from Low Density Residential District to General Agriculture District** on Lot 2 of Block 24 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Dunsmore Road and Kennemer Drive and south of Donegal Way and north of Portrush Road.

26. No. 07RZ026 - Red Rock Estates

A request by City of Rapid City to consider an application for a **Rezoning from Low Density Residential District to General Agriculture District** on Outlot 1 of Red Rock Estates and Outlot A of Tract A of Countryside Subdivision all located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Portrush Road and Muirfield Drive.

27. No. 07RZ027 - Red Rock Estates

A request by City of Rapid City to consider an application for a **Rezoning from Low Density Residential District to General Agriculture District** on Lot 6 of





Block 9 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Bethpage Drive and Prestwick Road.

28. No. 07RZ039 - 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 E1/2 of the SE1/4 SE1/4 and Easterly 33' of E1/2 of NE1/4 SE1/4 all located in Section 21, T2N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Seger Drive and North Elk Vale Road.

Elkins reviewed the reasons for the necessity for the Rezoning requests to correct the errors in legal description originally presented by the owner applicant.

Steve Brenden expressed concern for the necessity of the proposed Rezoning requests on the subject property and the effect on the tax base. Discussion followed.

**Motion by Brewer, seconded by Waltman and unanimously carried to recommend that the Rezoning requests from Low Density Residential District to General Agriculture District be approved. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**

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

Elkins requested that items 35 and 36 be taken concurrently.

35. No. 07CA008 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial** on Lot 1 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Elk Vale Road and Creek Drive.

36. 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.

Elkins stated that staff recommends that the Amendment to the Adopted Comprehensive Plan and the Rezoning requests be continued to the June 7, 2007 Planning Commission meeting at the applicant's request.



**Motion by Brewer, Seconded by Collins and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial; and,  
That the Rezoning from No Use District to General Commercial District be continued to the June 7, 2007 Planning Commission meeting. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**

\*37. No. 07PD032 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Final Development Plan** on a parcel of land located in the Southwest One-Quarter of the Southwest One-Quarter (SW1/4SW1/4), the Southeast One-Quarter of the Southwest One-Quarter (SE1/4SW1/4), the Southwest One-Quarter of the Southeast One-Quarter (SW1/4SE1/4) and the Northwest One-Quarter of the Southwest One-Quarter (NW1/4SW1/4) of Section Twenty-nine (29) and the Northeast One-Quarter of the Southeast One-Quarter (NE1/4SE1/4), the Northwest One-Quarter of the Southeast One-Quarter (NW1/4SE1/4) and the Northeast One-Quarter of the Southwest One-Quarter (NE1/4SW1/4) of Section Thirty (30), and the Northwest One-Quarter of the Northeast One-Quarter (NW1/4NE1/4) of Section Thirty-two (32) in Township Two North (T2N), Range Eight East (R8E) of the Black Hills Meridian, (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Southwest Corner of said Section 29 in T2N, R8E, BHM; thence N51°44'20"W 3921.94' to the Point Of Beginning, said point being on the easterly right-of-way line of LaCrosse Street as it intersects with the southerly right-of-way line of Interstate 90 exit ramp; Thence following the said southerly right-of-way line of Interstate 90 exit ramp N74°21'36"E a distance of 25.20'; Thence departing said southerly right-of-way line of Interstate 90 exit ramp S00°07'30"E a distance of 213.62'; Thence with a curve turning to the left with an arc length of 308.03', with a radius of 641.30', with a chord bearing of S13°53'07"E, with a chord length of 305.08'; Thence S27°33'29"E a distance of 344.21'; Thence S48°39'17"E a distance of 65.15'; Thence with a non-tangent curve turning to the right with an arc length of 197.40', with a radius of 475.00', with a chord bearing of N78°04'24"E, with a chord length of 195.98'; Thence N89°58'43"E a distance of 419.60'; Thence S00°06'41"E a distance of 25.00'; Thence N89°58'43"E a distance of 374.93'; Thence with a curve turning to the left with an arc length of 421.50', with a radius of 550.00', with a chord bearing of N68°01'27"E, with a chord length of 411.26'; Thence N03°23'33"W a distance of 38.88'; Thence N40°11'59"E a distance of 53.09'; Thence N82°04'58"E a distance of 40.34'; Thence with a non-tangent curve turning to the left with an arc length of 182.62', with a radius of 19915.29', with a chord bearing of N32°21'00"E, with a chord length of 182.62'; Thence with a curve turning to the right with an arc length of 398.72', with a radius of 650.00', with a chord bearing of N49°47'28"E, with a chord length of 392.49'; Thence N22°56'58"W a distance of 69.09'; Thence N00°00'41"W a distance of 231.96'; Thence with a non-tangent curve turning to the right with an arc length of 153.85', with a radius of 2144.34', with a chord bearing of S68°07'30"E, with a chord length of 153.82'; Thence with a curve turning to the right with an arc length of 222.14', with a radius of



