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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 9, 2007

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Barb Collins, Mike Derby, Mike LeMay, Andrew Scull and Karen Waltman. Ron Kroeger, Council Liaison was also present

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

Brewer called the meeting to order at 7:00 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.

Waltman requested that Item 3 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Brown, Seconded by LeMay and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 11 in accordance with the staff recommendations with the exception of Item 3. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, LeMay, Scull and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the July 26, 2007 Planning Commission Meeting Minutes.
2. Five-year Plan and FY2008 Budget to Capital Improvement.
4. No. 07AN003 - Homestead Subdivision
A request by Sperlich Consulting, Inc. for Ronald Shape to consider an application for a **Petition for Annexation** on the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Homestead Street and west of Reservoir Road.

Planning Commission recommended that the Petition for Annexation be continued to the August 23, 2007 Planning Commission meeting.

5. No. 07PL029 - Word of Hope Subdivision
A request by D. C. Scott Co. Land Surveyors for Wesleyan Church to consider an application for a **Preliminary Plat** on Lot 1 of Word of Hope Subdivision, located in the NE1/4 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NE1/4 SE1/4, lying southeast of Elk Vale Road, Section 4, T1N, R8E, BHM, Rapid City,

DRAFT

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 approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway shall be submitted for review and approval, or a Variance to the Subdivision Regulations must be obtained, or the portion of the section line highway that abuts the subject property shall be vacated;
 2. Prior to Preliminary Plat approval by the City Council, road construction plans for Jolly Lane shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;
 3. Prior to Preliminary Plat approval by the City Council, road construction plans for Elk Vale Road shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;
 4. Prior to Preliminary Plat approval by the City Council, a water system plan showing existing and proposed mains and service lines and a water system analysis demonstrating sufficient quantities for domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 5. Prior to Preliminary Plat approval by the City Council, a wastewater system plan showing existing and proposed mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 6. Prior to Preliminary Plat approval by the City Council, information shall be submitted to the Growth Management Department demonstrating that the Rapid Valley Sanitation District staff has reviewed and approved the utility plans;
 7. Prior to Preliminary Plat approval by the City Council, a cost estimate for the subdivision improvements shall be submitted for review and approval;
 8. All 2003 International Fire Codes shall be continually met;
 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.
6. 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,

DRAFT

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 August 23, 2007 Planning Commission meeting at the applicant's request.

7. 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 Subdivision, 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 the 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 approved with the following stipulations:

1. **Prior to approval by City Council, the applicant shall submit a revised plat document for review and approval identifying 49 feet of right-of-way along the section line highway, or a Variance to the Subdivision Regulations shall be obtained.**
2. **Prior to submittal of a Final Plat the rezoning of proposed Lot 2 from General Agricultural District to Limited Agriculture District shall be effective.**

8. No. 07PL096 - Homestead Subdivision

A request by Sperlich Consulting, Inc. for Ronald Shape to consider an application for a **Layout Plat** on Lots 1 thru 6 of Block 1, Lots 1 thru 9 of Block 2, Lots 1 thru 8 of Block 3, Lots 1 thru 19 of Block 4, Lots 1 thru 14 of Block 5, Lots 1 thru 23 of Block 6, Lots 1 thru 15 of Block 7, Lots 1 thru 15 of Block 8, Lots 1 thru 13 of Block 9, Lots 1 thru 12 of Block 10, Homestead Subdivision, located in the SE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Homestead Street and west of Reservoir Road.

Planning Commission recommended that the Layout Plat be continued to the August 23, 2007 Planning Commission meeting to allow the applicant to submit a revised plat document and a Phasing Plan.

9. No. 07PL097 - Rockinon Ranch Estates

A request by Jared Tordsen for Land and Marine Developments, Inc. to consider an application for a **Preliminary Plat** on Lots 15 thru 21 of Rockin Ranch Estates, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the N1/2 of the NE1/4 of the SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South

DRAFT

Dakota, more generally described as being located southwest of the intersection of the existing Hovering Heights Court and Bunker Drive.

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

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
 2. Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In particular, construction plans for Detention Pond #306 as per the Haines Avenue Drainage Basin Design Plan shall be submitted for review and approval. In addition, the construction plans shall be revised to convey drainage to Detention Pond #306. Drainage easements shall also be provided as needed;
 3. Prior to Preliminary Plat approval by the City Council, a geotechnical report for the pavement section of Bunker Street as a collector street, shall be submitted for review and approval;
 4. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to provide edge drains as per the geotechnical report;
 5. Prior to Preliminary Plat approval by the City Council, an exception shall be obtained to allow Bunker Drive to be constructed off center of the right-of-way or the construction plans shall be revised accordingly as per the Street Design Criteria Manual;
 6. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way along Bunker Drive or the plat document shall be revised to provide the entire 76 foot wide right-of-way for Bunker Drive;
 7. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of seven additional feet of right-of-way along Bunker Drive or a Variance to the Subdivision Regulations shall be obtained;
 8. 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,
 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
10. No. 07RD003 - Rockinon Ranch Estates
A request by Jared Tordsen for Land and Marine Developments, Inc. to consider an application for a **Road Name Change from Hovering Heights Court to Abbey Road** on N1/2 of the NE1/4 of the SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Hovering Heights Court west of Bunker Drive.

Planning Commission recommended that the street name Hovering Heights Court be changed to Abbey Road with the stipulation that the developer

DRAFT

replace any existing street name signs at his expense.

11. No. 07SR042 - Rapid City Greenway Tract

A request by Betty Bonawitz for the Rapid City Garden Club to consider an application for an **SDCL 11-6-19 Review to allow the construction of a structure on public property** on Tract 25, less Lots H1 and H2, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 240 Omaha Street.

Planning Commission continued the SDCL 11-6-19 Review to the August 23, 2007 Planning Commission Meeting to allow the applicant to submit a complete site plan for review.

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

3. No. 07TP016 - Final Rapid City Area Transportation Improvement Program (Fiscal Years 2008-2012)

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

Derby moved, Anderson seconded and carried to recommend that the Final 2008-2012 Rapid City Area Transportation Improvement Program be approved. (7 to 0 to 1 with Anderson, Brewer, Brown, Collins, Derby, LeMay and Scull voting yes and none voting no and Waltman abstaining)

---HEARING ITEMS CONSENT CALENDAR---

Brewer announced that the Public Hearings on Items 12 through 34 were opened.

Staff requested that Items 14, 15, 16, 17, 20 and 21 be removed from the Hearing Consent Agenda for separate consideration.

Brown moved, LeMay seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 12 through 34 in accordance with the staff recommendations with the exception of Items 14, 15, 16, 17 20 and 21. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, LeMay, Scull and Waltman voting yes and none voting no)

The Public Hearings for Items 12 through 34 were closed.

