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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 15, 2007

MEMBERS PRESENT: Peter Anderson, John Brewer, Gary Brown, Mike Derby, Frank Etter, Julie Gregg, Dennis Landguth, Steve Rolinger and Andrew Scull.

STAFF PRESENT: Bob Dominicak, Vicki Fisher, Karen Bulman, Travis Tegethoff, Jonathan Smith, Monica Heller, Jared Ball, Mary Bosworth, Ted Johnson, Bill Knight, Kevin Lewis and Carol Campbell. Ron Kroeger, Council Liaison was also present.

Brewer called the meeting continued from November 8, 2007 to order at 7:00 a.m.

Brown moved, Anderson seconded and unanimously carried to recommend that item 57 be heard concurrently with item 17. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, Rolinger and Scull voting yes and none voting no)

Tegethoff requested that items 17 and 57 be taken concurrently.

17. No. 07VE038 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Vacation of Non-Access Easement** on Tract J of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Degeest Street between Berniece Street and Homestead Street.

*57. No. 07PD086 - Big Sky Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Tract J of Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Degeest Street between Berniece Street and Homestead Street.

Tegethoff presented the Vacation of Easement and the Planned Development requests.

Gabe Olsen, area resident, expressed concerns with the possibility of a negative impact to the existing neighborhoods from the proposed development. Olsen presented photos of the neighborhood to the Planning Commission. Discussion followed.

In response to Rolinger's question, Tegethoff identified the location of setbacks on the proposed development.

In response to Scull's question, Dominicak stated that the City of Rapid City does not enforce the Homeowner's Association covenants.

In response to Anderson's question, Olsen identified the location of the electrical box. Discussion followed.

Scull moved, Gregg seconded and carried to recommend that the Vacation of Non-Access Easement be approved, and That the Planned Residential Development - Initial and Final Development Plan be approved with the following stipulations:

- 1. Ten duplexes shall be allowed on the site in accordance with the approved site plan. Any increase in the number of dwelling units shall require a Major Amendment to the Planned Residential Development;**
- 2. A building permit shall be obtained prior to the initiation of construction and a Certificate of Occupancy must be obtained prior to occupying the building;**
- 3. An Air Quality Permit shall be obtained prior to approval of a grading permit or a building permit for the project;**
- 4. All construction shall comply with the building elevation drawings submitted and approved as part of this Planned Residential Development. The proposed structures will be finished with earth-toned siding and rock walls as shown on the elevations submitted and approved;**
- 5. The minimum required front yard setback along Degeest Drive is hereby reduced from 25 feet to 15 feet to the dwelling and all garages shall maintain a minimum setback of 18 feet in front of the garage door to the street right-of-way. The minimum required front yard setback along Berniece Street is hereby reduced from 25 feet to 20 feet. The minimum required front yard setback along Homestead Street shall be 25 feet. The minimum required rear yard setback shall be 25 feet. Any additional reductions in the minimum required setbacks shall require a Major Amendment to the Planned Residential Development;**
- 6. Prior to issuance of a building permit for the northern most unit, the non-access easement shall be vacated or the northern most driveway shall be relocated outside of the existing non-access easement;**
- 7. The site development shall comply with all provisions of the approved parking plan and the minimum requirements of the Rapid City Municipal Code;**
- 8. The site development shall comply with all provisions of the approved landscape plan and the minimum requirements of the Rapid City Municipal Code. All landscaping shall be maintained in a live vegetative state;**
- 9. Prior to issuance of a building permit revised, drainage calculations shall be submitted for review and approval;**
- 10. Prior to Planning Commission approval, the applicant must submit a detailed sign package including the size and location of any ground and wall signs if any signage is proposed or the applicant shall obtain a Major Amendment to a Planned Commercial Development for signage in the future;**
- 11. All applicable provisions of the International Fire Code shall be**

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- continually met; and,
12. **The Planned Residential Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (8 to 1 with Anderson, Brewer, Brown, Etter, Gregg, Landguth, Rolinger and Scull voting yes and Derby 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.

Brewer announced that the Public Hearings on Items 22 through 50 were opened.

