



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 25, 2007

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Barb Collins, Mike Derby, Julie Gregg, Steve Rolinger and Andrew Scull. Ron Kroeger, Council Liaison was also present

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Karen Bulman, Travis Tegethoff, Mary Bosworth, Ted Johnson, 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.

Brown moved, Anderson seconded and carried to recommend that the Creation of Tax Increment District and the Dakota Canyon Marketplace Tax Increment District Project Plan be continued to the November 8, 2007 Planning Commission meeting at the applicant's request. (6 to 0 to 2 with Anderson, Brown, Collins, Derby, Gregg and Rolinger voting yes and none voting no and Brewer and Scull 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.

Staff requested that Item 15 be removed from the Non-Hearing Consent Agenda for separate consideration.

Anderson requested that Item 19 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Brown Seconded by Scull and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 3 thru 23 in accordance with the staff recommendations with the exception of Items 15 and 19. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Rolinger and Scull voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

3. Approval of the October 4, 2007 Planning Commission Meeting Minutes.
4. 07TP025 - Coordinated Public Transit-Human Service Transportation Plan – Final Report.

Planning Commission recommended approval of the Coordinated Public Transit – Human Service Transportation Plan as adopted by the Committee on October 19, 2007.

5. 07TP028 - 2008 Unified Planning Work Program – Final Report.

Planning Commission recommended approval of the Unified Planning Work Program as adopted by the Committee on October 19, 2007.

6. 07TP030 - 2008 – 2012 Transportation Improvement Program Amendment No. 08-001.

Planning Commission recommended approval of the 2008-2012



Transportation Improvement Program Amendment #08-001.

7. No. 07PL107 - South Yard Subdivision

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

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

1. **Prior to Preliminary Plat approval by the City Council, road construction plans for the rearage road shall be submitted for review and approval. In particular, the construction plans shall show the rearage road located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer and bike path if disturbed or a Variance to the Subdivision Regulations shall be obtained. In addition, prior to Preliminary Plat approval by the City Council, a name for the rearage road shall be submitted for review and approval;**
2. **Prior to Preliminary Plat approval by the City Council, road construction plans for East Minnesota Street shall be submitted for review and approval. In particular, the road construction plans shall show East Minnesota Street located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to City Council approval of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the location and size of existing water mains and service lines and the extension of water mains must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;**
4. **Prior to City Council approval of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the location and size of existing sewer mains and services and the extension of sanitary sewer mains and service lines must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;**
5. **Prior to Preliminary Plat approval by the City Council, the plat document be revised to show all required non-access easements per the Rapid City Street Design Criteria Manual;**
6. **Prior to any development within the 100 year federally designated floodplain, a Floodplain Development Permit must be obtained as needed. In addition, a 404 Permit must be obtained from the Corp of Engineers as needed;**



7. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
 8. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
 9. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
 10. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.**
8. 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 be continued to the November 8, 2007 Planning Commission meeting to allow the applicant to address the outstanding issues and to allow the applicant to submit additional information.**
9. 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.

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

- 1. Prior to Preliminary Plat approval by the City Council, road construction plans for the east-west rearage road shall be submitted for review and approval. In particular, the construction plans shall show 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. In addition, prior to Preliminary Plat approval by the City Council, a name for the east-west rearage road shall be submitted for review and approval;**
- 2. Prior to Preliminary Plat approval by the City Council, road construction plans for the north-south rearage road shall be submitted for review and approval. In particular, the road construction plans shall show 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. In addition, prior to Preliminary Plat approval by the City Council, a name for the north-south rearage road shall be submitted for review and approval;**
- 3. Prior to City Council approval of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the location and size of existing water mains and service lines and the extension of water mains must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;**
- 4. Prior to City Council approval of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the location and size of existing sewer mains and services and the extension of sanitary sewer mains and service lines must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained;**
- 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 8. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 9. Prior to Final Plat approval, the off-premise sign shall be removed or a Variance from the Sign Board of Appeals shall be obtained or the**



Ordinance shall be amended to allow the proposed signage;

- 10. 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,**
- 11. 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 November 8, 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 November 8, 2007 Planning Commission meeting to allow the applicant to submit the required information.

12. No. 07PL128 - High Sheridan Ranch Subdivision

A request by Britton Engineering and Land Surveying for Raymond Crawford to consider an application for a **Layout Plat** on Lots A and B of Lot 4R of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 4R of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 23435 Sand Lane.

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

- 1. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow a 2,750 foot long cul-de-sac street with one intermediate turnaround in lieu of a maximum 500 foot long cul-de-sac street with an intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised**



accordingly;

2. Upon submittal of a Preliminary Plat application, construction plans for Sand Lane shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with curb, gutter, street light conduit and sewer. In addition, the intermediate turnaround shall be located within a minimum 110 foot diameter cul-de-sac and constructed with a minimum 96 foot wide diameter paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained;
3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval;
4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension and/or existing water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the applicant shall submit documentation from the owner of the water facility indicating concurrence with serving a second lot. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed;
5. Prior to submittal of a Final Plat application, the swimming pool shall be removed from the existing 16 foot wide minor drainage and utility easement or the easement shall be vacated and/or relocated as needed;
6. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided;
7. Prior to submittal of a Final Plat application, the Certificates of Title shall be revised for a Final Plat in lieu of a Minor Plat or all of the subdivision improvements shall be completed with no granting of Variances to the Subdivision Regulations prior to submittal of a Minor Plat application,
8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
9. Prior to the City's acceptance of the public improvements, a warranty



surety shall be submitted for review and approval as required.

13. No. 07PL130 - Mahoney Addition

A request by Duane Hosek to consider an application for a **Layout Plat** on Lots 1 and 2 of Hosek Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Block 24 of Mahoney Addition, less the west 25 feet, less the south 81/2 feet and the east 81/2 feet, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1509 Midway Street.

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

1. **Upon submittal of a Preliminary Plat application, a site plan prepared by a Registered Surveyor or Registered Professional Engineer must be submitted for review and approval demonstrating the existing structures do not encroach into the street right-of-way;**
2. **Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;**
3. **Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;**
4. **Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans must demonstrate adequate capacity of the downstream wastewater system;**
5. **Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed and designed to provide adequate fire and domestic flows;**
6. **Upon submittal of a Preliminary Plat application, road construction plans for Midway Street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
7. **Upon submittal of a Preliminary Plat application, road construction plans for Patton Street shall be submitted for review and approval. In**



particular, the road construction plans shall show the street located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;

8. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 9. Prior to submittal of a Final Plat application, any structures encroaching into adjacent street right-of-way must be removed or the right-of-way must be vacated
 10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.
14. No. 07PL131 - Strato Rim Estates
A request by Jim Peterson for Rob Livingston to consider an application for a **Layout Plat** on Lots 8A and 8B of Strato Rim Estates, located in the SW1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 8 of Strato Rim Estates, located in the SW1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 23641 Strato Rim Drive.