12. No. 07CA032 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Low Density Residential** on a tract of land located in the S1/2 NE1/4, SE1/4 of Section 22 and the NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar

DRAFT

below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N87°48'47"W 33.00 feet along the South line of the NE1/4 of said Section 27 to the True Point of Beginning, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence N87°48'47"W 2615.84 feet along the South line of the NE1/4 of Section 27 to the Center 1/4 Corner of said section, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014; Thence N01°59'29"E 2618.24 feet along the West line of the NE1/4 of Section 27 to the North 1/4 Corner of Section 27, said point being monumented with a brass cap and iron pipe; Thence N02°02'30"E 2672.71 feet along the West line of the SE1/4 of said Section 22 to the Center 1/4 Corner, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014; Thence N02°02'19"E 228.09 feet along the West line of the S1/2 NE1/4 of Section 22 to a point; Thence N88°48'27"E 1290.24 feet to the beginning point of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of S23°50'50"E; Thence along said curve a distance of 514.07 feet; Thence S42°15'21"E 321.74 feet to the beginning of a curve concave to the southwest having a radius of 1006.00 feet; Thence along said curve a distance of 685.41 feet; Thence S87°56'04"E 84.31 feet to the northwest corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence S02°05'22"W 986.21 feet along the West line of the Bradeen Subdivision to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap, stamped LS 6014; Thence N87°56'54"W 84.32 feet to the beginning point of a non-tangent curve concave to the northwest having a radius of 1006.00 feet and a chord bearing of S19°44'46"W; Thence along said curve a distance of 433.45 feet; Thence S32°05'22"W 250.68 feet to the beginning point of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of S80°10'07"E; Thence along said curve a distance of 349.46 feet to a point on the North line of the NE1/4 of said Section 27; Thence S88°27'49"E 515.34 feet along said line to a point from which the Northeast Corner of Section 27 bears S88°27'49"E 33.00 feet, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence S02°00'19"W 2647.94 feet to the True Point of Beginning, less a tract of land, designated as Tract B, located in the NW1/4 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 186.87 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of N31°18'22"W; Thence along said curve a distance of 553.18 feet; Thence S42°01'34"W 152.10 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center 1/4 corner of said Section 27 bears S33°29'08"W a

DRAFT

distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the future land use designation from Agriculture to Low Density Residential be continued to the August 23, 2007 Planning Commission meeting to be heard in conjunction with the proposed rezoning.

13. No. 07RZ052 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Rezoning from No Use District to Low Density Residential District** on a tract of land located in the S1/2 NE1/4, SE1/4 of Section 22 and the NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N87°48'47"W 33.00 feet along the South line of the NE1/4 of said Section 27 to the True Point of Beginning, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence N87°48'47"W 2615.84 feet along the South line of the NE1/4 of Section 27 to the Center 1/4 Corner of said section, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014; Thence N01°59'29"E 2618.24 feet along the West line of the NE1/4 of Section 27 to the North 1/4 Corner of Section 27, said point being monumented with a brass cap and iron pipe; Thence N02°02'30"E 2672.71 feet along the West line of the SE1/4 of said Section 22 to the Center 1/4 Corner, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014; Thence N02°02'19"E 228.09 feet along the West line of the S1/2 NE1/4 of Section 22 to a point; Thence N88°48'27"E 1290.24 feet to the beginning point of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of S23°50'50"E; Thence along said curve a distance of 514.07 feet; Thence S42°15'21"E 321.74 feet to the beginning of a curve concave to the southwest having a radius of 1006.00 feet; Thence along said curve a distance of 685.41 feet; Thence S87°56'04"E 84.31 feet to the northwest corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence S02°05'22"W 986.21 feet along the West line of the Bradeen Subdivision to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap, stamped LS 6014; Thence N87°56'54"W 84.32 feet to the beginning point of a non-tangent curve concave to the northwest having a radius of 1006.00 feet and a chord bearing of S19°44'46"W; Thence along said curve a distance of 433.45 feet; Thence S32°05'22"W 250.68 feet to the beginning point of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of S80°10'07"E; Thence along said curve a distance of 349.46 feet to a point on the North line of the NE1/4 of said Section 27; Thence S88°27'49"E 515.34 feet along said line to a point from which the Northeast Corner of Section 27 bears S88°27'49"E 33.00 feet, said point being monumented with an iron rod and aluminum cap stamped with the section

DRAFT

numbers below the surface of the asphalt; Thence S02°00'19"W 2647.94 feet to the True Point of Beginning, less a tract of land, designated as Tract B, located in the NW1/4 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 186.87 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of N31°18'22"W; Thence along said curve a distance of 553.18 feet; Thence S42°01'34"W 152.10 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center 1/4 corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be continued to the August 23, 2007 Planning Commission meeting to allow the applicant time to submit additional information.

18. No. 07CA035 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Neighborhood Commercial with a Planned Commercial Development** on a tract of land located in the SE1/4 SE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N88°27'49"W 33.00 feet along the South line of the SE1/4 SE1/4 of said Section 22 to the True Point of Beginning; Thence N88°27'49"W 336.56 feet along the South line of the SE1/4 SE1/4; Thence N02°02'59"E 672.03 to a point along the South line of the Bradeen Subdivision; Thence S87°56'54"E 337.08 along said South line to the southeast corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence S02°05'45"W 669.00 feet to the Point of Beginning, from which the South 1/4 corner of said Section 22 bears N88°27'49"W a distance of 2616.56 feet, said point being monumented with a brass cap and iron pipe, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture

DRAFT

to Neighborhood Commercial with a Planned Commercial Development be continued to the August 23, 2007 Planning Commission meeting.

19. No. 07RZ055 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Rezoning from No Use District to Neighborhood Commercial District** on a tract of land located in the SE1/4 SE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N88°27'49"W 33.00 feet along the South line of the SE1/4 SE1/4 of said Section 22 to the True Point of Beginning; Thence N88°27'49"W 336.56 feet along the South line of the SE1/4 SE1/4; Thence N02°02'59"E 672.03 to a point along the South line of the Bradeen Subdivision; Thence S87°56'54"E 337.08 along said South line to the southeast corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence S02°05'45"W 669.00 feet to the Point of Beginning, from which the South 1/4 corner of said Section 22 bears N88°27'49"W a distance of 2616.56 feet, said point being monumented with a brass cap and iron pipe, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

Planning Commission recommended that the Rezoning from No Use District to Neighborhood Commercial District be continued to the August 23, 2007 Planning Commission meeting to allow the applicant to submit additional information.

22. No. 07RZ057 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Rezoning from No Use District to General Agriculture District** on a tract of land located in the S1/2 NE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the Center North 1/16 corner of Section 22, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence S87°53'50"E 2618.39 feet along the North line of the S1/2 NE1/4 of Section 22 to a point monumented with a rebar and plastic cap stamped LS 6014; from which the North 1/16th corner common to Section 22 and 23 bears S87°53'50"E 32.95 feet; Thence S02°04'38"W 946.40 feet to a point; Thence S88°48'27"W 2621.92 feet to a point on the West line of in the S1/2 NE1/4 of Section 22; Thence N02°02'19"E 1097.11 feet along said west line to the Point of Beginning, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

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

*23. No. 07PD004 - Copperfield Vistas Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on

