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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 6, 2007

MEMBERS PRESENT: Peter Anderson, Barb Collins, Mike Derby, Frank Etter, Julie Gregg, Dennis Landguth, Mike LeMay and Steve Rolinger. Ron Kroeger, Council Liaison was also present.

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Vicki Fisher, Karen Bulman, Travis Tegethoff, Jonathan Smith, Mary Bosworth, Todd Peckosh, Tim Behlings, Kevin Lewis and Jenni Dragoo.

Derby called the meeting to order at 7:03 a.m.

Derby 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.

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

A member of the audience requested that Item 7 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by LeMay, Seconded by Landguth and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 12 in accordance with the staff recommendations with the exception of Items 3 and 7. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the August 23, 2007 Planning Commission Meeting Minutes.
2. No. 07PL062 - Paradise Pines Subdivision
A request by Boschee Engineering for Scott and Janice Zandstra to consider an application for a **Preliminary Plat** on Lot 1 of Block 1 of Paradise Pines Subdivision, located in the SW1/4 of the SE1/4, Section 7; and the NW1/4 of the NE1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2E, less Right-of-way of the SW1/4 of the SE1/4, Section 7, T1S, R7E, BHM; and a portion of the NW1/4 of the NE1/4, Section 18, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Wilderness Canyon Road and U.S. Highway 16.

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

1. **Prior to submittal of a Final Plat the applicant shall submit for review**

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and approval an alternate name for the access easement with the Emergency Services Communication Center. In addition, the plat document shall be revised to identify the approved alternate name.

4. No. 07PL101 - Tuscany Square Subdivision

A request by TSP for Bob Brandt to consider an application for a **Preliminary Plat** on Tract 1 and Tract 2 of Tuscany Square Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as 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 recommended that the Preliminary Plat be continued to the September 20, 2007 Planning Commission meeting to allow the applicant to submit sealed and signed plans showing the existing construction of Omaha Street and to allow the Public Works Committee to consider an associated Exception request.

5. No. 07PL105 - Skyview North Subdivision

A request by Shannon Schad to consider an application for a **Preliminary Plat** on Lots 1R2, 2R2 and 3R in Block 2 of Skyview North Subdivision, located in the NE1/4 of the SE1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1R, 2R and 3 in Block 2 of Skyview North Subdivision, located in the NE1/4 of the SE1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2038, 2050 and 2064 Harney Drive.

Planning Commission recommended that the Planning Commission acknowledge the applicant's request to withdraw the Preliminary Plat application.

6. No. 07PL106 - Palmer Subdivision

A request by Renner & Associates for Stephen E. Hilton to consider an application for a **Preliminary Plat** on Hilton Tract of Palmer Subdivision, Section 14, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract A of Palmer Subdivision and the SW1/4 of the NW1/4 of Section 14, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 22550 Potter Road.

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

1. **Prior to City Council Approval of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If on-site wastewater treatment systems are proposed then information on depth and type of soil, and capacity of septic tanks proposed must be submitted for review**

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and approval and percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems be submitted for review and approval;

2. Prior to City Council approval of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well and/or a community water system is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be designed and constructed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed;
3. Prior to City Council approval of a Preliminary Plat application, road construction plans for Palmer Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to City Council approval of a Preliminary Plat application, a Wildland Fire Mitigation Plan shall be submitted for review and approval;
5. Prior to City Council approval of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
6. Prior to City Council approval of a Preliminary Plat application, a revised legal description for the proposed lot shall be submitted for review and approval;
7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.

8. No. 07PL108 - Heartland Retail Center

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lot 4 of Block 1 of Heartland Retail Center, Section 27 and 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the S1/2 of the SW1/4 of Section 27, and a portion of the N1/2 of the NW1/4 of Section 34, located in the S1/2 of the SW1/4, Section 27, and the N1/2 of the NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Cheyenne Boulevard.

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

1. Prior to Preliminary Plat approval by the City Council, construction plans for the collector street located along the north lot line shall be submitted for review and approval. In particular, the construction

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plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained;

2. Prior to Preliminary Plat approval by the City Council, all of the affected utility easements shall indicate concurrence with the vacation of section line highway or the plat document shall be revised to retain the section line highway as a utility easement;
 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 4. Prior to submittal of a Final Plat application, the plat document shall be revised to eliminate the proposed vacation of the section line highway located east of proposed Lot 4;
 5. Prior to submittal of a Final Plat application, the plat title shall be revised to include the vacation of section line highway located on proposed Lot 4;
 6. Prior to submittal of a Final Plat application, miscellaneous documents shall be filed at the Register of Deed's Office creating drainage and utility easement(s) for the 60 foot wide Major Drainage Easement and the eight inch wide West River Electric Easement to be located along the south side of Cheyenne Boulevard, respectively;
 7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
9. No. 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 approved the SDCL 11-6-19 Review to allow the construction of a structure on public property.

10. 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.

Planning Commission approved the SDCL 11-6-19 Review to allow the extension of a sewer main with the following stipulation:

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1. **Prior to Planning Commission approval, temporary and permanent easements for the sewer main extension project shall be recorded at the Pennington County Register of Deeds office.**

11. No. 07SR044 - Robbinsdale Addition No. 9

A request by FourFront Design, Inc. to consider an application for an **SDCL 11-6-19 Review to allow the construction of structures on public property** on Lots 1 thru 3 and Lots 8 thru 11 of Block 1, Lots 1 thru 9 of Block 2 of Robbinsdale Addition No. 9, located in the NW1/4 NE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Hemlock Street and Bluebird Court.

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

12. No. 07SR046 - Government Lot 2, Section 6, T1N, R8E

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow the acquisition of 4.25 acres of property for public use, and to allow the facility to be used for vehicle storage, traffic operations storage, and police operations storage** on Lot 2 of Government Lot 2, less 472 feet and Tract C, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 760 Centre Street.

Planning Commission approved the SDCL 11-6-19 Review to allow the acquisition of 4.25 acres of property for public use, and to allow the facility to be used for vehicle storage, traffic operations storage, and police operations storage.

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

3. No. 07PL100 - Medicine Ridge Subdivision

A request by Sperlich Consulting for Schriener Investments, LLC to consider an application for a **Preliminary Plat** on Lots 1 thru 6 of Block 1, Lots 1 thru 5 of Block 2 and Lot 1 of Block 3 of Medicine Ridge Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Stumer Road and north of Enchantment Road.

Kale McNaboe, Sperlich Consulting, representing the applicant, stated that the stipulations have now been met and requested that the Planning Commission action be taken on the item. Elkins stated that the item may be approved if the Planning Commission so wishes. Elkins noted that staff has no objection to approval of the item with stipulations; however, the Planning Commission has stated that when supplemental information is submitted past the deadline, the application must be continued to the next meeting to allow the Planning Commission time to review the request.

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LeMay moved, Collins seconded that the Preliminary Plat be continued to the September 20, 2007 Planning Commission meeting to allow the applicant to submit additional information. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)

7. No. 07PL107 - South Yard Subdivision

A request by FourFront Design, Inc. for Moyle Petroleum Company to consider an application for a Preliminary Plat on Lots 1 and 2 of South Yard Subdivision, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 SW1/4, less Lot H5 (formerly lots 8 thru 10 of Swander's Addition), Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of South Dakota Highway 79 and Minnesota Street.

Curt Huus, representing the applicant, FourFront Design, requested approval of the Variance to allow the Preliminary Plat to go forward. Elkins stated that there are no existing conditions to support the Variance to the Subdivision Regulations. Elkins stated that drainage information has not been received and that the staff would recommend continuation of the Preliminary Plat. Elkins stated that if the applicant wants action taken on the Preliminary Plat at this time, staff would have to recommend denial of the request.

Collins moved, Rolinger seconded that the Preliminary Plat be continued to the September 20, 2007 Planning Commission meeting to allow the applicant to submit the required information. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)

Derby announced that the Public Hearings on Items 13 through 40 were opened.

Dominicak requested that Item 34 be removed from the Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 39 be removed from the Hearing Consent Agenda for separate consideration.

LeMay moved, Gregg seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 13 through 40 in accordance with the staff recommendations with the exception of Item 34 and 39. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)

The Public Hearings for Items 13 through 40 were closed.

---HEARING ITEMS CONSENT CALENDAR---

13. No. 07CA009 - Knecht Park Subdivision

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A request by Rimrock Estates, LLC for Heavy Constructors, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Flood Hazard to Medium Density Residential with a Planned Residential Development** on Lot 1 of Knecht Park Subdivision, Sections 8 and 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Idlehurst Lane and Jackson Boulevard.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Flood Hazard to Medium Density Residential with a Planned Residential Development be denied without prejudice at the request of the applicant.