2909.18', with a chord bearing of S63°52'56"E, with a chord length of 222.09'; Thence S61°41'41"E a distance of 149.70'; Thence S35°19'03"E a distance of 72.16'; Thence S61°13'39"E a distance of 1133.12'; Thence with a curve turning to the right with an arc length of 135.54', with a radius of 650.00', with a chord bearing of S55 15'13"E, with a chord length of 135.30'; Thence S61°12'12"E a distance of 138.00'; Thence S68°31'49"E a distance of 352.96'; Thence S61°12'05"E a distance of 175.04'; Thence S49°53'16"E a distance of 99.23'; Thence S28°46'21"W a distance of 51.60'; Thence N61°13'39"W a distance of 22.42'; Thence S28°46'21"W a distance of 208.20'; Thence S61°13'39"E a distance of 23.27'; Thence with a curve turning to the left with an arc length of 62.76', with a radius of 550.00', with a chord bearing of S64°29'48"E, with a chord length of 62.73'; Thence S67°45'57"E a distance of 107.10'; Thence with a non-tangent curve turning to the right with an arc length of 74.15', with a radius of 950.12', with a chord bearing of S64°29'48"E, with a chord length of 74.13'; Thence S61°13'39"E a distance of 982.79'; Thence with a curve turning to the right with an arc length of 260.93', with a radius of 650.00', with a chord bearing of S49°43'39"E, with a chord length of 259.18'; Thence S38 13'39"E a distance of 57.93'; Thence with a curve turning to the left with an arc length of 338.49', with a radius of 450.00', with a chord bearing of S59°46'37"E, with a chord length of 330.57'; Thence S89°52'31"E a distance of 77.74'; Thence with a non-tangent curve turning to the left with an arc length of 168.00', with a radius of 604.01', with a chord bearing of N08°39'07"W, with a chord length of 167.46'; Thence S89°51'20"E a distance of 107.97'; Thence S00°07'29"W a distance of 165.46'; Thence S11°19'25"W a distance of 141.14'; Thence with a non-tangent curve turning to the right with an arc length of 312.78', with a radius of 2414.01', with a chord bearing of S22°40'12"W, with a chord length of 312.56'; Thence N79°02'31"W a distance of 68.03'; Thence N26°02'24"E a distance of 338.36'; Thence N89°52'31"W a distance of 24.75'; Thence with a non-tangent curve turning to the right with an arc length of 88.64', with a radius of 555.74', with a chord bearing of N85°32'12"W, with a chord length of 88.54'; Thence S35°58'35"W a distance of 27.39'; Thence S87°56'59"W a distance of 48.28'; Thence N76°54'32"W a distance of 8.67'; Thence N31°06'57"W a distance of 56.34'; Thence with a non-tangent curve turning to the right with an arc length of 164.77', with a radius of 555.00', with a chord bearing of N61°34'43"W, with a chord length of 164.17'; Thence S86°22'53"W a distance of 35.49'; Thence N47°33'44"W a distance of 57.34'; Thence N01°30'22"W a distance of 35.49'; Thence with a non-tangent curve turning to the right with an arc length of 37.04', with a radius of 555.00', with a chord bearing of N40°08'22"W, with a chord length of 37.03'; Thence N38°13'39"W a distance of 131.92'; Thence with a non-tangent curve turning to the left with an arc length of 146.57', with a radius of 550.00', with a chord bearing of N53°35'36"W, with a chord length of 146.13'; Thence N61°13'39"W a distance of 301.78'; Thence S70°07'52"W a distance of 40.86'; Thence N61°13'39"W a distance of 78.67'; Thence N17°40'27"W a distance of 37.26'; Thence N61°13'39"W a distance of 75.14'; Thence N55°31'01"W a distance of 50.25'; Thence N61°13'39"W a distance of 423.20'; Thence with a curve turning to the left with an arc length of 62.76', with a radius of 550.00', with a chord bearing of N64°29'48"W, with a chord length of 62.73'; Thence N67°45'57"W a distance of 104.51'; Thence S62°57'08"W a distance of 39.81'; Thence N62°26'30"W a distance of 40.60'; Thence S20°54'05"W a distance of 131.90'; Thence S18°46'19"W a distance of 128.31'; Thence