DRAFT

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

DRAFT

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

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point being coincident with the northeast corner of Lot 5 in Block 7 of Copperfield Subdivision, as shown on said plat recorded in Book 22 of Plats on Page 195, and said point being marked by a 5/8 inch bent rebar; thence, northwesterly along the northerly line of said Lot 5 in Block 7 of Copperfield Subdivision, N71°45'04"W, a distance of 72.95 feet, more or less, to the northwest corner of said Lot 5, said point being coincident with the northeast corner of Lot 6 in Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, northwesterly along the northerly line of said Lot 6 in Block 7 of Copperfield Subdivision, and along the northerly line of Lots 7 and 8 in said Block 7 of Copperfield Subdivision, as shown on the plat filed on August 14, 1995 and recorded in Book 27 of Plats on page 17, N71°30'00"W, a distance of 236.99 feet, more or less to the northwest corner of said Lot 8 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 9 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, westerly along the northerly line of said Lot 9 in Block 7 of Copperfield Subdivision, and along the northerly line of Lot 10 in said Block 7 of Copperfield Subdivision, N89°59'43"W, a distance of 169.90 feet, more or less to the northwest corner of said Lot 10 in Block 7 of Copperfield Subdivision, said point being coincident with the northeast corner of Lot 11 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and said point being marked by a rebar with surveyor cap "Hanson 6251"; thence, southwesterly along the northerly line of said Lot 11 in Block 7 of Copperfield Subdivision, and along the northerly line of Lot 12 in Block 7 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on Page 17, and along the northerly line of Lot 13 in Block 7 of Copperfield Subdivision as shown on the plat filed on December 21, 1995 and recorded in Book 27 of Plats on page 64, S67°59'57"W, a distance of 210.58 feet, more or less to the northwest corner of said Lot 13 in Block 7 of Copperfield Subdivision, said point being coincident with the northeasterly terminus of Summerfield Drive right-of-way as shown on said plat recorded in Book 27 of Plats on Page 64, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, westerly along the northerly terminus of said Summerfield Drive right-of-way, S89°57'45"W, a distance of 60.03 feet, more or less, to the northwest terminus of said Summerfield Drive right-of-way, said point being coincident with the northeast corner of Lot 1 in Block 8 of Copperfield Subdivision as shown on said plat recorded in Book 27 of Plats on page 64, and said point being marked by a rebar with surveyor cap "Polenz 4208"; thence, westerly along the northerly line of said Lot 1 in Block 8 of Copperfield Subdivision, S89°39'20"W, a distance of 116.98 feet, more or less to the northwest corner of said Lot 1 in Block 8 of Copperfield Subdivision, said point being located on the west 1/16th section line of said Section 4, T1N, R8E, BHM, Pennington County, South Dakota, and said point being marked by a rebar with surveyor cap "Renner 2652 & Sperlich"; thence, northerly along the 1/16th section line, N00°02'44"E, a distance of 262.82 feet, more or less to the 1/4 section line and the northwest corner of the NE1/4 of the SW1/4 of said Section 4, T1N, R8E, and said point being marked by a rebar with surveyor cap "RW FISK 6565"; thence, east along the 1/4 section line, N89°48'42"E, a distance of 1328.91 feet, more or less, to the point of beginning, more generally described as being located east of Valley

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Drive and west of Concourse Drive.

Planning Commission approved the Planned Residential Development - Initial and Final Development Plan be approved for a tract of land located in the Southeast One-Quarter of the Northwest One-Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northeast One-Quarter of the Southwest One-Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Four (4) in Township One North (T1N), Range Eight East (R8E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot Twenty-Eight (28) in Block One (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; thence, southwesterly along the northerly edge of Copperfield Drive right-of-way, South 71 degrees 30 minutes 56 seconds West, a distance of 4.23 feet more or less, to the point of beginning; thence, continuing southwesterly along the northerly edge of Copperfield Drive right-of-way, South 71 degrees 30 minutes 56 seconds West, a distance of 59.06 feet more or less, to the northeast corner of Lot One (1) in Block Seven (7) of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a $\frac{5}{8}$ inch rebar; thence, northwesterly along the north line of said Lot One (1) in Block Seven (7) of Copperfield Subdivision, North 88 degrees 29 minutes 49 seconds West, a distance of 98.69 feet more or less, to the northwest corner of said Lot One (1), said corner being coincident with the northeast corner of Lot Three (3) in Block Seven (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 Three (3) in Block Seven (7) of Copperfield Subdivision, North 88 degrees 42 minutes 16 seconds West, a distance of 51.73 feet more or less, to the northwest corner of said Lot Three (3), said point being coincident with the northeast corner of Lot Four (4) in Block Seven (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 Four (4) in Block Seven (7) of Copperfield Subdivision, North 88 degrees 18 minutes 11 seconds West, a distance of 76.36 feet more or less, to the northwest corner of said Lot Four (4), said point being coincident with the northeast corner of Lot Five (5) in Block Seven (7) of Copperfield Subdivision, as shown on the plat recorded in Book 22 of Plats on Page 195, said corner being marked by a $\frac{5}{8}$ inch rebar; thence, northwesterly along the north line of said Lot Five (5) in Block Seven (7) of Copperfield Subdivision, North 71 degrees 45 minutes 04 seconds West, a distance of 68.75 feet more or less; thence, North 15 degrees 55 minutes 14 seconds East, a distance of 104.91 feet more or less; thence, North 74 degrees 04 minutes 46 seconds West, a distance of 45.00 feet more or less; thence, North 15 degrees 55 minutes 14 seconds East, a distance of 160.58 feet more or less; thence, South 76 degrees 13 minutes 24 seconds East, a distance of 120.24 feet more or less; thence, South 78 degrees 04 minutes 22 seconds East, a distance of 59.02 feet more or less; thence, North 13 degrees 46 minutes 36 seconds East, a distance of 98.10 feet more or less;

DRAFT

thence, North 76 degrees 13 minutes 24 seconds West, a distance of 13.77 feet more or less; thence, North 13 degrees 46 minutes 36 seconds East, a distance of 52.00 feet more or less; thence, South 76 degrees 13 minutes 24 seconds East, a distance of 5.67 feet more or less; thence, North 13 degrees 46 minutes 36 seconds East, a distance of 80.12 feet more or less; thence, North 00 degrees 35 minutes 05 seconds East, a distance of 68.76 feet more or less; thence, North 00 degrees 00 minutes 00 seconds West, a distance of 83.80 feet more or less; thence, South 90 degrees 00 minutes 00 seconds West, a distance of 0.65 feet more or less; thence, North 00 degrees 00 minutes 00 seconds West, a distance of 52.00 feet more or less; thence, North 90 degrees 00 minutes 00 seconds East, a distance of 18.65 feet more or less; thence, North 00 degrees 00 minutes 00 seconds West, a distance of 200.26 feet more or less; thence, South 90 degrees 00 minutes 00 seconds West, a distance of 20.17 feet more or less; thence, North 00 degrees 00 minutes 00 seconds West, a distance of 52.00 feet more or less; thence, North 90 degrees 00 minutes 00 seconds East, a distance of 2.17 feet more or less; thence, North 00 degrees 00 minutes 00 seconds West, 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 1 degree, 25 minutes 51 seconds, an arc length of 14.03 feet, and a chord bearing of South 78 degrees 05 minutes 02 seconds West and chord distance of 14.03 feet; thence, North 12 degrees 37 minutes 53 seconds West, 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 degrees 54 minutes 37 seconds, an arc length of 121.49 feet, and a chord bearing of North 82 degrees 49 minutes 25 seconds East and chord distance of 121.30 feet; thence, North 44 degrees 21 minutes 49 seconds East, a distance of 14.30 feet more or less; thence, North 00 degrees 00 minutes 00 seconds West, a distance of 15.20 feet more or less; thence, North 90 degrees 00 minutes 00 seconds East, a distance of 52.00 feet more or less; thence, South 00 degrees 00 minutes 00 seconds East, a distance of 15.13 feet more or less; thence, South 45 degrees 00 minutes 00 seconds East, a distance of 14.14 feet more or less; thence, North 90 degrees 00 minutes 00 seconds East, a distance of 142.69 feet more or less, to a point on the north/south one-quarter (1/4) section line of Section Four (4), Township One North (T1N), Range Eight East (R8E), Black Hills Meridian (BHM), Pennington County, South Dakota; thence, southerly along said one-quarter (1/4) section line, South 00 degrees 05 minutes 16 seconds East, a distance of 76.00 feet more or less; thence, South 90 degrees 00 minutes 00 seconds West, a distance of 142.81 feet more or less; thence, South 45 degrees 00 minutes 00 seconds West, a distance of 14.14 feet more or less; thence, South 00 degrees 00 minutes 00 seconds East, a distance of 828.74 feet more or less; thence, curving southwesterly to the right on a curve with a radius of 826.00 feet, a delta of 13 degrees 46 minutes 36 seconds, an arc length of 198.61 feet, and a chord bearing of South 06 degrees 53 minutes 18 seconds West and chord distance of 198.13 feet more or less; thence, South 13 degrees 46 minutes 36 seconds West, a distance of 40.75 feet more or less; thence, curving southwesterly to the left on a curve with a radius of 774.00 feet, a delta of 13 degrees 46 minutes 36 seconds, an arc