14. No. 07RZ014 - Knecht Park Subdivision

A request by Rimrock Estates, LLC for Heavy Constructors, Inc. to consider an application for a **Rezoning from Flood Hazard District to Medium Density Residential District** on Lot 1 of Knecht Park Subdivision, Sections 8 and 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Idlehurst Lane and Jackson Boulevard.

Planning Commission recommended that the Rezoning request from Flood Hazard District to Medium Density Residential District be denied without prejudice at the request of the applicant.

15. 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 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

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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 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 September 20, 2007 Planning Commission.

16. 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:

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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 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

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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 September 20, 2007 Planning Commission meeting to allow the applicant time to submit additional information.

17. 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 to Neighborhood Commercial with a Planned Commercial Development be continued to the September 20, 2007 Planning Commission.

18. 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

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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 September 20, 2007 Planning Commission meeting to allow the applicant time to submit additional information.

19. No. 07CA037 - 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 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.

Planning Commission recommended 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 be continued to the September 20, 2007 Planning Commission Meeting to allow the request to be considered in conjunction with the rezoning request and to allow the applicant time to submit additional information.

20. No. 07RZ059 - 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 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

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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.

Planning Commission recommended that the Rezoning from No Use District to Medium Density Residential District be continued to the September 20, 2007 Planning Commission Meeting to allow the applicant time to submit additional information.

21. No. 07CA038 - 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 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.

Planning Commission recommended 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 be continued to the September 20, 2007 Planning Commission meeting to allow it to be considered in conjunction with the rezoning request and to allow the applicant time to submit additional information.

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22. No. 07RZ060 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Rezoning from No Use to Medium Density Residential** 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.

Planning Commission recommended that the Rezoning from No Use to Medium Density Residential District be continued to the September 20, 2007 Planning Commission meeting to allow the applicant to submit additional information.

23. No. 07CA039 - 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 II** 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 215.75 feet to a point; Thence N45°00'00"E 192.27 feet to the beginning of a curve concave to the northwest and having a radius of 2000.00 feet; Thence along said curve a distance of 450.67 feet to a point; Thence N32°05'22"E 84.51 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of N59°55'26"W; Thence along said curve a distance of 500.56 feet to a point; Thence S42°01'34"W 646.67 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 to a point; Thence S20°00'00"W 105.33 feet to the beginning of a non-

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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 Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Low Density Residential II be continued to the September 20, 2007 Planning Commission meeting to allow it to be considered in conjunction with the rezoning request and to allow the applicant time to submit additional information.

24. No. 07RZ061 - 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 II 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 215.75 feet to a point; Thence N45°00'00"E 192.27 feet to the beginning of a curve concave to the northwest and having a radius of 2000.00 feet; Thence along said curve a distance of 450.67 feet to a point; Thence N32°05'22"E 84.51 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of N59°55'26"W; Thence along said curve a distance of 500.56 feet to a point; Thence S42°01'34"W 646.67 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 to a point; 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 II District be continued to the September 20, 2007 Planning Commission Meeting to allow the applicant to submit additional information.

25. No. 07CA040 - Robbinsdale Subdivision No. 10

A request by Sperlich Consulting, Inc. for Williams & Associates Architecture, Inc.

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to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Medium Density Residential to Office Commercial** on Lot 33R of Block 18 of Robbinsdale Subdivision No. 10, located in the SE1/4 NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Anamaria Drive and Fifth Street.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Medium Density Residential to Office Commercial be continued to the September 20, 2007 Planning Commission meeting to be heard in conjunction with the associated Planned Commercial Development - Initial Development Plan.

26. No. 07RZ063 - Robbinsdale Subdivision No. 10

A request by Sperlich Consulting, Inc. for Williams & Associates Architecture, Inc. to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lot 33R of Block 18 of Robbinsdale Subdivision No. 10, located in the SE1/4 NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Anamaria Drive and Fifth Street.

Planning Commission recommended that the Rezoning request from Medium Density Residential District to Office Commercial District be continued to the September 20, 2007 Planning Commission meeting to be heard in conjunction with the Comprehensive Plan and the Planned Commercial Development - Initial Development Plan requests.

*27. No. 07PD068 - Robbinsdale Subdivision No. 10

A request by Sperlich Consulting, Inc. for Williams & Associates Architecture, Inc. to consider an application for a **Planned Commercial Development - Initial Development Plan** on Lots 32R and 33R of Block 18 of Robbinsdale Subdivision No. 10, located in the SE1/4 NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Anamaria Drive and Fifth Street.

Planning Commission continued the Planned Commercial Development - Initial Development Plan to the September 20, 2007 Planning Commission meeting to allow the applicant to submit the required information.

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

28. No. 07OA008 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to amend Section 17.24.030 of the Rapid City Municipal Code**

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to allow **Planned Industrial Development as a Conditional Use** in the Heavy Industrial Zoning District; to amend Section 17.50.105 of the Rapid City Municipal Code to refer to **Planned Industrial Developments** rather than **Planned Light Industrial Development**, to address the uses permitted in the **Planned Industrial Development**, the landscaping requirements, set back and lot average requirement.

Planning Commission recommended that the Ordinance Amendment to amend Section 17.24.030 of the Rapid City Municipal Code to allow **Planned Industrial Development as a Conditional Use** in the Heavy Industrial Zoning District, and to amend Section 17.50.105 of the Rapid City Municipal Code to refer to **Planned Industrial Developments** rather than **Planned Light Industrial Development**, to address the uses permitted in the **Planned Industrial Development**, the landscaping requirements, set back and lot coverage requirement be approved.

*29. No. 07PD059 - Feigel Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Shane Leibig to consider an application for a **Planned Light Industrial Development - Initial and Final Development Plan** on Lot 3 of Block 4 of Feigel Subdivision, located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 924 E. Watertown Street.

Planning Commission continued the Planned Light Industrial Development - Initial and Final Development Plan to the September 20, 2007 Planning Commission meeting to allow the applicant to submit additional information.

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

*30. No. 07PD063 - Fountain Springs Park Subdivision

A request by Roger Beck for Orville and Marilyn Zimmerman to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 11A of Block 2 of Fountain Springs Park Subdivision, located in the NW1/4 SW1/4 of Section 26, and the NE1/4 of the SE1/4 and the SE1/4 of the NE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1935 Sunny Springs Drive.

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

1. The rear yard setback is hereby reduced from 19 feet to 15 feet for a deck;
2. The proposed deck shall conform architecturally to the plans, elevations and color palette submitted as part of the Residential Development Plan;

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3. A building permit shall be obtained prior to any construction of the deck;
4. A minimum of two maple trees shall be planted and maintained in a live vegetative state between the west lot line of the property and the deck. In addition, the trees shall be located outside of the eight foot wide major drainage easement along the west lot line of the property;
5. All provisions of the Office Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment; and,
6. 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. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Residential 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.

*31. No. 07PD064 - Best Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Brendon Stuckey of Best Buy Stores, LP to consider an application for a **Major Amendment to a Planned Commercial Development** on all of Lot 8R of Block 3 of the NW1/4 NE1/4 of Section 25, T2N, R7E, of the BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2320 Haines Avenue.

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

1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
2. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
3. The proposed structure shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Commercial Development Plan;
4. 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. A sign permit must be obtained prior to installation of any signage;
5. 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;

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6. All provisions of the Off-Street Parking Ordinance shall be continually met;
7. 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;
8. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;
9. All the adopted International Fire Codes shall be met; and,
10. 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.

*32. No. 07PD067 - Founder's Park Subdivision

A request by Williams & Associates Architecture, Inc. for Founder's Park, LLC to consider an application for a **Planned Commercial Development - Final Development Plan** on Lot 8 of Founder's Park Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 314 Founders Park Drive.

