



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 4, 2007

MEMBERS PRESENT: John Brewer, Gary Brown, Barb Collins, Mike Derby, Julie Gregg, Dennis Landguth, Mike LeMay, Steve Rolinger, Andrew Scull and Karen Waltman. Ron Kroeger, Council Liaison was also present

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

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

1. 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 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.

2. 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 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.

Elkins presented the staff's recommendation to continue the Resolution Creating Dakota Canyon Marketplace Tax Increment District and the Dakota Canyon Marketplace Tax Increment District Project Plan to the October 25, 2007 Planning Commission meeting at the applicant's request.

A brief discussion followed regarding the reasons for the continuation.

Derby moved, Landguth seconded and carried to recommend that the Resolution Creating Dakota Canyon Marketplace Tax Increment District and the Dakota Canyon Marketplace Tax Increment District Project Plan be continued to the October 25, 2007 Planning Commission meeting at the applicant's request. (7 to 0 to 3 with Brown, Collins, Derby, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no and Brewer, Scull and Waltman abstaining)

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

Motion by Derby, Seconded by Landguth and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 3 thru 14 in accordance with the staff recommendations. (9 to 0 to 1 with Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no and Waltman abstaining)

---NON HEARING ITEMS CONSENT CALENDAR---

3. Approval of the September 20, 2007 and the September 25, 2007 Planning Commission Meeting Minutes.
4. 07TP022 – 2008 Unified Planning Work Program – Draft Report

Planning Commission recommended approval of the draft Unified Planning Work Program as adopted by the committee on September 18, 2007.

5. No. 07AN005 - Section 20, T1N, R8E
A request by Alan Thornburg to consider an application for a **Petition for Annexation** on Lot 1A and 2A, located in the SE1/4 of NW1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5406 Old Folsom Road.

Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the Rapid Valley Fire District.



6. 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.

Planning Commission recommended that the Preliminary Plat be continued to the October 25, 2007 Planning Commission meeting to allow the applicant to submit the required information.

7. No. 07PL116 - Market Square Subdivision

A request by Sperlich Consulting, Inc. for James Letner to consider an application for a **Layout Plat** on Lots 1 thru 8 of Market Square Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Creek Drive and East St. Patrick Street.

Planning Commission recommended that the Layout Plat continued to the October 25, 2007 Planning Commission meeting at the applicant's request.

8. No. 07PL119 - Park Hill Subdivision

A request by CETEC Engineering Services, Inc. for James Gavach and Kimberly Solomon-Gavach to consider an application for a **Preliminary Plat** on Lot 1R of Block 1 of Park Hill Subdivision, Lots 1AR and 2AR of Park Meadows Subdivision, located in the NW1/4 SE1/4 and the NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Park Hill Subdivision, Lots 1A and 2A of Block 1 of Park Meadows Subdivision, located in the NW1/4 SE1/4 and the NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Smith Avenue and E. Oakland Street.

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

1. **Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show the former lot lines. In addition, the previously dedicated eight foot wide minor drainage and utility easement located along the former lot lines shall be shown as being vacated and/or retained. If the utility easement is to be vacated, written documentation from all of the affected utility companies shall be submitted indicating concurrence with the vacation; and,**



2. **Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to clarify the boundary between proposed Lot 1AR and existing Lot 1B.**

9. No. 07PL120 - Meridian Subdivision

A request by Kadrmas, Lee & Jackson, Suite 500 to consider an application for a **Layout Plat** on Lot 1 of Lot A of Lot 5R of Meridian Subdivision, located in the SW1/4 of the SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot A of Lot 5R of Meridian Subdivision, located in the SW1/4 of the SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1200 North LaCrosse Street.

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

1. **Upon submittal of a Preliminary Plat application, road construction plans demonstrating access to the proposed lot shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 59 foot right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
2. **Upon submittal of a Preliminary Plat application, the plat shall be revised to provide a shared parking easement to allow for the shared off-street parking facilities between the proposed Lot 1 of Lot A of Lot 5R of Meridian Subdivision and the unplatted balance;**
3. **Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
4. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
5. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.**

10. No. 07PL121 - Rapps Addition

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1A, 2A and 2B, Block 2, formerly Lot 1, less Lot H-1 and Lot 2, less Lot H-2 of Block 2, the vacated portion of Rapp Street and the south half of the vacated alley, located in the NE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, less Lot H-1 and Lot 2, less Lot H-2 of Block 2, located in the NE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Eglin Street and Rapp Street.

Planning Commission recommended that the Preliminary Plat be continued to the October 25, 2007, Planning Commission meeting to allow the applicant to submit a revised plat document.



11. No. 07PL122 - Watersedge Subdivision

A request by Paul Lindstrom to consider an application for a **Layout Plat** on Lots 2A and 2B of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1810 Rand Road.

Planning Commission recommended that the Layout Plat be continued to the October 25, 2007 Planning Commission meeting to allow the applicant to submit the required information.

12. No. 07SR050 - Rapid City Greenway Tract

A request by Linda Chlecq for Black Hills Veterans Hospital to consider an application for an **SDCL 11-6-19 Review to allow a temporary use on public property** on Tract 20 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 301 North Fifth Street.

Planning Commission approved the SDCL 11-6-19 Review to allow temporary structures on public property for the Veteran's Stand Down event on October 5, 2007.

13. No. 07VE029 - Flannery Subdivision No. 2

A request by Sperlich Consulting, Inc. for Dean Kelly Construction to consider an application for a **Vacation of Access Easement** on Lot 8R of Flannery Subdivision No. 2, located in the NW1/4 of the NE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4944 Ireland Place.

Planning Commission recommended that the Vacation of Access Easement be continued to the October 25, 2007 Planning Commission meeting to allow the applicant to allow the applicant to submit the required information.

14. No. 07VE030 - Section 31, T2N, R8E

A request by Sperlich Consulting, Inc. for A & B Welding Supply Company to consider an application for a **Vacation of a portion of an access easement and utility easement** on Lots 2 and 3 of Tract C, located in the SE1/4 of the SE1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 914 E. Chicago Street and 230 Cherry Avenue.

Planning Commission recommended that the Vacation of a portion of an Access and Utility Easement be approved.

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



Brewer announced that the Public Hearings on Items 15 through 31 were opened.

Derby requested that Item 26 be removed from the Hearing Consent Agenda for separate consideration.