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length of 186.11 feet, and a chord bearing of South 06 degrees 53 minutes 18 seconds West and chord distance of 185.66 feet more or less; thence South 00 degrees 00 minutes 00 seconds East, a distance of 124.86 feet more or less, to the point of beginning and with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to issuance of a building permit, a Preliminary Plat shall be reviewed and approved by the City Council to insure that all infrastructure improvements have been addressed. In addition, prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed and approved to insure that all right(s)-of-way have been dedicated;
3. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. In addition, a minimum 25 foot setback shall be provided along the side yard abutting a street. A side yard setback along interior side lot lines of eight feet for a one story structure and twelve feet for a two story structure shall be provided. In addition, a minimum 25 foot rear yard setback shall be provided;
4. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
5. The signage shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development. In addition, the signage is limited to identifying the proposed name of the development with no other advertising allowed. A sign permit shall also be obtained for each sign demonstrating that the signage is located outside of any sight triangles and outside of right(s)-of-way;
6. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development; and,
7. All streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual and the currently adopted International Fire Code. In addition, fire hydrants shall be in place and operational prior to any building construction. Street signs and lot addresses shall also be posted prior to or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met; and,
8. The Planned Residential Development shall allow for the construction of single family residence(s). However, the Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final

DRAFT

Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

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.

*24. No. 07PD045 - Big Sky Business Park

A request by Doug Zaug for Granite Peaks LLC to consider an application for a **Planned Commercial Development - Initial Development Plan** on Lot 2 of Block 4 of Big Sky Business Park, located in the SW1/4 NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast corner of the intersection of Timmons Boulevard and Berniece.

Planning Commission approved the Planned Commercial Development - Initial Development Plan with the following stipulations:

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. Prior to submittal of a Final Commercial Development Plan application, an Exception to the Street Design Criteria Manual shall be obtained to allow a 32 foot wide and a 38 foot wide approach, respectively, in lieu of a maximum 28 foot wide approach or the site plan shall be revised accordingly;
3. Prior to submittal of a Final Commercial Development Plan application, the site plan shall be revised to show adequate circulation around the vacuum cleaners. In addition, the site plan shall show parking adjacent to the vacuum cleaner(s). The site plan shall also be revised to show the vacuum cleaner pads located a minimum distance of 25 feet from Timmons Boulevard right-of-way and Berniece Street right-of-way;
4. Upon submittal of a Final Commercial Development Plan application, a drainage plan in compliance with the Race Track Drainage Basin Plan shall be submitted for review and approval demonstrating that discharge from the property will not exceed pre-development flow rates or on-site detention shall be provided;
5. Upon submittal of a Final Commercial Development Plan application, sewer plans shall be submitted for review and approval. In particular, the sewer plans shall show the location of sewer cleanouts every 100 feet for six inch service line(s). The sewer plans shall also include the design and location of any proposed grease and mud traps;
6. Upon submittal of a Final Commercial Development Plan application, complete elevations showing all sides of the proposed structure and the vacuum cleaner pads shall be submitted for review and approval. In addition, a complete list of building materials and color palette shall be submitted for review and approval;
7. Upon submittal of a Final Commercial Development Plan application,

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a complete landscaping plan shall be submitted for review and approval identifying specific plant material. In particular, the landscaping plan shall provide a minimum of 35,878 landscape points and shall comply with all requirements of the Zoning Ordinance. In addition, additional landscaping shall be provided along Timmons Boulevard and Berniece Street:

8. Upon submittal of a Final Commercial Development Plan application, a complete sign package, including any proposed signage on the building and directional signs within the parking lot, shall be submitted for review and approval. In addition, the applicant shall demonstrate that all signage is located outside of all sight triangles;
9. Upon submittal of a Final Commercial Development Plan application, a complete parking plan in compliance with the Parking Regulations shall be submitted for review and approval. The parking plan shall include employee parking, parking for the vacuum cleaner use and access aisles throughout the site in compliance with the Parking Regulations;
10. Upon submittal of a Final Commercial Development Plan application, a complete lighting package identifying the design of the proposed lighting shall be submitted for review and approval. In addition, the lighting shall be designed to illuminate the area within the property boundaries and to shine onto adjoining properties and rights-of-way so as not to be a hazard to the passing motorist or constitute a nuisance of any kind;
11. Upon submittal of a Final Commercial Development Plan application, elevations of the screening fence for the dumpster shall be submitted for review and approval and shall include building material(s) and the proposed color palette;
12. Upon submittal of a Final Commercial Development Plan application, the location, size and noise rating of all exterior mechanical equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
13. All currently adopted Fire Codes shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
14. The structure shall be used as a car wash unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment to the Commercial Development Plan shall be obtained;
15. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Initial Commercial Development Plan, the Final Commercial Development Plan application or a subsequent Major Amendment; and,
16. The Planned Commercial Development shall expire if the use is not

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undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

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

*25. No. 07PD050 - Eagle Ridge

A request by Stump Signs for Eagle Ridge I, LLLP to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 2B in Block 1 of Black Hills Center, located in the SE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 121 Stumer Road.

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

1. The signage shall comply with Section 15.28 of the Rapid City Municipal Code and shall conform architecturally to the proposed elevations and design plans submitted as part of this Major Amendment to a Planned Residential Development;
2. A sign permit shall be obtained prior to installation of any signage;
3. A minimum of 246,698 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
4. The dumpster(s) shall be screened with an opaque screening fence;
5. A minimum of 222 parking spaces shall be provided with seven of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. A minimum of six planter islands shall be provided within the parking lot. Each planter island shall contain a minimum of one hundred square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. All provisions of the Off-Street Parking Ordinance shall be continually met;
6. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. All of the residential dwelling units or structures shall be sprinklered;

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7. All provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a stipulation of the Major Amendment to a Planned Residential Development or a subsequent Major Amendment;
8. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development; and,
9. The Major Amendment to a 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 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.

*26. No. 07PD051 - 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, R7E, T2N, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 853 and 855 Auburn Drive.

Planning Commission approved the Major Amendment to a Planned Residential Development to allow the construction of one (1) two-unit townhouse 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 Planning Commission approval, a revised site plan shall be submitted showing the size and location of the water and sanitary sewer services;
7. Prior to Planning Commission approval, a revised site plan shall be submitted showing the existing major drainage easement and demonstrating that the proposed structure will not be located in the existing easement;
8. 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

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property. Any additional reductions in the minimum required setbacks shall require a Major Amendment to the Planned Residential Development;

9. All applicable provisions of the International Fire Code as adopted at the time of this approval, shall be continually met;
10. The proposed structures shall conform architecturally to the plans and elevations submitted; and,
11. 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.

*27. No. 07PD058 - Tuscany Square Subdivision

A request by TSP Three, Inc. for Bob Brandt to consider an application for a **Major Amendment to a Planned Commercial Development** on Dan's Supermarket Tract Revised less Lot 1 [also in Block 67] and less Lot H-1 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 Omaha Street.

