



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
July 5, 2007

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Frank Etter, Julie Gregg, Dennis Landguth, Mike LeMay, Andrew Scull and Karen Waltman. Deb Hadcock, Council Liaison was also present

STAFF PRESENT: Bob Dominicak, Monica Heller, Karen Bulman, Travis Tegethoff, Jonathan Smith, Loren Fuhrmann, Todd Peckosh, Bill Knight and Carol Campbell.

Brewer called the meeting to order at 6:59 a.m.

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

Staff requested that Items 16 be removed from the Non-Hearing Consent Agenda for separate consideration.

Planning Commission requested that Items 2 and 12 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Brown, Seconded by Anderson and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 22 in accordance with the staff recommendations with the exception of Items 2, 12 and 16. (9 to 0 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the June 21, 2007 Planning Commission Meeting Minutes.
3. No. 07CA011 - Plum Creek Development
A request by enVision Design, Inc. for Plum Creek Development LLC to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial with a Planned Commercial Development** on a tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County South Dakota. more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence S00°02'47"E a distance of 520.56 feet to the true point of beginning; Thence S64°12'46"E a distance of 216.53 feet; Thence S37°01'44"W a distance of 323.28 feet; Thence N00°02'47"W a distance of 352.28 feet to the true point of beginning containing an area of 1 acres more or less, more generally described



as being located southeast of the intersection of Elk Vale Road and Willowbend Road.

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

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

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

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

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

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

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

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

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

Planning Commission recommended that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

7. No. 06PL176 - Blake Estates

A request by Renner & Associates for Rob Livingston to consider an application for a **Preliminary Plat** on Lots 1 thru 15 of Block 1 of Blake Estates Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, legally



described as Tract A of Government Lot 1 and Tract A of Government Lot 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Blake Road and West Highway 44.

Planning Commission recommended that the Preliminary Plat be denied without prejudice.

8. No. 07PL015 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 21 of Block 1, Lots 1 thru 4 of Block 2, Lots 1 thru 5 of Block 3, Lots 1 thru 3 of Block 4, Lots 1 and 2 of Block 5, and Lots 1 thru 6 of Block 6 and Utility Lot 1 of Copperfield Vistas Subdivision, all located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 4, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 28 in Block 1 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a rebar with survey cap "LS 6251"; thence, westerly along the north line of said Lot 28 in Block 1 of Copperfield Subdivision, S89°59'08"W, a distance of 109.97 feet, more or less, to the northwest corner of said Lot 28, said corner being marked by a 5/8 inch rebar; thence, southwesterly along the northerly edge of Copperfield Drive right-of-way, S71°30'56"W, a distance of 63.29 feet, more or less to the northeast corner of Lot 1 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 83.02 feet, more or less; thence, continuing northwesterly along the north line of said Lot 1 in Block 7 of Copperfield Subdivision, N88°29'49"W, a distance of 15.67 feet, more or less, to the northwest corner of said Lot 1, said corner being coincident with the northeast corner of Lot 3 in Block 7 of Copperfield Subdivision as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap; thence, northwesterly along the north line of said Lot 3 in Block 7 of Copperfield Subdivision, N88°42'16"W, a distance of 51.73 feet, more or less, to the northwest corner of said Lot 3, said point being coincident with the northeast corner of Lot 4 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, and said corner being marked by a rebar with survey cap "LS 2652"; thence, northwesterly along the north line of said Lot 4 in Block 7 of Copperfield Subdivision, N88°18'11"W, a distance of 76.36 feet, more or less, to the northwest corner of said Lot 4, said point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a 5/8 inch rebar; thence, northwesterly along the north line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 68.75 feet, more or less; thence, N15°55'14"E, a distance of 104.91 feet, more or less; thence, N74°04'46"W, a distance of 45.00 feet, more or less; thence, N15°55'14"E, a distance of 160.58 feet, more or less; thence,



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



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

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

9. 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 26, 2007 Planning Commission meeting to allow the applicant to submit the required information.

10. 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 26, 2007 Planning Commission Meeting to allow the applicant to submit the required information.



