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MINUTES OF THE
RAPID CITY PLANNING COMMISSION

June 7, 2007

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Barb Collins, Dennis Landguth, Sandra Runde and Karen Waltman. Deb Hadcock, Council Liaison was also present

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

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

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

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

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the May 24, 2007 Planning Commission Meeting Minutes.
2. 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,

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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

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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 21, 2007 Planning Commission meeting to allow the applicant to submit additional information.

3. 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.

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Planning Commission recommended that the Preliminary Plat be continued to the June 21, 2007 Planning Commission meeting to allow the applicant to submit the required information.

4. No. 07PL034 - Murphy Ranch Estates Subdivision

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

Planning Commission recommended that the Preliminary Plat be continued to the June 21, 2007 Planning Commission Meeting to allow the applicant to submit the required information.

5. 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 21, 2007 Planning Commission meeting at the request of the applicant.

6. No. 07PL068 - Walpole Heights Subdivision

A request by CETEC Engineering Services, Inc. for JR Investments, LLC to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Block 1 of Walpole Heights Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract C Revised of Walpole Heights Subdivision and Lot AB1, all in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2707 Mount Rushmore Road.

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

1. **Prior to Preliminary Plat approval by the City Council, plans for Mount Rushmore Road shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, a non-access easement shall be identified along the eastern lot line, as no access will be allowed onto Mount Rushmore Road;**

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2. **Prior to Preliminary Plat approval by the City Council, the applicant shall submit a revised plan identifying a 59 foot wide right-of- way with 26 feet of paved surface or a Variance to the Subdivision Regulations must be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
4. **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,**
5. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.**

7. 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 near Catron Boulevard, Vineyard Lane, Golden Eagle Drive.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a public sewer to the June 21, 2007 Planning Commission meeting to allow the applicant to submit revised construction plans.

8. 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.

Planning Commission approved the SDCL 11-6-19 Review to allow the installation of a shed on public property with a reduced side yard setback with the following stipulation:

1. **The reduction in the setback from 25 feet to 8 feet on the east side of the proposed structure is hereby approved.**
9. 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

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the construction of a communication tower on public property to the June 21, 2007 Planning Commission meeting to allow the applicant to submit additional information.

10. 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.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a parking lot in public right-of-way be continued to the June 21, 2007 Planning Commission meeting to allow the applicant to submit additional information.

11. No. 07SR034 - Rapid City Greenway Tract

A request by Lisbeth Ellis to consider an application for an **SDCL 11-6-19 Review to allow a temporary structure on public property** on Tract 1 thru 3 and Lot A-B of Tract 3 (Also in Section 8, T1N, R7E) of Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Park Drive and Jackson Boulevard.

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

1. **Prior to Planning Commission approval, a copy of the evacuation plan shall be submitted to the City for review and approval.**
2. **Prior to Planning Commission approval, a Flood Plain Development Permit must be obtained, and,**
3. **A Temporary Use Permit shall be obtained prior to initiation of the event.**

12. No. 07VE009 - Dairyland Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dennis Selting to consider an application for a **Vacation of a Note on a Plat** on Lot B of Lot 3 of Dairyland Subdivision located in the SW1/4 SE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2340 E. St. Patrick Street.

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

13. No. 07VE010 - Dairyland Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dennis Selting to consider an application for a **Vacation of a Note on a Plat** on Lot C of Lot 3 of Dairyland Subdivision located in the SW1/4 SE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being

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as being located at 2330 E. St. Patrick Street.

Planning Commission recommended that the Vacation of a Note on a Plat be approved with the following stipulation:

1. **Notation on "Exhibit A" of the vacation document, prepared by the Registered Professional Engineer, should note (Plat Book 18 Page 39) rather than (Book 18 Page 39).**

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

Brown announced that the Public Hearings on Items 14 through 34 were opened.

Staff requested that Items 20, 21 and 28 be removed from the Hearing Consent Agenda for separate consideration.

Brewer moved, Runde seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 14 through 34 in accordance with the staff recommendations with the exception of Items 20, 21 and 28. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde and Waltman voting yes and none voting no)

The Public Hearings for Items 14 through 34 were closed.

---HEARING ITEMS CONSENT CALENDAR---

14. No. 05VR014 - Sletten Addition

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

Planning Commission recommended that the Vacation of Section Line Highway request be continued to the August 23, 2007 Planning Commission meeting.

15. No. 07CA022 - Section 4, T1N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial** on that portion of the dedicated right-of-way for South Valley Drive adjacent to the westerly boundary of Lot 1 of Lot D and Lot D to the SW corner of Section 4, located in the SW1/4 SW1/4, Section 4, All located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast corner of the intersection of South Valley Drive and S. D. East Highway 44.

