

DRAFT

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
June 21, 2007

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Mike Derby, Julie Gregg, Thomas Hennies, Dennis Landguth, Sandra Runde 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 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.

Staff requested that Item 2 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Waltman, Seconded by Runde and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 15 in accordance with the staff recommendations with the exception of Item 2. (9 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, Runde and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the June 7, 2007 Planning Commission Meeting Minutes.
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.

Planning Commission recommended that the Preliminary Plat be continued to the July 5, 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 July 5, 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 this item be continued to the July 5, 2007 Planning Commission meeting at the request of the applicant.

6. No. 07PL067 - Tower Ridge No. 2 Subdivision

A request by Scull Construction for Whittingham & Lestrangle, LPI to consider an application for a **Preliminary Plat** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract a of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

Planning Commission recommended that the Preliminary Plat be continued to the July 5, 2007 Planning Commission meeting at the applicant's request. (9 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies,



Landguth, LeMay, Runde and Waltman voting yes and none voting no)

7. No. 07PL071 - Village on the Green No. 2 Subdivision

A request by FMG, Inc. for Steele's United Inc. to consider an application for a **Preliminary Plat** on Lots 42AR and 42BR of Village on the Green No. 2 Subdivision, located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, Pennington County, South Dakota, legally described as Lot 42 of Village on the Green No. Subdivision, located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Mulligan Mile.

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

1. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing a sidewalk along both sides of Mulligan Mile or a Variance to the Subdivision Regulations shall be approved;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional 3.5 feet of right-of-way for Mulligan Mile or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
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.**

8. No. 07PL073 - Heartland Business Park

A request by FMG, Inc. for Bypass, LLC to consider an application for a **Preliminary Plat** on Lots 4 and 5 of Block 2, Lots 4 thru 8 of Block 5, Lots 3 thru 5 of Block 6 and Lots 1 and 2 of Block 7; all of I90 Heartland Business Park, and dedicated public right-of-way shown as Seger Drive, Rearden Court and Dakota Craft Drive, located in the W1/2 of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 of the NE1/4 less I90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Mall Drive and west of Elk Vale Road.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show Dakota Craft Lane, a collector street, extending to the north lot line of the subject property or a Comprehensive Plan Amendment to the Major Street Plan shall be**



obtained revising the Major Street Plan to coordinate with the proposed plat document;

3. Prior to Preliminary Plat approval by the City Council, temporary turnaround easements shall be recorded at the Register of Deed's Office for the turnarounds to be constructed at the end of Rearden Court and Seger Drive, respectively;
4. Prior to submittal of a Final Plat application, the plat document shall be revised to show a drainage easement across Lot 1, Block 7 for the storm sewer crossing;
5. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the entire frontage of Lot 4, Block 2; Lot 6, Block 5; Lot 4, Block 6; and Lot 1, Block 7 as they abut Seger Drive or an Exception shall be obtained to allow access from the higher order street;
6. Prior to submittal of a Final Plat application, the applicant shall enter into a covenant agreement to participate in the cost of upgrading the Elk Vale Road lift station as needed to serve the proposed development;
7. 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,
8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

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 the construction of a communication tower on public property to the July 5, 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 to the July 5, 2007 Planning Commission meeting to allow additional alternatives to be reviewed.



11. No. 07SR035 - Professional Plaza Subdivision

A request by CSU Properties, Inc. to consider an application for an **SDCL 11-6-19 Review to allow a structure in the Right-of-Way** 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 SDCL 11-6-19 Review to allow a structure in the right-of-way to the July 26, 2007 Planning Commission meeting at the applicant's request.

12. No. 07SR036 - Section 4, T1N, R7E

A request by Hermanson Egge Engineering, Inc. for Rapid City Area School District No. 51 to consider an application for a **SDCL 11-6-19 Review to allow the construction of a structure on public property** on Tract A-B of SE1/4 NE1/4 and the NE1/4 SE1/4, platted, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1003 Soo San Drive.

Planning Commission continued the SDCL 11-6-19 Review to the July 5, 2007 Planning Commission Meeting to allow the applicant to submit additional required information.

13. No. 07SR037 - Robbinsdale Subdivision No. 6

A request by Hermanson Egge Engineering, Inc. for Rapid City Area School District No. 51 to consider an application for an **SDCL 11-6-19 Review to allow the construction of a structure on public property** on Lots 1 and 2 of Block 9 of Robbinsdale Subdivision No. 6, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3301 Grandview Drive.