Landguth moved, Brown seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 15 through 31 in accordance with the staff recommendations with the exception of Item 26. (10 to 0 with Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

The Public Hearings for Items 15 through 31 were closed.

---HEARING ITEMS CONSENT CALENDAR---

15. No. 07CA008 - Marlin Industrial Park
A request by Dream Design International, Inc. to consider an application for **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial** on Lot 1 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Elk Vale Road and Creek Drive.

Planning Commission approved the summary and authorized publication in the Rapid City Journal.

16. No. 07CA042 - St. Martins Village
A request by FMG, Inc. for Good Samaritan Society to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by eliminating collector streets** on Sections 29 and 30, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 (Sturgis Road) and south of Hidden Valley Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by eliminating collector streets be continued to the October 25, 2007 Planning Commission meeting to allow the applicant to submit a revised Traffic Impact Study to coordinate the phasing of the project with the proposed street improvements.

- *17. No. 07PD075 - St. Martins Village
A request by FMG, Inc. for Good Samaritan Society to consider an application for a **Planned Residential Development - Initial Development Plan** on the SE1/4 SW1/4 and SW1/4 SE1/4 and NE1/4 SE1/4 and NW1/4 SE1/4, and SW1/4 NE1/4 and less Lot A of W1/2 SE1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 and south of Hidden Valley Road.



Planning Commission continued the Planned Residential Development - Initial Development Plan to the October 25, 2007 Planning Commission meeting to allow the applicant to submit a revised Traffic Impact Study to coordinate the phasing of the project with the proposed street improvements.

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

18. No. 07CA043 - City of Rapid City's Parks and Recreation Plan

A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to incorporate the City of Rapid City's Parks and Recreation Plan.**

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to incorporate the City of Rapid City's Parks and Recreation Plan, February 2007, be approved

19. No. 07CA044 - Section 22, T1N, R7E

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Planned Residential Development with a maximum density of one dwelling unit per acre to a Planned Residential Development with a maximum density of four dwelling units per acre** on a portion of the SW1/4 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the center-west-southeast 1/64 section corner of Section 22, T1N, R7E, BHM, common with the southwest corner of Lot 1 of Block 2 of The Villaggio at Golden Eagle, and common with the northwest corner of the dedicated right-of-way of Golden Eagle Drive, and the Point of Beginning; Thence, first course: N26°45'22"W, a distance of 393.31 feet; Thence, second course: N61°38'29"E, a distance of 200.00 feet, to the northwesterly corner of Lot 4 of Block 2 of The Villaggio at Golden Eagle common to the southwesterly corner of Lot 5 of Block 2, of The Villaggio at Golden Eagle; Thence, third course: S00°08'13"E, along the westerly boundary of said Lot 4 of Block 2, a distance of 94.58 feet, to the southwest corner of said Lot 4 of Block 2, common with the northwest corner of Lot 3 of Block 2 of The Villaggio at Golden Eagle; Thence, fourth course: S00°08'13"E, along the westerly boundary of said Lot 3 of Block 2, a distance of 95.35 feet, to the southwest corner of said Lot 3 of Block 2, common with the northwest corner of Lot 2 of Block 2 of The Villaggio at Golden Eagle; Thence, fifth course: S00°08'13"E, along the westerly boundary of said Lot 2 of Block 2, a distance of 110.67 feet, to the southwest corner of said Lot 2 of Block 2, common with the northwest corner of Lot 1 of Block 2 of The Villaggio at Golden Eagle; Thence, sixth course: S00°08'13"E, along the westerly boundary of said Lot 1 of Block 2, a distance of 145.60 feet, to the southwest



corner of said Lot 1 of Block 2 of The Villaggio at Golden Eagle, and common with the northwest corner of the dedicated right-of-way of Golden Eagle Drive, and the Point of Beginning, more generally described as being located at 5617 Villaggio Lane.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Planned Residential Development with a maximum density of one dwelling unit per acre to a Planned Residential Development with a maximum density of four dwelling units per acre be approved.

20. No. 07RZ067 - Section 22, T1N, R7E

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on a portion of the SW1/4 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the center-west-southeast 1/64 section corner of Section 22, T1N, R7E, BHM, common with the southwest corner of Lot 1 of Block 2 of The Villaggio at Golden Eagle, and common with the northwest corner of the dedicated right-of-way of Golden Eagle Drive, and the Point of Beginning; Thence, first course: N26°45'22"W, a distance of 393.31 feet; Thence, second course: N61°38'29"E, a distance of 200.00 feet, to the northwesterly corner of Lot 4 of Block 2 of The Villaggio at Golden Eagle common to the southwesterly corner of Lot 5 of Block 2, of The Villaggio at Golden Eagle; Thence, third course: S00°08'13"E, along the westerly boundary of said Lot 4 of Block 2, a distance of 94.58 feet, to the southwest corner of said Lot 4 of Block 2, common with the northwest corner of Lot 3 of Block 2 of The Villaggio at Golden Eagle; Thence, fourth course: S00°08'13"E, along the westerly boundary of said Lot 3 of Block 2, a distance of 95.35 feet, to the southwest corner of said Lot 3 of Block 2, common with the northwest corner of Lot 2 of Block 2 of The Villaggio at Golden Eagle; Thence, fifth course: S00°08'13"E, along the westerly boundary of said Lot 2 of Block 2, a distance of 110.67 feet, to the southwest corner of said Lot 2 of Block 2, common with the northwest corner of Lot 1 of Block 2 of The Villaggio at Golden Eagle; Thence, sixth course: S00°08'13"E, along the westerly boundary of said Lot 1 of Block 2, a distance of 145.60 feet, to the southwest corner of said Lot 1 of Block 2 of The Villaggio at Golden Eagle, and common with the northwest corner of the dedicated right-of-way of Golden Eagle Drive, and the Point of Beginning, more generally described as being located at 5617 Villaggio Lane.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be approved in conjunction with the Comprehensive Plan Amendment to the Future Land Use Plan and the Planned Development Designation.