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

1. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. In particular, the proposed monument signs shall be located a minimum distance of three feet from all fire hydrants. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. A Permit to Work in the Right-of-way shall be obtained prior to the start of any construction in the street rights-of-way;
4. Prior to the start of each phase of construction, a South Dakota Codified Law 11.1 Historic Review shall be obtained as needed;
5. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the red lined

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- drawings. In addition, the red lined drawings shall be returned to the Development Service Center Division;
6. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
 7. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of the Commercial Development Plan;
 8. The structures shall be used as a carpet and furniture store, hardware and/or home center, retail store, professional office, restaurant and storage unless otherwise specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment to the Planned Commercial Development. In addition, an on-sale liquor use in conjunction with a full service restaurant shall be allowed in the 1,400 square foot restaurant. Any other use shall require a Major Amendment to the Planned Commercial Development. In addition, a Final Commercial Development Plan shall be reviewed and approved prior to issuance of a building permit for Phase Two of the development;
 9. A minimum of 129,240 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 10. A minimum of 209 parking spaces shall be provided. Seven of the spaces shall be handicap accessible with one of the handicap spaces being "van accessible". In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
 11. The dumpsters shall be located as shown on the site plan and screened on all four sides as proposed with a four foot high screening fence. A six foot high screening fence shall be allowed if a Fence Height Exception is obtained as needed;
 12. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 13. All currently adopted Fire Codes shall be met; and,
 14. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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. 07RZ050 - Hansen Heights
A request by Dream Design International, Inc. to consider an application for a Rezoning from Neighborhood Commercial District to General Commercial

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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.

Planning Commission recommended that the Rezoning from Neighborhood Commercial District to General Commercial District be continued to the August 23, 2007 Planning Commission meeting at the applicant's request.

29. 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 requirements to install pavement, curb, gutter, streetlight conduit, water and sewer and dedicate additional public right-of-way on that portion of section line highway located north of Jolly Lane be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along Elk Vale Road be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water and sidewalks along Elk Vale Road be approved with the following stipulation:

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

That the Planning Commission acknowledge the applicant's withdrawal of the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Jolly Lane.

30. 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,

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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 approved with the following stipulation:

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

31. No. 07VR009 - Word of Hope Subdivision

A request by Dream Design International, Inc. to consider an application for a **Vacation of Section Line Highway** on Lot 1 of Word of Hope Subdivision, located in the NE1/4 SE1/4, lying southeast of Elk Vale Road, 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 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 Vacation of Section Line Highway be approved with the following stipulations:

- 1. Prior to City Council approval, written documentation shall be received from all the affected utility companies concurring with the vacation of Section Line Highway request; and,**
- 2. Prior to City Council approval, all necessary miscellaneous documents required to secure utility easements for the existing and proposed utilities shall be recorded at the Register of Deed's Office.**

32. No. 07SV039 - Homestead Subdivision

A request by Sperlich Consulting, Inc. for Ronald Shape to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate a planting screen easement, to allow platting half of a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 6 of Block 1, Lots 1 thru 9 of Block 2, Lots 1 thru 8 of Block 3, Lots 1 thru 19 of Block 4, Lots 1 thru 14 of Block 5, Lots 1 thru 23 of Block 6, Lots 1 thru 15 of Block 7, Lots 1 thru 15 of Block 8, Lots 1 thru 13 of Block 9, Lots 1 thru 12 of Block 10, Homestead Subdivision, located in the SE1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at the eastern terminus of Homestead Street and west of Reservoir Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate a planting screen easement, to allow platting half a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and

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pavement along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the August 23, 2007 Planning Commission meeting to allow the applicant to submit a Master Utility Plan.

33. No. 07SV041 - Word of Hope Subdivision

A request by City of Rapid City/Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate a full street per Chapter 16.12.050 of the Rapid City Municipal Code** on Lot 1 of Word of Hope Subdivision, located in the NE1/4 SE1/4, lying southeast of Elk Vale Road, 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 southeast of Elk Vale Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate a full street per Chapter 16.12.050 of the Rapid City Municipal Code be approved.

34. No. 07VR006 - Blake's Addition

A request by Advanced Engineering for Frank Washburn to consider an application for a **Vacation of Right-of-Way** on the Alley adjacent to Lots 9 thru 20 of Block 7 of Blake's Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the Alley between East Boulevard North and North Maple Avenue and E. Philadelphia Street and E. New York Street.

Planning Commission recommended that the request to vacate a public alley be continued to the August 23, 2007 Planning Commission Meeting to allow the applicant to submit additional required information.

---END OF HEARING CONSENT CALENDAR---

Elkins requested that items 14, 15, 16, 17, 20 and 21 be taken concurrently.

14. No. 07CA033 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Medium Density Residential with a Planned Residential Development** on a tract of land located in the NW1/4 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 186.87 feet to the beginning of a non-tangent curve concave to the northeast

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having a radius of 800.00 feet and a chord bearing of N31°18'22"W; Thence along said curve a distance of 553.18 feet; Thence S42°01'34"W 152.10 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center 1/4 corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

15. No. 07RZ053 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Rezoning from No Use District to Medium Density Residential District** on a tract of land located in the NW1/4 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 186.87 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of N31°18'22"W; Thence along said curve a distance of 553.18 feet; Thence S42°01'34"W 152.10 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center 1/4 corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

16. No. 07CA034 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to High Density Residential with a Planned Residential Development** on a tract of land located in the SE1/4 SE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N88°27'49"W 369.56 feet along the South line of the SE1/4 SE1/4 of said Section 22 to the True Point of Beginning; Thence N88°27'49"W 178.78 feet along said South line to the beginning of a curve concave to the northeast and having a radius of 1200.00 feet; Thence along said curve a distance of 349.48 feet; Thence N32°05'22"E 250.68 feet to the beginning of a curve concave to the northwest and having a

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radius of 1006.00 feet; Thence along said curve a distance of 433.45 feet; Thence S87°56'54"E 84.32 feet to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence S87°56'54"E 181.28 feet along the South line of said Subdivision; Thence S02°02'59"W 672.03 feet to the True Point of Beginning, from which the South 1/4 corner of said Section 22 bears N88°27'49"W a distance of 2280.00 feet, said point being monumented with a brass cap and iron pipe, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

17. No. 07RZ054 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Rezoning from No Use District to High Density Residential District** on a tract of land located in the SE1/4 SE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N88°27'49"W 369.56 feet along the South line of the SE1/4 SE1/4 of said Section 22 to the True Point of Beginning; Thence N88°27'49"W 178.78 feet along said South line to the beginning of a curve concave to the northeast and having a radius of 1200.00 feet; Thence along said curve a distance of 349.48 feet; Thence N32°05'22"E 250.68 feet to the beginning of a curve concave to the northwest and having a radius of 1006.00 feet; Thence along said curve a distance of 433.45 feet; Thence S87°56'54"E 84.32 feet to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence S87°56'54"E 181.28 feet along the South line of said Subdivision; Thence S02°02'59"W 672.03 feet to the True Point of Beginning, from which the South 1/4 corner of said Section 22 bears N88°27'49"W a distance of 2280.00 feet, said point being monumented with a brass cap and iron pipe, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

20. No. 07CA036 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to High Density Residential with a Planned Residential Development** on a tract of land located in the NE1/4 SE1/4, SE1/4 NE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N00°55'18"E 1655.11 feet along the East line of the SE1/4 of said Section 22 to the True Point of Beginning lying on the North line of the Bradeen Subdivision; Thence N87°56'04"W 517.56 feet along the North line to the northwest corner of said Subdivision; Thence N87°56'04"W 84.31 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1006.00 feet and a chord bearing of N22°44'15"W; Thence along said curve a distance of 685.41 feet; Thence N42°15'21"W 321.74 feet to the beginning of a curve concave to the northeast and having a radius of

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800.00 feet; Thence along said curve a distance of 514.07 feet; Thence N88°48'27"E 1331.68 feet to a point; Thence S02°04'04"W 1370.56 feet to the True Point of Beginning, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

21. No. 07RZ056 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Rezoning from No Use District to High Density Residential District** on a tract of land located in the NE1/4 SE1/4, SE1/4 NE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N00°55'18"E 1655.11 feet along the East line of the SE1/4 of said Section 22 to the True Point of Beginning lying on the North line of the Bradeen Subdivision; Thence N87°56'04"W 517.56 feet along the North line to the northwest corner of said Subdivision; Thence N87°56'04"W 84.31 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1006.00 feet and a chord bearing of N22°44'15"W; Thence along said curve a distance of 685.41 feet; Thence N42°15'21"W 321.74 feet to the beginning of a curve concave to the northeast and having a radius of 800.00 feet; Thence along said curve a distance of 514.07 feet; Thence N88°48'27"E 1331.68 feet to a point; Thence S02°04'04"W 1370.56 feet to the True Point of Beginning, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

Elkins presented the staff's recommendation to deny the Amendment to the Comprehensive Plan and Rezoning requests without prejudice at the applicant's request. Discussion followed.