Planning Commission continued the SDCL 11-6-19 Review to the July 5, 2007 Planning Commission Meeting to allow the applicant to submit additional required information.

14. No. 07SR039 - Rapid City Regional Airport

A request by J. Scull Construction to consider an application for an **SDCL 11-6-19 Review to allow the construction of a structure on public property** on Lease Area A located in the W1/2, Section 17, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at the Rapid City Regional Airport.

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

15. No. 07VE012 - Lowe's Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Martley/Farrar Inv. to consider an application for a **Vacation of a Non-Access Easement** on Lot 2



of Lowe's Subdivision, located in the NW1/4 NE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Disk Drive and East of Haines Avenue.

Planning Commission recommended that the Vacation of the Non-Access Easement be approved with the following stipulation:

- 1. Prior to Planning Commission approval the applicant shall submit for review and approval additional topographic data for Lot 2 that demonstrates that the gradient standard can be met for future connectivity of a driveway(s) and the proposed approach.**

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

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, 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.

Mike LeMay arrived at this time.

Fisher stated that staff recommends that the Preliminary Plat be continued to the July 5, 2007 Planning Commission meeting.

Brewer moved, Waltman seconded and unanimously carried to recommend that the Preliminary Plat be continued to the July 5, 2007 Planning Commission meeting to allow the applicant to submit additional information. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

Brown announced that the Public Hearings on Items 16 through 42 were opened.

Staff requested that Items 24, 27 and 32 be removed from the Hearing Consent Agenda for separate consideration.

Planning Commission requested that Items 18, 19 and 27 be removed from the Hearing Consent Agenda for separate consideration.

Hennies moved, Brewer seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 16 through 42 in accordance with the staff recommendations with the exception of Items 18, 19, 24, 27 and 32. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

The Public Hearings for Items 16 through 42 were closed.

16. No. 07CA023 - Tower Ridge No. 2 Subdivision

A request by Scull Construction for Whittingham & Lestrangle, LPI to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described as follows: commencing at the rear lot corner common to Lots 3 and 4 of Block 1 of Tower Ridge 2 Subdivision, rebar with a survey cap stamped LS 6117, Thence S25°59'34"E a distance of 55.29' to the point of beginning; Thence First Course: along a line with a bearing of N00°00'38"E and a distance of 355.70; Thence Second Course: along a line with a bearing of S10°41'47"E and a distance of 590.96 feet; to an intersection with the northerly line of Lot 5 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 5 and the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision with a bearing of N25°59'34"W and a distance of 250.40 feet to the Point of Beginning, more generally described as being located northeast of Table Rock Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development be continued to the July 5, 2007 Planning Commission meeting at the applicant's request.

17. No. 07CA024 - Heartland Business Park

A request by FMG, Inc. for Bypass, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by eliminating a collector street** on the W1/2 of the NE1/4, Section 28, T2N, R8E and the SE1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the extension of Dakota Craft Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by eliminating a collector street be approved.

20. No. 07CA027 - Plum Creek Development

A request by enVision Design Inc. for Plum Creek Development, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Medium Density Residential with a Planned Residential Development** on a Tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at the south one-quarter corner of said Section 16, monumented with a "Brass Cap"; Thence S89°58'32"W along the south line of said SW1/4 of Section 16 a distance of 674.94 feet to a point on a curve from which the radius of said curve bears N00°01'28"W a distance of 500.00 feet; Thence north westerly along the arc of said curve to the right having a radius of 500.00 feet, a central angle of 44°27'22" for a distance of 387.95 feet; Thence departing said