S58°56'29"E a distance of 102.51'; Thence S18°46'19"W a distance of 333.24'; Thence with a non-tangent curve turning to the left with an arc length of 219.26', with a radius of 2123.30', with a chord bearing of N83°49'30"W, with a chord length of 219.16'; Thence N71°18'35"W a distance of 460.64'; Thence N00°00'00"E a distance of 66.21'; Thence N18°52'17"E a distance of 65.65'; Thence S71°13'41"E a distance of 9.94'; Thence N18°46'19"E a distance of 248.40'; Thence N05°15'41"W a distance of 62.34'; Thence N18°46'19"E a distance of 202.68'; Thence N26°43'15"E a distance of 40.45'; Thence N19°01'01"E a distance of 166.07'; Thence N58°47'42"E a distance of 83.72'; Thence N31°12'18"W a distance of 28.33'; Thence N13°47'42"E a distance of 36.38'; Thence N31°12'19"W a distance of 15.42'; Thence with a non-tangent curve turning to the left with an arc length of 81.91', with a radius of 545.00', with a chord bearing of N35°30'38"W, with a chord length of 81.83'; Thence N38°54'51"W a distance of 65.91'; Thence with a non-tangent curve turning to the left with an arc length of 139.48', with a radius of 550.00', with a chord bearing of N53°57'46"W, with a chord length of 139.10'; Thence N61°13'39"W a distance of 868.53'; Thence S73°46'21"W a distance of 43.37'; Thence N61°13'39"W a distance of 60.66'; Thence N16°13'39"W a distance of 38.18'; Thence N61°13'39"W a distance of 61.44'; Thence with a curve turning to the left with an arc length of 36.25', with a radius of 546.33', with a chord bearing of N63°07'43"W, with a chord length of 36.25' to a point of reverse curvature; Thence with a co-tangent curve turning to the right with an arc length of 35.54', with a radius of 249.37', with a chord bearing of N60°56'49"W, with a chord length of 35.51'; Thence with a curve turning to the left with an arc length of 384.66', with a radius of 550.00', with a chord bearing of N88°45'28"W, with a chord length of 376.87'; Thence S19°30'01"W a distance of 43.70'; Thence S64°30'01"W a distance of 62.66'; Thence N70°29'59"W a distance of 37.85'; Thence with a non-tangent curve turning to the left with an arc length of 85.08', with a radius of 545.00', with a chord bearing of S54°07'12"W, with a chord length of 84.99'; Thence with a curve turning to the left with an arc length of 48.38', with a radius of 549.52', with a chord bearing of S53°03'27"W, with a chord length of 48.37'; Thence with a curve turning to the left with an arc length of 118.97', with a radius of 550.00', with a chord bearing of S38°24'54"W, with a chord length of 118.74'; Thence S32°13'06"W a distance of 161.14'; Thence with a curve turning to the right with an arc length of 46.34', with a radius of 650.00', with a chord bearing of S34°15'38"W, with a chord length of 46.33'; Thence S06°26'29"E a distance of 14.58'; Thence S37°39'36"W a distance of 72.08'; Thence S49°37'34"E a distance of 7.80'; Thence with a curve turning to the right with an arc length of 237.69', with a radius of 464.00', with a chord bearing of S34°57'03"E, with a chord length of 235.10'; Thence N89°45'36"W a distance of 448.32'; Thence with a non-tangent curve turning to the right with an arc length of 175.46', with a radius of 675.00', with a chord bearing of S82°31'55"W, with a chord length of 174.97'; Thence S89°58'43"W a distance of 794.58'; Thence with a curve turning to the left with an arc length of 31.51', with a radius of 325.00', with a chord bearing of S87°12'04"W, with a chord length of 31.50'; Thence with a curve turning to the right with an arc length of 96.15', with a radius of 102.23', with a chord bearing of S35°36'37"W, with a chord length of 92.65'; Thence S62°33'20"W a distance of 43.44'; Thence S62°24'30"W a distance of 9.00'; Thence N20°29'05"W a distance of 8.08'; Thence N27°35'30"W a distance of 72.84'; Thence N30°19'51"W a distance of 121.71'; Thence N27°17'55"W a