Planning Commission approved the Planned Unit Development – 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 building permit, 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 Development Service Center Division;
3. Prior to issuance of a building permit, a joint parking agreement shall be submitted for review and approval and, subsequently, recorded to allow the parking lot to be located on Lots 6, 7, 8 and 9 of Founders Park Subdivision;
4. An Air Quality Permit shall be obtained or an amendment to the existing Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
5. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of the Planned Unit Development;
6. All signage shall conform architecturally to the design plans and color palette submitted as a part of this Planned Unit Development. The lighting for the sign(s) shall be designed to preclude reflection on the adjacent properties and/or street(s). A sign permit shall also be

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obtained for each individual sign. In addition, no off-premise signage shall be allowed;

7. Prior to issuance of a building permit, the landscape plan shall be revised to eliminate trees and shrubs within the Major Drainage Easement or within ten feet of the sanitary sewer main located along the east lot line of the property. The revised landscape plan shall continue to provide a minimum of 148,296 landscaping points on Lots 6, 7, 8 and 9 of Founders Park Subdivision as previously approved. 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;
8. A minimum of 228 parking spaces shall be provided on Lots 6, 7, 8 and 9 of Founders Park Subdivision as previously approved, with the provision that a maximum of 52,000 square foot of gross square footage of office building may be built on the four lots, not including the mechanical and storage area. In addition, five of the parking spaces shall be handicap accessible with one space being "van" accessible. In addition, all provisions of the Off-Street Parking Ordinance shall be continually met;
9. The dumpster shall be located as shown on the site plan and screened on all four sides as proposed;
10. All outdoor air handling equipment shall be screened on all four sides with a minimum five foot high stone or brick veneer fence and/or mature landscaping;
11. 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;
12. All currently adopted Fire Codes shall be met;
13. All provisions of the Office Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Planned Unit Development application or a subsequent Major Amendment; and,
14. An office building consisting of 11,437 square feet of office space and 4,503 square feet of mechanical equipment and storage space shall be allowed on the property. Any other use shall require a Major Amendment to the Planned Unit Development. The Planned Unit 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 one year time extension may be granted if a written request is submitted to the Growth Management Director for review and approval prior to the Final Development Plan approval expiration date.

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

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Commission.

33. No. 07RZ062 - Mailloux Subdivision

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

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

35. No. 07SV042 - Tuscany Square Subdivision

A request by TSP for Bob Brandt to consider an application for a **Variance to the Subdivision Regulations to reduce the width of the access easement from 59 feet to 26 feet, to waive the requirement to provide a minimum eight foot wide drainage and utility easement, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 1 and Tract 2 of Tuscany Square Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as 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 recommended that the Variance to the Subdivision Regulations be continued to the September 20, 2007 Planning Commission meeting to allow the applicant to submit sealed and signed plans showing the existing construction of Omaha Street and to allow the Public Works Committee to consider an associated Exception request.

36. No. 07SV045 - Skyview North Subdivision

A request by Shannon Schad to consider an application for a **Variance to the Subdivision Regulations to reduce the easement width from 49 feet to 20 feet for a common access easement and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along the access easement as per Chapter 16 of the Rapid City Municipal Code** on Lots 1R2, 2R2 and 3R in Block 2 of Skyview North Subdivision, located in the NE1/4 of the SE1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1R, 2R and 3 in Block 2 of Skyview North Subdivision, located in the NE1/4 of the SE1/4, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2038, 2050 and 2064 Harney Drive.

Planning Commission recommended that the Planning Commission acknowledge the applicant's request that the Variance to the Subdivision Regulations to reduce the easement width from 49 feet to 20 feet for a common access easement and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement

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along the common access easement as per Chapter 16 of the Rapid City Municipal Code be withdrawn.

37. No. 07SV046 - Palmer Subdivision

A request by Renner & Associates for Stephen E. Hilton to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sewer, water, street light conduit and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on Hilton Tract of Palmer Subdivision, located in the SW1/4 of the NW1/4, SE1/4 of the NW1/4, and the NE1/4 of th SW1/4, Section 14, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract A of Palmer Subdivision and the SW1/4 of the NW1/4, located in the SW1/4 of the NW1/4, SE1/4 of the NW1/4, and the NE1/4 of th SW1/4, Section 14, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 22550 Potter Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sewer, water, street light conduit and sidewalk 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.**

38. No. 07SV047 - Medicine Ridge Subdivision

A request by Sperlich Consulting, Inc. for Schriner Investments to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install water, sewer, curb, gutter, pavement, sidewalk, street light conduit and to waive the requirement to dedicate the right-of-way along the Section line highway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 6 of Block 1, Lots 1 thru 5 of Block 2 and Lot 1 of Block 3 of Medicine Ridge Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Enchanted Pines Drive and Stumer Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install water, sewer, curb, gutter, pavement, sidewalk, street light conduit and to waive the requirement to dedicate the right-of-way along the Section line highway as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

40. No. 07VR008 - Section 32, T2N, R8E

A request by Thomas J. Farrar to consider an application for a **Vacation of Right-of-way** on Lot H-1 and H-2 of LotB of Lot 1 in the NW1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of

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Century Road and East North Street.

Planning Commission recommended that the Vacation of Right-of-way be continued to the September 20, 2007 Planning Commission meeting to allow the applicant to submit the required information.

---END OF HEARING CONSENT CALENDAR---

34. 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.

Anderson moved, LeMay seconded 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 pavement along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the October 4, 2007 Planning Commission meeting to allow the applicant to coordinate with Rapid Valley Sanitary District the possible location(s) of a water main through the property. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)

39. No. 07SV048 - South Yard Subdivision

A request by FourFront Design, Inc. for Moyle Petroleum Company to consider an application for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on the rearage road and a variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1 and 2 of South Yard Subdivision, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 SW1/4, less Lot H5 (formerly lots 8 thru 10 of Swander's Addition), Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of South Dakota Highway 79 and Minnesota Street.

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Curt Huus, representing the applicant, FourFront Design, requested that the Variance to the Subdivision Regulations to be approved. Huus stated that water is already in place along South Dakota Highway 79 and sewer is in place along the rearage road.

Elkins stated that the staff recommends denial of the Variance request as the street improvements are required with the development. Elkins stated that staff has suggested that the applicant phase the project; however, Huus stated that the applicant has chosen to not do that.

In response to LeMay's question, Huus stated that he had no formal presentation to support his position. The applicant requested continuation of the request.

Collins moved, Rolinger seconded that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on the rearage road and a variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, water, sewer, street light conduit and sidewalk on Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the September 20, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that items 41, 42, 43 and 44 be taken concurrently.

41. No. 07CA023 - Tower Ridge No. 2 Subdivision
A request by Scull Construction for Whittingham & Lestrangle, LPI to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described as follows: commencing at the rear lot corner common to Lots 3 and 4 of Block 1 of Tower Ridge 2 Subdivision, rebar with a survey cap stamped LS 6117, Thence S25°59'34"E a distance of 55.29' to the point of beginning; Thence First Course: along a line with a bearing of N00°00'38"E and a distance of 355.70; Thence Second Course: along a line with a bearing of S10°41'47"E and a distance of 590.96 feet; to an intersection with the northerly line of Lot 5 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 5 and the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision with a bearing of N25°59'34"W and a distance of 250.40 feet to the Point of Beginning, more generally described as being located northeast of Table Rock Road.
42. 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**

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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.

43. 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.

44. 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

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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 requests to the October 4, 2007 Planning Commission meeting.

Gregg moved, Collins seconded the motion to continue 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 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, and the Preliminary Plat to the October 4, 2007 Planning Commission meeting to allow the applicant to submit additional information. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)

*45. No. 07PD060 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Final Development Plan** on a portion of the SW1/4 of the SW1/4 of Section 29, a portion of Lot A of Lots 1 and 2, of Lot B of Lot 2, SE1/4 of SW1/4 Section 29, a portion of Lot 1R, Lot BR of Lot 2, and Lot C of Lot 2, SE1/4 of SW1/4 Section 29, a portion of Lot 1 of the SW1/4 of SE1/4, Section 29, a portion of Tract C of SW1/4, Section 29, and Tract C of NE1/4 of NW1/4 and NW1/4 of NE1/4, Section 32, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N72°57'23"E, a distance of 1101.49 feet, to a point on the northerly edge of railroad right-of-way, and the point of beginning; Thence, first course: N18°38'17"E, a distance of 355.05 feet; Thence, second course: N71°13'41"W, a distance of 99.99 feet; Thence, third course: N19°04'01"E, a distance of 128.31 feet; Thence, fourth course: N20°54'05"E, a distance of 131.90 feet; Thence fifth course: S62°26'30"E, a distance of 40.60 feet; Thence sixth course: N62°57'08"E, a distance of 39.81 feet; Thence seventh course: S67°45'57"E, a distance of 104.51 feet, to the point of curve; Thence eighth course: curving to the right, on a curve with a radius of 550.00 feet, a delta angle of 06°32'17", a length of 62.76 feet, a chord bearing of S64°29'48"E, and chord distance of 62.73 feet, to the point of tangency; Thence ninth course: S61°13'39"E, a distance of 423.21 feet; Thence tenth course: S55°31'01"E, a distance of 50.25 feet; Thence eleventh course: S61°13'39"E, a distance of 75.14 feet; Thence twelfth course:

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S17°40'27"E, a distance of 37.26 feet; Thence thirteenth course: S61°13'39"E, a distance of 78.67 feet; Thence fourteenth course: N65°38'22"E, a distance of 38.34 feet; Thence fifteenth course: S61°13'39"E, a distance of 305.78 feet, to a point of curve; Thence sixteenth course: curving to the right, on a curve with a radius of 560.69 feet, a delta angle of 20°28'20", a length of 200.34 feet, a chord bearing of S49°21'53"E, and chord distance of 199.28 feet, to the point of tangency; Thence seventeenth course: S39°04'34"E, a distance of 54.37 feet, to the point of curve; Thence eighteenth course: curving to the left, on a curve with a radius of 560.00 feet, a delta angle of 05°58'25", a length of 58.39 feet, a chord bearing of S42°03'46"E, and chord distance of 58.36 feet; Thence nineteenth course: S02°32'49"E, a distance of 36.51 feet; Thence twentieth course: S47°33'44"E, a distance of 57.34 feet; Thence twenty-first course: N79°09'55"E, a distance of 39.08 feet; Thence twenty-second course: curving to the left, on a curve with a radius of 570.86 feet, a delta angle of 15°51'25", a length of 157.99 feet, a chord bearing of S64°03'45"E, and chord distance of 157.49 feet; Thence twenty-third course: S30°24'27"E, a distance of 56.33 feet; Thence twenty-fourth course: S76°54'32"E, a distance of 57.34 feet; Thence twenty-fifth course: N53°27'26"E, a distance of 59.74 feet; Thence twenty-sixth course: curving to the left, on a curve with a radius of 74,363.86 feet, a delta angle of 00°03'12", a length of 69.32 feet, a chord bearing of S83°46'46"E, and chord distance of 69.32 feet; Thence twenty-seventh course: S38°46'47"E, a distance of 19.20 feet; Thence twenty-eighth course: S26°02'24"W, a distance of 340.04 feet, to a point on the northerly edge of said railroad right-of-way; Thence twenty-ninth course: along the northerly edge of said railroad right-of-way curving to the right, on a curve with a radius of 2954.92 feet, a delta angle of 14°43'11", a length of 759.14 feet, a chord bearing of N71°01'21"W, and chord distance of 757.05 feet, to the point of tangency; Thence thirtieth course: N63°54'32"W, along the northerly edge of said railroad right-of-way, a distance of 136.37 feet; Thence thirty-first course: N63°04'37"W, along the northerly edge of said railroad right-of-way, a distance of 272.96 feet, to the point of curve; Thence thirty-second course: along the northerly edge of said railroad right-of-way curving to the left, on a curve with a radius of 2123.30 feet, a delta angle of 17°48'11", a length of 659.76 feet, a chord bearing of N71°57'55"W, and chord distance of 657.11 feet, to the point of beginning. Excepting Therefrom: More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N61°19'15"E, a distance of 1346.73 feet, to the point of beginning; Thence, first course: curving to the left, on a curve with a radius of 131.67 feet, a delta angle of 13°13'34", a length of 30.40 feet, a chord bearing of S62°41'45"E, and chord distance of 30.33 feet, to the point of tangency; Thence, second course: S69°18'33"E, a distance of 350.61 feet, to the point of curve; Thence, third course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 15°24'12", a length of 53.77 feet, a chord bearing of S61°36'27"E, and chord distance of 53.61 feet, to the point of tangency; Thence, fourth course: S53°54'21"E, a distance of 39.05 feet, to the point of curve; Thence fifth course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of 07°29'03", a length of 26.13 feet, a chord bearing of S57°38'52"E, and chord distance of 26.11 feet, to the point of tangency; Thence sixth course: S61°23'24"E, a distance of 363.05 feet, to the point of curve; Thence seventh course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 08°19'57", a length of 29.09 feet, a chord bearing of S57°13'26"E, and chord

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distance of 29.06 feet, to the point of tangency; Thence eighth course: S53°03'27"E, a distance of 289.19 feet, to the point of curve; Thence ninth course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of 08°18'41", a length of 29.01 feet, a chord bearing of S57°12'48"E, and chord distance of 28.99 feet, to the point of tangency; Thence tenth course: S61°22'08"E, a distance of 218.47 feet, to the point of curve; Thence eleventh course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 01°03'23", a length of 3.69 feet, a chord bearing of S60°50'23"E, and chord distance of 3.69 feet, to the point of tangency; Thence twelfth course: S60°18'45"E, a distance of 228.27 feet; Thence thirteenth course: S28°36'26"W, a distance of 18.08 feet; Thence fourteenth course: N61°21'34"W, a distance of 0.17 feet; Thence fifteenth course: S28°36'23"W, a distance of 1.33 feet; Thence sixteenth course: S61°23'22"E, a distance of 0.17 feet; Thence seventeenth course: S28°36'23"W, a distance of 2.00 feet; Thence eighteenth course: N61°23'31"W, a distance of 0.58 feet; Thence nineteenth course: S28°36'27"W, a distance of 20.00 feet; Thence twentieth course: S61°23'31"E, a distance of 0.58 feet; Thence twenty-first course: S28°36'28"W, a distance of 2.00 feet; Thence twenty-second course: N61°23'22"W, a distance of 0.17 feet; Thence twenty-third course: S28°36'23"W, a distance of 1.33 feet; Thence twenty-fourth course: S61°23'22"E, a distance of 0.17 feet; Thence twenty-fifth course: S28°36'23"W, a distance of 2.00 feet; Thence twenty-sixth course: N61°23'34"W, a distance of 0.83 feet; Thence twenty-seventh course: S28°36'27"W, a distance of 13.67 feet; Thence twenty-eighth course: S61°23'22"E, a distance of 0.17 feet; Thence twenty-ninth course: S28°36'27"W, a distance of 5.33 feet; Thence thirtieth course: N61°23'22"W, a distance of 0.17 feet; Thence thirty-first course: S28°36'26"W, a distance of 17.67 feet; Thence thirty-second course: S61°24'22"E, a distance of 0.17 feet; Thence thirty-third course: S28°36'27"W, a distance of 10.33 feet; Thence thirty-fourth course: N61°23'32"W, a distance of 10.33 feet; Thence thirty-fifth course: N28°36'38"E, a distance of 0.33 feet; Thence thirty-sixth course: N61°23'34"W, a distance of 278.33 feet; Thence thirty-seventh course: S28°36'26"W, a distance of 43.33 feet; Thence thirty-eighth course: N61°23'34"W, a distance of 94.67 feet; Thence thirty-ninth course: N28°36'26"E, a distance of 17.16 feet; Thence fortieth course: N61°22'14"W, a distance of 162.00 feet; Thence forty-first course: N28°36'24"E a distance of 16.60 feet; Thence forty-second course: N61°23'34"W, a distance of 109.33 feet; Thence forty-third course: S28°35'58"W, a distance of 56.25 feet; Thence forty-fourth course: N61°39'08"W a distance of 26.67 feet; Thence forty-fifth course: N28°36'26"E, a distance of 16.02 feet; Thence forty-sixth course: N61°23'20"W, a distance of 92.67 feet; Thence forty-seventh course: N28°36'41"E a distance of 18.54 feet; Thence forty-eighth course: N61°23'34"W, a distance of 68.49 feet; Thence forty-ninth course: S58°23'11"W, a distance of 21.36 feet; Thence fiftieth course: N61°23'47"W a distance of 8.90 feet; Thence fifty-first course: S28°36'48"W, a distance of 32.34 feet; Thence fifty-second course: N61°23'32"W, a distance of 23.49 feet; Thence fifty-third course: N22°30'00"E a distance of 27.16 feet; Thence fifty-fourth course: N61°23'36"W, a distance of 104.28 feet; Thence fifty-fifth course: N28°36'37"E, a distance of 71.03 feet; Thence fifty-sixth course: N61°23'20"W a distance of 131.58 feet; Thence fifty-seventh course: S20°41'44"W, a distance of 27.13 feet; Thence fifty-eighth course: N69°18'10"W, a distance of 85.33 feet; Thence fifty-ninth course: S20°41'44"W a distance of 31.43 feet; Thence sixtieth course: S69°18'03"E, a distance of 26.34 feet; Thence

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sixty-first course: S20°41'56"W, a distance of 51.33 feet; Thence sixty-second course: N69°18'03"W a distance of 246.34 feet; Thence sixty-third course: N20°41'44"E, a distance of 35.75 feet; Thence sixty-fourth course: N81°18'16"W, a distance of 31.51 feet; Thence sixty-fifth course: N08°41'44"E a distance of 21.78 feet; Thence sixty-sixth course: N69°18'16"W, a distance of 151.29 feet; Thence sixty-seventh course: N00°33'29"W, a distance of 53.45 feet; Thence sixty-eighth course: N20°41'56"E a distance of 118.52 feet; Thence sixty-ninth course: N69°17'49"W, a distance of 0.33 feet; Thence seventieth course: N20°41'52"E, a distance of 48.74 feet, to the point of beginning, more generally described as being located east of LaCrosse Street and south of U.S. Interstate 90.