21. No. 07CA045 - LaVilla Vista

A request by Bryan Gonzalez to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street plan to relocate a collector street and eliminate a collector street** on the north 327.2 feet of



the N1/2 of the SE1/4 lying west of I90 Right-of-way, excepting therefrom the W1/2 of the NW1/4 of the SE1/4, and less North Boulevard Addition, located in the unplatted (9779); and, the east 670 feet of the south 30 feet of the SW1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street, more generally described as being located south of Philadelphia Street and west of West Boulevard.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to revise the Major Street plan to relocate a collector street and eliminate a collector street be approved.

*22. No. 07PD080 - Meridian Subdivision

A request by Kadmas, Lee & Jackson for Core States Engineering to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot A of Lot 5R of Meridian Subdivision, located in the SW1/4 of the SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1200 North LaCrosse Street.

Planning Commission continued the Major Amendment to a Planned Commercial Development to the October 25, 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.

*23. No. 07PD081 - Eagle Ridge Subdivision

A request by FourFront Design, Inc. for Eagle Ridge Properties, LLC to consider an application for a **Major Amendment to a Planned Residential Development** on Lots 2A and 2B of Block 1 of Black Hills Center, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 121 Stumer Road.

Planning Commission continued the Major Amendment to a Planned Residential Development to the October 25, 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.

24. No. 07RZ066 - Red Rock Meadows Subdivision

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



Rezoning from General Agriculture District to Low Density Residential District on a portion of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Block 13 of Red Rock Meadows Subdivision, common to a point on the southerly boundary of Lot 2 of Block 13 of Red Rock Meadows Subdivision, and the point of beginning; Thence, first course: S00°05'13"W, along the westerly boundary of said Lot 1 of Block 13, a distance of 114.01 feet, to the southwest corner of said Lot 1 of Block 13, common to a point on the northerly edge of right-of-way of Quiment Court; Thence, second course: S00°05'13"W, a distance of 49.00 feet, to the northwesterly corner of Lot 8 of Block 9 of Red Rock Meadows Subdivision, common to a point on the southerly edge of right-of-way of said Quiment Court; Thence, third course: S00°05'13"W, along the westerly boundary of said Lot 8 of Block 9, a distance of 114.00 feet, to the southwest corner of said Lot 8 of Block 9, common to the northwesterly corner of Lot 7 of Block 9 and the northeasterly corner of Lot 6 of Block 9, of Red Rock Meadows Subdivision; Thence, fourth course: N89°53'59"W, along the northerly boundary of said Lot 6 of Block 9, a distance of 164.43 feet, to the northwesterly corner of said Lot 6 of Block 9; Thence fifth course: S07°04'06"W, along the westerly boundary of said Lot 6 of Block 9, a distance of 36.08 feet, to the westerly corner of said Lot 6 of Block 9, common to the northwesterly corner of Lot 5 of Block 9 of Red Rock Meadows Subdivision; Thence sixth course: S06°56'51"W, along the westerly boundary of said Lot 5 of Block 9, a distance of 188.23 feet, to the southwest corner of said Lot 5 of Block 9, common to the northwesterly corner of Lot 4 of Block 9 of Red Rock Meadows Subdivision; Thence seventh course: S44°57'38"E, along the southwest boundary of said Lot 4 of Block 9, a distance of 139.64 feet, to the southerly corner of said Lot 4 of Block 9, common to the westerly corner of Lot 2 of Block 9 of Red Rock Meadows Subdivision; Thence eighth course: S44°57'38"E, along the southwest boundary of said Lot 2 of Block 9, a distance of 30.36 feet, to the northerly corner of Lot 1 of Block 9 of Red Rock Meadows Subdivision, common to a point on the southwest boundary of said Lot 2 of Block 9; Thence ninth course: S44°57'13"W, along the northwesterly boundary of said Lot 1 of Block 9, a distance of 113.99 feet, to the westerly corner of said Lot 1, common to a point on the northeasterly edge of right-of-way of Sahalee Court; Thence tenth course: S45°01'19"W, a distance of 49.00 feet, to the northerly corner of Lot 2 of Block 8 of Red Rock Meadows Subdivision, common to a point on the southwest edge of right of way of said Sahalee Court; Thence eleventh course: S45°01'19"W, along the northwesterly boundary of said Lot 2 of Block 8, a distance of 113.95 feet, to the westerly corner of said Lot 2 of Block 8, common to the northerly corner of Lot 1 of Block 8 of Red Rock Meadows Subdivision; Thence twelfth course: S45°01'19"W, along the northwesterly boundary of said Lot 1 of Block 8, a distance of 113.92 feet, to the westerly corner of said Lot 1 of Block 8, common to a point on the northeasterly edge of right-of-way of Seminole Lane; Thence thirteenth course: S45°00'47"W, a distance of 51.95 feet, to the northerly corner of Lot 2 of Block 7 of Red Rock Meadows Subdivision, common to a point on the southwest edge of right-of-way of said Seminole Lane; Thence fourteenth course: S45°00'33"W, along the northwesterly boundary of said Lot 2 of Block, 7 a distance of 114.01 feet, to the westerly corner of said Lot 2 of Block 9, common to the northerly corner of Lot 1 of Block 7 and the easterly corner of Lot 3 of



Block 7 of Red Rock Meadows Subdivision; Thence fifteenth course: N45°02'25"W, along the northeasterly boundary of said Lot 3 of Block 7, a distance of 85.03 feet, to the northerly corner of said Lot 3 of Block 7, common to the easterly corner of Lot 4 of Block 7 of Red Rock Meadows Subdivision; Thence sixteenth course: N48°53'54"W, along the northeasterly boundary of said Lot 4 of Block 7, a distance of 94.13 feet, to the northerly corner of said Lot 4 of Block 7, common to the easterly corner of Lot 5 of Block 7 of Red Rock Meadows Subdivision; Thence seventh course: N58°07'08"W, along the northeasterly boundary of said Lot 5 of Block 7, a distance of 95.42 feet, to the northerly corner of said Lot 5 of Block 7, common to the northeasterly corner of Lot 6 of Block 7 of Red Rock Meadows Subdivision; Thence eighteenth course: N67°20'51"W, along the northerly boundary of said Lot 6 of Block 7, a distance of 95.34 feet, to the northwesterly corner of said Lot 6 of Block 7, common to the northeasterly corner of Lot 7 of Block 7 of Red Rock Meadows Subdivision; Thence nineteenth course: N76°39'21"W, along the northerly boundary of said Lot 7 of Block 7, a distance of 95.41 feet, to the northwesterly corner of said Lot 7 of Block 7, common to the northeasterly corner of Lot 8 of Block 7 of Red Rock Meadows Subdivision; Thence twentieth course: N00°35'32"E, a distance of 88.37 feet; Thence twenty-first course: N60°31'13"E, a distance of 187.73 feet; Thence twenty-second course: N55°04'24"E, a distance of 52.27 feet; Thence twenty-third course: N61°16'49"E, a distance of 139.05 feet; Thence twenty-fourth course: N07°39'20"W, a distance of 74.26 feet; Thence twenty-fifth course: N00°04'22"E, a distance of 83.08 feet; Thence twenty-sixth course: N28°49'20"E, a distance of 81.89 feet; Thence twenty-seventh course: N08°37'00"E, a distance of 280.11 feet; Thence twenty-eighth course: S89°55'38"E, a distance of 438.85 feet; Thence twenty-ninth course: S89°52'45"E, a distance of 19.00 feet, to northwesterly corner of said Lot 1 of Block 13, common to a point on the southerly boundary of said Lot 2 of Block 13, and the point of beginning, more generally described as being located at the northern terminus of Sahalee Court.