curve north 45°34'07" west a distance of 416.97 feet to the east line of the southwest one-quarter of said SW1/4; Thence N00°01'14"W along said east line a distance of 886.44 feet to the south line of the N1/2 of said SW1/4; Thence S89°56'28"W along said south line a distance of 658.08 feet; Thence N37°01'09"E a distance of 332.57 feet; Thence N35°19'22"E a distance of 88.82 feet; Thence S60°47'57"E a distance of 131.75 feet; Thence N56°10'10"E a distance of 406.42 feet; Thence N89°53'34"E a distance of 147.45 feet; Thence S00°06'26"E a distance of 176.99 feet; Thence N89°53'34"E a distance of 52.00 feet; Thence S00°06'26"E a distance of 263.59 feet; Thence S05°40'23"W a distance of 40.49 feet; Thence S11°27'13"W a distance of 200.28 feet; Thence S01°00'22"W a distance of 153.84 feet; Thence N90°00'00"E a distance of 139.82 feet; Thence S00°08'39"E a distance of 488.33 feet; Thence N89°52'38"E a distance of 140.00 feet; Thence S00°07'22"E a distance of 64.71 feet to a point on a curve from which the radius of said curve bears N89°52'38"E a distance of 201.00 feet; Thence south easterly along the arc of said curve to the left having a radius of 201.00 feet, a central angle of 90°00'00" for a distance of 315.73 feet; Thence departing said curve N89°52'38"E a distance of 640.71 feet; Thence S00°00'00"W a distance of 237.79 feet to the point of beginning, containing an area of 20 acres more or less, more generally described as being located southeast of the intersection of Willowbend Road and Elk Vale Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Medium Density Residential with a Planned Residential Development be approved.

21. No. 07CA029 - Section 20, 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 Light Industrial** on Lots A, AB and C, less Lots H1 and H2, located in the NW1/4 NW1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of S.D. Highway 79 and south of Elk Vale Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial be approved.

22. No. 07OA005 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to add "Race Track" as a Conditional Use in the General Agriculture Zoning District.**

Planning Commission recommended that the Ordinance Amendment to Chapter 17.34.030 to add "Race Track" as a Conditional Use in the General Agriculture Zoning District be continued to the July 5, 2007 Planning Commission meeting to allow this application to be legally advertised to add "Race Track with on-sale liquor establishment" as a Conditional Use in the General Agriculture Zoning District.

*23. 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 July 5, 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.

*25 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 July 5, 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.

26. 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 July 5, 2007 Planning Commission meeting.

28. No. 07RZ044 - Plum Creek Development

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



Commercial District on a Tract of land located in the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N00°02'47"W along the west line of said SW1/4 of Section 16, a distance of 659.14 feet; Thence N43°11'32"E a distance of 908.40 feet to the south line of the N1/2 of SW1/4; Thence N89°56'28"E along said south line a distance of 701.09 feet to the east line of the SW1/4 of the SW1/4 of said Section 16; Thence S00°01'14"E along said east line a distance of 1321.57 feet to the south line of said SW1/4; Thence S89°58'32"W along said south line a distance of 1322.78 feet to the point of beginning, containing an area of 35 acres more or less, more generally described as being located southeast of the intersection of Willowbend Road and Elk Vale Road.

Planning Commission recommended that the rezoning from General Agriculture District to General Commercial District be approved in conjunction with the associated Amendment to the Comprehensive Plan and the Planned Development Designation.

29. No. 07RZ045 - Plum Creek Development

A request by enVision Design Inc. for Plum Creek Development, LLC to consider an application for a **Rezoning from Low Density Residential II District to General Commercial District** on a Tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Commencing at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N89°58'32"E along the south line of said SW1/4 of Section 16, a distance of 1,322.78 feet to the east line of the SW1/4 of said SW1/4; the true point of beginning; Thence N00°01'14"W along said east line a distance of 435.13 feet; thence S45°34'07"E a distance of 416.97 feet to a point on a curve from which the radius of said curve bears N44°25'54"E a distance of 500.00 feet; Thence south easterly along the arc of said curve to the left having a radius of 500.00 feet, a central angle of 44°27'22" for a distance of 387.95 feet to said south line of the SW1/4; Thence departing said curve S89°58'32"W along said south line a distance of 647.84 feet to the true point of beginning, containing an area of 2 acres more or less, more generally described as being located southeast of the intersection of Willowbend Road and Elk Vale Road.

Planning Commission recommended that the Rezoning from Low Density Residential II District to General Commercial District be approved in conjunction with the associated Amendment to the Comprehensive Plan and the Planned Development Designation.

30. No. 07RZ046 - Plum Creek Development

A request by enVision Design Inc. for Plum Creek Development, LLC to consider an application for a **Rezoning from Low Density Residential II District to Medium Density Residential District** on a Tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: beginning at the south one-quarter corner of said Section 16, monumented with a "Brass Cap"; Thence S89°58'32"W along