distance of 441.74'; Thence N25°23'32"W a distance of 31.49'; Thence N21 34'46"W a distance of 31.49'; Thence with a non-tangent curve turning to the right with an arc length of 50.00', with a radius of 825.79', with a chord bearing of N17°56'19"W, with a chord length of 49.99' to a point of compound curvature; Thence with a curve turning to the right with an arc length of 235.80', with a radius of 673.86', with a chord bearing of N06°10'47"W, with a chord length of 234.59'; Thence N00°07'30"W a distance of 50.00'; Thence N00°16'26"E a distance of 103.50' to the Point of Beginning; Having an area of 1,566,814 square feet, 35.97 acres, more generally described as being located east of Farnwood Avenue.

Elkins presented the Planned Commercial Development – Final Development Plan. Elkins reviewed the revised stipulations for approval. Elkins further commented on staff's concerns with the elevations submitted by the applicant on the proposed development. Elkins stated that if the Planning Commission finds the proposed building elevations to be acceptable the should approve the Planned Commercial Development – Final Development Plan with the stipulations as distributed.

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

In response to Brewer's questions, Elkins stated that the applicant has made an upgrade to the design from other stores in the United States.

**Motion by Brewer, Seconded by Collins to approve the Planned Commercial Development - Final Development Plan with the following stipulations:**

- 1. Prior to Planning Commission approval, revised structural elevations with a matching color palette for the commercial structure shall be submitted for review and approval. Prior to issuance of a building permit, the applicant shall show screening along all roof top mechanical equipment;**
- 2. Prior to issuance of a building permit, a Preliminary Plat shall be reviewed and approved to insure that all of the infrastructure improvements for the development have been addressed. In addition, a Final Plat shall be reviewed and approved prior to issuance of a Certificate of Occupancy to insure that legal access and utility easements are in place as needed;**
- 3. The landscaping shall be planted in compliance with the planting plan sheets, print date of April 27, 2007. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 4. Prior to issuance of a sign permit, the monument signs located along Interstate 90 shall be revised to comply with the Joint Identification Sign Ordinance with a maximum height of 15 feet and a maximum area of 200 square feet or a Variance from the Sign Board of Appeals shall be obtained or the Ordinance shall be amended to allow the proposed signage. In addition, the signs shall be relocated outside of**