Planning Commission recommended that the Rezoning from General Agriculture District to Low Density Residential District be approved.

25. No. 07SV039 - Homestead Subdivision

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

Planning Commission recommended that the Variance to the Subdivision



Regulations to waive the requirement to dedicate a planting screen easement, to allow platting half a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the October 25, 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.

27. No. 07SV050 - Market Square Subdivision

A request by Sperlich Consulting, Inc. for James Letner to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate 10 additional feet of right-of-way and provide a planting screen easement along E. St. Patrick Street; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, to dedicate 17 feet of right-of-way and provide a planting screen easement along Creek Drive; and to install sidewalk along the south side of E. St. Charles Street as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 thru 8 of Market Square Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Creek Drive and East St. Patrick Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate 10 additional feet of right-of-way and provide a planting screen easement along E. St. Patrick Street; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, to dedicate 17 feet of right-of-way and provide a planting screen easement along Creek Drive; and to install sidewalk along the south side of E. St. Charles Street as per Chapter 16 of the Rapid City Municipal Code be continued to the October 25, 2007 Planning Commission meeting at the applicant's request.

28. No. 07SV052 - Rapps Addition

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of street, water, sewer, curb, gutter, street light conduit, pavement and to reduce Right-of-Way width as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1A, 2A and 2B, Block 2, formerly Lot 1, less Lot H-1 and Lot 2, less Lot H-2 of Block 2, the vacated portion of Rapp Street and the south half of the vacated alley, located in the NE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1, less Lot H-1 and Lot 2, less Lot H-2 of Block 2, located in the NE1/4 SW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Eglin Street and Rapp Street.

Planning Commission recommended that the Variance to the Subdivision



Regulations to waive the requirement to install sidewalk , water, sewer, curb, gutter, street light conduit, pavement and to reduce right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code be continued to the October 25, 2007 Planning Commission meeting to allow the applicant to submit a revised plat document.

29. No. 07SV053 - Watersedge Subdivision

A request by Paul Lindstrom to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2A and 2B of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1810 Rand Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code be continued to the October 25, 2007 Planning Commission meeting to be heard in conjunction with the Layout Plat.

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

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

Planning Commission recommended that the Vacation of Right-of-way request be continued to the December 6, 2007 Planning Commission meeting.

31. 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 Century Road and East North Street.

Planning Commission recommended that the Vacation of Right-of-way be denied without prejudice at the applicant's request.

---END OF HEARING CONSENT CALENDAR---

26. 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.

Derby expressed appreciation for staff hosting a tour of the subject property. In response to a question from Derby, Elkins advised that the associated Preliminary Plat is Item 6 on the non-hearing Consent Agenda. Elkins stated that staff recommendation is to continue the Variance to the Subdivision Regulations the October 25, 2007 Planning Commission meeting to allow the applicant time to submit additional information.

Brown moved, Waltman seconded and unanimously carried to recommend 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 October 25, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat and to allow the applicant to submit the required information. (10 to 0 with Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Elkins requested that Items 32, 33, 34 and 35 be taken concurrently.

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

A request by Scull Construction for Whittingham & Lestrangle, LPI to consider an application for a **Preliminary Plat** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman



Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract a of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

33. 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.

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

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

35. 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.

Elkins presented the staff's recommendation to continue the Preliminary Plat, the Amendment to the Adopted Comprehensive Plan, the Rezoning and the Variance to the Subdivision Regulations requests to the October 25, 2007 Planning Commission meeting at the applicant's request.

Rolinger moved, Collins seconded and carried to recommend that the Preliminary Plat, the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development, Rezoning from Park Forest District to General Commercial District, and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code be continued to the October 25, 2007 Planning Commission meeting to allow the applicant to submit additional information. (7 to 0 to 3 with Brown, Collins, Derby, Gregg, Landguth, LeMay and Rolinger voting yes and none voting no and with Brewer, Scull and Waltman abstaining)

Items 36, 37 and 38 were taken concurrently.

*36. 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.

37. 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.

38. No. 07VR011 - LaVilla Vista

A request by Bryan Gonzalez to consider an application for a **Vacation of a portion of Right-of-way** on that portion of Philadelphia Street which is situated directly south of the north 327.2 feet of the N1/2 of the SE1/4 lying west of I90 Right-of-way, excepting therefrom the W1/2 of the NW1/4 of the SE1/4, and less North Boulevard Addition, located in the unplatted (9779); and, the east 670 feet of the south 30 feet of the SW1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street, more generally described as being located Philadelphia Street north of Founders Park Drive and west of West Boulevard North.

Elkins presented the staff's recommendation that the Planned Residential Development, Preliminary Plat and Vacation of Right-of-way requests be approved with stipulations. Discussion followed.

Bob Brandt requested that the requirement to provide additional parking for the club house on the subject property be reduced. Brandt further requested that the electronic gates be allowed. Brandt requested that Stipulation 14 be modified to allow building permits without fire hydrants installed on the subject property.

Discussion followed regarding the parking requirements, the gated community and the design of the mailboxes.

In response to Landguth's question, Elkins advised that the City has an adopted standard with regard to mailboxes that would require breakaway construction.



In response to Scull, Brandt stated that the street within the subject property is private and would be maintained by the development.