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

1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If a central sewer system is proposed, the applicant shall identify the entity responsible for operation and maintenance and obtain South Dakota Department of Environment and Natural Resource approval. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review



- and approval. In particular, the information shall include percolation test data and location as well as soil profile data and locations. In addition, a septic tank plan must be submitted for review and approval as per Chapter 16.20.040.N of the Rapid City Municipal Code;
4. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains, fire hydrants and water lines, including the size of the proposed water lines must be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If on-site well(s) and/or a community water source are used, data to confirm that the well(s) have sufficient flows and water quality must be submitted for review and approval. In addition, the water plans must show the existing water system layout, including location and size of mains, reservoir capacity, overflow elevations, well location and capacity. In addition, the applicant must submit documentation that the existing community water district concurs with the proposed expansion of use;
 5. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the west lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highways constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow platting of half a right-of-way;
 6. Upon submittal of a Preliminary Plat application, road construction plans for the access easement shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 45 foot right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 7. Upon submittal of a Preliminary Plat application, the applicant shall obtain a Special Exception to allow a cul-de-sac in excess of 500 feet and to waive the requirement to provide intermediate turnarounds or the street must be redesigned to comply with the Street Design Criteria Manual;
 8. Upon submittal of a Preliminary Plat application, a Wildland Fire Mitigation Plan shall be submitted for review and approval;
 9. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 10. 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,
 11. Prior to the City's acceptance of the public improvements, a warranty



surety shall be submitted for review and approval.

16. No. 07PL134 - Hyland Crossing

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

Planning Commission recommended that the Preliminary Plat be continued to the November 8, 2007 Planning Commission meeting to allow the applicant to submit additional information.

17. No. 07RD006 - Rushmore Crossing

A request by City of Rapid City to consider an application for a **Resolution for a Road Name Change from Farnwood Avenue to Eglin Street** on Plat of Lot H1 of Lot M, Plat of Lot H1 of Lot 1, Block 2, Rapps Addition, Plat of Lot H1 of Lot 2, Block 2, Rapps Addition, located in the NW1/4SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and Plat of Lot H2 of Lot K-4 Less Lot H1 of Marshall Heights Tract and half of the vacated portions of Rapp Street located in the NE1/4SW1/4, Section 30 T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of North LaCrosse Street and Rapp Street.

Planning Commission recommended that the Resolution for a Road Name Change from Farnwood Avenue to Eglin Street on Plat of Lot H1 of Lot M, Plat of Lot H1 of Lot 1, Block 2, Rapps Addition, Plat of Lot H1 of Lot 2, Block 2, Rapps Addition, located in the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and Plat of Lot H2 of Lot K-4 Less Lot H1 of Marshall Heights Tract and half of the vacated portions of Rapp Street located in the NE1/4 SW1/4, Section 30 T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.

18. No. 07SR049 - Section 35, T2N, R7E

A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow pavement of a parking lot on public property, and to allow pavement of a portion of public alley** on Lot RU-301B of RU Lots, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on West Boulevard North.

Planning Commission continued the SDCL 11-6-19 Review to allow paving of a parking lot on public property, and to allow paving of a portion of public alley to the November 8, 2007 Planning Commission meeting to allow the applicant time to submit additional information.



20. 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 November 8, 2007 Planning Commission meeting to allow the applicant to submit the required information.

21. No. 07VE032 - Forefather Flats

A request by Dream Design International, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lots 1 and 2 of Forefather Flats Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of East Mall Drive and north of Interstate 90.

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

1. **Prior to Public Works Committee approval, the Vacation of Non-Access Easement Exhibit "A" shall be revised eliminating the reference to the "relocated non-access easement"; and,**
2. **Prior to Public Works Committee approval, a separate Exhibit "A" shall be recorded at the Register of Deed's Office securing an alternate non-access easement along E. Mall Drive as it abuts the property.**

22. No. 07VE035 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Aaron Klapkin to consider an application for a **Vacation of a portion of a Non-Access Easement** on Lot A of Lot 27 of Block 1 of Elks Country Estates, located in the E1/2, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 3911 Jolly Lane.

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

1. **Prior to approval by City Council, the applicant shall record with the Pennington County Register of Deeds office a 35 foot Non-Access Easement along Jolly Lane.**

23. No. 07VE037 - Forefather Flats Subdivision

A request by Dream Design International, Inc. to consider an application for a **Vacation of Access and Utility Easement** on Lots 1 and 2 of Forefather Flats Subdivision, located in the NE1/4 of the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of East Mall Drive and north of Interstate 90.

Planning Commission recommended that the Vacation of Access and



Utility Easement be approved with the following stipulation:

- 1. Prior to Public Works Committee approval, documentation from all of the affected utility companies shall be submitted indicating no objection to the vacation request.**

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

15. No. 07PL133 - Wally Byam Addition

A request by Fisk Land Surveying and Consulting Engineers, Inc. for the City of Rapid City to consider an application for a **Preliminary Plat** on Lot 1 of Wally Byam Addition and Dedicated Right-of-way, located in the S1/2 SW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the S1/2 SW1/4 NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the south one-quarter corner of said Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence, northerly along the center one-quarter line of said Section 9, N00°06'45"E, a distance of 3312.73 feet more or less to the south 1/64th line of the NE1/4 of said Section 9; thence, easterly along the north line of the S1/2 SW1/4 NE1/4, Section 9, S89°58'14"E, a distance of 279.27 feet more or less to the point of beginning; thence, continuing easterly along the north line of the S1/2 SW1/4 NE1/4, Section 9, S89°58'14"E, a distance of 670.67 feet more or less, to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly line of said railroad right-of-way, S51°15'21"E, a distance of 38.60 feet more or less; thence, S38°45'09"W, a distance of 17.16 feet more or less; thence, curving to the right on a normal curve with a radius of 227.45 feet, a delta of 29°07'46", and an arc length of 115.64 feet more or less; thence, S67°52'55"W, a distance of 126.32 feet, more or less; thence, curving to the left on a normal curve with a radius of 170.00 feet, a delta of 42°06'45", and an arc length of 124.95 feet more or less; thence, S25°46'10"W, a distance of 32.55 feet more or less; thence, N64°13'50"W, a distance of 60.00 feet more or less; thence, N53°24'13"W, a distance of 403.56 feet more or less to the point of beginning, more generally described as being located S. D. Highway 44 West and Lytle Lane.