the south line of said SW1/4 of Section 16 a distance of 674.94 feet to a point on a curve from which the radius of said curve bears N00°01'28"W a distance of 500.00 feet; Thence north westerly along the arc of said curve to the right having a radius of 500.00 feet, a central angle of 44°27'22" for a distance of 387.95 feet; Thence departing said curve north 45°34'07" west a distance of 416.97 feet to the east line of the southwest one-quarter of said SW1/4; Thence N00°01'14"W along said east line a distance of 886.44 feet to the south line of the N1/2 of said SW1/4; Thence S89°56'28"W along said south line a distance of 658.08 feet; Thence N37°01'09"E a distance of 332.57 feet; Thence N35°19'22"E a distance of 88.82 feet; Thence S60°47'57"E a distance of 131.75 feet; Thence N56°10'10"E a distance of 406.42 feet; Thence N89°53'34"E a distance of 147.45 feet; Thence S00°06'26"E a distance of 176.99 feet; Thence N89°53'34"E a distance of 52.00 feet; Thence S00°06'26"E a distance of 263.59 feet; Thence S05°40'23"W a distance of 40.49 feet; Thence S11°27'13"W a distance of 200.28 feet; Thence S01°00'22"W a distance of 153.84 feet; Thence N90°00'00"E a distance of 139.82 feet; Thence S00°08'39"E a distance of 488.33 feet; Thence N89°52'38"E a distance of 140.00 feet; Thence S00°07'22"E a distance of 64.71 feet to a point on a curve from which the radius of said curve bears N89°52'38"E a distance of 201.00 feet; Thence south easterly along the arc of said curve to the left having a radius of 201.00 feet, a central angle of 90°00'00" for a distance of 315.73 feet; Thence departing said curve N89°52'38"E a distance of 640.71 feet; Thence S00°00'00"W a distance of 237.79 feet to the point of beginning, containing an area of 20 acres more or less, more generally described as being located southeast of the intersection of Willowbend Road and Elk Vale Road.

Planning Commission recommended that the Rezoning from Low Density Residential II District to Medium Density Residential District be approved in conjunction with the associated Amendment to the Comprehensive Plan and the Planned Development Designation.

31. No. 07RZ048 - Section 20, 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 Lots A, AB and C, less Lots H1 and H2, located in the NW1/4 NW1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of S.D. Highway 79 and south of Elk Vale Road.

Planning Commission recommended that the Rezoning from No Use District to Light Industrial District be approved.

33. 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 $S78^{\circ}05'02''W$ and chord distance of 14.03 feet; thence, $N12^{\circ}37'53''W$, a distance of 76.00 feet, more or less; thence, curving to the northeast to the right on a curve with a radius of 638.00 feet, a delta of $10^{\circ}54'37''$, an arc length of 121.49 feet, and a chord bearing of $N82^{\circ}49'25''E$ and chord distance of 121.30 feet; thence, $N44^{\circ}21'49''E$, a distance of 14.30 feet, more or less; thence, $N00^{\circ}00'00''W$, a distance of 15.20 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 52.00 feet, more or less; thence, $S00^{\circ}00'00''E$, a distance of 15.13 feet, more or less; thence, $S45^{\circ}00'00''E$, a distance of 14.14 feet, more or less; thence, $N90^{\circ}00'00''E$, a distance of 142.69 feet, more or less, to a point on the north/south 1/4 section line of Section 4, T1N, R8E, BHM, Pennington County, South Dakota; thence, southerly along said 1/4 section line, $S00^{\circ}05'16''E$, a distance of 941.09 feet, more or less, to a point marked by an iron pin; thence, continuing southerly along said 1/4 section line, $S00^{\circ}05'03''E$, a distance of 517.62 feet, more or less, to a point located on said 1/4 section line being marked by a rebar with survey cap "LS 6251"; thence, continuing southerly along said 1/4 section line, $S00^{\circ}03'43''E$, a distance of 781.29 feet, more or less; thence, $S89^{\circ}47'47''W$, a distance of 303.32 feet, more or less to a point along the easterly line of Lot 17 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 17 in Block 1 of Copperfield Subdivision, $N22^{\circ}39'36''W$, a distance of 46.14 feet, more or less, to the northeast corner of said Lot 17, said corner being coincident with the southeast corner of Lot 18 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northwesterly along the east line of said Lot 18 in Block 1 of Copperfield Subdivision, $N01^{\circ}44'10''W$, a distance of 58.19 feet, more or less, to the northeast corner of said Lot 18, said corner being coincident with the southeast corner of Lot 19 in Block 1 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked with a rebar and survey cap "LS 2652"; thence, northeasterly along the east line of said Lot 19 in Block 1 of Copperfield Subdivision, $N26^{\circ}46'20''E$, a distance of 44.28 feet, more or less, to the northeast corner of said Lot 19, said corner being coincident with the southeast corner of Lot 20 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21, said corner being marked by a rebar with survey cap "LS 2652"; thence, northeasterly along the east line of Lots 20 through 24 inclusive of Block 1 of Copperfield Subdivision, as shown on the plats recorded in Book 22 of Plats on Page 21 and in Book 22 of Plats on Page 195, $N27^{\circ}11'29''E$, a distance of 364.58 feet, more or less to the northeast corner of said Lot 24 in Block 1 of Copperfield Subdivision, said corner being coincident with the southeast corner of Lot 25 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 21; thence, northeasterly along the east line of said Lot 25 in Block 1 of Copperfield Subdivision, $N19^{\circ}26'44''E$, a distance of 83.01 feet, more or less, to the northeast corner of Said Lot 25, said corner being coincident with the southeast corner of Lot 26 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195; thence, northeasterly along the east lines of Lots 26, 27 and 28 of Block One of Copperfield Subdivision, $N02^{\circ}40'24''E$, a distance of 239.67 feet, more or less to the point of beginning., more generally described as being located east of Valley Drive and west of Concourse Drive.