- the E. North Street right-of-way or a portion of the right-of-way shall be vacated to allow the proposed signage. The entryway signs shall be designed to show all signage on the supporting wall with no signage protruding beyond the height or length of the supporting wall;
5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
  6. Prior to issuance of a building permit, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
  7. Prior to issuance of a building permit for the screening fence along Interstate 90, a Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation for any portion of the fence to be located in the right-of-way. In addition, the applicant shall enter into a maintenance agreement with the South Dakota Department of Transportation for the landscaping to be located within the Interstate 90 right-of-way;
  8. Prior to issuance of a building permit or the start of construction, the design details and construction plans for the retaining walls in excess of four feet in height shall be stamped by a Professional Engineer;
  9. Prior to issuance of a building permit, a revised grading and drainage plan shall be submitted for review and approval;
  10. Prior to issuance of a building permit, construction plans stamped by a Professional Engineer showing the water main profile and water and sewer service lines shall be submitted for review and approval. In addition, the construction plans shall show the water main extending into the lot located west of the subject property. A Utility Easement for the water main crossing the parking lot shall also be recorded at the Register of Deed's Office;
  11. Prior to issuance of a building permit, the construction plans shall be revised to show a minimum five foot separation between private utilities and water and sewer mains;
  12. Prior to issuance of a building permit, an Industrial Pre-treatment Permit shall be obtained for the proposed trash compactor container;
  13. Prior to issuance of a building permit, an access easement shall be recorded at the Register of Deed's Office for the proposed truck route. In addition, prior to issuance of a Certificate of Occupancy, the truck route road shall be constructed;
  14. The Air Quality Permit shall be amended to include the proposed development or a new Air Quality Permit shall be obtained prior to the start of any additional construction;
  15. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to



- accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;
16. A minimum of 572 parking spaces shall be provided. In addition, 12 of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be “van accessible”. All provisions of the Off-Street Parking Ordinance shall be continually met;
  17. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;
  18. The structure shall be used as a department store or a Major Amendment to the Commercial Development Plan shall be obtained;
  19. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment; and,
  20. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

Elkins requested that the Planning Commission consider requiring the applicant to modify the materials applied to the roofing to a darker color. Discussion followed.

Mike Stanley, Dream Design International, stated that the applicant would prefer to keep the color light to diffuse heat absorption and would be willing to modify the color to a light tan. Discussion followed.

In response to Anderson’s question, Fisher stated that a parking plan has been submitted. Discussion followed.

**Amended Motion by Brewer, Seconded by Collins and unanimously carried to approve the Planned Commercial Development - Final Development Plan with the following stipulations:**

1. Prior to Planning Commission approval, revised structural elevations with a matching color palette for the commercial structure shall be submitted for review and approval. Prior to issuance of a building permit, the applicant shall show screening along all roof top mechanical equipment;
2. Prior to issuance of a building permit, a Preliminary Plat shall be reviewed and approved to insure that all of the infrastructure improvements for the development have been addressed. In addition,



- a Final Plat shall be reviewed and approved prior to issuance of a Certificate of Occupancy to insure that legal access and utility easements are in place as needed;
3. The landscaping shall be planted in compliance with the planting plan sheets, print date of April 27, 2007. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  4. Prior to issuance of a sign permit, the monument signs located along Interstate 90 shall be revised to comply with the Joint Identification Sign Ordinance with a maximum height of 15 feet and a maximum area of 200 square feet or a Variance from the Sign Board of Appeals shall be obtained or the Ordinance shall be amended to allow the proposed signage. In addition, the signs shall be relocated outside of the E. North Street right-of-way or a portion of the right-of-way shall be vacated to allow the proposed signage. The entryway signs shall be designed to show all signage on the supporting wall with no signage protruding beyond the height or length of the supporting wall;
  5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
  6. Prior to issuance of a building permit, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
  7. Prior to issuance of a building permit for the screening fence along Interstate 90, a Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation for any portion of the fence to be located in the right-of-way. In addition, the applicant shall enter into a maintenance agreement with the South Dakota Department of Transportation for the landscaping to be located within the Interstate 90 right-of-way;
  8. Prior to issuance of a building permit or the start of construction, the design details and construction plans for the retaining walls in excess of four feet in height shall be stamped by a Professional Engineer;
  9. Prior to issuance of a building permit, a revised grading and drainage plan shall be submitted for review and approval;
  10. Prior to issuance of a building permit, construction plans stamped by a Professional Engineer showing the water main profile and water and sewer service lines shall be submitted for review and approval. In addition, the construction plans shall show the water main extending into the lot located west of the subject property. A Utility Easement for the water main crossing the parking lot shall also be recorded at the Register of Deed's Office;
  11. Prior to issuance of a building permit, the construction plans shall be revised to show a minimum five foot separation between private utilities and water and sewer mains;
  12. Prior to issuance of a building permit, an Industrial Pre-treatment Permit shall be obtained for the proposed trash compactor container;