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

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

- 1. Prior to City Council approval of the Preliminary Plat, a revised Master Plan shall be submitted for review and approval showing access to Lot 2 of Tract 2. In addition, the Master Plan shall show the areas of periodic inundation and the 100 year federally designated floodplain boundaries;**
- 2. Prior to City Council approval of the Preliminary Plat, road construction plans for Lytle Lane shall be submitted for review and approval. In particular, the plans shall show the street constructed**



with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the construction plans shall show a bike path along the north side of Lytle Lane. In lieu of submitting the road construction plans, a Variance to the Subdivision Regulations shall be obtained to waive the requirement to install the improvements or surety shall be posted for the design and construction of the street;

3. Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show periodic inundation on any portion of the property subject to storm drainage, overflow or ponding as per Chapter 16.20.040.H of the Rapid City Municipal Code. In addition, prior to any development within the 100 year federally designated floodplain, a Floodplain Development Permit shall be obtained as needed. In addition, a 404 Permit shall be obtained from the Corp of Engineers as needed;
 4. Prior to City Council approval of the Preliminary Plat, a drainage plan in compliance with the Unnamed Tributary Drainage Basin Design Plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed;
 5. Prior to City Council approval of the Preliminary Plat, an Approach Permit shall be obtained from the South Dakota Department of Transportation;
 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing water main extending through the property within a Utility Easement;
 7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Rolinger and Scull voting yes and none voting no)
19. No. 07SR051 - Rapid City Greenway Tract
A request by City of Rapid City to consider an application for an **SDCL 11-6-19 Review to allow a structure on public property** on Tract 8 of Rapid City Greenway Tract, located in the NW1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2900 Jackson Boulevard.

Tegethoff presented the staff's recommendation to approve the SDCL 11-6-19 Review request. Discussion followed.

Anderson moved, Gregg seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow a structure on public property. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Rolinger and Scull voting yes and none voting no)

Brewer announced that the Public Hearings on Items 24 through 44 were opened.



Staff requested that Items 33 be removed from the Hearing Consent Agenda for separate consideration.

Planning Commission requested that Items 38 and 40 be removed from the Hearing Consent Agenda for separate consideration.

A member of the audience requested that Items 35 and 37 be removed from the Hearing Consent Agenda for separate consideration.

Gregg moved, Brown seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 24 through 44 in accordance with the staff recommendations with the exception of Items 33, 35, 37, 38 and 40. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Rolinger and Scull voting yes and none voting no)

The Public Hearings for Items 24 through 44 were closed.

Smith arrived at this time.

---HEARING ITEMS CONSENT CALENDAR---

24. No. 05VR014 - Sletten Addition

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the north to east curve of West Nike Road.

Planning Commission recommended that the Vacation of Section Line Highway request be continued to the December 6, 2007 Planning Commission meeting.

25. No. 07CA046 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Medium Density Residential with a Planned Residential Development** on a tract of land located in the S1/2 SE1/4 of Section 22 and the N1/2 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Commencing at the East ¼ Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 215.75 feet to a point; Thence N45°00'00"E 192.27 feet to the



beginning of a curve concave to the northwest and having a radius of 2000.00 feet; Thence along said curve a distance of 450.67 feet to a point; Thence N32°05'22"E 84.51 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of N59°55'26"W; Thence along said curve a distance of 500.56 feet to a point; Thence S42°01'34"W 646.67 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet to a point; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the C¼ corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C¼ LS 6014., more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Medium Density Residential with a Planned Residential Development be denied without prejudice.

26. No. 07RZ068 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Rezoning from No Use District to Low Density Residential II District** on a tract of land located in the S1/2 SE1/4 of Section 22 and the N1/2 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Commencing at the East ¼ Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 215.75 feet to a point; Thence N45°00'00"E 192.27 feet to the beginning of a curve concave to the northwest and having a radius of 2000.00 feet; Thence along said curve a distance of 450.67 feet to a point; Thence N32°05'22"E 84.51 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of N59°55'26"W; Thence along said curve a distance of 500.56 feet to a point; Thence S42°01'34"W 646.67 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet to a point; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the C¼ corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C¼ LS 6014, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential II District be continued to the November 8, 2007 Planning Commission to be considered in conjunction with the



required Comprehensive Plan Amendment.

27. No. 07CA047 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 7 of Marlin Industrial Park, common to a point on the southerly edge of right-of-way of Marlin Drive, and the point of beginning; Thence, first course: curving to the left, along the southerly edge of right-of-way of Marlin Drive, on a curve with a radius of 3029.50 feet, a delta angle of 04°14'59", a length of 224.71 feet, a chord bearing of N83°40'14"E, and chord distance of 224.66 feet; Thence, second course: curving to the left, along the southerly edge of right-of-way of Marlin Drive, on a curve with a radius of 3029.50 feet, a delta angle of 03°28'44", a length of 183.94 feet, a chord bearing of N79°50'28"E, and chord distance of 183.91 feet; Thence, third course: N78°01'12"E, along the southerly edge of right-of-way of Marlin drive, a distance of 35.62 feet, to a point on the southwesterly edge of right-of-way, common to Creek Drive and Marlin Drive; Thence, fourth course: S57°55'55"E, along the southwesterly corner of right-of-way, common to Creek Drive and Marlin Drive, a distance of 14.37 feet, to a corner on the southwesterly corner of right-of-way, common to Creek Drive and Marlin Drive; Thence fifth course: curving to the left, along the easterly edge of right-of-way of Creek Drive, on a curve with a radius of 1050.00 feet, a delta angle of 09°12'13", a length of 168.67 feet, a chord bearing of S18°41'12"E, and chord distance of 168.49 feet, to the southwesterly corner of Creek Drive right-of-way; Thence sixth course: curving to the left, on a curve with a radius of 1050.00 feet, a delta angle of 04°59'11", a length of 91.38 feet, a chord bearing of S26°40'08"E, and chord distance of 91.35 feet; Thence seventh course: S59°21'27"W, a distance of 311.70 feet; Thence eighth course: S08°26'21"E, a distance of 234.61 feet, to a point on the section 1/16 line; Thence ninth course: N89°57'12"W, along the along the section 1/16 line, a distance of 313.29 feet, to the southeasterly corner of said Lot 7; Thence tenth course: N00°04'38"E, along the easterly boundary of said Lot 7, a distance of 574.90 feet, to the northeasterly corner of said Lot 7, common to a point on the southerly edge of Marlin Drive right-of-way, and the point of beginning, more generally described as being located located southwest of the intersection of Creek Drive and Marlin Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial be denied without prejudice at the applicant's request.