11. No. 07PL062 - Paradise Pines Subdivision

A request by Boschee Engineering for Scott and Janice Zandstra to consider an application for a **Preliminary Plat** on Lot 1 of Block 1 of Paradise Pines Subdivision, located in the SW1/4 of the SE1/4, Section 7; and the NW1/4 of the NE1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2E, less Right-of-way of the SW1/4 of the SE1/4, Section 7, T1S, R7E, BHM; and a portion of the NW1/4 of the NE1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Wilderness Canyon Road and U.S. Highway 16.

Planning Commission recommended that the Preliminary Plat be continued to the July 26, 2007 Planning Commission meeting at the request of the applicant.

13. 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 adjacent to the west side of Old Folsom Road.

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

1. **Upon submittal of a Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan, shall be submitted for review and approval and the plat document be revised to provide drainage easements as identified;**
2. **Upon submittal of a Preliminary Plat application, road construction plans for Old Folsom Road shall be submitted for review and approval. The street shall be located in a minimum 100 foot right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. The plat document shall be revised to show the dedication of 17 additional feet of right-of-way;**
3. **Upon submittal of a Preliminary Plat application, road construction plans for Road "B" shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
4. **Upon submittal of a Preliminary Plat application, road construction plans for Road "C" shall be submitted for review and approval. In particular, the road construction plans shall show the street located**



- in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of a Preliminary Plat, road construction plans for the Section Line Highway shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface with parking on one side of the street, curb, gutter, sidewalk, street light conduit and water;
 6. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design and soils resistivity tests shall be submitted for review and approval;
 7. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval;
 8. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water facility is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed and designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed;
 9. Upon submittal of a Preliminary Plat application, a master plan for the area shall be submitted for review and approval showing all utilities, streets, and future street connections;
 10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 11. Prior to submittal of a Preliminary Plat application, the property shall be rezoned by Pennington County to a zoning district that allows the proposed lot sizes or a lot size variance shall be obtained or the plat document shall be revised accordingly;
 12. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal; or evidence shall be submitted for review and approval that a road district has been



established in accordance with SDCL 31-12A-1; or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;

13. Upon submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Old Folsom Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s);
14. Upon submittal of a Final Plat application, a note shall be placed on the plat document stating that "a reserve drainfield area shall be identified upon submittal of a building permit";
15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.

14. No. 07PL079 - Ratigan Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Joe L. Ratigan to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Ratigan, located in the NE1/4 NE1/4 NE1/4 and SE1/4 NE1/4 NE1/4 of Section 14, T1N, R6E, BHM, Pennington County, South Dakota, legally described as NE1/4 NE1/4 NE1/4 and SE1/4 NE1/4 NE1/4 of Section 14, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 8115 West Highway 44.

Planning Commission recommended that the Preliminary Plat be continued to the July 26, 2007 Planning Commission meeting.

15. No. 07PL080 - Koupal Estates Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Mark and Jana Koupal to consider an application for a **Layout Plat** on Lots 1 and 2 of Koupal Estates Subdivision, located in the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 23774 Wallace Street.

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

1. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for



- on-site wastewater systems shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer demonstrating that adequate fire and domestic flows are being provided shall be submitted for review and approval. In addition, the plat document shall be revised to provide utility easements as needed;
 3. Upon submittal of the Preliminary Plat application, road construction plans for Wallace Street shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with on-street parking or the street shall be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking or a Variance to the Subdivision Regulations shall be obtained. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception to the Street Design Criteria Manual shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the street with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
 4. Upon submittal of a Preliminary Plat application, road construction plans for the section line highways located along the west lot line and the south lot line of the subject property, respectively, shall be submitted for review and approval. In particular, the road construction plans shall show the streets constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway(s) or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way;
 5. Prior to submittal of a Preliminary Plat application, an Exception to the Street Design Criteria Manual to allow a 4,400 foot cul-de-sac with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with intermediate turnarounds every 600 feet shall be obtained or the plat document shall be revised accordingly;
 6. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for



street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal; or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1; or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;

7. Upon submittal of a Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided;
 8. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
17. No. 07PL082 - H-O Subdivision
A request by Homer and Kathy Berger to consider an application for a **Preliminary Plat** on Lots BR and C of Tract 1 in H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Tract 1 of H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 15010 E. Highway 44.