LeMay moved, Brown seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Medium Density Residential with a Planned Residential Development; the Rezoning from No Use District to Medium Density Residential District; Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to High Density Residential with a Planned Residential Development; the Rezoning from No Use District to High Density Residential District; Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to High Density Residential with a Planned Residential Development; and, the Rezoning from No Use District to High Density Residential District be denied without prejudice at the applicant's request. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, LeMay, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that items 35, 36, 37 and 38 be taken concurrently.

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

A request by Scull Construction for Whittingham & Lestrangle, LPI to consider an application for a **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.

36. 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.

37. 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

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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.

38. 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.

Fisher presented the staff's recommendation to continue the Amendment to the Comprehensive Plan, the Rezoning and the Preliminary Plat requests to the September 6, 2007 Planning Commission meeting at the applicant's request.

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

In response to Anderson's question, Elkins stated that the staff is in contact with the representatives of the Homeowner's Association adjacent to the subject property.

Brown moved, Collins 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; the Rezoning from Park Forest District to General Commercial District; the Preliminary Plat; and 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

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U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code be continued to the September 6, 2007 Planning Commission meeting at the applicant's request. (6 to 0 to 2 with Anderson, Brown, Collins, Derby, LeMay, and Waltman voting yes and none voting no and Brewer and Scull abstaining)

*39. No. 07PD035 - Kashmir Subdivision

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

Bulman presented the staff's recommendation to continue the Major Amendment request to the August 23, 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.

Knight, Fire Department, expressed concerns with the Planned Commercial Development request being continued. Knight further commented on the applicant being out of compliance with the Fire Code and the inability of the Fire Department to enforce the Fire Code.

Collins moved, Waltman seconded and carried to continue the Major Amendment to a Planned Commercial Development to the August 23, 2007 Planning Commission meeting. (7 to 0 to 1 with Anderson, Brewer, Brown, Collins, 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.

*40. No. 07PD049 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and 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

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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 east of LaCrosse Street and north of Farnwood Avenue.

Fisher presented the staff's recommendation to approve the Planned Commercial Development request with stipulations.

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

Anderson moved, Brown seconded and carried to approve the Planned Commercial Development - Initial and Final Development Plan with the following stipulations:

- 1. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval. In particular, the proposed landscape island located along Eglin Street shall be expanded and/or revised or a separate landscape island shall be provided within this area of the property to provide direction to motorists entering and/or exiting the property;**
- 2. Prior to Planning Commission approval, the construction plans shall be revised to show the "pork chop" island as a raised island with curb and gutter in lieu of a painted island in order to have any effectiveness in controlling traffic and insuring that the approach operates as a right-in/right-out approach;**
- 3. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval clearly identifying the limits of curb along the landscaped areas and within the parking area;**
- 4. Prior to Planning Commission approval, a grading and drainage plan shall be submitted;**
- 5. Prior to Planning Commission approval, water and sewer plans shall be revised to show the water mains west of the property located within a 25 foot wide easement, with ten feet separation from the main to the property line. In addition, the plans shall be revised to show water and sewer service lines. The construction plans shall also be sealed and signed by a South Dakota licensed Professional Engineer;**
- 6. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 7. Prior to issuance of a building permit, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 8. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be**

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- reviewed and approved to insure that legal access and utility easements are in place as needed;
9. The proposed structure(s) shall conform architecturally to the plans, elevations and color palette submitted as part of this Planned Commercial Development Plan;
 10. A minimum of 228,540 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, the size of the proposed trees and shrubs at the time of planting shall comply with the approved landscape plan, print date May 11, 2007. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 11. Prior to issuance of a sign permit, the proposed four foot wide by 28.75 foot high ground sign consisting of stacked chairs and the 7 foot wide by 30 foot high ground sign located along Interstate 90 shall be revised to comply with the Sign Ordinance or a Variance from the Sign Board of Appeals shall be obtained. In particular, the two signs shall be designed as one sign on a single base or a minimum 100 foot separation between the signs shall be provided. The balance of the signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be insignificant in nature, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
 12. Prior to issuance of a building permit for the screening fence along Interstate 90, a permit to work in the right-of-way shall be obtained from the South Dakota Department of Transportation for any portion of the fence to be located in the right-of-way;
 13. Prior to issuance of a building permit or the start of construction, the design details and construction plans for the retaining walls in excess of four feet in height shall be sealed and signed by a Professional Engineer;
 14. Prior to issuance of a building permit, construction plans sealed and signed by a Professional Engineer showing the water main profile and water and sewer service lines shall be submitted for review and approval. In addition, the construction plans shall show the water main extending into the lot located west of the subject property. A Utility Easement for the water main crossing the parking lot shall also be recorded at the Register of Deed's Office;
 15. Prior to issuance of a building permit, the construction plans shall be revised to show a minimum five foot separation between private utilities and water and sewer mains;
 16. Prior to issuance of a building permit, an Industrial Pre-treatment Permit shall be obtained for the proposed trash compactor container;

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17. Prior to issuance of a building permit, an access easement shall be recorded at the Register of Deed's Office for the proposed truck route. In addition, prior to issuance of a Certificate of Occupancy, the truck route road shall be constructed;
18. The Air Quality Permit shall be amended to include the proposed development or a new Air Quality Permit shall be obtained prior to the start of any additional construction;
19. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;
20. A minimum of 572 parking spaces shall be provided. In addition, 12 of the parking spaces shall be handicap accessible spaces. One of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
21. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way to preclude creating a hazard to the passing motorist or constituting a nuisance of any kind;
22. The structure shall be used as a department store or a Major Amendment to the Commercial Development Plan shall be obtained;
23. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment; and,
24. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted. (7 to 0 to 1 with Anderson, Brewer, Brown, Collins, Derby, LeMay and 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.