28. No. 07RZ069 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Light Industrial District** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 7 of Marlin Industrial Park, common to a point



on the southerly edge of right-of-way of Marlin Drive, and the point of beginning; Thence, first course: curving to the left, along the southerly edge of right-of-way of Marlin Drive, on a curve with a radius of 3029.50 feet, a delta angle of 04°14'59", a length of 224.71 feet, a chord bearing of N83°40'14"E, and chord distance of 224.66 feet; Thence, second course: curving to the left, along the southerly edge of right-of-way of Marlin Drive, on a curve with a radius of 3029.50 feet, a delta angle of 03°28'44", a length of 183.94 feet, a chord bearing of N79°50'28"E, and chord distance of 183.91 feet; Thence, third course: N78°01'12"E, along the southerly edge of right-of-way of Marlin drive, a distance of 35.62 feet, to a point on the southwesterly edge of right-of-way, common to Creek Drive and Marlin Drive; Thence, fourth course: S57°55'55"E, along the southwesterly corner of right-of-way, common to Creek Drive and Marlin Drive, a distance of 14.37 feet, to a corner on the southwesterly corner of right-of-way, common to Creek Drive and Marlin Drive; Thence fifth course: curving to the left, along the easterly edge of right-of-way of Creek Drive, on a curve with a radius of 1050.00 feet, a delta angle of 09°12'13", a length of 168.67 feet, a chord bearing of S18°41'12"E, and chord distance of 168.49 feet, to the southwesterly corner of Creek Drive right-of-way; Thence sixth course: curving to the left, on a curve with a radius of 1050.00 feet, a delta angle of 04°59'11", a length of 91.38 feet, a chord bearing of S26°40'08"E, and chord distance of 91.35 feet; Thence seventh course: S59°21'27"W, a distance of 311.70 feet; Thence eighth course: S08°26'21"E, a distance of 234.61 feet, to a point on the section 1/16 line; Thence ninth course: N89°57'12"W, along the along the section 1/16 line, a distance of 313.29 feet, to the southeasterly corner of said Lot 7; Thence tenth course: N00°04'38"E, along the easterly boundary of said Lot 7, a distance of 574.90 feet, to the northeasterly corner of said Lot 7, common to a point on the southerly edge of Marlin Drive right-of-way, and the point of beginning, more generally described as being located located southwest of the intersection of Creek Drive and Marlin Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Light Industrial District be denied without prejudice at the applicant's request.

29. No. 07CA048 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of right-of-way of Marlin Drive, and the point of beginning; Thence, first course: N78°03'21"E, a distance of 144.56 feet; Thence, second course: S26°55'33"E, a distance of 148.85 feet; Thence, third course: S57°01'35"W, a distance of 309.36 feet; Thence fourth course: curving to the right, on a curve with a radius of 950.00 feet, a delta angle of 06°06'27", a length of 101.27 feet, a chord bearing of N27°47'45"W, and chord distance of 101.22 feet, to the southeasterly corner of Creek Drive right-of-way; Thence fifth course: curving to the right, along the easterly edge of right-of-way of Creek Drive, on a curve with a radius of 950.00 feet, a delta angle of 08°57'56", a length of 148.65 feet, a chord bearing of N18°46'50"W, and chord distance of 148.50 feet, to a



corner on the southeasterly corner of right-of-way, common to Creek Drive and Marlin Drive; Thence sixth course: N32°18'49"E, along the southeasterly corner of right-of-way, common to Creek Drive and Marlin Drive, a distance of 13.93 feet, to a corner on the southeasterly corner of right-of-way, common to Creek Drive and Marlin Drive; Thence seventh course: N78°03'10"E, along the southerly edge of right-of-way of Marlin Drive, a distance of 141.32 feet, to southeasterly corner of right-of-way of Marlin Drive, and the point of beginning, more generally described as being located southeast of the intersection of Creek Drive and Marlin Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial be denied without prejudice at the applicant's request.

30. No. 07RZ070 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to Office Commercial District** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of right-of-way of Marlin Drive, and the point of beginning; Thence, first course: N78°03'21"E, a distance of 144.56 feet; Thence, second course: S26°55'33"E, a distance of 148.85 feet; Thence, third course: S57°01'35"W, a distance of 309.36 feet; Thence fourth course: curving to the right, on a curve with a radius of 950.00 feet, a delta angle of 06°06'27", a length of 101.27 feet, a chord bearing of N27°47'45"W, and chord distance of 101.22 feet, to the southeasterly corner of Creek Drive right-of-way; Thence fifth course: curving to the right, along the easterly edge of right-of-way of Creek Drive, on a curve with a radius of 950.00 feet, a delta angle of 08°57'56", a length of 148.65 feet, a chord bearing of N18°46'50"W, and chord distance of 148.50 feet, to a corner on the southeasterly corner of right-of-way, common to Creek Drive and Marlin Drive; Thence sixth course: N32°18'49"E, along the southeasterly corner of right-of-way, common to Creek Drive and Marlin Drive, a distance of 13.93 feet, to a corner on the southeasterly corner of right-of-way, common to Creek Drive and Marlin Drive; Thence seventh course: N78°03'10"E, along the southerly edge of right-of-way of Marlin Drive, a distance of 141.32 feet, to southeasterly corner of right-of-way of Marlin Drive, and the point of beginning, more generally described as being located southeast of the intersection of Creek Drive and Marlin Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to Office Commercial District be denied without prejudice at the applicant's request.