Planning Commission recommended that the Preliminary Plat be continued to the July 26, 2007 Planning Commission meeting.

18. 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 26, 2007 Planning Commission meeting to allow additional alternatives to be reviewed.



19. 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 an **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 26, 2007 Planning Commission Meeting to allow the applicant to submit additional required information.

20. 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 26, 2007 Planning Commission Meeting to allow the applicant to submit additional required information.

21. No. 07SR041 - Rapid City Airport Subdivision
A request by Kadrmas, Lee and Jackson, Inc. for Rapid City Regional Airport to consider an application for an **SDCL 11-6-19 Review to allow public improvements on public property** on all of Section 17, less Rapid City Airport Subdivision No. 6, Section 17, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Rapid City Regional Airport.

Planning Commission continued the SDCL 11-6-19 Review to allow public improvements on public property to the July 26, 2007 Planning Commission Meeting.

22. 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.

Planning Commission recommended that the Vacation of a Permanent Overhead Utility Easement be continued to the July 26, 2007 Planning Commission meeting at the request of the applicant.

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



2. 07TP013 – 2008-2012 Transportation Improvement Program – Draft Report

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

Waltman, Senior Property Manager for Rushmore Mall, expressed concern for the time frame for road improvements on Mall Drive adjacent to the Rushmore Mall. Waltman requested that the road improvement for Mall Drive adjacent to the Rushmore Mall have priority placement for road improvement.

Discussion followed on the proposed 2011 and 2012 Urban Systems Mall Drive improvement projects.

Monica Heller identified the draft process for the Transportation Improvement Program. Heller further responded to the concerns expressed by Waltman. Discussion followed.

Landguth moved, LeMay seconded and carried to recommend that the Planning Commission approve the attached 2008-2012 Rapid City Area Transportation Improvement Program – Draft Report. (8 to 0 to 1 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay and Scull voting yes and none voting no and Waltman abstaining)

12. 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.

Brewer and Scull stated that they would be abstaining from discussion and voting due to a conflict of interest.



Landguth moved, Anderson seconded and carried to recommend that the Preliminary Plat be continued to the July 26, 2007 Planning Commission meeting at the applicant's request. (7 to 0 to 2 with Anderson, Brown, Etter, Gregg, Landguth, LeMay and Waltman voting yes and none voting no and Brewer and Scull abstaining)

16. No. 07PL081 – Anamosa Crossing Subdivision

A request by Centerline, Inc. for Action Development, Inc. to consider an application for a **Preliminary Plat** on Lot 1 of Anamosa Crossing Subdivision, located in the NW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 of Century 21 Subdivision, located in the NW1/4 of 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 proposed E. Anamosa Street.

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

Dominicak identified a handout on the dais from the applicant. Dominicak presented the staff recommendation to continue the Preliminary Plat request to the July 26, 2007 Planning Commission meeting.

In response to Landguth's question, Dominicak advised that staff has not had adequate time to review comments from the applicant. Discussion followed.

Brown moved, Gregg seconded and carried to recommend that the Preliminary Plat be continued to the July 26, 2007 Planning Commission meeting. (8 to 0 to 1 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay and Scull voting yes and Landguth voting no and Waltman)

Brewer announced that the Public Hearings on Items 23 through 40 were opened.

Derby arrived at this time.

Staff requested that Items 32, 35 and 38 be removed from the Hearing Consent Agenda for separate consideration.

Planning Commission requested that Items 25, 26, 30, 31 and 36 be removed from the Hearing Consent Agenda for separate consideration.

Anderson moved, Waltman seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 23 through 40 in accordance with the staff recommendations with the exception of Items 25, 26, 30, 31, 32, 35, and 38. (10 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

The Public Hearings for Items 23 through 40 were closed.



Anderson moved, Brown seconded and unanimously carried to reconsider Item 36. (10 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

---HEARING ITEMS CONSENT CALENDAR---

23. No. 06SV075 - Blake Estates

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

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway and to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

24. 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.

The Future Land Use Committee recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial be continued to the July 26, 2007 Planning Commission meeting.