In response to Scull, Elkins stated that staff has concerns with the installation of the gates within the easement and the gate standard. Elkins further commented on staff's concerns that emergency vehicle access may be delayed. Lengthy discussion followed.

Elkins advised that the Air Quality Permit has not been obtained for the proposed development on the subject property. Elkins stated that staff recommends that Vacation of Right-of-way request be continued to the October 25, 2007 Planning Commission meeting.

In response to Derby's question, Brandt identified the approximate square footage of the Community Building on the proposed development. Lengthy discussion followed regarding parking.

Brewer expressed his support for the installation of gates to the proposed development on the subject property, the parking reduction request, and the proposed construction materials used for the mailboxes.

38. No. 07VR011 - LaVilla Vista

A request by Bryan Gonzalez to consider an application for a **Vacation of a portion of Right-of-way** on that portion of Philadelphia Street which is situated directly south of the north 327.2 feet of the N1/2 of the SE1/4 lying west of I90 Right-of-way, excepting therefrom the W1/2 of the NW1/4 of the SE1/4, and less North Boulevard Addition, located in the unplatted (9779); and, the east 670 feet of the south 30 feet of the SW1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1400 East Philadelphia Street, more generally described as being located Philadelphia Street north of Founders Park Drive and west of West Boulevard North.

Rolinger moved, Brown seconded and unanimously carried to recommend that the Vacation of a portion of Right-of-way be continued to the October 25, 2007 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

Brandt requested that the Planning Commission approve the Vacation of Right-of-way to allow the development to move forward, Elkins advised that the staff has not been able to get the applicant to comply with the requirements of the Air Quality Permit or extend the permit.

Derby moved, Rolinger seconded and unanimously carried to recommend that the Planned Residential Development - Initial and Final Development Plan be approved with the following stipulations:

- 1. An Exception is hereby granted to reduce the off-street parking requirements for the clubhouse from 24 spaces to 12 spaces. In**



- addition, an Exception shall be obtained from the City Council to reduce the on-street visitor parking spaces from 49 spaces to 37 spaces if that is the parking requirement not being met. The site plan shall also continue to show 98 guest parking spaces within the driveways of the townhome lots and the proposed 12 off-street parking spaces for the clubhouse;
2. Prior to Planning Commission approval, the applicant shall submit a site plan showing the location and the design of mailboxes. In particular, the mailboxes shall be located to allow access in compliance with the United States Postal Service requirements;
 3. Prior to Planning Commission approval, Section 9 of the draft covenant agreement shall be revised to prohibit guest parking within LaVilla Vista Place since the street is not designed with an adequate width to provide any on-street parking;
 4. Prior to Planning Commission approval, the covenant agreement shall be revised to provide the mechanism for maintenance of the private street(s) and the gates. In addition, prior to issuance of a Building Permit, the covenant agreement shall be recorded at the Register of Deed's Office and a copy of the recorded document shall be submitted to the Growth Management Department;
 5. The approach along Founders Park Drive shall be posted as an "exit" only approach in order to prevent stacking and backing of vehicles into the Founders Park Drive right-of-way;
 6. The fence shall conform architecturally to the proposed elevations, color palette and design plans submitted as part of this Initial and Final Planned Residential Development;
 7. Prior to issuance of a Certificate of Occupancy, the right-of-way and/or an H Lot for Philadelphia Street shall be recorded at the Register of Deed's Office to insure legal access to the site;
 8. Prior to issuance of a building permit, a Preliminary Plat shall be reviewed and approved by the City Council. In addition, prior to issuance of a Certificate of Occupancy a Final Plat shall be approved and recorded;
 9. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
 10. Prior to issuance of a building permit, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Growth Management Department;
 11. Prior to issuance of a building permit, design calculations and details for retaining walls in excess of four feet high shall be submitted for review and approval. In addition, the plans shall be sealed and signed by a Professional Engineer;
 12. 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;
 13. All streets and turnarounds shall be designed and constructed in compliance with the Street Design Criteria Manual and the currently adopted International Fire Code. Street signs and lot addresses shall



also be posted prior to or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met;

14. The rear yard setback is hereby reduced from 25 feet to 14.5 feet for the deck on the clubhouse;
15. The parking spaces for the clubhouse are hereby allowed to back into the adjacent LaVilla Vista access easement;
16. The signage shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development. In addition, the lighting for the sign shall be designed to preclude reflection on the adjacent properties and/or streets. A sign permit shall also be obtained;
17. The street lights shall conform architecturally to the plans and elevations and color palette submitted as part of this Planned Residential Development. In addition, the applicant shall provide continual maintenance of the street lights;
18. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development;
19. All other provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a part of this Initial and Final Residential Development Plan or as a Major Amendment to the Planned Residential Development; and,
20. The Planned Residential Development shall allow for the construction of a 49 townhome development and a clubhouse. The clubhouse shall be used exclusively by the tenants of the townhome development and their guests. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for 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.

That the Preliminary Plat be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show Philadelphia Street located along the north lot line within right-of-way or an H Lot or an Exception shall be obtained to allow an Easement to serve more than four lots. In addition, prior to submittal of a Final Plat application, the H Lot(s) shall be recorded and shown on the plat document as needed;
3. Prior to Preliminary Plat approval by the City Council, a revised grading plan showing the proposed relocated drainage area along the



- south lot line shall be submitted for review and approval;
4. Prior to Preliminary Plat approval by the City Council, a revised Master Utility Plan, signed by the appropriate utility companies, shall be submitted for review and approval showing the location of the utilities along the south lot line due to the relocated drainage area;
 5. Prior to City Council approval of the Preliminary Plat, road construction plans for the existing Philadelphia Street right-of-way located along the south lot line shall be submitted for review and approval showing the street located within a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Comprehensive Plan Amendment to the Major Street Plan relocating Philadelphia Street to the north lot line shall be obtained. In addition, the existing Philadelphia Street right-of-way shall be vacated;
 6. Prior to City Council approval of the Preliminary Plat, an Exception shall be obtained to reduce the visitor parking requirement from 49 spaces to 37 spaces or the plat document shall be revised to provide 49 visitor parking spaces located within 300 feet of the residence(s);
 7. Prior to City Council approval of the Preliminary Plat, all construction plans shall be sealed and signed by a Professional Engineer and submitted to the City for review and approval;
 8. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 9. Prior to Preliminary Plat approval by the City Council, the covenant agreement shall be revised to provide the mechanism for maintenance of the private street(s). In addition, prior to submittal of a Final Plat application, the covenant agreement shall be recorded at the Register of Deed's Office and a copy of the recorded document shall be submitted to the Growth Management Department;
 10. Prior to submittal of a Final Plat application, the plat document shall be revised to show the sign, entry keypad and gate areas labeled "Area excluded from the access easement";
 11. Prior to submittal of a Final Plat application, the plat document shall be revised to show the entire turnaround at the east terminus of LaVilla Vista Place within an access easement;
 12. Prior to submittal of a Final Plat application, the plat document shall be revised to show additional easements for storm sewer as needed;
 13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed, including the demolition and restoration of the existing Philadelphia Street, shall be posted and the subdivision inspection fees shall be paid; and,
 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (10 to 0 with Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)