31. No. 07CA049 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington



County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Thence, first course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 05°37'41", a length of 296.14 feet, a chord bearing of N79°40'48"E, and chord distance of 296.02 feet; Thence, second course: S12°45'42"E, a distance of 232.71 feet; Thence, third course: S12°45'33"E, a distance of 238.60 feet; Thence, fourth course: curving to the right, on a curve with a radius of 3470.50 feet, a delta angle of 00°49'29", a length of 49.96 feet, a chord bearing of S77°40'01"W, and chord distance of 49.96 feet; Thence fifth course: S78°04'09"W, a distance of 144.68 feet, to the northeasterly corner of right-of-way of Marlin Drive; Thence sixth course: S78°05'50"W, along the northerly edge of right-of-way of Marlin Drive a distance of 141.31 feet, to a corner on the northeasterly corner of right-of-way, common to Creek Drive and Marlin Drive; Thence seventh course: N56°01'32"W, along the northeasterly corner of right-of-way, common to Creek Drive and Marlin Drive, a distance of 13.86 feet, to a corner on the northeasterly corner of right-of-way, common to Creek Drive and Marlin Drive; Thence eighth course: curving to the right, along the easterly edge of right-of-way of Creek Drive, on a curve with a radius of 950.00 feet, a delta angle of 02°58'30", a length of 49.33 feet, a chord bearing of N08°03'02"W, and chord distance of 49.32 feet; Thence ninth course: N06°34'05"W, along the easterly edge of right-of-way of Creek Drive, a distance of 178.48 feet; Thence tenth course: N06°33'37"W, along the easterly edge of right-of-way of Creek Drive, a distance of 244.07 feet, the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning, more generally described as being located northeast of the intersection of Creek Drive and Marlin Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial be denied without prejudice at the applicant's request.

32. No. 07RZ071 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture District to General Commercial District** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Thence, first course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 05°37'41", a length of 296.14 feet, a chord bearing of N79°40'48"E, and chord distance of 296.02 feet; Thence, second course: S12°45'42"E, a distance of 232.71 feet; Thence, third course: S12°45'33"E, a distance of 238.60 feet; Thence, fourth course: curving to the right, on a curve with a radius of 3470.50 feet, a delta angle of 00°49'29", a length of 49.96 feet, a chord bearing of S77°40'01"W, and chord distance of 49.96 feet; Thence fifth course: S78°04'09"W, a distance of 144.68 feet, to the northeasterly corner of right-of-way of Marlin Drive; Thence sixth course: S78°05'50"W, along the northerly edge of right-of-way of Marlin Drive a distance of 141.31 feet, to a



corner on the northeasterly corner of right-of-way, common to Creek Drive and Marlin Drive; Thence seventh course: N56°01'32"W, along the northeasterly corner of right-of-way, common to Creek Drive and Marlin Drive, a distance of 13.86 feet, to a corner on the northeasterly corner of right-of-way, common to Creek Drive and Marlin Drive; Thence eighth course: curving to the right, along the easterly edge of right-of-way of Creek Drive, on a curve with a radius of 950.00 feet, a delta angle of 02°58'30", a length of 49.33 feet, a chord bearing of N08°03'02"W, and chord distance of 49.32 feet; Thence ninth course: N06°34'05"W, along the easterly edge of right-of-way of Creek Drive, a distance of 178.48 feet; Thence tenth course: N06°33'37"W, along the easterly edge of right-of-way of Creek Drive, a distance of 244.07 feet, the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning, more generally described as being located northeast of the intersection of Creek Drive and Marlin Drive.

Planning Commission recommended that the Rezoning from General Agriculture District to General Commercial District be denied without prejudice at the applicant's request.

*34. 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 November 8, 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.

36. 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 November 8, 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.

39. 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 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 November 8, 2007 Planning Commission meeting to be heard in conjunction with the Layout Plat; and,

Recommended that the City Council acknowledge the request to withdraw the Variance to the Subdivision Regulations 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.

41. 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 November 8, 2007 Planning Commission meeting to allow the applicant to submit a revised plat document.

42. 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 November 8, 2007 Planning Commission meeting to be heard in conjunction with the Layout Plat.

43. No. 07SV056 - Wally Byam Addition

A request by Fisk Land Surveying and Consulting Engineers, Inc. for the City of Rapid City to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer, street light conduit, pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Wally Byam Addition and Dedicated Right-of-way, located in the S1/2 SW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the S1/2 SW1/4 NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the south one-quarter corner of said Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence, northerly along the center one-quarter line of said Section 9, N00°06'45"E, a distance of 3312.73 feet more or less to the south 1/64th line of the NE1/4 of said Section 9; thence, easterly along the north line of the S1/2 SW1/4 NE1/4, Section 9, S89°58'14"E, a distance of 279.27 feet more or less to the point of beginning; thence, continuing easterly along the north line of the S1/2 SW1/4 NE1/4, Section 9, S89°58'14"E, a distance of 670.67 feet more or less, to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly line of said



railroad right-of-way, S51°15'21"E, a distance of 38.60 feet more or less; thence, S38°45'09"W, a distance of 17.16 feet more or less; thence, curving to the right on a normal curve with a radius of 227.45 feet, a delta of 29°07'46", and an arc length of 115.64 feet more or less; thence, S67°52'55"W, a distance of 126.32 feet, more or less; thence, curving to the left on a normal curve with a radius of 170.00 feet, a delta of 42°06'45", and an arc length of 124.95 feet more or less; thence, S25°46'10"W, a distance of 32.55 feet more or less; thence, N64°13'50"W, a distance of 60.00 feet more or less; thence, N53°24'13"W, a distance of 403.56 feet more or less to the point of beginning, more generally described as being located at S. D. Highway 44 West and Lytle Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer, street light conduit and pavement as per Chapter 16.16 of the Rapid City Municipal Code be withdrawn at the applicant's request.

44. No. 07SV057 - Hyland Crossing Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the Dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the November 8, 2007 Planning Commission meeting to allow the applicant to submit additional information.

---END OF HEARING CONSENT CALENDAR---

*33. No. 07PD080 – Meridian Subdivision

A request by Kadrmass, 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.

Elkins presented the staff's recommendation to continue the Major Amendment request to the November 21, 2007 Planning Commission meeting with the applicant's concurrence.



Brown moved, Rolinger seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the November 21, 2007 Planning Commission meeting to allow the applicant to submit the required information. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Rolinger and Scull 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.

*35. No. 07PD082 - Hansen Heights

A request by Ray Hengel for Calvary Chapel to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on the west 250 feet of Lot 2 of Hansen Heights, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 320 East St. Patrick Street.

Greg Blanc, Pastor of Calvary Chapel Community Church, requested that the Planned Commercial Development be acted on by Planning Commission rather than continued to the November 8, 2007 Planning Commission meeting.