13. Prior to issuance of a building permit, an access easement shall be recorded at the Register of Deed's Office for the proposed truck route. In addition, prior to issuance of a Certificate of Occupancy, the truck route road shall be constructed;
14. The Air Quality Permit shall be amended to include the proposed development or a new Air Quality Permit shall be obtained prior to the start of any additional construction;
15. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;
16. A minimum of 572 parking spaces shall be provided. In addition, 12 of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
17. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;
18. The structure shall be used as a department store or a Major Amendment to the Commercial Development Plan shall be obtained;
19. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment; and,
20. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman 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.***

Fisher requested that items 38 and 39 be taken concurrently.



38. 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.

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

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

Fisher presented the Preliminary Plat and Variance to the Subdivision Regulations requests. Fisher stated that staff recommends that the Preliminary Plat and Variance to the Subdivision Regulations to be approved with stipulations.

In response to Collins' question, Fisher identified the water supply to the subject property.

In response to Brewer's question, Fisher stated that Wilderness Canyon Road is the only access to the subject property. Discussion followed.

Cory Jacobs, co-applicant, distributed a handout on the dais. Jacobs identified the existing easements on the subject property. Jacobs expressed his opposition to the requirement to pave the road on the subject property. Discussion followed.

Collins expressed concern for emergency vehicle apparatus access to the adjacent and subject properties. Discussion followed.

Dr. Don Oliver, applicant, requested that the Variance request to waive the requirement that the existing road surface be improved to city standards be approved. Oliver expressed his opposition to the requirements to improve the existing road to City Standards.

In response to Hadcock's question, Elkins identified previous action by Council approving gravel access. Elkins stated that staff is consistent with the recommendation to improve streets to City standards. Discussion followed.



Roy Boschee, agent for applicant, expressed his opposition to the requirement to install street light conduit because the property is currently being serviced by overhead power lines.

Jacobs expressed his opposition to staff's stipulations for approval.

**Motion by Anderson, Seconded by Collins to recommend that the Preliminary Plat be approved with the following stipulations:**

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans for Wilderness Canyon Road shall be submitted for review and approval. In particular, the plans shall show Wilderness Canyon Road constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans for the access easement shall be submitted for review and approval. In particular, the plans shall show the access easement constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, sight distance data along Wilderness Canyon Trail shall be submitted for review and approval. In addition, the plat document shall be revised to relocate the access easement if needed;**
- 4. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow 156 lots with one point of access in lieu of maximum of 40 dwelling units exclusively accessed from a street or the plat document shall be revised accordingly;**
- 5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 6. Prior to submittal of a Final Plat application, the property shall be rezoned to support the proposed lot sizes or a Variance shall be obtained from the Pennington County Board of Adjustment to reduce the minimum 40 acre lot size requirement of the General Agriculture District;**
- 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing well and the service lines extending from the well located within utility easement(s);**
- 8. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for maintenance of the community water facility for review and approval;**
- 9. Upon submittal of a Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit" and that "on-site wastewater disposal systems shall be mound systems, holding tanks or evapotranspiration systems only if percolation and profile**



information is not sufficient for conventional systems”;

10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
11. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

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

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

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, and sewer along the access easement be approved; and,

That the Variance to the Subdivision Regulations to waive the requirement to pave the access easement be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be approved. The motion failed with a tie vote. The motion failed with a tie vote. Forwarded to Council without recommendation. (3 to 3 with Anderson, Brown and Collins, voting yes and Brewer, Fast Wolf and Waltman voting no)

40. 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.

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

**Motion by Brewer, Seconded by Collins and unanimously carried to recommend that the Layout Plat be approved with the following stipulations:**

1. Prior to Layout Plat approval by the Planning Commission, the applicant shall submit a structural site plan showing the existing structures and utilities located on the subject property;
2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted



- for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If on-site wastewater treatment systems are proposed then information on depth and type of soil, and capacity of septic tanks proposed must be submitted for review and approval and percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems be submitted for review and approval;
  5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water system is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be designed and constructed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed;
  6. Upon submittal of a Preliminary Plat application, road construction plans for Palmer Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  7. Upon submittal of a Preliminary Plat application, a Wildland Fire Mitigation Plan shall be submitted for review and approval;
  8. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
  9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
  10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)
41. 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.