*27. 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, southwest 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 26, 2007 Planning Commission meeting to allow the applicant to submit additional information.

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

*28. No. 07PD043 - Auburn Hills Subdivision

A request by Pastor Ted F. Bird for Esther Fisher to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 4 of Block 7 of Auburn Hills Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 853 Auburn Drive.

Planning Commission approved the **Major Amendment to a Planned Residential Development** to allow the construction of a two-family residential building with the following stipulations:

1. The uses allowed within the Planned Residential Development shall be limited to a maximum of two dwelling units;
2. Prior to initiation of construction, a Building Permit shall be obtained and a Certificate of Occupancy shall be obtained prior to occupancy of the new structure;
3. Prior to any construction in the public right-of-way a Right-Of-Way Permit shall be obtained;
4. If any on-site signage is proposed, a sign package shall be submitted for review and approval prior to Planning Commission approval;
5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
6. Prior to issuance of a Building Permit, the applicant shall submit a revised plan showing the size and location of water and sanitary services;
7. A minimum front yard setback of 18 feet shall be provided in front of the structure, a minimum side yard setback of 8 feet shall be provided for a single story structure, and a minimum rear yard setback of 25 feet shall be provided for the structure located on the subject property. Any additional reductions in the minimum required setbacks shall require a Major Amendment to the Planned Residential Development;
8. All applicable provisions of the International Fire Code shall be continually met;
9. The proposed structures shall conform architecturally to the plans and elevations submitted; and,
10. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a



period of two years.

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

29. No. 07RZ012 - Marlin Industrial Park

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

Planning Commission recommended that the Rezoning from No Use District to General Commercial District be continued to the July 26, 2007 Planning Commission meeting.

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.

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 26, 2007 Planning Commission meeting.

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 26, 2007 Planning Commission meeting.

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 26, 2007 Planning Commission meeting.

39. No. 07SV033 - H-O Subdivision

A request by Homer and Kathy Berger to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water, sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots BR and C of Tract 1 in H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Tract 1 of H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 15010 E. Highway 44.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water, sewer as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 26, 2007 Planning Commission meeting.

40. 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 October 4, 2007 Planning Commission meeting with the applicant's concurrence.

---END OF HEARING CONSENT CALENDAR---

25. 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.

Brewer and Scull abstained from discussion and voting due to a conflict of interest.

Brown moved, Anderson seconded and carried to recommend 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 26, 2007 Planning Commission meeting at the applicant's request. (8 to 0 to 2 with Anderson, Brown, Derby, Etter, Gregg, Landguth, LeMay and Waltman voting yes and none voting no and Brewer and Scull abstaining)

26. No. 07OA005 – Ordinance Amendment

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

In response to Waltman's question, Bulman stated that no additional public comment was received.



Brown moved, LeMay seconded and unanimously carried to recommend that the Ordinance Amendment to Chapter 17.34.030 to add “Race Track with on-sale liquor establishment” as a Conditional Use in the General Agriculture Zoning District be approved. (10 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

30. 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.

In response to Scull’s question, Smith stated that staff has tried to contact the applicant. Further Smith stated that staff recommends that the Rezoning request be denied without prejudice.

Waltman moved, Brown seconded and carried to recommend that the Rezoning from No Use District to Low Density Residential District be denied without prejudice. (9 to 1 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, LeMay and Waltman voting yes and Scull voting no)

31. 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.

Brewer and Scull abstained from discussion and voting due to a conflict of interest.

LeMay moved, Anderson seconded and carried to recommend that the Rezoning from Park Forest District to General Commercial District be continued to the July 26, 2007 Planning Commission meeting at the applicant’s request. (8 to 0 to 2 with Anderson, Brown, Derby, Etter, Gregg, Landguth, LeMay and Waltman voting yes and none voting no and Brewer



and Scull abstaining)

32. No. 07RZ050 - Hansen Heights

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Neighborhood Commercial District to General Commercial District** on the west 250 feet of Lot 2 of Hansen Heights, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 320 East St. Patrick.

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

Brown moved, Anderson seconded and unanimously carried to recommend that the Rezoning from Neighborhood Commercial District to General Commercial District be continued to the July 26, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

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.