Planning Commission recommended that the Amendment to the Adopted

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Comprehensive Plan to change the land use designation from General Agriculture to General Commercial be approved

*16. 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

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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, $N01^{\circ}44'10''W$, 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, $N26^{\circ}46'20''E$, 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, $N27^{\circ}11'29''E$, 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, $N19^{\circ}26'44''E$, 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, $N02^{\circ}40'24''E$, 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, $S89^{\circ}59'08''W$, 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, $S71^{\circ}30'56''W$, 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, $N88^{\circ}29'49''W$, 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, $N88^{\circ}42'16''W$, a distance of 51.73 feet,

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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

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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 21, 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.

*17. No. 07PD028 - Professional Plaza Subdivision

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

Planning Commission continued the Major Amendment to a Planned Commercial Development to the June 21, 2007 Planning Commission meeting.

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

*18. 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 21, 2007 Planning Commission meeting to allow the applicant to submit a revised site plan and sign package.

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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. 07PD033 - Stoney Creek Subdivision, Phase 1

A request by Brian M. Dodson to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 21 of Block 3, Stoney Creek Subdivision Phase 1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2928 Harvard Avenue.

Planning Commission continued the Major Amendment to a Planned Residential Development to the June 21, 2007 Planning Commission meeting.

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

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

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

Planning Commission recommended that the Rezoning from No Use District to Light Industrial District be approved for the following revised legal. All of the dedicated right-of-way adjacent to the easterly boundary of Tract C of the SE1/4 SE1/4, Lot H of Tract A and Lot N of Tract A of Schlottman Addition, to the centerline of East Saint Andrew Street located in the SE1/4 SE1/4 Section 5.

23. No. 07RZ040 - Section 4, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on that portion of the dedicated right-of-way for South Valley Drive adjacent to the westerly boundary of Lot 1 of Lot D and Lot D to the SW corner of Section 4, located in the SW1/4 SW1/4,

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SW1/4, Section 4, All located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast corner of the intersection of South Valley Drive and S. D. East Highway 44.

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be approved in conjunction with the associated Amendment to the Comprehensive Plan.

24. No. 07RZ041 - Section 5, T1N, R8E

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

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

25. No. 07RZ042 - Mailloux Subdivision

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on Lot 1 of Mailloux Subdivision, located in the SE1/4 SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1030 Country Road.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the June 21, 2007 Planning Commission meeting.

26. 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

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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,

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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 21, 2007 Planning Commission meeting to allow the applicant to submit additional information.

27. 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**

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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 21, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.

29. 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 21, 2007 Planning Commission meeting to allow the applicant to submit additional information.

30. No. 07SV025 – Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along both sides of Montebello Court as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 14 thru 17 of Block 1 of the Villaggio at Golden Eagle Subdivision, 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 at the northern terminus of Golden Eagle Drive.

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Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along both sides of Montebello Court as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

31. No. 07SV027 – Walpole Heights Subdivision

A request by CETEC Engineering Services, Inc. for JR Investments, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer and sidewalk on Mount Rushmore Road; request to reduce the required pavement width in the motel access easement from 26 feet to 24 feet and to reduce the access easement width from 59 feet to 49 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Block 1 of Walpole Heights Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract C Revised of Walpole Heights Subdivision and Lot AB1, all in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2707 Mount Rushmore Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer and sidewalk on Mount Rushmore Road, the request to reduce the required pavement width in the motel access easement from 26 feet to 24 feet and to reduce the access easement width from 59 feet to 49 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

32. No. 07SV028 – Word of Hope Subdivision

A request by Dream Design, Inc. for Word of Hope Wesleyan Church to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to increase the pavement width along Jolly Lane 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 northeast of the intersection of Jubilee Lane and Elk Vale Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to increase the pavement width along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code be continued to the June 21, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.

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33. No. 07SV029 – Forefather Flats Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of access easements, to waive the requirement to install sidewalk along both sides of E. Mall Drive, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Offutt Street and Beale Street, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along I90, and to waive the requirement to provide an eight foot wide utility easement on the interior side of the east lot line of Lots 2 and 3 and a portion of the south lot line of Lot 3 as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3 of Forefather Flats Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as That part of the SW1/4 north of I-90 including Lot 3 of Starlite Subdivision, less GLM Subdivision No. 2, all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Dyess Avenue and north of I-90.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement serving Lots 1 and 2 from 59 feet to 26 feet be approved with the following stipulations:

1. **Prior to City Council approval, the applicant shall post surety for the design and construction of the access easement. In particular, the access easement shall be constructed with a minimum 26 foot wide paved surface;**
2. **Upon submittal of a Final Commercial Development Plan, pedestrian access shall be provided through the site, lighting shall be provided throughout the parking lot and along the access easement as needed, a separation shall be provided between the access easement and the parking area and utilities shall be extended as needed to serve the proposed Lots;**

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and street light conduit and to reduce the width of the access easement serving Lot 3 from 59 feet to 54 feet be approved with the following stipulation:

1. **Upon submittal of a Final Commercial Development Plan, pedestrian access shall be provided through the site and lighting shall be provided throughout the parking lot and along the access easement as needed;**
2. **A sidewalk shall be provided along one side of the access easement as proposed;**

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of E. Mall Drive be approved with the following stipulations:

1. **Prior to City Council approval, the applicant shall sign a waiver of right**

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right to protest any future assessments for the improvement;

2. A sidewalk shall be constructed on the south side of the street;
That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Offutt Street and Beale Street be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to provide an eight foot wide utility easement on the interior side of the east lot line of Lots 2 and 3 and a portion of the south lot line of Lot 3 be denied without prejudice at the applicant's request.

*34. No. 07UR010 – Par Subdivision

A request by Boschee Engineering for Don Schooley to consider an application for a **Conditional Use Permit to allow a garage in excess of 1,500 square feet** on Lot 4 of Tract 1 of Par Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Tartan Court.

Planning Commission approved the Conditional Use Permit to allow a garage in excess of 1,500 square feet with the following stipulation:

1. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy;
2. All applicable provisions of the International Fire Code Shall be continually met;
3. Prior to issuance of a Building Permit, a Covenant Agreement declaring that the garage cannot be used for commercial purposes shall be signed by the applicant and filed at the Pennington County Register of Deeds Office.
4. The addition shall be constructed and maintained of the same general materials and the same color(s) as the existing residence, and,
5. Any additional garage or storage space to be constructed on the lot shall require a Major Amendment to the Conditional Use Permit.

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---

*20. No. 07PD036 - Walpole Heights Subdivision

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A request by CETEC Engineering Services, Inc. for JR Investments, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 1 and 2 of Block 1 of Walpole Heights Subdivision, Formerly Tract C Revised and Lot AB1; Tract A Revised, less Lot H8; Tract D of Walpole Heights Subdivision; and, Lot AB, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract C Revised, Tract A revised, less Lot H8; Tract D of Walpole Heights Subdivision; and, Lots AB and AB1, all in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2707 Mount Rushmore Road.

Tegethoff presented the staff's recommendation to approve the Major Amendment request with revised stipulations.

In response to questions, Tegethoff identified the sidewalk locations on the adjacent and subject properties. Discussion followed.

Waltman moved, Brewer seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

- 1. All applicable stipulations from the previously approved Major Amendment to the Planned Commercial Development shall be continually met;**
- 2. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 3. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
- 4. Prior to Final Plat approval, the off-premise signs shall be removed or the monument signs 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 the signs are approved as off-premise signs as per City Ordinance or a Variance from the Sign Board of Appeals shall be obtained or the Ordinance shall be amended to allow the proposed signage. However, the applicant may post surety for the removal of the signs for up to 180 days to allow the applicant to submit the appropriate applications; and,**
- 5. The Major Amendment to a 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. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde 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.

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*21. No. 07PD037 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Final Development Plan** on the unplatted portion of the W1/2 NE1/4 SE1/4, Section 30, T2N, RA Tract of land located in the W1/2 NE1/4 SE1/4 and the E1/2 NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the East Quarter Corner (E1/4) of said Section 30 Thence S66°45'19"W a distance of 1023.63'; to the eastern most corner of the subject Tract, said eastern most corner being the Point of Beginning; Thence with a curve turning to the left with an arc length of 327.53', with a radius of 650.00', with a chord bearing of S52°55'43"W, with a chord length of 324.08'; Thence N51°30'25"W a distance of 218.05'; Thence S89°59'19"W a distance of 73.68'; Thence N00°00'41"W a distance of 467.52' to the southerly right-of-way line of Interstate Route 90; Thence following the said the southerly right-of-way line of Interstate Route 90; with a curve turning to the right with an arc length of 490.15', with a radius of 2144.34', with a chord bearing of S76°43'44"E, with a chord length of 489.08'; Thence departing the said the southerly right-of-way line of Interstate Route 90; S00°00'41"E a distance of 231.96'; Thence S22°56'58"E a distance of 69.09'; to the Point of Beginning 8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of I-90 and west of LaCrosse Street and north of Farnwood Avenue.