Fisher presented the staff's recommendation to approve the Planned Commercial Development - Final Development Plan with stipulations.

Rolinger moved and Collins seconded to approve the Planned Commercial Development - Final Development Plan with the following stipulations:

- 1. A building permit shall be obtained prior to construction of the parking lot;**
- 2. 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;**
- 3. Prior to issuance of a building permit, utility easements shall be recorded at the Register of Deed's Office or the Final Plat document shall be recorded dedicating the utility easements as needed;**
- 4. Prior to issuance of a building permit, the parking plan shall be revised to show 21 handicap parking spaces as per the Parking Regulations;**
- 5. A minimum of 633,214 landscaping points with 49 landscape islands shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 6. 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,**
- 7. 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. The motion carried unanimously. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)**

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

*46. No. 07PD028 - Professional Plaza Subdivision

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

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

In response to Anderson's question regarding the time limit for the work to be completed, Elkins stated that surety must be posted and the work completed within one construction season, per the Zoning Ordinance.

Rolinger moved, Collins seconded to approve the Major Amendment to a Planned Commercial Development with the following stipulations:

- 1. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met and all required landscaping shall be maintained in a live vegetative state;**
- 2. An exception is hereby granted to the Landscaping Regulations to allow an adjacent landscape area on the northwest corner of the parking lot to be used in place of a landscape island;**
- 3. Prior to Planning Commission approval, a landscape plan shall be submitted for review and approval for the landscape island located on the eastern boundary of the parking lot;**
- 4. Prior to Planning Commission approval, the irrigation plan shall be submitted for review and approval for the south and east boundaries of the property to include the landscaping island;**
- 5. All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met;**
- 6. The required off-street parking spaces shall be reduced to 59 off-street parking spaces;**
- 7. The parking lot light shall be relocated from the public right-of-way to the parking lot as per the revised site plan;**
- 8. All requirements of the International Fire Code shall be continually met;**
- 9. All stipulations of the Planned Commercial Development (#05PD091) shall be continually met to include:**
 - 1. In addition to the office uses allowed with the Planned Commercial Development, the uses allowed within the Major Amendment to a Planned Commercial Development shall be the**

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- addition of a waterfall feature, the relocation of the dumpster, and wall signs as per the site plans submitted;
2. Any additional signage on the property will require a Major Amendment to the Planned Commercial Development;
 3. All access, turnarounds and parking areas shall comply with all requirements of the International Fire Code and the Rapid City Street Design Criteria Manual;
 4. A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy;
 5. The use of the structures shall be limited to those uses permitted in the Office Commercial District. Additional uses such as those allowed as a Use on Review in the Office Commercial Zoning District may be allowed with the approval of a Major Amendment to this Planned Commercial Development;
 6. All signs shall conform to the design and location as shown in the sign package submitted as part of the Planned Commercial Development. A minimal amendment may be reviewed and approved by the Planning Director for any changes to the sign package that are deemed insignificant and continue to comply with all requirements of the Sign Code;
 7. All lighting, excluding street lighting, shall be directed to reflect away from the adjacent residential development, and shall be situated to not reflect directly onto any public rights-of-way creating a traffic hazard;
 8. The proposed structures shall conform architecturally to the plans and elevations submitted as part of this Planned Commercial Development; and,
10. The Major Amendment to a Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger 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.

*47. 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 approve the Major Amendment to a Planned Commercial Development with stipulations if the Planning

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Commission agrees with the extension of the Letter of Credit to November 15, 2008.

Rolinger moved, Collins seconded to approve the Major Amendment to the Planned Commercial Development with the following stipulations:

- 1. A Certificate of Occupancy shall be obtained prior to occupancy of the structures;**
- 2. The uses allowed within the Planned Commercial Development shall be limited to the specialty resort in addition to the current uses allowed for a motel, laundromat, storage, and restaurant with on-sale liquor to include outdoor seating;**
- 3. All requirements of the International Fire Code must be continually met and the structures intended for alcohol use, specialty resort or motel use shall be sprinklered. The specialty resort shall be sprinklered no later than November 30, 2007;**
- 4. All paving requirements shall be completed no later than May 15, 2008 with the Letter of Credit to extend to November 15, 2008;**
- 5. Any additional signage on the property will require a Major Amendment to the Planned Commercial Development;**
- 6. All provisions of Section 17.50.300, the Landscaping Regulations of the Rapid City Municipal Code shall be continually met and all required landscaping shall be maintained in a live vegetative state;**
- 7. All provisions of Section 17.50.270, the minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met. The parking lots shall be paved, striped and wheel guards placed in areas that abut a public or private sidewalk, public right-of-way, building entrance or exit or plant material located within a parking lot. All access to parking lots shall be paved;**
- 8. Prior to Planning Commission approval, a revised site plan for a minimum of 46 parking spaces shall be submitted in compliance with the Off-Street Parking Requirements of the Rapid City Municipal Code;**
- 9. All applicable life, safety, building and fire codes shall be met;**
- 10. Any future development modification to the restaurant or motel complex would require a Major Amendment of the Planned Commercial Development;**
- 11. All development on the site shall be done in compliance with the Rapid City Floodplain Ordinance requirements;**
- 12. That the use of the property continues as shown on the approved site plan or a Major Amendment to the Planned Commercial Development shall be obtained; and,**
- 13. The Major Amendment to a Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (7 to 0 to 1 with Anderson, Collins, LeMay, Etter, Gregg, Landguth and Rolinger voting yes, none voting no and Derby abstaining)**

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

*48. No. 07PD066 - Big Sky Business Park

A request by Doug Zaug for Granite Peaks, LLC to consider an application for a **Planned Commercial Development - Final 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 the southeast corner of the intersection of Timmons Boulevard and Berniece Street.

Fisher presented the staff's recommendation to approve the Planned Commercial Development - Final Development Plan with stipulations. Fisher stated that the revised color palette was submitted and approved and that the applicant stated they would be utilizing slate grey in lieu of bright blue. Fisher expressed her appreciation for the applicant's willingness to work with staff.

Rolinger moved, LeMay seconded that the Planned Commercial Development - Final Development Plan be approved with the following stipulations:

- 1. Prior to Planning Commission approval, the color scheme of the proposed structure and sign(s) shall be revised to provide brown earth tone colors in lieu of bright blue as proposed. In addition, the structure and sign(s) shall conform architecturally to the plans and elevations approved as a part of the Commercial Development Plan;**
- 2. The front yard setback is hereby reduced from 25 feet to eight feet along Berniece Street and from 25 feet to ten feet along Timmons Boulevard, respectively, for the vacuum cleaner pads;**
- 3. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 4. Prior to issuance of a building permit, 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 Development Service Center Division;**
- 5. Prior to issuance of a building permit, the signage and pavement markings at the north approach shall be revised to indicate right and left turns only;**
- 7. A minimum of 43,634 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;**
- 8. A minimum of two parking spaces shall be provided for employee parking. One of the spaces shall be "van handicap accessible". In addition, three stacking lanes shall be provided behind each service bay and one parking stall shall be provided along each side of the vacuum cleaner pad(s). All provisions of the Off-Street Parking**

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Ordinance shall also be continually met;

9. The dumpster shall be located as shown on the site plan and screened on all four sides with an opaque screening fence;
10. 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;
11. The site shall be designed to keep all water from the car wash on the property and to preclude vehicles from sliding out onto the adjacent street(s) during icing conditions;
12. 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;
13. 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;
14. 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,
15. 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. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)

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

Fisher requested that items 49 and 50 be taken concurrently.

***49. No. 07PD071 - Forefather Flats Subdivision**

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Final Development Plan** on Lot 3 of Forefather Flats Subdivision, Section 28, T2N, R8E, BHM, Rapid City,

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Pennington County, South Dakota, more generally described as being located south of East Mall Drive.

50. No. 07SR045 - Forefather Flats Subdivision

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 Review to add a turn lane on East Mall Drive** on Lots 1 and 2 of Forefather Flats Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Mall Drive and I90.

Fisher presented the staff's recommendation to approve the Planned Commercial Development - Final Development Plan with stipulations and to continue the SDCL 11-6-19 Review to the September 20, 2007 Planning Commission meeting. Fisher stated that staff is still waiting on the redline comments for the SDCL 11-6-19 Review to be returned.