Tegethoff stated that staff recommends that the SDCL 11-6-19 Review request be continued to the June 7, 2007 Planning Commission meeting.



**Motion by Brewer, Seconded by Anderson and unanimously carried to continue the SDCL 11-6-19 Review to allow the installation of a shed on public property to the June 7, 2007 Planning Commission meeting. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**

42. 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 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 June 7, 2007 Planning Commission meeting.

**Motion by Brewer, Seconded by Collins and unanimously carried to approve the SDCL 11-6-19 Review to construct public streets to the June 7, 2007 Planning Commission meeting. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**

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

**Motion by Collins, Seconded by Brewer and unanimously carried to approve the SDCL 11-6-19 Review to allow the construction of a lift station with the following stipulations:**

1. **Prior to Planning Commission approval, a landscaping plan showing a minimum of 440 landscape points shall be submitted for review and approval; 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. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**



44. No. 07SR030 - Wise's Addition

A request by enVision Design, Inc. for Youth and Family Services, Inc. to consider an application for an **SDCL 11-6-19 Review to allow the construction of a parking lot in public right-of-way** on the Monroe Street right-of-way adjacent to Lot A of Block 12 Wise's Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 410 E. Monroe Street.

Tegethoff stated that staff recommends that the SDCL 11-6-19 Review request be continued to the June 7, 2007 Planning Commission meeting at the applicant's request.

**Motion by Brewer, Seconded by Waltman and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a parking lot in public right-of-way to the June 7, 2007 Planning Commission meeting at the applicant's request. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**

Bulman requested that items 45 and 46 be taken concurrently.

45. No. 07TI007 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Resolution Creating Tax Increment District No. 63** on Government Lot 3 and the SE1/4NW1/4 less Lot A and the unplatted portion of the NE1/4SW1/4 less the south 270 feet and less part of Copperfield Subdivision all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Government Lot 2 less Rushmore Business Park and the West 660 feet of Government Lot 1 less Rushmore Business Park and the north 1081.18 feet of the SW1/4NE1/4 less Rushmore Business Park and the west 660 feet of the north 1081.18 feet of the SE1/4NE1/4 less Rushmore Business Park, and E. Anamosa Street right-of-way, Concourse Drive right-of-way, and Turbine Drive right-of-way all located within the area as described above and Homestead Street right-of-way located west of Concourse Drive, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elk Vale Road and north of Copperfield Subdivision.

46. No. 07TI008 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Tax Increment District No. 63 Project Plan** on Government Lot 3 and the SE1/4NW1/4 less Lot A and the unplatted portion of the NE1/4SW1/4 less the south 270 feet and less part of Copperfield Subdivision all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Government Lot 2 less Rushmore Business Park and the West 660 feet of Government Lot 1 less Rushmore Business Park and the north 1081.18 feet of the SW1/4NE1/4 less Rushmore Business Park and the west 660 feet of the north 1081.18 feet of the SE1/4NE1/4 less Rushmore Business Park, and E. Anamosa Street right-of-way, Concourse Drive right-of-way, and Turbine Drive



right-of-way all located within the area as described above and Homestead Street right-of-way located west of Concourse Drive, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Elk Vale Road and north of Copperfield Subdivision.

Bulman presented the Tax Increment Financing Committee's recommendation to approve the Resolution Creating Tax Increment District No. 63 and the associated Project Plan request.

Brenden expressed opposition to Tax Increment District No. 63.

Hani Shafai, Dream Design International, Inc. expressed his opinion that Tax Increment Financing Districts are a mechanism to improve infrastructure to a proposed development. Shafai reviewed the proposed location of the roads that would be funded by the Tax Increment Financing District No. 63.

Collins expressed her support for the Tax Increment District No. 63. Discussion followed.