Planning Commission recommended that the 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 July 5, 2007 Planning Commission meeting to allow the applicant to submit additional information.

34. 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 July 5, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.

35. 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 July 5, 2007 Planning Commission meeting to allow the applicant to submit additional information.



36. No. 07SV026 - Tower Ridge No. 2 Subdivision

A request by Scull Construction for Whittingham & Lestrangle, LPI 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 along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-Way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-Way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract A of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

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 along Catron Boulevard and U. S. Highway 16 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.

37. 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 July 5, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.



38. No. 07SV030 - Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to reduce the pavement width from the required 40 feet to 32 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 10 thru 21 of Block 2; Lots 2 thru 8 of Block 9; Lots 1 thru 4 of Block 13, all of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of E1/2 of the NW1/4 NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northern terminus of Cog Hill Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to reduce the pavement width from 40 feet to 32 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved.

39. No. 07SV031 - Village on the Green No. 2 Subdivision

A request by FMG, Inc. for Steele's United Inc. to consider an application for a **Variance to the Subdivision Regulations to waive requirement to install sidewalk, and to reduce the pavement width and right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 42AR and 42BR of Village on the Green No. 2 Subdivision, located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, Pennington County, South Dakota, legally described as Lot 42 of Village on the Green No. 2 Subdivision, located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, Pennington County, South Dakota, more generally described as being located adjacent to the north side of Mulligan Mile.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved with the stipulation that a five foot access easement shall be provided along Mulligan Mile as it abuts the property; and, That the Variance to the Subdivision Regulations to waive the requirement to install sidewalks along both sides of Mulligan Mile be approved with the stipulation that an eight foot wide asphalt walking trail shall be provided along the north side of the northern tier of lots located along the golf course.

*40. 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 follows: 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, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, 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 July 5, 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.

41. 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.

Planning Commission recommended that the Vacation of Right-of-Way be approved with the following stipulations:

1. **Prior to City Council approval, a miscellaneous document shall be recorded at the Register of Deed's Office securing a public access and utility easement on the subject property.**

42. 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.

Planning Commission recommended that the Vacation of Right-of-way be continued to the July 5, 2007 Planning Commission meeting.

---END OF HEARING CONSENT CALENDAR---

18. No. 07CA025 - Plum Creek Development

A request by enVision Design Inc. for Plum Creek Development, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a Tract of land located in the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N00°02'47"W along the west line of said SW1/4 of Section 16, a distance of 659.14 feet; Thence N43°11'32"E a distance of 908.40 feet to the south line of the N1/2 of SW1/4; Thence N89°56'28"E along said south line a distance of 701.09 feet to the east line of the SW1/4 of the SW1/4 of said Section 16;



Thence S00°01'14"E along said east line a distance of 1321.57 feet to the south line of said SW1/4; Thence S89°58'32"W along said south line a distance of 1322.78 feet to the point of beginning, containing an area of 35 acres more or less, more generally described as being located southeast of the intersection of Willowbend Road and Elk Vale Road.