Rolinger moved, LeMay seconded that the Planned Commercial Development - Final Development Plan be approved 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. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;**
- 3. 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;**
- 4. Prior to issuance of a building permit, access, drainage and utility easements shall be recorded at the Register of Deed's Office as needed;**
- 5. Prior to issuance of a building permit, construction details of the settlement plates in the parking areas, aggregate piers under the utilities for the building and sub-drain system as per the geotechnical report shall be submitted for review and approval;**
- 6. Prior to issuance of a building permit, the applicant shall enter into an agreement with the City regarding the construction and timing of street improvements to serve the development as identified in the June, 2007 Traffic Impact Analysis and the Addendum dated August 17, 2007. In particular, all improvements shall be constructed by the year 2010 as per the Traffic Impact Analysis and the Addendum;**
- 7. Prior to issuance of a Certificate of Occupancy, the turn lane along E. Mall Drive and the underground conduit and appurtenances for the signalization at the intersection of E. Mall Drive and Access #4 shall be constructed;**
- 8. Prior to issuance of a Certificate of Occupancy, the screening fence along Interstate 90 shall be constructed;**
- 9. The trash compactor shall be located in compliance with the proposed plan. In particular, the trash compactor shall be located with the loading dock area, behind the screening fence;**

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10. Prior to issuance of a building permit, the applicant shall submit a maintenance schedule for review and approval identifying the maintenance and disposal of waste from the dog runs and horse pens;
11. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of the Planned Commercial Development. In addition, the portion of the roof that is flat shall be dark brown or black in color. All of the roof top mechanical equipment shall be screened along all four sides;
12. Prior to issuance of a Sign Permit, the amount of proposed wall signage shall be reduced from 2,251 square feet to 1,131 square feet to comply with the Sign Ordinance or a Variance from the Sign Board of Appeals shall be obtained;
13. A minimum of 341,632 landscaping points with a minimum of 11 planter islands shall be provided. In addition, the landscaping shall be designed to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary. In particular, due to the findings of the geotechnical report, the applicant shall closely monitor the landscaping and replace the plant material as needed;
14. A minimum of 444 parking spaces shall be provided. In addition, nine of the parking spaces shall be handicap accessible spaces. Two of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met;
15. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;
16. The structure shall be used as a retail store with outdoor dog runs and horse pens and with temporary outdoor sales and display or a Major Amendment to the Commercial Development Plan shall be obtained. The temporary outdoor sales shall be conducted in compliance with Chapter 17.50.230 of the Rapid City Municipal Code. In addition, no overnight camping or overnight recreational vehicle parking or overnight kenneling shall be allowed;
17. 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 application or a subsequent Major Amendment; and,
18. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by

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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;

And, that the SDCL 11-6-19 Review to add a turn lane on East Mall Drive be continued to the September 20, 2007 Planning Commission meeting. The motion was approved unanimously. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger 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.

51. No. 07RZ050 - Hansen Heights

A request by Dream Design International, Inc. to consider an application for a **Rezoning from Neighborhood Commercial District to General Commercial District** on 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.

Elkins presented the staff's recommendation to continue the Rezoning request to the December 6, 2007 Planning Commission meeting to allow staff adequate time to review additional information that was submitted yesterday.

LeMay moved, Rolinger seconded that the Rezoning from Neighborhood Commercial District to General Commercial District be continued to the September 20, 2007 Planning Commission meeting. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)

52. No. 07RZ058 - North Boulevard Addition

A request by Don Jiracek to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District** on Lots 1 thru 2 of Block 2 of North Boulevard Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 409 West Boulevard.

Tegethoff presented the staff's recommendation to continue the Rezoning from Medium Density Residential District to General Commercial District to the September 20, 2007 Planning Commission meeting.

Rolinger moved, Gregg seconded that the Rezoning from Medium Density

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Residential District to General Commercial District be continued to the December 6, 2007 Planning Commission meeting to allow the applicant and the South Dakota Department of Transportation to continue negotiations for the property. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)

53. No. 07SR030 - Wise's Addition

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

Tegethoff presented the staff's recommendation to deny the SDCL 11-6-19 Review due to safety concerns.

David Miller, representing the applicant, Youth and Family Services, Inc., requested approval of the request. Miller stated that the current pick-up/drop-off location at the facility is a larger safety risk, in his opinion, than the proposed change.

In response to Rolinger's question, Elkins reviewed the Zoning Ordinance and explained the current safety concerns. Elkins stated that staff recommends that the additional parking be placed on the lot and not in the public right-of-way.

Responding to Landguth's question regarding the sight triangle, Peckosh stated that there are issues with the sight triangle now and this condition would not change. In response to Landguth's question on where the slanted parking stalls would be located, Elkins stated that the parking is located right at the curblin, between the curb and sidewalk. Discussion followed.

In response to Anderson's question, Elkins stated that the City of Rapid City owns the land. Responding to Anderson's question on future expansion of the facility, Elkins stated that the proposed future expansion would not dramatically require more parking stalls. Elkins stated that the main issue is the safety of the children. Discussion followed regarding the staff's proposed alternatives to the slanted parking stalls in the public right-of-way.

Steve Brenden, resident, stated his support of the proposed alternative of a pull-through lane instead of the angle parking.

Collins moved, Landguth seconded to deny the SDCL 11-6-19 Review to allow the construction of a parking lot in public right-of-way. (7 to 1 with Anderson, Collins, Derby, Etter, Gregg, Landguth and LeMay voting yes and Rolinger voting no)

54. No. 07SV040 - Ratigan Subdivision

A request by Fisk Land Surveying for Joe Ratigan to consider an application for a **Variance to the Subdivision Regulations to waive the requirement that no**

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new half-streets shall be permitted as per Chapter 16.12.050 of the Rapid City Municipal Code along the adjacent section line highways on Lots 1 and 2 of Ratigan Subdivision, located in the NE1/4 NE1/4 NE1/4 and the 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 the 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.

Elkins presented the staff's recommendation to continue the Variance to the Subdivision Regulations to the September 20, 2007 Planning Commission meeting.

Collins moved, Anderson seconded that the Variance to the Subdivision Regulations to waive the requirement that no new half-streets shall be permitted as per Chapter 16.12.050 of the Rapid City Municipal Code along the adjacent section line highways be continued to the September 20, 2007 Planning Commission meeting. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)

Fisher requested that items 55, 56 and 57 be taken concurrently.

*55. No. 07PD047 - LaVilla Vista Subdivision

A request by TSP Three, Inc. for Century Development Co. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the north 327.2 feet of the N1/2 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the Original Townsite of Rapid City, Pennington County, South Dakota as shown on the plat filed in Plat Book 14, Page 94; and excepting therefrom any streets or highway rights of way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street.

56. No. 07PL090 - LaVilla Vista Subdivision

A request by TSP Three, Inc. for Century Development Co. to consider an application for a **Preliminary Plat** on Lots 1 thru 17 of Block 1; Lots 1 thru 19 of Block 2 and Lots 1 thru 16 of Block 3 of La Villa Vista Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 327.2 feet of the N1/2 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the

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Original Townsite of Rapid City, Pennington County, South Dakota as shown on the plat filed in Plat Book 14, Page 94; and excepting therefrom any streets or highway rights of way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street.

57. No. 07SV044 - LaVilla Vista Subdivision

A request by Bryan Gonzales for Century Development Co. to consider an application for a **Variance to the Subdivision Regulations to reduce the right-of-way requirement from 68 feet to 54.6 feet for a 481 foot portion of the proposed extension of Philadelphia Street** on Lots 1 thru 28 of Block 1 and Lots 1 thru 24 of Block 2 of LaVilla Vista Subdivision and dedicated Right-of-Way, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 327.2 feet of the N1/2 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the Original Townsite of Rapid City, Pennington County, South Dakota as shown on the plat filed in Plat Book 14, Page 94; and excepting therefrom any streets or highway rights of way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street.

Fisher presented the staff's recommendation to continue the Planned Residential Development - Initial and Final Development Plan and the Preliminary Plat to the September 20, 2007 Planning Commission meeting to allow staff sufficient time to review recently submitted information and to allow the City Council to act on an associated Variance to the Subdivision Regulations request; and that the Variance to the Subdivision Regulations to reduce the right-of-way requirement from 68 feet to 54.6 feet for a 481 foot portion of Philadelphia Street be denied.

Bob Brandt, representing the applicant, Century Development, expressed his opposition to the additional parking requirements and the need for the additional right-of-way. Brandt stated that the applicant was unable to purchase the additional right-of-way from the property owner. Brandt requested approval of the Variance request. Discussion followed on the details of the development and the retaining wall in the right-of-way.