*41. No. 07PD056 - Catron Crossing Subdivision

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A request by Boschee Engineering for OTS Land Co., Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1 thru 8 of Block 1, Lots 1 thru 8 of Block 2, Lots 1 thru 17 of Block 3, and Lots 1 thru 9 of Block 4, Catron Crossing Subdivision located in the SW1/4 SW1/4, W1/2 SE1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: A parcel of land located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the found corner No. 3977 of the southwest corner of Section 22; thence N89°51'52"E along south section line of Section 22, 493.84 feet to the true point of beginning; thence N89°51'52"E 818.42 feet; thence N00°00'36"E 564.46 feet; thence N89°59'24"W 709.07 feet; thence N76°18'05"W 108.67 feet; thence N00°00'00"W 63.32 feet; along a curve to the left having a radius of 274.00 feet through a central angle of 23°19'30" along said curve having a chord direction of N11°39'45"E; thence N23°19'30"E 113.52 feet; along a curve to the right having a radius of 476.00 feet through a central angle of 27°58'03" along said curve having a chord direction of N09°20'29"E; thence N04°38'33"W 36.30 feet; thence S85°21'27"W 69.30 feet; thence S06°18'31"W 135.46 feet; thence S53°48'13"W 26.53 feet; thence S00°02'33"W 317.97 feet; thence S00°02'33"W 199.35 feet; thence S00°01'07"E 458.25 feet; to the point of beginning; containing 11.31 acres more or less, and, a parcel of land located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at the found corner No. 3977 of the southwest corner of Section 22; thence N89°51'52"E along south section line of Section 22, 298.47 feet to the true point of beginning; beginning at a point; thence N89°51'52"E 195.37 feet; thence N00°01'07"W 458.25 feet; thence N00°02'33"E 199.35 feet; thence N00°02'33"E 317.97 feet; thence S53°48'13"W 78.46 feet; thence N68°58'39"W 24.58 feet; thence S23°19'30"W 120.85 feet; thence S12°21'02"W 160.14 feet; thence S00°00'00"E 112.04 feet; thence S26°16'50"W 217.16 feet; thence S16°04'27"W 91.13 feet; thence S16°04'27"W 46.34 feet; thence S10°12'24"W 126.12 feet; thence S88°50'10"E 129.50 feet; thence S00°04'44"W 105.50 feet; to the point of beginning; containing 4.48 acres more or less, more generally described as being located approximately 1200 feet south of Catron Boulevard on Bendt Drive.

Tegethoff presented the staff's recommendation to approve the Planned Residential Development request with stipulations.

LeMay moved, Scull seconded and unanimously carried to approve the Planned Residential Development - Initial and Final Development Plan with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be reviewed and approved for the lots;**
- 3. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be**

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- provided in front of each residence;
4. A minimum 25 foot setback shall be provided along the side yard abutting a street;
 5. A minimum eight foot side yard setback for one story structures and a minimum 12 foot side yard setback for two story structures shall be provided. A minimum 58 foot rear yard setback shall be provided on those lots abutting the east-west section line highway or the section line highway shall be vacated in which case a minimum 25 foot rear yard setback shall be provided. A minimum 25 foot rear yard setback shall be provided on the balance of the lots;
 6. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;
 7. Prior to Planning Commission approval, a revised site plan shall be submitted for review and approval showing the building envelope on each lot;
 8. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial and Final Planned Residential Development; and,
 9. The Planned Residential Development shall allow for the construction of single family residence(s). However, 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 two years. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, 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. 07PD057 - Stoney Creek South Subdivision

A request by Boschee Engineering for Stoney Creek Development to consider an application for a **Major Amendment to a Planned Commercial Development** on a parcel of land located in a portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, lying South of Catron Boulevard, in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the Northeast corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, Thence S25°04'24"W, 609.82 feet to the true point of beginning, said point is lying on the south right-of-way line of Catron Boulevard; Thence departing said south right-of-way line, S25°51'23"W, 193.96 feet; thence N70°48'41"W, 304.64 feet to a point lying on the easterly right-of-way line of Bendt Drive as shown on the final plat of Stoney Creek South Subdivision; Said point is also lying on a curve concave to the southeast and whose chord bears N44°11'25"E, 11.07 feet; Thence northerly along the arc of said curve to the right whose radius is 174.00 feet, and whose delta angle is 03°38'45", an arc distance of 11.07 feet to a point of reversed curvature; Thence continuing northerly along

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said easterly right-of-way line of Bendt Drive the following two courses; Thence northerly along the arc of said curve to the left whose radius is 226.00 feet, and whose delta angle is $33^{\circ}41'44''$, an arc distance of 132.91 feet to a point of tangency; Thence $N12^{\circ}19'03''E$, 57.83 feet to a point lying on the southerly right-of-way line of Catron Boulevard; said point is also lying on a curve concave to the southwest and whose chord bears $S70^{\circ}05'51''E$, 306.73 feet; Thence southeasterly along said right-of-way line and along the arc of said curve to the right whose radius is 1356.92 feet, and whose delta angle is $12^{\circ}58'45''$, an arc distance of 307.38 feet to the true point of beginning, containing 1.354 acres more or less, more generally described as being located at the southeast corner of the intersection of Bendt Drive and Catron Boulevard.

Tegethoff presented the staff's recommendation to deny the Major Amendment request without prejudice because the proposed sign is not appropriate for the adjacent residential development.

Collins moved, LeMay seconded and unanimously carried to deny the Major Amendment to a Planned Commercial Development without prejudice. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, 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.

43. 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, $S89^{\circ}59'08''W$, 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, $S71^{\circ}30'56''W$, 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, $N88^{\circ}29'49''W$, 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, $N88^{\circ}29'49''W$, a distance of 15.67 feet, more or less, to the

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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

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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.

Fisher presented the staff's recommendation to approve the Preliminary Plat request with stipulations.

In response to Brewer's question, Fisher identified the location of the existing pipeline on the subject property. Fisher further advised that the applicant is working with the Rocky Mountain Pipeline staff regarding the relocation of the pipeline. Discussion followed.

In response to Brewer's question, Dominicak advised that the pipeline is a liquid gasoline pipeline.

Brown moved, Collins seconded and unanimously carried to recommend that the Preliminary Plat for 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 of Copperfield Vistas Subdivision be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the Planning Commission, the

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grading plans and construction plans shall be revised to show that the Rocky Mountain Pipeline is being protected as needed;

2. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
3. Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to provide storm sewer inlets at the intersection of Copperfield Drive and Homestead Street as per the Drainage Criteria Manual;
4. Prior to Preliminary Plat approval by the City Council, miscellaneous documents shall be recorded at the Register of Deed's Office securing off-site utility and drainage easements as needed;
5. Prior to submittal of a Final Plat application, the applicant shall enter into a cost sharing agreement with the City for any sewer improvements needed to serve the proposed development if necessary;
6. 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,
7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, LeMay, Scull and Waltman voting yes and none voting no)

44. No. 07SR043 - Section 7, T1N, R8E

A request by Renner Engineering for the Salvation Army to consider an application for an **SDCL 11-6-19 Review to extend a public sewer main** on Lot 11 of Block 5 of Gus Haines, Tract 1 of Outlot B less Lot A-C and less Lot 1 of Horizon Subdivision, and Lot 1 of Horizon Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of E. St. Patrick Street and east of Ivy Avenue.

Tegethoff presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the August 23, 2007 Planning Commission meeting.

LeMay moved, Collins seconded and unanimously carried to continue the SDCL 11-6-19 Review to the August 23, 2007 Planning Commission meeting. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, LeMay, Scull and Waltman voting yes and none voting no)

Smith requested that items 45, 46 and 47 be taken concurrently.

45. 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,

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T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at 15010 E. Highway 44.

46. 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.

47. No. 07SV038 - H-O Subdivision

A request by Kathleen Berger to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate Right-of-way along the Section Line Highway** on Lot 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.

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

In response to Brewer's question, Smith identified the location of the section line highway. Elkins further advised that the section line highway may be improved by the applicant. Discussion followed.

Lynn Banning, agent for the applicant requested that the Variance request for paving be approved. Discussion followed.

Elkins advised that staff would review the additional information with the applicant and the Department of Transportation. Discussion followed.

In response to LeMay's question, Elkins stated that an assessment is not allowed on a section line highway when it has not been dedicated as right-of-way.