**Motion by Collins, Seconded by Brewer and unanimously carried to approve the Resolution Creating Tax Increment District No. 63; and, the Tax Increment District No. 63 Project Plan. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**

Bulman requested that Item 47 and 48 be taken concurrently.

47. No. 07TI009 - Minnesota Street

A request by Dream Design International, Inc. and enVision Design for Plum Creek Development, LLC to consider an application for a **Resolution Creating Tax Increment District No. 64** on Tract 1 of the E1/2 of Section 16 less Elks Country Estates and the SW1/4 of Section 16 less Plum Creek Subdivision, all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the N1/2N1/2NE1/4NW1/4 and the N1/2N1/2NW1/4NE1/4 and the E1/2NE1/4, all located in Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south and west of Elks Country Estates and east of Elk Vale Road.

48. No. 07TI010 - Minnesota Street

A request by Dream Design International, Inc. and enVision Design for Plum Creek Development, LLC to consider an application for a **Tax Increment District No. 64 Project Plan** on Tract 1 of the E1/2 of Section 16 less Elks Country Estates and the SW1/4 of Section 16 less Plum Creek Subdivision, all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the N1/2N1/2NE1/4NW1/4 and the N1/2N1/2NW1/4NE1/4 and the E1/2NE1/4, all located in Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south and west of Elks Country Estates and east of Elk Vale Road.





Bulman presented the Tax Increment Financing Committee's recommendation to approve the Resolution Creating Tax Increment District No. 64 and the associated Project Plan request.

In response to Anderson's question, Larry Kosteneski, Centerline, Inc. reviewed the proposed commercial development to fund the Tax Increment District No. 64. Lengthy discussion followed.

**Motion by Collins, Seconded by Brewer and unanimously carried to continue the Resolution Creating Tax Increment District No. 64 Minnesota Street and the Tax Increment District No. 64 Project Plan to the July 5, 2007 Planning Commission meeting to allow the applicant to revise the revenue projections to reflect the actual zoning. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**

49. No. 07VR004 - Simmons Addition

A request by Richard E. Huffman to consider an application for a **Vacation of Right-of-Way** adjacent to Lots 1 thru 32 of Block 5 of Simmons Addition, plus 1/2 vacated Elm Street, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 101 and 141 E. Omaha Street and 320 Maple Avenue.

Tegethoff stated that the staff recommends that the Vacation of Right-of-Way requests be continued to the June 7, 2007 Planning Commission meeting at the applicant's request.

**Motion by Collins, Seconded by Brewer and unanimously carried to continue the Vacation of Right-of-Way to the June 7, 2007 Planning Commission meeting at the applicant's request. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**

50. Discussion Items

Elkins introduced Loren Fuhrmann to the Growth Management Department. Elkins further commented that Emily Fisher was no longer working for Growth Management.

51. Staff Items

Elkins stated that a request has been submitted from the public to build a race track. Elkins stated that if Planning Commission wishes they could direct staff to draft an Ordinance Amendment to add "Race Track" as a Conditional Use in the General Agriculture Zoning District.

**Motion by Brewer, Seconded by Anderson and unanimously carried to direct staff to draft an Ordinance Amendment to add "Race Track" as a Conditional Use in the General Agriculture Zoning District. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**



52. Planning Commission Items

53. Committee Reports

- A. City Council Report (May 7, 2007 )  
The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

No. 07PL044 - Eastern Acres Subdivision

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

On April 5, 2007 the Planning Commission recommended that the **Layout Plat** be approved with stipulations. On May 7, 2007 the City Council denied the **Layout Plat** without prejudice at the applicant's request.

No. 07SV017 - Eastern Acres Subdivision

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

On April 5, 2007 the Planning Commission recommended that the **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** be approved with stipulations and denied in part. On May 7, 2007 the City Council denied the **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** without prejudice at the applicant's request.

- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee



- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

**There being no further business, Brewer moved, Collins seconded and unanimously carried to adjourn the meeting at 8:43 a.m. (6 to 0 with Anderson, Brewer, Brown, Collins, Fast Wolf and Waltman voting yes and none voting no)**