Tegethoff requested that Items 39 and 40 be taken concurrently.

39. No. 07PL118 - Biernbaum Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Pacific Steel and Recycling to consider an application for a **Preliminary Plat** on a portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27, more fully described as follows: Beginning at the southwest corner of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "RW FISK 6565"; thence, northerly along the westerly edge of said Lot A of Biernbaum Subdivision and along the easterly edge of Highway 79 right-of-way, N00°01'09"W, a distance of 225.01 feet more or less, to an angle point of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "LS4208" and said corner being coincident with the southwesterly corner of Lot B of Biernbaum Subdivision, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27; thence, easterly along the northerly edge of said Lot A of Biernbaum Subdivision and along the southerly edge of Lot B of Biernbaum Subdivision, N89°51'25"E, a distance of 206.31 feet more or less, to a point on the westerly edge of Amended Lot H2 of Lot A of Biernbaum Subdivision, as shown in the plat filed April 8, 2003 and recorded in Book 10 of Highway Plats on Page 111, said point being marked by a rebar with survey cap "LS 6119"; thence, southerly along the westerly edge of said Amended Lot H2 of Lot A of Biernbaum Subdivision, S00°05'02"W, a distance of 225.68 feet more or less, to the south line of said Lot A of Biernbaum Subdivision, also being the southwest corner of said Amended Lot H2 of Lot A of Biernbaum Subdivision, said corner being marked by a "SDDOT Monument"; thence, westerly along the southerly line of said Lot A of Biernbaum Subdivision, N89°57'30"W, a distance of 205.90 feet more or less, to the point of beginning., more generally described as being located at 4280 South Highway 79.

40. No. 07SV051 - Biernbaum Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Pacific Steel and Recycling to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, additional pavement or additional extension of water or sewer main in any adjoining right-of-way, and the requirement to dedicate additional right-of-way** on a portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot A of Biernbaum Subdivision, located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27, more fully described as follows: Beginning at the southwest corner of said Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "RW FISK 6565"; thence, northerly along the westerly edge of said Lot A of Biernbaum Subdivision and along the easterly edge of Highway 79 right-of-way, N00°01'09"W, a distance of 225.01 feet more or less, to an angle point of said



Lot A of Biernbaum Subdivision, said corner being marked by a rebar with survey cap "LS4208" and said corner being coincident with the southwesterly corner of Lot B of Biernbaum Subdivision, as shown on the plat recorded July 10, 1997 and recorded in Book 28 of Plats on Page 27; thence, easterly along the northerly edge of said Lot A of Biernbaum Subdivision and along the southerly edge of Lot B of Biernbaum Subdivision, N89°51'25"E, a distance of 206.31 feet more or less, to a point on the westerly edge of Amended Lot H2 of Lot A of Biernbaum Subdivision, as shown in the plat filed April 8, 2003 and recorded in Book 10 of Highway Plats on Page 111, said point being marked by a rebar with survey cap "LS 6119"; thence, southerly along the westerly edge of said Amended Lot H2 of Lot A of Biernbaum Subdivision, S00°05'02"W, a distance of 225.68 feet more or less, to the south line of said Lot A of Biernbaum Subdivision, also being the southwest corner of said Amended Lot H2 of Lot A of Biernbaum Subdivision, said corner being marked by a "SDDOT Monument"; thence, westerly along the southerly line of said Lot A of Biernbaum Subdivision, N89°57'30"W, a distance of 205.90 feet more or less, to the point of beginning., more generally described as being located at 4280 South Highway 79.

Tegethoff stated that the staff recommends that the Preliminary Plat and Variance to the Subdivision requests be continued to the October 25, 2007 Planning Commission meeting.

Brown moved, LeMay seconded and unanimously carried to recommend that the Preliminary Plat and Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, additional pavement or additional extension of water or sewer main in any adjoining right-of-way, and the requirement to dedicate additional right-of-way be continued to the October 25, 2007 Planning Commission meeting to allow the applicant to submit the required information. (10 to 0 with Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

41. 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.

Elkins stated that staff recommends that the SDCL 11-6-19 Review request be approved with stipulations.

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

Gregg moved, Collins seconded and unanimously carried to recommend that the SDCL 11-6-19 Review to add a turn lane on East Mall Drive be approved with the following stipulations:

- 1. Prior to Planning Commission approval, the applicant shall obtain**



- approval from the City Council to prepare an H Lot and to authorize acceptance of a deed. In addition, the H Lot shall be recorded at the Register of Deed's Office;
2. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department. In particular, the plans shall show the location of future signalization of the intersection and the H Lot shall be revised to include the area for the required signalization equipment;
 3. Prior to Planning Commission approval, the H Lot shall be revised to include the sidewalk along the south side of Mall Drive;
 4. Prior to Planning Commission approval, an eight foot wide minor drainage and utility easement shall be recorded at the Register of Deed's Office creating a drainage and utility easement along the south side of the H Lot or the H Lot shall be revised to include this area;
 5. Prior to Planning Commission approval, an access easement shall be recorded at the Register of Deed's Office for the relocated approach into the property or the H Lot shall be revised to include this area; and,
 6. Prior to Planning Commission approval, the construction plans shall be revised to show fire hydrants that are being relocated as new fire hydrant(s) in lieu of reusing fire hydrant(s) or an Exception shall be obtained. (9 to 0 to 1 with Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no and Waltman abstaining)

Smith requested that Items 42 and 50 be taken concurrently.