Derby stated that the items would be heard individually.

*55. No. 07PD047 - LaVilla Vista Subdivision

A request by TSP Three, Inc. for Century Development Co. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on the north 327.2 feet of the N1/2 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the

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NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the Original Townsite of Rapid City, Pennington County, South Dakota as shown on the plat filed in Plat Book 14, Page 94; and excepting therefrom any streets or highway rights of way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street.

Fisher presented the staff's recommendation to continue the Planned Residential Development - Initial and Final Development Plan to the September 20, 2007 Planning Commission meeting.

Steve Brenden, resident, expressed his support for the project.

Collins moved, Rolinger seconded to continue the Planned Residential Development - Initial and Final Development Plan to the September 20, 2007 Planning Commission meeting to allow staff sufficient time to review recently submitted information and to allow the City Council to act on an associated Variance to the Subdivision Regulations request. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger 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.

56. No. 07PL090 - LaVilla Vista Subdivision

A request by TSP Three, Inc. for Century Development Co. to consider an application for a **Preliminary Plat** on Lots 1 thru 17 of Block 1; Lots 1 thru 19 of Block 2 and Lots 1 thru 16 of Block 3 of La Villa Vista Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 327.2 feet of the N1/2 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the Original Townsite of Rapid City, Pennington County, South Dakota as shown on the plat filed in Plat Book 14, Page 94; and excepting therefrom any streets or highway rights of way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street.

Fisher presented the staff's recommendation to continue the Preliminary Plat to

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the September 20, 2007 Planning Commission meeting.

Collins moved, Landguth seconded that the Preliminary Plat be continued to the September 20, 2007 Planning Commission meeting per staff recommendation.

In response to Anderson's question on the need for continuation of the request, Fisher stated that staff needs resolution to several issues, i.e. setback issues, revised construction plans, density issues, signs in the right-of-way, sight triangle issues and concerns with the gating of the development. Discussion followed regarding the need for continuation of the request.

The motion that the Preliminary Plat be continued to the September 20, 2007 Planning Commission meeting to allow the applicant to submit additional information and to allow the City Council to act on an associated Variance to the Subdivision Regulations request carried. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)

57. No. 07SV044 - LaVilla Vista Subdivision

A request by Bryan Gonzales for Century Development Co. to consider an application for a **Variance to the Subdivision Regulations to reduce the right-of-way requirement from 68 feet to 54.6 feet for a 481 foot portion of the proposed extension of Philadelphia Street** on Lots 1 thru 28 of Block 1 and Lots 1 thru 24 of Block 2 of LaVilla Vista Subdivision and dedicated Right-of-Way, located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the north 327.2 feet of the N1/2 of the SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the Original Townsite of Rapid City, Pennington County, South Dakota as shown on the plat filed in Plat Book 14, Page 94; and excepting therefrom any streets or highway rights of way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street.

Fisher presented the staff's recommendation to deny the Variance to the Subdivision Regulations.

Collins moved, Gregg seconded that the Variance to the Subdivision Regulations to reduce the right-of-way requirement from 68 feet to 54.6 feet for a 481 foot portion of Philadelphia Street be denied.

In response to LeMay's concerns on the layout of the road, Fisher stated that the difference of 13.4 feet would be reflected in the right-of-way and not the pavement width of the street.

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Substitute motion by Rolinger, seconded by Collins that the Variance to the Subdivision Regulations to reduce the right-of-way requirement from 68 feet to 54.6 feet for a 481 foot portion of Philadelphia Street be continued to the September 20, 2007 Planning Commission meeting. (8 to 0 with Anderson, Collins, Derby, Etter, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no)

Collins moved, Rolinger seconded to continue the meeting past 9:00 am (7 to 0 to 1 with Anderson, Collins, Derby, Etter, Gregg, Landguth and Rolinger voting yes and LeMay voting no)

Bulman requested that items 58 and 59 be taken concurrently.

58. No. 07TI016 - Dakota Canyon

A request by Doyle Estes for Dakota Canyon Marketplace to consider an application for a **Creation of Tax Increment District** on Tract E of Medicine Ridge No. 2; Lot 1 of Owen Hibbard Subdivision; Lots 1 and 2 in Block 1, and Lots 1, 2 and 3 Less Tower Ridge 2 in Block 2, and Lots 1, 2 and 3 in Block 3 of Aladdin Heights Subdivision; Lots 1-12 in Block 1 of Tower Ridge 2; Tracts 2 and 3 and Utility Lot 1 of Par Subdivision; Common Area of Enchanted Hills No. 2; Tract B of Tract 1 of the W1/2 SW1/4 less Lot 1 of IGT Subdivision, Lots A, B and C of the SW1/4 SW1/4, and the unplatted portions of the E1/2 W1/2 SW1/4 and the E1/2 SW1/4; all in Section 23, T1N, R7E BHM; the unplatted portion of the N1/2 SW1/4 lying North of Catron Blvd. Right-of-way, in Section 24, T1N, R7E, BHM; Lot A of Ranch Subdivision; Lots 1 and 2 of Connector Subdivision; Lot 1 of Shipman Heights Subdivision; Tracts AR2 and B of Needles Subdivision; Lot A of Tucker Subdivision; Tracts A and B of Meadow View Subdivision; Tract 1 of the W1/2 NW1/4 Less Lot A of Ranch Subdivision and less Connector Subdivision and less Lots H1, H2, H3 and Right-of-way; the unplatted portions of the NW1/4 lying East of Hwy 16 and North of Catron Blvd.; all in Section 26, T1N, R7E, BHM; Tract 1 in the SE1/4 NE1/4 less Connector Subdivision and less Lot H-1 in Section 27, T1N, R7E, BHM; the Catron Boulevard Right-of-Way: Lot H1 in S1/2 NE1/4, Lot H1 in SE1/4 NW1/4, Lot H1 in N1/2 SE1/4, Lot H1 in N1/2 SW1/4, Lot H2 in SW1/4 SW1/4 in Section 24, T1N, R7E, BHM; and Lot H1 in SE1/4, Lot H2 in E1/2 SW1/4 SE1/4 in Section 23, T1N, R7E, BHM; and Lot H1 in NW1/4 NE1/4, Lot H1 in NE1/4 NW1/4, Lot H1 in SE1/4 NW1/4, Lot H3 in SW1/4 NW1/4, Lot H2 in Tract 1 in W1/2 NW1/4 in Section 26, T1N, R7E, BHM; and Lot H1 in Tract 1 in SE1/4 NE1/4 in Section 27, T1N, R7E, BHM; the East boundary of which is 5th Street and the West boundary of which is the West side of the intersection of Catron Blvd and South Hwy 16 Service Road; the South Hwy 16 and Service Road Right-of-Way: Lots H1 and H2 in N1/2 NW1/4, Lot H1 in S1/2 NW1/4, Lot H2 in SE1/4 NW1/4, Lot H1 in Lot B of SW1/4 NW1/4, Lot H1 in SW1/4, Lot H2 in W1/2 SW1/4 in Section 23, T1N, R7E, BHM; and Lots H1 and H2 in W1/2 NW1/4, Lot H1 in NW1/4 SW1/4, Lot H1 in Lot B of NW1/4 SW1/4, Lot H1 in SW1/4 SW1/4, Lot H1 in Lot B of SW1/4 SW1/4, Lot H3 in Tract 1 in W1/2 NW1/4 in Section 26, T1N, R7E, BHM; Lot H1 in Tract 1 in SE1/4 NE1/4 in Section 27, T1N, R7E, BHM, Lying North and South of the intersection of Catron Blvd and South Hwy 16 Service Road; the North Boundary of which lies

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adjacent to the North Lot line of Tract E of Medicine Ridge No. 2 and the South Boundary of which lies adjacent to the South Lot line of Lot 2 of Connector Subdivision; Dedicated Public Rights-of-Way: Northview Drive, and Tablerock Road in Section 23, T1N, R7E, BHM; Tucker Street, and Promise Road Lying East of South Hwy 16 and Promise Road Lying West of the South Hwy 16 Service Road adjacent To Lot 1 of Owen Hibbard Subdivision, in Sections 23 and 26, T1N, R7E, BHM; all in Rapid City, Pennington County, South Dakota, more generally described as being located along U.S. Highway 16 and north of Catron Boulevard.