Dominicak presented staff's recommendation to continue the Variance to the Subdivision Regulations request to the July 26, 2007 Planning Commission meeting at the applicant's concurrence.

Brown moved, Anderson seconded and unanimously carried to recommend 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 26, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

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.

Brewer and Scull stated that they would be abstaining from discussion and voting due to a conflict of interest.

Anderson moved, Brown seconded and carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code be continued to the July 26, 2007 Planning Commission meeting at the applicant's request. (8 to 0 to 2 with Anderson, Brown, Derby, Etter, Gregg, Landguth, LeMay and Waltman voting yes and none voting no and Brewer and Scull abstaining)

38. No. 07SV032 - Koupal Estates Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Mark and Jana Koupal to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Koupal Estates Subdivision, located in the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S. R7E, BHM, Pennington County, South Dakota, more generally described as being located at 23774 Wallace Street.

Dominicak presented staff's recommendation to approve the Variance to the Subdivision Regulations request with stipulations.

Derby moved, Brown seconded and unanimously carried to recommend



that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Wallace Street be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;
2. Marie Lane, Roland Drive and Wallace Street shall be improved as needed to insure that a minimum 20 foot wide graveled access road is being provided to serve as access from Neck Yoke Road to the subject property. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of Wallace Street with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter graveled surface;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highways be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,
2. The plat document shall be revised to show the dedication of a 33 foot wide right-of-way along the west and south lot lines, respectively, for that portion of the section line highway(s) located on the subject property. (10 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*41. 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.

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

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

1. Prior to Planning Commission approval, the Vacation of a Minor Drainage and Utility Easement request shall be obtained to allow the sign as shown on the site plan or the site plan shall be revised relocating the sign from the minor drainage and utility easement;
2. All signage shall conform to the design, color and location as shown in the sign package. In addition, a sign permit shall be obtained prior to the start of construction of the sign;
3. All provisions of Section 17.50.270, the Parking Regulations of the



- Rapid City Municipal Code shall be continually met;**
4. **All requirements of the 2003 International Fire Code shall be continually met;**
 5. **All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met and be maintained in a live vegetative state and replaced as necessary;**
 6. **The dumpster shall be screened on all sides with a five foot screening fence;**
 7. **The building materials of the medical facility shall consist of lap siding in earth tones with stone or brick accents and asphalt earth tone shingles as per the submitted elevations;**
 8. **All site lighting shall be directed away from the adjacent rights-of-way and adjacent properties; and,**
 9. **The Planned Residential Development approval shall expire two years from the date upon which it becomes effective if no work has commenced, or if the use as approved has ceased for a period of two years. (10 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, LeMay, Scull 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.

*42. No. 07PD033 - Stoney Creek Subdivision, Phase 1

A request by Brian M. Dodson to consider an application for a **Major Amendment to a Planned Residential 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 staff's recommendation to deny the Major Amendment request to deny the Major Amendment to a Planned Residential Development request.

Brian M. Dodson, the applicant requested that the Major Amendment request be approved. Discussion followed.

In response to Anderson's questions, Dominicak stated that the subject property would be the only one affected by the Major Amendment request. Discussion followed.

In response to Karen Waltman, Dodson stated that the new deck would expand the existing deck. Discussion followed.

In response to Derby's question, Smith stated that one property owner within the development expressed opposition. Smith stated that staff had advised the applicant of the recommendation to deny the Major Amendment request.



Discussion followed.

In response to Landguth's question, Dominicak stated that the Rapid City Municipal Code requires a minimum 25 foot rear setback. Discussion followed.

LeMay moved, Waltman seconded and carried to approve the Major Amendment to a Planned Residential Development to allow a minimum 20 foot rear yard setback. (9 to 1 with Anderson, Brewer, Brown, Derby, Etter, Gregg, LeMay, Scull and Waltman voting yes and Landguth 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.

*43. 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 staff's recommendation to continue the Major Amendment request to the July 26, 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.

Anderson moved, Waltman seconded and carried to continue the Major Amendment to a Planned Commercial Development to the July 26, 2007 Planning Commission meeting at the applicant's request. (9 to 0 to 1 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, LeMay, Scull 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.