42. No. 07SR047 - Section 15, T1N, R8E
A request by West River Electric Assn. to consider an application for an **SDCL 11-6-19 Review to construct an electric utility substation on public property** on Lot WR of the NE1/4 NE1/4, Section 15 T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3383 Reservoir Road.
50. No. 07VE028 - Section 15, T1N, R8E
A request by Renner & Associates for West River Electric Association to consider an application for a **Vacation of Non-Access Easement** on Lot WR of the NE1/4 NE1/4, Section 15 T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3383 Reservoir Road.

Smith stated that the staff recommends that the SDCL 11-6-19 Review and the Vacation of Non-Access Easement requests be continued to the October 25, 2007 Planning Commission meeting at the applicant's request.

Collins moved, Landguth seconded and unanimously carried to deny the SDCL 11-6-19 Review to construct a public electric utility substation and that the Vacation of Non-Access Easement be continued to the October 25,



2007 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

43. No. 07SR048 - Rapid City Greenway Tract

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

Tegethoff stated that the staff recommends that the SDCL 11-6-19 Review be continued to the October 25, 2007 Planning Commission meeting.

Brown moved, Rolinger seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow a structure on public property to the October 25, 2007 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

*44. 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.

Tegethoff presented the staff's recommendation to approve the Planned Light Industrial Development with stipulations to revise the site plan. Tegethoff reviewed the proposed site plan for the subject property that has been submitted by the applicant.

Waltman stated that she reviewed the subject property and has reviewed the property with the applicant. Waltman identified the location of an easement on the subject property that may prohibit modification of the site plan. Discussion followed on the proposed structure placement with regard to the existing easement.

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

In response to Brewer's question, Tegethoff stated that overhead doors are proposed.

Janelle Finck, Fisk Land Surveying, identified the topographic issues that limit structure location. Finck stated that the applicant has addressed the drainage issues on the subject property. Finck requested that the Stipulations No. 1 and No. 2 be stricken. Discussion followed.



In response to LeMay's question, Finck identified the reasons for the location of the proposed structures on the subject property. Discussion followed.

Scull moved, Rolinger seconded and carried to approve the Planned Light Industrial Development - Initial and Final Development Plan with the following stipulations:

1. An exception has been granted allowing the main and accessory buildings and off-street parking and loading facilities covering 79 percent of the lot area as per Chapter 17.22.040 of the Rapid City Municipal Code for review and approval;
2. An exception has been granted allowing the site plan providing a 26 foot wide access aisle as required per Table 17.50.270(D) of the Rapid City Municipal Code for review and approval;
3. A minimum 41.9 foot rear yard setback shall be provided and all other provisions of the Light Industrial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Light Industrial Development or a subsequent Major Amendment;
4. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
5. A sign permit shall be obtained prior to construction of any signage;
6. An air quality permit shall be obtained prior to construction;
7. The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;
8. All applicable provisions of the International Fire Code shall be continually met;
9. All construction shall comply with the approved building elevations;
10. The lighting plan shall continually comply with all requirements of the Zoning Ordinance and the approved lighting plan; and,
11. The Initial and Final Planned Light Industrial Development shall expire if the use has not commenced 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. (6 to 3 to 1 with Brewer, Brown, LeMay, Rolinger, Scull and Waltman voting yes and Derby, Gregg, Landguth, voting no and Collins abstaining)

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

*45. No. 07PD079 – Red Rock Meadows Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lot 1 of Block 10 of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Portrush Road and



Dunsmore Road.

Elkins stated that the staff recommends that the Planned Residential Development request be approved with stipulations.

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

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. A minimum 18 foot front yard setback shall be provided in front of the garage and a minimum 15 foot front yard setback shall be provided in front of the residence. In addition, a minimum 25 foot setback shall be provided along the front yard abutting Dunsmore Street. A side yard setback along the interior side lot line of eight feet for a one story structure and twelve feet for a two story structure shall be provided. In addition, a minimum 25 foot rear yard setback shall be provided;**
- 3. The proposed structure shall conform architecturally to the proposed elevations and design plans submitted as part of this Initial and Final Planned Residential Development. In addition, the color scheme shall consist of brown, white and/or green earth tone shades;**
- 4. The lot address shall be posted prior to or in conjunction with any building construction. The currently adopted International Fire Code shall be continually met;**
- 5. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment; and,**
- 6. The Planned Residential Development shall allow for the construction of single family residence. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for 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. (10 to 0 with Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)**

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



46. 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.

Elkins stated that the staff recommends that the Variance to the Subdivision Regulations request be continued to the October 25, 2007 Planning Commission meeting at the applicant's request.

Landguth moved, Rolinger seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to reduce the width of the access easement from 59 feet to 26 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement be continued to the October 25, 2007 Planning Commission meeting at the applicant's request. (10 to 0 with Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

47. No. 07RD004 - Rapid City Greenway Tract

A request by Founders Park, LLC to consider an application for a **Resolution renaming that portion of 12th Street and North 12th Street to Founders Park Drive** on Tract 17, Less Lot H1, Tract 18 and the Vacated West Street adjacent to Tract 18, and Tract 18B all in Rapid City Greenway Tract, and Lot 29 thru 31 of Block 2, Less Lots H1 of Riverside Addition, all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 12th Street and North 12th Street.

Elkins presented the staff's recommendation that the Road Name Change request be denied based on the creation of multiple street names.

Pat Tlustos, requested that the Road Name Change request be approved by the Planning Commission. Tlustos expressed his opinion that there would be less confusion for the public to rename the subject street the same as the adjacent approved development.

Collins expressed support for the staff's recommendation to deny the Road Name Change request.

Collins moved to deny the Resolution renaming that portion of 12th Street and North 12th Street to Founders Park Drive. The Motion dies for lack of a second.



Discussion continued.

Scull moved, Rolinger seconded to approve the Resolution renaming that portion of 12th Street and North 12th Street to Founders Park Drive Road Name change and to rename 12th Street to the South of Omaha Street to Founders Park Drive. Elkins advised that legal notification to property owners would need to be given prior to a road name change. Elkins further commented that the Planning Commission may wish to continue the Road Name Change request. Discussion followed.