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

Fisher stated that staff's recommendation is that the Planned Commercial Development request be continued to the June 21, 2007 Planning Commission meeting.

Brenden expressed concerns for the concentration of development on subject property in relation to the existing and proposed sewer system.

Runde moved and Collins seconded and carried to continue the Planned Commercial Development - Final Development Plan to the June 21, 2007 Planning Commission meeting to allow the applicant to submit additional information. (6 to 0 to 1 with Anderson, Brewer, Brown, Collins, Landguth and voting yes and none voting no and Waltman abstaining)

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

28. 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**

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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.

Smith presented the staff's recommendation to approve the Variance to the Subdivision Regulations request.

Elkins noted that the recommendation has been changed to identify the Section line highway as well as the internal roads.

In response to Brewer's question, Elkins stated that the fire flow issues will be addressed as a part of the Plat and will be acted on by the City Council.

Brewer moved, Waltman seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer along the section line highway and interior roads as per Chapter 16.16 of the Rapid City Municipal Code be approved. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde and Waltman voting yes and none voting no)

Discussion followed regarding a speaker request form on an item that has previously been continued at the May 24, 2007 Planning Commission meeting.

In response to Landguth's question, Elkins stated that a Conditional Letter of Map Revision has been approved by Federal Emergency Management Agency to allow the fill in the Braeburn Addition. Elkins further stated that data was submitted to Engineering regarding flows, analysis and calculations and computer models reviewed by Federal Emergency Management Agency. Elkins stated that Council approved a moratorium to limit development upstream of the Chapel Lane Bridge. Discussion followed.

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

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

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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 presented the staff's recommendation that the Amendment to the Adopted Comprehensive Plan and the Rezoning requests be continued to the June 21, 2007 Planning Commission meeting at the applicant's request.

Collins moved, Brewer seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial and the Rezoning from No Use District to General Commercial District be continued to the June 21, 2007 Planning Commission meeting at the applicant's request. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde and Waltman voting yes and none voting no)

***37. No. 07PD035 - Kashmir Subdivision**

A request by Michael Derby to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots B, C, H, J, K, L, M and W of Kashmir Subdivision, located in the NE1/4 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2720 Chapel Lane.

Bulman presented the staff's recommendation to continue the Major Amendment request to the June 21, 2007 Planning Commission meeting.

Collins moved, Anderson seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the June 21, 2007 Planning Commission meeting to allow the applicant to submit a revised site plan. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde 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.

***38. No. 07PD038 - Stoney Creek South Subdivision**

A request by Mark Kostenbauer for World Class Golf, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 2 and 3 of Block 1 of Stoney Creek South Subdivision, located in the SW1/4 of the SW1/4 and 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 Sheridan Lake Road.

Smith presented the staff's recommendation to continue the Major Amendment request to the June 21, 2007 Planning Commission meeting.

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Esther Newbrough, area resident expressed her opposition to the proposed development on the subject property.

Brewer moved, Collins seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the June 21, 2007 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde 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.

39. 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 presented staff's recommendation to continue the SDCL 11-6-19 Review request to the June 21, 2007 Planning Commission meeting.

Landguth moved, Brewer seconded and unanimously carried to continue the SDCL 11-6-19 Review to the June 21, 2007 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde and Waltman voting yes and none voting no)

40. No. 07SR032 - Rapid City Greenway Tract

A request by Amy Rohde to consider an application for an **SDCL 11-6-19 Review to allow a temporary structure on public property** on Tract 8 (also in Sections 4 and 10, T1N, R7E) of the Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2900 Jackson Boulevard.

Fuhrman presented staff's recommendation to approve the SDCL 11-6-19 Review request. Discussion followed.

Brewer moved, Runde seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow a temporary structure on public property. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde and Waltman voting yes and none voting no)

41. No. 07SR033 - Section 34, T2N, R7E

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A request by Renner & Associates for Pete Lien & Sons to consider an application for an **SDCL 11-6-19 Review to extend a water main in the public right-of-way** on Lien Street west of Deadwood Avenue and adjacent to the balance of Block 2 of the NW1/4 of the NW1/4, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Lien Street west of Deadwood Avenue.

Tegethoff presented the staff's recommendation to approve the SDCL 11-6-19 Review request with one stipulation.

Brewer moved, Collins seconded and unanimously carried to approve the SDCL 11-6-19 Review to extend a water main in the public right-of-way with the following stipulation:

1. **Prior to Planning Commission approval, all red line comments shall be addressed and the red lined drawings shall be returned to the Growth Management Department for review and approval. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde and Waltman voting yes and none voting no)**

*42. 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 NE $\frac{1}{4}$ NE $\frac{1}{4}$, 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

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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.