Elkins advised the Planning Commission that the information was submitted past the deadline established by the Planning Commission. Elkins stated that appeals of denials of the Exception requests will be considered at the Public Works Committee meeting on October 30, 2007. Discussion followed.

Deb Hadcock, stated that the applicant prefers that the Planning Commission act on the Planned Commercial Development request today rather than continue the request to the next Planning Commission meeting.

Elkins reviewed the process for consideration of the appeals of the Exception requests. Discussion followed.

In response to Anderson's question, Tegethoff reviewed the various dates that the revised information was submitted. Lengthy discussion followed.

In response to Hadcock's question, Elkins stated that a demolition permit could be issued. Discussion followed.

In response to Hadcock's question, Elkins stated that no permit, other than a demolition permit, can be issued until the Final Development Plan has been approved by the Planning Commission. Lengthy discussion followed.

Rolinger moved, Brown seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the November 8, 2007 Planning Commission meeting. (8 to 0 with



Anderson, Brewer, Brown, Collins, Derby, Gregg, Rolinger and Scull 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.

37. 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.

Bob Brandt, applicant requested clarification whether staff's recommendation was to deny or continue the variance request.

Following discussion, Elkins noted the error on the agenda and stated that the staff is recommending that the Variance request be continued to the January 10, 2008 Planning Commission meeting at the applicant's request.

Collins moved, Anderson seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations be continued to the January 10, 2008 Planning Commission meeting at the applicant's request. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Rolinger and Scull voting yes and none voting no)

38. 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.



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

Derby moved, Collins seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install pavement along Minnesota Street be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along Minnesota Street be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install water along Minnesota Street be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along Minnesota Street be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install sewer and sidewalk along Minnesota Street be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the rearage road be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install water along the rearage road be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along the rearage road be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install sewer and sidewalk along the rearage road be denied. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Rolinger and Scull voting yes and none voting no)

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.

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

Brown moved, Rolinger seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the east-west rearage road be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along the east-west rearage road be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along the east-west rearage road be approved with the following stipulation:



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

That the Variance to the Subdivision Regulations to waive the requirement to install water, pavement, and dedicate additional right-of-way along the east-west rearage road be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the north-south rearage road be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install water along the north-south rearage road be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along the north-south rearage road be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install sewer and pavement along the rearage road be denied. (7 to 0 to 1 with Anderson, Brewer, Brown, Derby, Gregg, Rolinger and Scull voting yes and none voting no and Collins abstaining)

---BEGINNING OF REGULAR AGENDA ITEMS---

Elkins requested that items 45 thru 48 be taken concurrently.

45. 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.

46. 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.

47. 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.

48. 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.

Elkins presented the staff's recommendation to continue the Comprehensive Plan Amendment, Rezoning, Variance to the Subdivision Regulations and Preliminary Plat requests to the November 8, 2007 Planning Commission meeting at the applicant's request.

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

Brown moved, Rolinger seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development;

That the Rezoning from Park Forest District to General Commercial District; That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code; and,

That the Preliminary Plat be continued to the November 8, 2007 Planning Commission meeting to allow the applicant to submit additional information. (6 to 0 to 2 with Anderson, Brown, Collins, Derby, Gregg and Rolinger voting yes and none voting no and with Brewer and Scull abstaining)

Fisher requested that items 49, 50 and 51 be taken concurrently.

49. 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.

50. 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 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, 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.

*51. 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.

Fisher presented the Comprehensive Plan Amendment, Rezoning and the Planned Residential Development requests. Fisher stated that staff recommends that the Comprehensive Plan Amendment, Rezoning and the Planned Residential Development requests be approved with stipulations.

Derby left the meeting at this time.

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

Ron Johnson, area resident, expressed concerns with the possible negative impacts on the adjacent neighborhood with the increase in traffic from the proposed development. Johnson further commented on the possibility of the proposed road connection becoming a major thoroughfare.

Rolinger moved, Brown seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by eliminating collector streets, the Rezoning from General Agriculture to Medium Density Residential be approved, and unanimously carried to approve the Planned Residential Development - Initial Development Plan with the following stipulations:

- 1. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 2. Prior to submittal of a Final Residential Development Plan application, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 3. Upon submittal of a Final Residential Development Plan application, elevations of the proposed structures shall be submitted for review and approval. In addition, a list of building materials and color palette shall be submitted for review and approval;**
- 4. Upon submittal of a Final Residential Development Plan application, a complete sign package, including any proposed signage on the buildings and direction signs within the parking lot, shall be submitted for review and approval;**
- 5. Upon submittal of a Final Residential Development Plan application, a complete lighting package identifying the design of the proposed**



- lighting shall be submitted for review and approval. In addition, the lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
6. Upon submittal of a Final Residential Development Plan application, a complete landscaping plan shall be submitted for review and approval identifying specific plant material. The landscaping plan shall comply with all requirements of the Zoning Ordinance;
 7. Upon submittal of a Final Residential Development Plan application, the location and size of all dumpsters shall be submitted for review and approval. In addition, elevations of the screening fence for the dumpsters shall be submitted for review and approval and shall include building material(s) and the proposed color palette;
 8. Upon submittal of a Final Residential Development Plan application, the location, size and noise rating of all exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;
 9. Upon submittal of a Final Residential Development Plan application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;
 10. Upon submittal of a Final Residential Development application, a final drainage plan and calculations in compliance with the South Canyon Lake/Lime Creek Drainage Basin Plan shall be submitted for review and approval. In particular, the drainage information shall include the phasing plan for the drainage improvements and demonstrate adequate pipe sizes, collection system and size of detention areas. In addition, drainage easements shall be recorded as needed. An agreement shall also be entered into with the City for the funding, design schedule and construction of regional drainage facilities as required for this development;
 11. Upon submittal of a Final Residential Development Plan, the construction plans shall be submitted to show the phased improvements as per the addendum to the Traffic Impact Study. The applicant shall obtain all required permits from the South Dakota Department of Transportation. The applicant shall also enter into an agreement with the City regarding the construction and timing of street improvements to serve the development as identified in the addendum to the Traffic Impact Study;
 12. Upon submittal of a Final Residential Development Plan application, road construction plans for St. Martins Drive shall be submitted for review and approval. In particular, the road construction plans shall