Substitute motion by Waltman, seconded by Brown to the continue the Resolution renaming that portion of 12th Street and North 12th Street to Founders Park Drive Road Name change to the October 25, 2007 Planning Commission meeting. (2 to 8 with Brown and Waltman voting yes and Brewer, Collins, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting no)

Second Substitute motion by Rolinger, Scull seconded and unanimously carried to recommend that the Resolutions renaming a portion of 12th Street north of Omaha Street to Founders Park Drive be approved. (9 to 1 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and Collins voting no)

48. No. 07RZ064 - St. Martins Village

A request by FMG, Inc. for Good Samaritan Society to consider an application for a **Rezoning from General Agriculture to Medium Density Residential** on SE1/4 SW1/4 and SW1/4 SE1/4 and NE1/4 SE1/4 and NW1/4 SE1/4, and SW1/4 NE1/4 and less Lot A of W1/2 SE1/4, Sections 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of S.D. Highway 79 (Sturgis Road) and south of Hidden Valley Road.

Elkins presented the staff's recommendation to continue the Rezoning request to the October 25, 2007 Planning Commission meeting.

Rolinger moved, Collins seconded and unanimously carried to recommend that the Rezoning from General Agriculture to Medium Density Residential be continued to the October 25, 2007 Planning Commission meeting. (10 to 0 with Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)

49. No. 07RZ065 - Original Town of Rapid City

A request by Bob Fuchs to consider an application for a **Rezoning from General Commercial District to Central Business District** on the South 50 feet of Lots 28 thru 32 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 321 7th Street.

Smith presented the staff's recommendation to deny the Rezoning request.



Smith further commented that the proposed rezoning would create spot zoning. Smith added that previous requests for rezoning of the subject property have been denied.

Bob Fuchs, the applicant, stated that the rezoning request comes to the Planning Commission because the focus has changed to a restaurant business from a primary bar business. Fuchs added that daytime hours are essential for a restaurant business. Fuchs added that any additional uses would require a Variance. Fuchs requested that the Rezoning request be approved.

LeMay expressed his support for the rezoning request. Discussion followed.

Collins commented that there is ample parking available during the daytime business hours. Collins expressed her support for the rezoning request.

Rolinger expressed his support for rezoning request.

Fred Thurston, expressed his opposition to the proposed rezoning request. Thurston expressed his concern with the negative impact to adjacent property owners with regard to parking availability during the daytime business hours. Thurston requested further resolution for parking problems in the downtown area.

Jeff Collins, area business owner, expressed his opposition to the proposed use of the subject property and the possible negative impact for parking to the adjacent businesses.

Fuchs presented photos of the parking availability at various times of day adjacent to the subject property.

Scull expressed his support for the Rezoning request.

In response to Derby's question, Fuchs identified the existing uses of the subject property. Discussion followed.

Elkins reviewed the Zoning Board recommendation and the stipulations of the approved Variance. Elkins further advised staff's concern for the Planning Commission overriding the decision of the Zoning Board of Adjustments.

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

Elkins stated that the Planning Commission could recommend that the applicant pursue a variance request from the Zoning Board of Adjustment.

Rolinger expressed his support of the Rezoning request. Rolinger further commented on intrinsic parking problems for downtown businesses.

Brown stated that he was not in favor of spot zoning and further commented that



parking issues need to be addressed for the downtown business area. Discussion followed.

In response to Derby's question, Elkins stated that staff would work with the applicant to submit a variance request to the Zoning Board of Adjustments.

Vickie Bierman, area business owner, expressed concern for the proposed business on the subject property and possible negative impact to the adjacent property owners. Discussion followed.

Brown moved, Gregg seconded and carried to recommend that the Rezoning from General Commercial District to Central Business District be continued to the November 8, 2007 Planning Commission meeting and recommend that the applicant submit a variance request from the Zoning Board of Adjustments. (7 to 3 with Brown, Collins, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and Brewer, Derby and Waltman voting no)

51. No. 07UR011 - Section 30, T2N, R8E

A request by Maple Avenue Development, LLC for Laura A. Hawkins to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the southeast corner of Lot 1 of LJS Subdivision, located in the NW1/4 NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat filed September 9, 1999 and recorded in Book 29 of Plats on Page 86 of the office of the Register of Deeds, said corner also being located on the north edge of Maple Avenue right-of-way; thence, northerly along the east line of said Lot 1 of LJS Subdivision, N00°07'31"E, a distance of 250.42 feet more or less; thence, S74°21'24"E, a distance of 200.00 feet more or less; thence, S10°46'22"E, a distance of 145.00 feet more or less; thence, S08°59'42"E, a distance of 55.00 feet more or less to a point on the north line of said Maple Avenue right-of-way; thence, westerly along the north line of said Maple Avenue right-of-way, N89°55'48"W, a distance of 228.84 feet more or less, to the point of beginning, more generally described as being located at 2310 North Maple Avenue.

Elkins presented the staff's recommendation to continue the Conditional Use Permit request to the October 25, 2007 Planning Commission meeting at the applicant's request.

Brown moved, Rolinger seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the October 25, 2007 Planning Commission Meeting to allow the applicant time to submit additional information. (10 to 0 with Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)



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

52. Discussion Items

A. Basin Electric Intertie Study.

Bulman presented a brief overview of the Basin Electric Intertie Study efforts.

Collins requested additional information with regard to the Intertie Study.

Tim Casey, HDR Engineering presented the recommendations for possible development and the remedies to mitigate the sound and vibration to proposed land uses. Discussion followed.

LeMay left the meeting at this time.

B. Ordinance Amendment to allow micro-breweries in Light Industrial – General Commercial Zoning Districts.

Brian LaMunyon, applicant, requested an Ordinance Amendment to allow micro-breweries in Light Industrial – General Commercial Zoning Districts.

Elkins stated that the applicant is requesting that the Planning Commission authorize the staff to prepare an Ordinance Amendment to allow Microbreweries. Discussion followed.

In response to Derby's question, LaMunyon identified possible locations for the proposed micro-brewery. Discussion followed.

Rolinger moved, Brown seconded and unanimously carried to recommend authorizing staff to pursue and Ordinance Amendment to allow micro-breweries and wineries as conditional uses in the Light Industrial – General Commercial Zoning Districts. (9 to 0 with Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

53. Staff Items

54. Planning Commission Items

55. Committee Reports

A. City Council Report (September 17, 2007)

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

B. Sign Code Board of Appeals



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

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