Smith presented staff's recommendation to approve the Major Amendment request with stipulations.

In response to Brewer's question, Smith identified adjacent property owner's types of signs for similar uses. Brewer expressed his support for the applicant's request to allow a pole sign on the subject property. Discussion followed.

Brenden expressed concern for large vehicle parking availability on the proposed development on the subject property.

Jack Silas, applicant's agent expressed opposition to staff's recommendation to construct a sign with similar attributes as the primary structure on the subject property rather than a pole sign as mandated by the Mobile Oil Company. Silas further commented on the additional landscaping surrounding the proposed pole sign.

In response to Anderson's, Elkins advised that the proposed new uses on the subject property require less parking.

Hadcock expressed support for the proposed development on the subject property.

Collins moved, Runde seconded and unanimously carried to approve the Major Amendment to a Conditional Use Permit with the following stipulations:

- 1. Parking requirements will be reduced from 84 parking spaces to 73 parking spaces, with four spaces to be handicap accessible, one of which being van accessible.**
- 2. That the revised pole sign package as submitted by the applicant be approved.**
- 3. The applicant shall submit for review and approval, a sign package of all proposed signs that is drawn to scale and prepared by a professional sign contractor.**
- 4. The applicant shall submit for review and approval a landscape plan for the base of the pole sign that identifies evergreen vegetation. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde 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.

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A request by Wal-East Development, Inc. to consider an application for a **Major Amendment to a Conditional Use Permit** on Lots 1 thru 4 of Wise's Addition of Block 20, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 685-C LaCrosse Street.

Smith presented staff's recommendation to continue the Major Amendment request to the June 21, 2007 Planning Commission meeting.

Waltman moved, Collins seconded and unanimously carried to continue the Major Amendment to a Conditional Use Permit to the June 21, 2007 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde 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.

44. No. 07VR004 - Simmons Addition

A request by Richard E. Huffman to consider an application for a **Vacation of Right-of-Way** on 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 presented the staff's recommendation to continue the Vacation of Right-of-way request to the June 21, 2007 Planning Commission meeting at the applicant's request.

Collins moved, Brewer seconded and unanimously carried to recommend that the Vacation of Right-of-Way be continued to the June 21, 2007 Planning Commission meeting at the applicant's request. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde and Waltman voting yes and none voting no)

45. No. 07VR005 - Section 4, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-way** on the portion of the unplatted balance lying between Lancer Drive and Elk Vale Road of the SE1/4 less Lot H1, less Lots H3 and H4 of the W1/2 SE1/4 and less Lots H3, H4 and H5 of the E1/2 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Lancer Drive and Elk Vale Road.

Smith presented the staff's recommendation to continue the Vacation of Right-of-Way request to the June 21, 2007 Planning Commission meeting at the applicant's request.

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Collins moved, Runde seconded and unanimously carried to recommend that the Vacation of Right-of-way be continued to the June 21, 2007 Planning Commission meeting at the applicant's request. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde and Waltman voting yes and none voting no)

46. Discussion Items

47. Staff Items

48. Planning Commission Items

In response to Brown's question, Elkins stated that items for training are being considered for the Planning Commission members.

Landguth expressed concern for late submittals by developers requesting approval.

Brewer expressed concerns for increased development near the intersection of Catron Boulevard and Sheridan Lake Road. Brewer requested information on existing zoning and the Future Land Use Plan. Elkins identified zoning and the proposed development on the Future Land Use Plan on the subject property.

In response to the Brewer's questions, Elkins reviewed the previous limitation imposed on on-sale liquor establishments, Elkins further commented on-sale liquor establishment criteria.

Discussion followed on the Ordinance regarding on-sale liquor establishments.

Collins expressed concern with access and egress safety for emergency vehicles on proposed developments. Elkins reviewed the policies and procedures for review of proposed developments with regarding emergency vehicle access.

Brown stated that nominations for Planning Commission Chairman, Vice Chair and Treasurer would be considered at the June 21, 2007 Planning Commission meeting.

In response to Waltman's question, Elkins reviewed the reappointment of the Floodplain Development Task Force. Waltman and Collins expressed interest in being appointed to the Committee.

49. Committee Reports

A. City Council Report (May 21, 2007)

The City Council concurred with the recommendations of the Planning Commission.

B. Sign Code Board of Appeals

C. Zoning Board of Adjustment

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- 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, Landguth seconded and unanimously carried to adjourn the meeting at 7:05 a.m. (7 to 0 with Anderson, Brewer, Brown, Collins, Landguth, Runde and Waltman voting yes and none voting no)