Brown moved, Waltman seconded and unanimously carried to recommend that the Preliminary Plat be approved with the following stipulations:

1. **Prior to Preliminary Plat approval by the Planning Commission the applicant shall obtain a Lot Size Variance from Pennington County for proposed Lot C.**
2. **Prior to Preliminary Plat approval by the City Council, road construction plans for the portion of section line highway that abuts Lot BR shall be submitted for review and approval. In particular, the**

DRAFT

road construction plans shall show the street constructed with curb, gutter, pavement, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;

3. Prior to Preliminary Plat approval by the City Council, road construction plans for S.D. Highway 44 shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, pavement, sidewalk, water, sewer, and street light conduit or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council the plat document shall be revised to identify 49 feet of right-of-way along the portion of section line highway that abuts proposed Lot BR, or a Variance to the Subdivision Regulations shall be obtained.
5. Upon submittal of a Final Plat the plat document shall be revised to add a note stating that if sufficient fire flows cannot be met that all habitable structures shall be sprinklered.
6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; or a Variance to the Subdivision Regulations shall be obtained.
7. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along S.D. Highway be approved with the following stipulation:

1. Prior to approval by Council the applicant shall sign a waiver of right to protest future assessments.

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

1. Prior to approval by Council the applicant shall sign a waiver of right to protest future assessments.

That the Variance to the Subdivision Regulations to waive the requirement to install pavement along the section line highway be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement to dedicate Right-of-way along the Section Line Highway be approved. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, LeMay, Scull and Waltman voting yes and none voting no)

Bulman requested that items 48 and 49 be taken concurrently.

48. No. 07TI009 – Section 16, T1N, R8E

A request by Dream Design International, Inc. for Zandstra Real Estate Holdings to consider an application for a **Resolution Creating a Tax Increment District**

DRAFT

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.

49. No. 07TI010 - Section 16, T1N, R8E

A request by Dream Design International, Inc. for Zandstra Real Estate Holdings to consider an application for a **Tax Increment District Project Plan** on Tract 1 of the E1/2 of Section 16 less Elks Country Estates and the SW1/4 of Section 16 less Plum Creek Subdivision, all located in Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the N1/2N1/2NE1/4NW1/4 and the N1/2N1/2NW1/4NE1/4 and the E1/2NE1/4, all located in Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located south and west of Elks Country Estates and east of Elk Vale Road.

Bulman presented the Tax Increment Financing Committee's recommendation to approve the Resolution Creating a Tax Increment District for Minnesota Street and the Tax Increment District Project Plan.

Brewer acknowledged Councilman Ron Kroeger as Council liaison.

Fred Weishaupl, Rapid City resident, expressed his opposition to the Resolution Creating a Tax Increment District and the Tax Increment District Project Plan. Weishaupl expressed his opinion that the Tax Increment Financing request does not meet the criteria for "blight", costs for developer, drainage pond extension, and signalization and interest costs.

Brian Vulcan, Forefront Design agent for the applicant, requested that the Tax Increment District and Tax Increment District Project Plan requests be approved. Vulcan further advised that meetings were held with staff to address any questions or concerns with the Tax Increment District and Tax Increment District Project Plan requests.

In response to Derby's question, Elkins stated that the Tax Increment Committee addressed the irrigation pipe and they felt that an open channel would create a safety hazard. Elkins explained that the 200% interest is relative because the Tax Increment District will run the full 20 years.

Anderson commented on meeting with applicant addressing the details of water supply and storm retention from the proposed development on the subject property. Anderson expressed his support for the Tax Increment District request.

Brown moved, Scull seconded and unanimously carried to recommend that the Resolution Creating the Minnesota Street Tax Increment District and the Tax Increment District Project Plan be approved. (7 to 1 with Anderson, Brewer, Brown, Collins, Derby, Scull and Waltman voting yes and LeMay

DRAFT

voting no)

50. No. 07TI014 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for **A Revision to the Tax Increment District No. 56 Project Plan** on that portion of the Interstate 90 right-of-way lying in the SE1/4 NE1/4 and in the NE1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right-of-way located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Interstate 90 right-of-way located in the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract F, Marshall Heights Subdivision No. 2 and the Interstate 90 right-of-way lying south of and adjacent to Tract F, Marshall Heights Subdivision No. 2, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the East Disk Drive right-of-way lying east of North LaCrosse Street located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot K-4 less Lot H-1, Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2 and the south ½ of the vacated alley and Pine Street right-of-way adjacent to said lots, Block 2, Rapps Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Entire Farnwood Avenue right-of-way, entire Spruce Street right-of-way, and entire Rapp Street right-of-way all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the North LaCrosse Street right-of-way lying adjacent to Lot K-4 of Marshall Heights Tract and Lot 1 of Bedco Subdivision and including the entire intersection of North LaCrosse Street and Rapp Street, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 located in N1/2 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted portion of the N1/2 SE1/4 lying south of Interstate 90, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 and 2, Bedco Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4 SE1/4 lying north of the railroad right-of-way and the unplatted portion of the SW1/4 SE1/4 all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the S1/2 lying south of Interstate 90 and north of the railroad right-of-way, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the NE1/4 NW1/4 and N1/2 NE1/4 lying north of the railroad right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, That portion of the Dyess Avenue right-of-way lying in the S1/2 SW1/4 and the entire intersection of Dyess Avenue and Eglin Street all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of LaCrosse Street and south of U.S. Interstate 90.

Bulman presented the Tax Increment Finance Committee's recommendation to approve the Tax Increment District No. 56 revised Project Plan subject to the City funding their portion of the cost from the .16 Utility Fund.

In response to Brewer's question, Elkins stated that the Rapid City Council would

DRAFT

determine whether or not the .16 Funding is available. Elkins further commented that the existing Project Plan is in place and the applicant could continue to rely on the existing plan or proposed.

In response to Anderson's questions, Elkins stated that the .16 Committee has concerns with using hookup fees. Elkins advised that the preference is to use a Tax Increment Financing to ensure that the funding is repaid. Discussion followed.

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

Derby moved, Anderson seconded and carried to recommend that the Tax Increment District No. 56 Revised Project Plan (Third Revision) be approved contingent upon funding for the City's share of the project costs from the .16 Utility Fund. (6 to 1 to 1 with Anderson, Brewer, Brown, Derby, LeMay, Scull and Waltman voting yes and Collins voting no and Waltman abstaining)

51. Discussion Items

52. Staff Items

A. Parkland and School Land Dedication.

Elkins requested that the Parkland and School Land Dedication be continued to a training session with the Parks Director to brief the Commission on the Parks Master Plan and to allow staff to provide additional information to the Planning Commission.

Brown moved, Waltman seconded and unanimously carried to continue the Parkland and School Land Dedication to a training session to allow staff to provide additional information. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, LeMay, Scull and Waltman voting yes and none voting no)

B. Elkins stated that the Future Land Use Committee has requested an Ordinance Amendment to allow Planned Developments and Heavy Industrial Zoning District. Elkins stated that Planned Developments are allowed to address concerns with regard to aesthetic issues to buffer Heavy Industrial areas. Elkins requested that the Planning Commission authorize staff to draft an Ordinance Amendment to allow Planned Developments to be used in Heavy Industrial Zoning District.

Brewer expressed his support for the Ordinance Amendment request. Discussion followed.

Karen Gunderson Olsen, expressed her support for Heavy Industrial uses in the community.

DRAFT

Brown moved, Collins seconded and unanimously carried to direct staff to draft an Ordinance Amendment to allow Planned Developments to be used in Heavy Industrial Zoning District. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, LeMay, Scull and Waltman voting yes and none voting no)

53. Planning Commission Items

54. Committee Reports

- A. City Council Report (July 16, 2007)
The City Council concurred with the recommendations of the Planning Commission.
- 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, Collins moved, LeMay seconded and unanimously carried to adjourn the meeting at 8:10 a.m. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, LeMay, Scull and Waltman voting yes and none voting no)