- show the street constructed as per the addendum to the Traffic Impact Study recommendations. In addition, a sidewalk shall be provided along one side of the street or an alternate pedestrian access, secured within a public pedestrian access easement, shall be provided;
13. Upon submittal of a Final Residential Development Plan application, road construction plans for City Springs Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 76 foot wide right-of-way or an H Lot and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with on-street parking or the street shall be located in a minimum 60 foot wide right-of-way or an H Lot and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking. If on-street parking is not provided, the developer shall provide visitor parking at the rate of one paved parking stall per residential unit and located within three hundred feet of the residence and the street must be posted with no parking signs or an Exception shall be obtained. In addition, the construction plans shall show the street constructed in compliance with the Traffic Impact Study. The construction plans shall also show the street constructed with standard curb and gutter in lieu of roll curb and gutter or an Exception to the Street Design Criteria Manual shall be obtained. The street shall also be designed to include traffic calming devices as proposed by the applicant;
 14. Upon submittal of a Final Residential Development Plan application, road construction plans for the private drives, currently shown as Saint Martin Lane, Saint Martin Circle, South Court and North Court shall be submitted for review and approval. In particular, the construction plans shall show the private drives with a minimum 22 foot wide paved surface. In addition, a minimum access aisle width as per the Parking Regulations shall be provided behind the proposed parking spaces along the private drives. The proposed turnarounds with landscape islands shall also be designed to provide fire apparatus access. In addition, the applicant shall submit alternate street names to the Emergency Services Communication Center for review and approval;
 15. Upon submittal of a Final Residential Development Plan application, construction plans shall be submitted for review and approval showing the location and type of traffic markings and signage;
 16. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structures shall also have fire sprinkler systems and be fire alarmed if required as per the current adopted International Fire Code;



17. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
18. Upon submittal of a Final Residential Development Plan application, the applicant shall identify the number of residents and employees within the senior apartments, assisted living center and the skilled care facility. In addition, the applicant shall submit a parking plan identifying that adequate parking is being provided for each of the proposed uses as per the Parking Regulations. Visitor parking shall also be provided for the proposed townhome units at a rate of one visitor parking space per residential unit located within 300 feet of the residence or an Exception shall be obtained. In addition, a minimum of one parking space per guest room within the retreat center shall be provided or an Exception shall be obtained;
19. Prior to the start of construction within the 100 year federally designated floodplain area, a Letter of Map Revision shall be reviewed and approved by the Federal Emergency Management Agency. In addition, a Floodplain Development Permit shall be obtained as needed;
20. Upon submittal of a Final Residential Development Plan, water plans prepared by a Registered Professional Engineer showing the extension of water mains and service lines shall be submitted for review and approval. In addition, the water plans shall show the location and design of the water reservoir and booster stations to serve the proposed development. Utility easements shall be recorded as needed. An agreement shall also be entered into with the City for the funding, design schedule and construction schedule of the water reservoir and booster stations;
21. Upon submittal of a Final Residential Development Plan, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. In particular, the sanitary sewer plans and profiles shall show mains, manholes and services through the property. Utility easements shall be recorded as needed;
22. Upon submittal of a Final Residential Development Plan application, a Master Utility Plan shall be submitted for review and approval showing private and public utilities. The Master Sewer Plan shall include adjacent properties, showing the pipe sizes required to convey flow across the proposed development. Utility easements shall be recorded as needed;
23. Prior to submittal of a Final Residential Development Plan application, the property shall be rezoned to allow the proposed use(s);
24. Prior to submittal of a Final Residential Development Plan application, a Comprehensive Plan Amendment to the Major Street Plan shall be reviewed and approved eliminating and/or relocating the collector streets extending through the property or the site plan shall be revised to show the collector streets;
25. Prior to issuance of a building permit, a developmental lot agreement shall be signed by the property owner or the property shall be deeded or platted into one lot;



26. Prior to issuance of a building permit, a Wild Fire Mitigation Plan shall be submitted for review and approval. Prior to issuance of a Certificate of Occupancy, the Wild Fire Mitigation Plan shall be completed;
27. Prior to submittal of a Final Residential Development Plan application, the applicant shall coordinate with the City the ownership and maintenance of pedestrian walkways through the site;
28. All provisions of the underlying zoning designation(s) shall be met unless otherwise specifically authorized as a stipulation of the Final Residential Development Plan application or a subsequent Major Amendment;
29. The Planned Residential Development shall allow for the construction of townhomes, apartment(s) and an assisted living center. In addition, a skilled care facility, or nursing home, shall be allowed subject to approval by the State of South Dakota. A retreat center shall also be allowed as an accessory to the senior care and assisted living center only. In addition, the proposed restaurant style dining, coffee shop, library, fitness center, chapel, theater, private dining and meeting rooms, craft and game rooms, beauty salon and general store shall be allowed as an accessory use to the proposed senior care facility, to be used exclusively by the occupants of the facility and their guests. Any change in the proposed uses shall be specifically authorized as a stipulation of the Final Residential Development Plan application or a subsequent Major Amendment to the Residential Development Plan; and,
30. The Planned Residential Development shall expire if the use is not undertaken and completed as per the phasing plan schedule, with the final phase of development commencing in the Spring of 2016, or if the use as approved has ceased for a period of two years. (6 to 0 to 1 with Brewer, Brown, Collins, Gregg, Rolinger and Scull voting yes and none voting no and Anderson 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.

*52. No. 07PD083 - SSJE Subdivision

A request by Lyle Henriksen, Inc. for Precision Gymnastics Academy to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 7 of SSJE Subdivision, located in the SW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1331 Jess Street.

Smith presented the staff's recommendation to deny the Major Amendment request.

Elkins presented the additional information submitted by the applicant noting the



additional information that would be needed to document the safety of the proposed use.

Greg Lowenberg, applicant's agent, spoke in favor of the proposed development and requested that the Major Amendment to the Planned Commercial Development request be approved.

Bryan Gosch, applicant, expressed his opposition to the staff's recommendation for denial of the proposed development. Gosch reviewed the proposed hours of operation and the parking availability from the shared use of the existing business and the proposed use. Gosch requested that the Major Amendment request be approved.

Collins expressed concern with the impact on the adjacent properties resulting from the limited parking and increased traffic during competitions. Discussion followed.

Collins moved, Rolinger to approve the Major Amendment to a Planned Commercial Development with a reduction in parking requirements.

In response to Anderson's question, Elkins stated that the approved reduction in parking runs with the property. Discussion followed.

Elkins reviewed possible alternatives to limit parking during day but allow increase in parking in the evening when the muffler shop is closed.

In response to Brewer's question, Elkins reviewed required parking for the proposed uses. Elkins further added that the Planning Commission should reflect in the record the allocation of parking for each use for clarity in the future. Discussion followed.