*44. 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.

Dominicak presented staff's recommendation to continue the Planned Commercial Development to the July 26, 2007 Planning Commission meeting.

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

LeMay moved, Gregg seconded and carried to continue the Planned Commercial Development - Final Development Plan to the July 26, 2007 Planning Commission meeting to allow the applicant to submit additional information. (9 to 0 to 1 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, LeMay, Scull 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.

Tegethoff requested that items 44 and 45 be taken concurrently.

45. No. 07PL083 - Flannery Subdivision No. 2
A request by Mike Hanson for Tyz Thurston to consider an application for a **Preliminary Plat** on Lots 13A and 13B of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 13 of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3825 Corral Drive.
46. No. 07SV034 - Flannery Subdivision No. 2
A request by Mike Hanson for Tyz Thurston to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16 of the Rapid City Municipal Code** on Lots 13A and



13B of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 13 of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3825 Corral Drive.

Tegethoff presented staff's recommendation to approve the Preliminary Plat request and to deny the Variance to the Subdivision Regulations requests with stipulations.

In response to Derby's questions, Tegethoff confirmed that with the platting process a resident would be required to hook into a sewer line within 400 feet of their residence. Discussion followed with regard to the requirement for a residence to install a pump to the sewer system.

In response to Scull's question, Tegethoff stated that an elevation exhibit was not provided demonstrating the height difference between the subject properties. Tegethoff identified the proposed pump system for proposed subject property. Discussion followed.

Tyz Thurston, the applicant requested that the Variance request be approved. Discussion followed.

In response to Derby's question, Dominicak stated that the goal is reduce the number of individual on-site waste water systems. Dominicak further commented that the City will eventually be installing additional sewer lines in the different areas to eliminate individual systems. Discussion followed.

In response to Derby's question, Landeen reviewed Planning Commission's authority to approve a Variance request. Discussion followed.

Landguth expressed his opinion in support of denying the Variance request. Discussion followed.

Derby moved, Scull seconded and unanimously carried to recommend that the Preliminary Plat and that the Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16 of the Rapid City Municipal Code be continued to the July 26, 2007 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

47. 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.



Dominicak presented staff's recommendation to approve the SDCL 11-6-19 Review request to allow construction of a public sewer.

Brown moved, Anderson seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the construction of a public sewer with the following stipulation:

- 1. Prior to Planning Commission approval, 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. (10 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)**

48. 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.

Tegethoff presented the staff's recommendation to approve the SDCL 11-6-19 Review request to allow the construction of a communication tower on public property.

Brewer and Brown abstained from discussion and voting due to a conflict of interest.

In response to Anderson's questions, Tegethoff explained that the proposed use for the tower is similar to a radio tower not a cell tower as originally reviewed by staff.

Anderson moved, Waltman seconded and carried to approve the SDCL 11-6-19 Review to allow the construction of a 62 foot high communication tower on public property. (8 to 0 to 2 with Anderson, Derby, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no and Brewer and Brown abstaining)

49. 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.



Dominicak presented staff's recommendation to approve the SDCL 11-6-19 Review request with stipulations.

Derby moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct public streets with the following stipulations:

1. **Prior to Planning Commission approval, an Exception shall be obtained from the City Council to allow retaining walls within the right-of-way or the construction plans shall be revised removing the retaining walls from the right-of-way;**
 2. **Prior to Planning Commission approval, an access and utility easement shall be recorded at the Register of Deed's Office or a Preliminary and Final Plat shall be approved and recorded dedicating the street rights-of-way or the applicant shall obtain authorization from the City Council to prepare an H Lot and authorization to accept the deeds and the H Lot(s) shall be recorded at the Register of Deed's Office for the public street improvement;**
 3. **Prior to Planning Commission approval, a National Pollutant Discharge Elimination System Permit (NPDES Permit) shall be obtained from the South Dakota Department of Environment and Natural Resources;**
 4. **Prior to Planning Commission approval, the construction plans shall be revised to show a sewer main along all street rights-of-way or a Utility Master Plan shall be submitted for review and approval to justify the elimination of a sewer main in portions of the rights-of-way;**
 5. **The installation of sidewalk is hereby waived along the north side of Philadelphia Street;**
 6. **The installation of sidewalk is hereby waived along the east side of 11th Street. In addition, a railing or chain link fence shall be provided along the retaining wall located along the east side of 11th Street; and,**
 7. **Prior to Planning Commission approval, 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. (10 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)**
50. No. 07SR040 - Rapid City Greenway Tract
A request by Mike LeMay for the Gathering of the Clans to consider an application for an **SDCL 11-6-19 Review to allow a temporary use on public property** on Tract 20 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Memorial Park.