59. No. 07TI017 - Dakota Canyon

A request by Doyle Estes for Dakota Canyon Marketplace to consider an application for a **Project Plan for Tax Increment District** on Tract E of Medicine Ridge No. 2; Lot 1 of Owen Hibbard Subdivision; Lots 1 and 2 in Block 1, and Lots 1, 2 and 3 Less Tower Ridge 2 in Block 2, and Lots 1, 2 and 3 in Block 3 of Aladdin Heights Subdivision; Lots 1-12 in Block 1 of Tower Ridge 2; Tracts 2 and 3 and Utility Lot 1 of Par Subdivision; Common Area of Enchanted Hills No. 2; Tract B of Tract 1 of the W1/2 SW1/4 less Lot 1 of IGT Subdivision, Lots A, B and C of the SW1/4 SW1/4, and the unplatted portions of the E1/2 W1/2 SW1/4 and the E1/2 SW1/4; all in Section 23, T1N, R7E BHM; the unplatted portion of the N1/2 SW1/4 lying North of Catron Blvd. Right-of-way, in Section 24, T1N, R7E, BHM; Lot A of Ranch Subdivision; Lots 1 and 2 of Connector Subdivision; Lot 1 of Shipman Heights Subdivision; Tracts AR2 and B of Needles Subdivision; Lot A of Tucker Subdivision; Tracts A and B of Meadow View Subdivision; Tract 1 of the W1/2 NW1/4 Less Lot A of Ranch Subdivision and less Connector Subdivision and less Lots H1, H2, H3 and Right-of-way; the unplatted portions of the NW1/4 lying East of Hwy 16 and North of Catron Blvd.; all in Section 26, T1N, R7E, BHM; Tract 1 in the SE1/4 NE1/4 less Connector Subdivision and less Lot H-1 in Section 27, T1N, R7E, BHM; the Catron Boulevard Right-of-Way: Lot H1 in S1/2 NE1/4, Lot H1 in SE1/4 NW1/4, Lot H1 in N1/2 SE1/4, Lot H1 in N1/2 SW1/4, Lot H2 in SW1/4 SW1/4 in Section 24, T1N, R7E, BHM; and Lot H1 in SE1/4, Lot H2 in E1/2 SW1/4 SE1/4 in Section 23, T1N, R7E, BHM; and Lot H1 in NW1/4 NE1/4, Lot H1 in NE1/4 NW1/4, Lot H1 in SE1/4 NW1/4, Lot H3 in SW1/4 NW1/4, Lot H2 in Tract 1 in W1/2 NW1/4 in Section 26, T1N, R7E, BHM; and Lot H1 in Tract 1 in SE1/4 NE1/4 in Section 27, T1N, R7E, BHM; the East boundary of which is 5th Street and the West boundary of which is the West side of the intersection of Catron Blvd and South Hwy 16 Service Road; the South Hwy 16 and Service Road Right-of-Way: Lots H1 and H2 in N1/2 NW1/4, Lot H1 in S1/2 NW1/4, Lot H2 in SE1/4 NW1/4, Lot H1 in Lot B of SW1/4 NW1/4, Lot H1 in SW1/4, Lot H2 in W1/2 SW1/4 in Section 23, T1N, R7E, BHM; and Lots H1 and H2 in W1/2 NW1/4, Lot H1 in NW1/4 SW1/4, Lot H1 in Lot B of NW1/4 SW1/4, Lot H1 in SW1/4 SW1/4, Lot H1 in Lot B of SW1/4 SW1/4, Lot H3 in Tract 1 in W1/2 NW1/4 in Section 26, T1N, R7E, BHM; Lot H1 in Tract 1 in SE1/4 NE1/4 in Section 27, T1N, R7E, BHM, Lying North and South of the intersection of Catron Blvd and South Hwy 16 Service Road; the North Boundary of which lies adjacent to the North Lot line of Tract E of Medicine Ridge No. 2 and the South Boundary of which lies adjacent to the South Lot line of Lot 2 of Connector Subdivision; Dedicated Public Rights-of-Way: Northview Drive, and Tablerock Road in Section 23, T1N, R7E, BHM; Tucker Street, and Promise Road Lying East of South Hwy 16 and Promise Road Lying West of the South Hwy 16

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Service Road adjacent To Lot 1 of Owen Hibbard Subdivision, in Sections 23 and 26, T1N, R7E, BHM; all in Rapid City, Pennington County, South Dakota, more generally described as being located along U.S. Highway 16 and north of Catron Boulevard.

Bulman presented the Tax Increment Committee's recommendation to approve the Creation of the Tax Increment District and the Project Plan for the Tax Increment District. Bulman stated that if the Planning Commission approves these items, staff would request that additional property be included in the boundaries of the Tax Increment District to accommodate the lift station proposal.

Discussion followed regarding the minutes of the Tax Increment Committee meeting on August 3, 2007.

Pat Hahn, 1105 Regency Court, spoke in opposition to the Tax Increment District.

Diane Dahl, secretary for Enchanted Hills Homes Association, requested that the Association's commons land be excluded from the Tax Increment District's boundary.

LeMay stated concern regarding why the developer was not paying on-site development costs. Collins concurred with LeMay's comments.

LeMay moved, Collins seconded that the Resolution Creating Dakota Canyon Marketplace Tax Increment District and the Project Plan for the Tax Increment District be continued to the September 20, 2007 Planning Commission meeting and be placed at the beginning of the agenda. (Roll call vote 4 to 4 with Collins, Etter, LeMay and Rolinger voting yes and Anderson, Derby, Gregg and Landguth voting no) Motion failed on a tie vote.

LeMay left the meeting at this time. Discussion continued regarding the items included within the Tax Increment District and the estimates given.

Steve Denison, 1316 Panorama Circle, expressed concerns with potential erosion and drainage impacts of the development and expressed his opposition to the creation of the Tax Increment District.

Bill Dambow, 5124 Ridgeview Road, requested denial of the creation of the Tax Increment District because he believed the application did not coincide with the purpose of Tax Increment Financing.

Jim Phoenix, 1332 Panorama Circle, expressed concerns with the traffic impacts as well as concern with erosion control. He requested that the Planning Commission deny the requests.

Rolinger left the meeting at this time.

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Troy Weinkauff, 1425 Panorama Circle, spoke in opposition to the requests and asked that an updated traffic impact study be done now that school is back in session with the three surrounding schools.

Collins moved, Landguth seconded that the Resolution Creating Dakota Canyon Marketplace Tax Increment District and the Project Plan for the Tax Increment District be continued to the September 20, 2007 Planning Commission meeting and be placed at the beginning of the agenda. (6 to 0 with Anderson, Collins, Derby, Etter, Gregg and Landguth voting yes and none voting no)

60. No. 07TI018 - Stoney Creek South No. 2 Subdivision

A request by Sperlich Consulting, Inc. for Signature Development and the City of Rapid City to consider an application for a **Revised Project Plan for Tax Increment District No. 61 - Villaggio** on Lot 1, Stoney Creek South #2 Subdivision; Unplatted portion of E1/2 NW1/4 SE1/4; NE1/4 SW1/4 SE1/4 and Golden Eagle Drive located in the NE1/4 SW1/4 SE1/4 including Lots H3 and H4; Lot H1 in the SE1/4 SW1/4 SE1/4; Lot H2 in the SW1/4; Lot H2 in the SW1/4 NW1/4 SE1/4 and the NW1/4 SW1/4 SE1/4; W1/2 NW1/4 SE1/4 less Springbrook Acres Subdivision and Less Lot H2; NW1/4 SW1/4 SE1/4 less Lot H2; S495 feet of NE1/4 SE1/4 less Lot 1; SE1/4 SE1/4; Lot 1, Bendert Subdivision; all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 4 and 5, Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Sheridan Lake Road and South Highway 16 and adjacent to Catron Boulevard.

Elkins presented the Tax Increment Committee's recommendation to approve the Tax Increment District No. 61 Revised Project Plan for The Villaggio. Elkins explained that it is a reallocation of costs within an existing project plan and does not include an increase in the total dollar amount of project costs.

Landguth stated that he would be abstaining from the vote.

Collins moved that the Tax Increment District No. 61 Revised Project Plan for The Villaggio be continued to September 20, 2007 Planning Commission meeting. The motion died due to lack of second.

In response to Anderson's question, Elkins reiterated the Tax Increment Committee's recommendation is to approve this reallocation request.

Kale McNaboe, representing the applicant, Sperlich Consulting, requested approval of the item per the Tax Increment Financing Committee's recommendation.

Anderson moved, Gregg seconded that the Tax Increment District No. 61 Revised Project Plan for The Villaggio be approved. (5 to 0 to 1 with Anderson, Collins, Derby, Etter and Gregg voting yes, none voting no and Landguth abstaining)

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There being no further business, Anderson moved, Gregg seconded and unanimously carried to adjourn the meeting at 9:48 a.m. (6 to 0 with Anderson, Collins, Derby, Etter, Gregg and Landguth voting yes and none voting no)