19. No. 07CA026 - Plum Creek Development

A request by enVision Design Inc. for Plum Creek Development, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a Tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Commencing at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N89°58'32"E along the south line of said SW1/4 of Section 16, a distance of 1,322.78 feet to the east line of the SW1/4 of said SW1/4; the true point of beginning; Thence N00°01'14"W along said east line a distance of 435.13 feet; thence S45°34'07"E a distance of 416.97 feet to a point on a curve from which the radius of said curve bears N44°25'54"E a distance of 500.00 feet; Thence south easterly along the arc of said curve to the left having a radius of 500.00 feet, a central angle of 44°27'22" for a distance of 387.95 feet to said south line of the SW1/4; Thence departing said curve S89°58'32"W along said south line a distance of 647.84 feet to the true point of beginning, containing an area of 2 acres more or less, more generally described as being located southeast of the intersection of Willowbend Road and Elk Vale Road.

In response to Anderson's question, Bulman identified the locations of the various rezoning requests. Bulman stated that the Future Land Use Committee recommends that the property be rezoned.

Anderson moved, Landguth seconded and unanimously carried that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be approved in conjunction with the associated Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Medium Density Residential with a Planned Residential Development; and, That the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be approved in conjunction with the associated Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to Medium Density Residential with a Planned Residential Development. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

*24. 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.

Dominicak presented the staff recommendation to continue the Major Amendment request to the July 26, 2007 Planning Commission meeting.

Hennies moved, Runde seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the July 26, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, 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.

27. No. 07RZ043 - Tower Ridge No. 2 Subdivision

A request by Scull Construction for Whittingham & Lestrangle, LPI to consider an application for a **Rezoning from Park Forest District to General Commercial District** on a parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described as follows: commencing at the rear lot corner common to Lots 3 and 4 of Block 1 of Tower Ridge 2 Subdivision, rebar with a survey cap stamped LS 6117, Thence S25°59'34"E a distance of 55.29' to the point of beginning; Thence First Course: along a line with a bearing of N00°00'38"E and a distance of 355.70; Thence Second Course: along a line with a bearing of S10°41'47"E and a distance of 590.96 feet; to an intersection with the northerly line of Lot 5 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 5 and the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision with a bearing of N25°59'34"W and a distance of 250.40 feet to the Point of Beginning, more generally described as being located northeast of Table Rock Road.

Dominicak presented the staff recommendation to continue the Rezoning request to the July 5, 2007 Planning Commission meeting at the applicant's request.

In response to Anderson's question, Elkins stated that no further public notice will be sent unless the Planning Commission directs staff to notify surrounding property owners.

Hennies moved, Runde seconded and unanimously carried to recommend that the Rezoning from Park Forest District to General Commercial District shall be continued to the July 5, 2007 Planning Commission meeting at the applicant's request. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)



32. No. 07RZ049 - Sections 19 and 20, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on all of the N1/2 NE1/4 and the N1/2 NW1/4, less Lot 1 of Marlin Industrial Park and Lots A, AB and C, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the E1/2 NE1/4 located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of the Section Line Right-of-Way located in the NE1/4 NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of S.D. Highway 79 and south of Elk Vale Road.

Elkins presented the staff recommendation to continue the Rezoning request to the July 26, 2007 Planning Commission meeting at the applicant's request.

Runde moved, Waltman seconded and unanimously carried to recommend that the Rezoning from No Use District to General Agriculture District be continued to the July 26, 2007 Planning Commission meeting at the applicant's request. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Tegethoff requested that items 43 and 44 be taken concurrently.

43. No. 07CA008 - Marlin Industrial Park

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

44. No. 07RZ012 - Marlin Industrial Park

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

Tegethoff presented the staff recommendation to continue the Amendment to the Adopted Comprehensive Plan and the Rezoning requests to the July 5, 2007 Planning Commission meeting.

Brewer moved, Hennies seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial; and, that the Rezoning from No Use District to General Commercial District be continued to the July 5, 2007 Planning Commission meeting. (10 to 0



with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

*45. 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.

Smith presented the staff recommendation to continue the Major Amendment request to the July 5, 2007 Planning Commission meeting to allow proper legal advertisements. Discussion followed.

Runde moved, Hennies seconded and unanimously carried to continue the Major Amendment to a Planned Residential Development to the July 5, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, 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.

LeMay moved, Hennies seconded and unanimously carried to reconsider Item 33. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

33. 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.

In response to Hadcock's question, Elkins stated that staff recommends that the Variance to the Subdivision Regulations request be continued to the July 5, 2007 Planning Commission. Elkins advised that staff is working with the applicant to address the safety concerns associated with the high pressure petroleum line on the subject property.