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



Fuhrmann presented the staff's recommendation to approve the SDCL 11-6-19 Review request to allow a temporary use on public property.

Landguth moved, Anderson seconded and carried to approve the SDCL 11-6-19 Review to allow a temporary use on public property for the Gathering of the Clans on August 31 through September 2, 2007 with the following stipulation:

- 1. Prior to Planning Commission approval, the applicant shall obtain approval of the evacuation plan by the City and Pennington County Emergency Management Department. (9 to 0 to 1 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, Scull and Waltman voting yes and none voting no and LeMay abstaining)**

Bulman requested that items 51 and 52 be taken concurrently.

51. No. 07TI009 - Minnesota Street

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

52. No. 07TI010 - Minnesota Street

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

Bulman presented the Tax Increment District No. 64 Resolution and Project Plan.

In response to Anderson's questions, Bulman stated that the original request included commercial property; however, the property was not zoned for commercial uses. A portion of the subject property has since been rezoned for commercial uses. Discussion followed regarding over sizing costs associated with Tax Increment District No. 64.



Bob Rothermel, agent for applicant, expressed his support for the inclusion of the over size costs associated with the proposed development of the subject property in the Tax Increment Project Plan. Lengthy discussion followed.

In response to Anderson's questions, Hani Shafai reviewed past and potential future construction for access to and from the proposed development on the subject property. Shafai further outlined the justification for the Tax Increment District No. 64 request. Discussion followed.

Ray Elliott, the applicant expressed his opinion in support of the Tax Increment District No. 64 request. Discussion followed.

LeMay moved, Anderson seconded and unanimously carried to extend the Planning Commission meeting past the 9:00 a.m. deadline. (10 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

Waltman left the meeting at this time.

LeMay expressed his opposition to the proposed Tax Increment District No. 64 request.

Anderson expressed his support for the construction of the road and access to the subject property. Anderson further expressed his concern for funding for the proposed road project to the development. Discussion followed.

Steve Brenden, Rapid City resident expressed his opposition to the Tax Increment District No. 64 request.

In response to Scull's question, Brewer reviewed the process for review of the Tax Increment Finance District request.

Brown left the meeting at this time.

Derby moved for approval of the Resolution Creating Tax Increment District No. 64 Minnesota Street and the Tax Increment District No. 64 Project Plan. The motion died for the lack of a second.

LeMay moved, Landguth seconded to deny the Resolution Creating Tax Increment District No. 64 Minnesota Street and the Tax Increment District No. 64 Project Plan. Discussion followed.

Landeen stated that if the Planning Commission denied the Resolution Creating Tax Increment District No. 64 Minnesota Street and the Tax Increment District No. 64 Project Plan would not move forward. Landeen further advised that development would be frozen and access for existing residents would be inhibited. Landeen stated that a secondary access would be constructed through the Tax Increment District No. 64 request. Discussion followed.



Substitute motion by Anderson, seconded by Scull to continue the Resolution Creating Tax Increment District No. 64 Minnesota Street and the Tax Increment District No. 64 Project Plan to the August 9, Planning Commission meeting. (5 to 3 with Anderson, Brewer, Gregg, Landguth, Scull and Waltman voting yes and Derby, Etter and LeMay voting no)

Brian Vulcan, enVision Design, representing the applicant, expressed his support for the Tax Increment District No. 64 request.

Mike Derby expressed his concern that the development would not move forward without the Tax Increment Financing. Discussion followed.

Landguth expressed his concern for all of the grading costs to be funded through the Tax Increment District No. 64. Discussion followed.