Scully expressed his support for the Major Amendment request. Discussion followed.

Amended motion by Collins to approve the Major Amendment request with the following stipulations of approval: 1) that the Gymnastic facility would be allocated 23 spaces and joint use of those spaces would be allowed one half hour after the other business closes; and, 2) no more than 23 students and instructors would be on the site while the other business is in operation on the property. Discussion followed.

Gosch expressed his opposition to the amended motion. Discussion followed.

Collins moved, Rolinger seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development to allow a change in use, and the reduction of 21 required off-street parking spaces (7 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Rolinger and Scully 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.

Smith requested that items 53 and 54 be taken concurrently.

53. No. 07SR047 - Section 15, T1N, R8E

A request by West River Electric Association 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.

54. 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 presented the staff's recommendation to continue the SDCL 11-6-19 Review request and the Vacation of Non-Access Easement requests to the November 8, 2007 Planning Commission meeting.

Collins moved, Rolinger seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct a public electric utility substation and the Vacation of Non-Access Easement to the November 8, 2007 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Rolinger and Scull voting yes and none voting no)

55. 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 presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the November 8, 2007 Planning Commission meeting.

Rolinger moved, Anderson seconded and unanimously carried to continue to November 8, 2007. (7 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Rolinger and Scull voting yes and none voting no)

56. No. 07SV055 - Clarkson Subdivision

A request by Renner & Associates for Jo and Steve Benn to consider an application for a **Variance to the Subdivision Regulations to waive the**



requirement to install curb, gutter, sidewalk, street light conduit, sewer and water on Clarkson Road and Spring Canyon Trail and to waive the requirement to install pavement on Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code on Lot 8 of Block 4 of Clarkson Subdivision, Section 31, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the N1/2 of the SE1/4, lying west of Clarkson Road and a portion of the SE1/4 of the NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north and east of the intersection of Spring Canyon Trail and Clarkson Road.

Tegethoff presented the staff's recommendation to continue the Variance to the Subdivision Regulations request to the November 8, 2007 Planning Commission meeting.

Brown moved, Anderson seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water on Clarkson Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the November 8, 2007 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Rolinger and Scull voting yes and none voting no)

*57. 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.

Smith presented the staff's recommendation to continue the Conditional Use Permit request to the November 8, 2007 Planning Commission meeting.

Rolinger moved, Brown seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the November 8, 2007 Planning Commission Meeting to allow the applicant time to submit a variance request to the Zoning Board of Adjustment. (7 to



0 with Anderson, Brewer, Brown, Collins, Gregg, Rolinger and Scull 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.

*58. No. 07UR012 - Deadwood Avenue Business Park

A request by Carolyn Thompson to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lot 3 of Deadwood Avenue Business Park, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1141 Deadwood Avenue, Suite 2.

Smith presented the staff's recommendation to continue the Conditional Use Permit request to the November 8, 2007 Planning Commission meeting.

Brown moved, Gregg seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the November 8, 2007 Planning Commission meeting. (7 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Rolinger and Scull 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.

Brown moved, Collins seconded and unanimously carried to continue the Planning Commission meeting past the 9:00 a.m. deadline. (7 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Rolinger and Scull voting yes and none voting no)

59. 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.

Fisher presented the staff's recommendation to approve the Vacation of Right-of-



way request with stipulations.

Collins moved, Rolinger seconded and unanimously carried to recommend that the Vacation of a portion of Right-of-way be approved with the following stipulations:

- 1. Prior to Planning Commission approval, construction plans showing an eight foot wide sidewalk within the southern portion of the Philadelphia Street right-of-way shall be submitted for review and approval;**
- 2. Prior to Public Works Committee approval, plans showing the demolition of existing Philadelphia Street shall be submitted for review and approval;**
- 3. Prior to Public Works Committee approval, the applicant shall enter into an agreement with the City identifying the terms for the demolition of the existing Philadelphia Street, the restoration of the land and the construction of the pedestrian and bike path; and,**
- 4. Prior to Public Works Committee approval, surety shall be posted for the demolition and restoration of the existing Philadelphia Street. (7 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Rolinger and Scull voting yes and none voting no)**

60. Discussion Items

A. Parkland/School Land Dedication.

Elkins reviewed information presented in the packet and reviewed the Planning Commission's previous discussions on this issue. Elkins stated if the Planning Commission wishes to proceed with the adoption of the Parkland and School land dedication requirements, they should direct staff to draft an Ordinance for further consideration. Discussion followed.

Brewer asked for proposed language to be presented to the Planning Commission for review.

Gregg moved, and Brown seconded the motion to request that staff draft language to require Parkland and School land dedication and bring it back for Planning Commission consideration. (7 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Rolinger and Scull voting yes and none voting no)

B. Pros and Cons of Expanding City's Platting Jurisdiction.

61. Staff Items

62. Planning Commission Items

63. Committee Reports

A. City Council Report (October 1, 2007)

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



No. 07CA039 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Low Density Residential II** on a tract of land located in the NW1/4 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 215.75 feet to a point; Thence N45°00'00"E 192.27 feet to the beginning of a curve concave to the northwest and having a radius of 2000.00 feet; Thence along said curve a distance of 450.67 feet to a point; Thence N32°05'22"E 84.51 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of N59°55'26"W; Thence along said curve a distance of 500.56 feet to a point; Thence S42°01'34"W 646.67 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet to a point; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center 1/4 corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

No. 07RZ061 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Rezoning from No Use District to Low Density Residential II District** on a tract of land located in the NW1/4 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 215.75 feet to a point; Thence N45°00'00"E 192.27 feet to the beginning of a curve concave to the northwest and having a radius of 2000.00 feet; Thence along said curve a distance of 450.67 feet to a point; Thence N32°05'22"E 84.51 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of N59°55'26"W; Thence along said curve a distance of 500.56 feet to a point; Thence S42°01'34"W 646.67 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet;



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

On September 20, 2007, the Planning Commission recommended that the **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Low Density Residential II and the Rezoning from No Use District to Low Density Residential II District** be approved. On October 1, 2007, the City Council denied without prejudice the **Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Low Density Residential II and the Rezoning from No Use District to Low Density Residential II District**.

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

There being no further business, Gregg moved, Scull seconded and unanimously carried to adjourn the meeting at 9:04 a.m. (7 to 0 with Anderson, Brewer, Brown, Collins, Gregg, Rolinger and Scull voting yes and none voting no)