LeMay moved, Anderson seconded and unanimously carried to recommend 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 July 5, 2007 Planning Commission meeting to allow the applicant to submit additional information. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

*46. 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 recommendation to continue the Major Amendment request to the July 5, 2007 Planning Commission meeting at the applicant's request.

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

Brewer moved, Hennies seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the July 5, 2007 Planning Commission meeting at the applicant's request. (9 to 0 to 1 with Anderson, Brewer, Brown, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no and Derby 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.

*47. 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, Section 30, T2N, R8E, 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.

Fisher presented the staff recommendation to continue the Planned Commercial Development request to the July 5, 2007 Planning Commission meeting.

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

LeMay moved, Runde seconded and unanimously carried to continue the Planned Commercial Development - Final Development Plan to the July 5, 2007 Planning Commission meeting to allow the applicant to submit additional information. (9 to 0 to 1 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay and Runde 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.

***48. 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 Major Amendment request and the staff recommendation to approve the Major Amendment request with stipulations.

In response to Derby's question, Elkins stated that all types of alcohol sales are termed an "on-sale" liquor establishment under the Zoning Ordinance. Elkins further commented that is her understanding that the applicant wishes to sell only beer and wine.

Mark Kostenbauer, applicant clarified that the establishment is only selling beer.

In response to Anderson's questions, Elkins stated that a Conditional Use Permit goes with the property and would continue if the property were transferred to a new owner. Elkins further commented that the license to sell alcohol is a separate issue considered by the Council. Elkins reviewed the stipulations of approval.

Hennies moved, Runde seconded and unanimously carried to approve the



Major Amendment to a Planned Commercial Development with the following stipulations:

1. The on-sale liquor establishment shall be operated in conjunction with a simulated golf entertainment use.
2. The hours of operation shall be from 8:00 am to 10:00 pm Monday thru Thursday, and 8:00 am to 12:00 am on Friday thru Sunday.
3. All applicable stipulations of the initial Planned Commercial Development shall be continually met. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, 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.

49. No. 07PL072 - Dry Creek No. 2 Subdivision

A request by Kevin Kuehn to consider an application for a **Layout Plat** on Lots 1 thru 56 of Block 1 of Dry Creek No. 2 Subdivision, located in Sections 33 and 34, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the SE1/4 NE1/4 and the E1/2 SE1/4 of Section 33, T1N, R8E; and, Lot 2 of the SW1/4 NW1/4 and Lot 2 of the W1/2 SW1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located Old Folsom Road.

Tegethoff presented the staff recommendation to continue the Layout Plat request to the July 5, 2007 Planning Commission meeting at the applicant's request.

Runde moved, Brewer seconded and unanimously carried to recommend that the Layout Plat be continued to the July 5, 2007 Planning Commission meeting at the applicant's request. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

50. No. 07PL074 - Dry Creek No. 1 Subdivision

A request by Kevin Kuehn to consider an application for a **Layout Plat** on Lots 1 thru 251 of Block 1 of Dry Creek No. 1 Subdivision, Section 33, T1N, R8E, BHM, Pennington County, South Dakota, legally described as W1/2, Section 33, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located approximately 1.5 miles southeast of Rapid City.

Tegethoff presented the staff recommendation to deny the Layout Plat without prejudice.

Brewer moved, Hennies seconded and unanimously carried to recommend that the Layout Plat be denied without prejudice. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and



Waltman voting yes and none voting no)

51. 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.

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review request to the July 5, 2007 Planning Commission meeting.

Hennies moved, Runde seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of a public sewer to the July 5, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

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

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

Fisher presented the staff recommendation to continue the SDCL 11-6-19 Review request to the July 5, 2007 Planning Commission meeting.

Runde moved, Landguth seconded and unanimously carried to continue the SDCL 11-6-19 Review for the acquisition of street right-of-way and construction of a public street to the July 5, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

53. No. 07SR038 - Rapid City Greenway Tracts

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow public improvements** on Tract 20 less Lot H1 of Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 301 North Fifth Street.

Fuhrmann presented the staff recommendation to approve the SDCL 11-6-19

Review request with one stipulation.

In response to Anderson's question, Elkins stated that no significant changes have been made from the original application.