Hadcock expressed her opposition to the proposed Tax Increment Financing.

Elliott reiterated his request for Tax Increment Financing.

Brewer noted that the items have been acted on and continued to the August 9, 2007 Planning Commission meeting.

Bulman requested that items 53 and 54 be taken concurrently.

53. No. 07TI011 - Section 28, T2N, R8E
A request by City of Rapid City to consider an application for a **Resolution Creating Tax Increment District No. 65 - Cabela's Economic Development Tax Increment Financing** on all of Section 28 lying north of U.S. Interstate 90 less Lots 1 – 3 of RCI Addition and less the S1/2S1/2NW1/4NW1/4 of Section 28, all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Interstate 90 and Dyess Avenue.

54. No. 07TI012 - Section 28, T2N, R8E
A request by City of Rapid City to consider an application for a **Tax Increment District No. 65 Project Plan - Cabela's Economic Development Tax Increment Financing** on all of Section 28 lying north of U.S. Interstate 90 less Lots 1 – 3 of RCI Addition and the less S1/2S1/2NW1/4NW1/4 of Section 28, all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Interstate 90 and Dyess Avenue.

Bulman presented the staff's recommendation to approve the Resolution Creating Tax Increment District No. 65 and the Tax Increment District No. 65 Project Plan - Cabela's Economic Development Tax Increment Financing.

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



In response to Derby's question, Landeen identified assemblage costs as costs for the Visitor Information Center and the surrounding land. Landeen further reviewed costs associated with the Tax Increment District No. 65 request.

Brenden, 3310 Harmony Lane, expressed his opposition to the Tax Increment District No. 65 request.

Landeen further reviewed the Tax Increment District No. 64 costs. Discussion followed.

Derby expressed his opposition to the Tax Increment District No. 65 request. Discussion followed.

Discussion followed regarding Federal Highway funds dedicated to the construction of the exit near the subject property.

Gregg moved, Scull seconded to recommended that the Resolution Creating Tax Increment District No. 65 Cabela's Economic Development Tax Increment Financing and that the Tax Increment District No. 65 Project Plan be approved. (6 to 1 to 1 with, Brewer, Etter, Gregg, Landguth, LeMay and Scull voting yes and Derby voting no and Anderson abstaining)

*55. 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.

LeMay left the meeting at this time.

Smith presented staff's recommendation to deny the Conditional Use Permit request.

Duane Pankratz, applicant expressed his support for his Conditional Use Permit request and requested approval.

In response to Derby's question, Swede Larsen of Unique signs, expressed his opinion that sign credits can be applied to this billboard. Lengthy discussion followed.

Scull moved, Derby seconded to approve the Conditional Use Permit to allow an off-premise billboard sign in a General Commercial District. (Motion failed on a 3 to 4 with Brewer, Derby and Scull voting yes and



Anderson, Etter, Gregg, Landguth voting no)

Etter moved, Landguth seconded and carried to deny the Conditional Use Permit to allow an off-premise billboard sign in a General Commercial District. (4 to 3 with Anderson, Etter, Gregg, Landguth voting yes and Brewer, Derby and Scull 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.

56. Discussion Items

57. Staff Items

58. Planning Commission Items

A. Planning Commissioner Appointment to the Zoning Board of Adjustments.

59. Committee Reports

A. City Council Report (June 18, 2007)

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

No. 07SV016 - Section 21, T1N, R7E

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

On April 26, 2007, the Planning Commission denied in part; denied in part without prejudice and approved in part with stipulations the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, water and sewer along Easy Street and to waive the requirement to install sidewalk along Corral Drive as per Chapter 16.16 of the Rapid City Municipal Code. On June 18, 2007, the City Council acknowledged the applicant's request to withdraw the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, water and sewer along Easy Street and to waive the requirement to install sidewalk along Corral Drive as per Chapter 16.16 of the Rapid City Municipal Code.



- 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, Gregg moved, Scull seconded and unanimously carried to adjourn the meeting at 10:12 a.m. (7 to 0 with Anderson, Brewer, Derby, Etter, Gregg, Landguth and Scull voting yes and none voting no)