Landguth moved, Runde seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow park improvements including bike path, irrigation, landscaping, storm water mitigation and bridge improvements on public property with the following stipulation:

- 1. Prior to Planning Commission approval the applicant shall obtain a Flood Plain Development Permit. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)**

***54. No. 07UR008 - Wise's Addition**

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 the Major Amendment request noting the revised hours of operation. Smith stated that staff recommends that the Major Amendment request be approved with the following revised stipulations:

- 1. The on-sale liquor establishment shall be used in conjunction with the expansion of an existing casino use within the strip mall.**
- 2. The hours of operation for the on-sale liquor expansion shall be from 8:00 am to 12:00 am Monday thru Thursday, 8:00 am to 2:00 am on Friday thru Saturday, and 10:00 am to 12:00 am on Sunday.**
- 3. Any additional expansion of on-sale liquor will require a Major Amendment to a Conditional Use Permit.**
- 4. The Major Amendment to a Conditional Use Permit 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.**
- 5. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 6. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan.**

Joni Cowen, area resident expressed her concern for the negative impact from increased delivery traffic in the alley adjacent to the subject property. Cowen requested that improvement be made to the alley to accommodate the increased size of the truck traffic.

Elkins stated that staff was not able to identify any significant increase in truck traffic from the proposed use on the subject property. Elkins advised that staff will request that the Public Works staff address the issues in relation to the condition of the alley. Discussion followed.

Landguth expressed support for the Public Work Department reviewing possible improvements to the alley.

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

- 1. The on-sale liquor establishment shall be used in conjunction with the expansion of an existing casino use within the strip mall.**
- 2. The hours of operation for the on-sale liquor expansion shall be from 8:00 am to 12:00 am Monday thru Thursday, 8:00 am to 2:00 am on Friday thru Saturday, and 10:00 am to 12:00 am on Sunday.**
- 3. Any additional expansion of on-sale liquor will require a Major Amendment to a Conditional Use Permit.**
- 4. The Major Amendment to a Conditional Use Permit 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.**
- 5. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
- 6. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, 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.

55. No. 07VE015 - Original Town of Rapid City

A request by enVision Design, Inc. to consider an application for a **Vacation of a permanent overhead utility easement** on a portion of the vacated alley adjacent to Lots 1 thru 5 and Lots 28 thru 32 of Block 103, Original Town of Rapid City, located in the NW1/4 NW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of 7th Street between Kansas City Street and Quincy Street.

Smith presented the staff recommendation to continue the Vacation request to the July 5, 2007 Planning Commission meeting.

Runde moved, Hennies seconded and unanimously carried to recommend that the Vacation of a permanent Overhead Utility Easement be continued to the July 5, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

56. Discussion Items

57. Staff Items

- A. Elkins expressed her appreciation for Commissioners Hennies and Runde for service to the Planning Commission and Community.

58. Planning Commission Items

- A. Election of Officers

Brown requested nominations for the Planning Commission officers.

Brown moved, Runde seconded to elect Jon Brewer as Planning Commission Chairperson. **(9 to 0 to 1 with Anderson, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no and Brewer abstaining)**

In response to a question, Elkins advised that the Rapid City Council approved Andrew Scull to replace Sandra Runde as the three mile representative; Mike Derby to replace Tom Hennies as a member and Frank Etter to replace Mike Derby as an alternate.

Mike LeMay and Brewer seconded to elect Mike Derby as Vice Chairperson. **(9 to 0 to 1 with Anderson, Brewer, Brown, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no and Derby abstaining)**

Brewer moved, Hennies seconded to elect Pete Anderson as Secretary. **(9 to 0 to 1 with Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no and Anderson abstaining)**

Brewer thanked Gary Brown for his leadership and service as Chairperson to the Planning Commission.

- B. Attendance of July 5, 2007 Planning Commission meeting.

Elkins requested confirmation of attendance to the July 5, 2007 Planning Commission meeting. By a show of hands, Anderson, Brewer, Brown, Derby, Gregg, Landguth, LeMay and Waltman identified that they would attend the July 5, 2007 Planning Commission meeting.

59. Committee Reports

- A. City Council Report (June 4, 2007)
The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

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.

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.

On May 24, 2007 Planning Commission forwarded the Preliminary Plat and the 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 to Council without recommendation on a tie vote. On June 4, 2007 Council approved the Preliminary Plat and the 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 with stipulations.

- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Brewer moved, Hennies seconded and unanimously carried to adjourn the meeting at 7:54 a.m. (10 to 0 with Anderson, Brewer, Brown, Derby, Gregg, Hennies, Landguth, LeMay, Runde and Waltman voting yes and none voting no)

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