Staff requested that Items 39 and 44 be removed from the Hearing Consent Agenda for separate consideration.

Rolinger moved, Anderson seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 22 through 50 in accordance with the staff recommendations with the exception of Items 39 and 44. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, Rolinger and Scull voting yes and none voting no)

The Public Hearings for Items 22 through 50 were closed.

---HEARING ITEMS CONSENT CALENDAR---

22. No. 07CA032 - Morningstar Subdivision
A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Low Density Residential** on a tract of land located in the S1/2 NE1/4, SE1/4 of Section 22 and the NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N87°48'47"W 33.00 feet along the South line of the NE1/4 of said Section 27 to the True Point of Beginning, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence N87°48'47"W 2615.84 feet along the South line of the NE1/4 of Section 27 to the Center 1/4 Corner of said section, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014; Thence N01°59'29"E 2618.24 feet along the West line of the NE1/4 of Section 27 to the North 1/4 Corner of Section 27, said point being monumented with a brass cap and iron pipe; Thence N02°02'30"E 2672.71 feet along the West line of the SE1/4 of said Section 22 to the Center 1/4 Corner, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014;

Thence N02°02'19"E 228.09 feet along the West line of the S1/2 NE1/4 of Section 22 to a point; Thence N88°48'27"E 1290.24 feet to the beginning point of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of S23°50'50"E; Thence along said curve a distance of 514.07 feet; Thence S42°15'21"E 321.74 feet to the beginning of a curve concave to the southwest having a radius of 1006.00 feet; Thence along said curve a distance of 685.41 feet; Thence S87°56'04"E 84.31 feet to the northwest corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence S02°05'22"W 986.21 feet along the West line of the Bradeen Subdivision to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap, stamped LS 6014; Thence N87°56'54"W 84.32 feet to the beginning point of a non-tangent curve concave to the northwest having a radius of 1006.00 feet and a chord bearing of S19°44'46"W; Thence along said curve a distance of 433.45 feet; Thence S32°05'22"W 250.68 feet to the beginning point of a non-tangent curve concave to the northeast having a radius of 1200.00 feet and a chord bearing of S80°10'07"E; Thence along said curve a distance of 349.46 feet to a point on the North line of the NE1/4 of said Section 27; Thence S88°27'49"E 515.34 feet along said line to a point from which the Northeast Corner of Section 27 bears S88°27'49"E 33.00 feet, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence S02°00'19"W 2647.94 feet to the True Point of Beginning, less a tract of land, designated as Tract B, located in the NW1/4 NE1/4 of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East 1/4 Corner of said Section 27, said point being monumented with a rebar below the surface of the asphalt and having two reference monuments consisting of a brass cap and iron pipe, one bears N41°22'55"W 49.48 feet, the second bears N35°10'06"E 42.14 feet; Thence N34°57'40"W 2433.52 feet to the True Point of Beginning; Thence N39°20'03"E 186.87 feet to the beginning of a non-tangent curve concave to the northeast having a radius of 800.00 feet and a chord bearing of N31°18'22"W; Thence along said curve a distance of 553.18 feet; Thence S42°01'34"W 152.10 feet to the beginning of a curve concave to the southeast and having a radius of 480.00 feet; Thence along said curve a distance of 184.53 feet; Thence S20°00'00"W 105.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1200.00 feet and a chord bearing of S58°54'00"E; Thence along said curve a distance of 464.96 feet to the True Point of Beginning, from which the Center 1/4 corner of said Section 27 bears S33°29'08"W a distance of 2270.05 feet, said point being monumented with a rebar and aluminum cap stamped C 1/4 LS 6014, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

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

23. No. 07CA035 - Morningstar Subdivision
A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Neighborhood Commercial with a Planned Commercial**

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

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

24. No. 07CA037 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Medium Density Residential with a Planned Residential Development** on a tract of land located in the NE1/4 SE1/4, SE1/4 NE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N00°55'18"E 1655.11 feet along the East line of the SE1/4 of said Section 22 to the True Point of Beginning lying on the North line of the Bradeen Subdivision; Thence N87°56'04"W 517.56 feet along the North line to the northwest corner of said Subdivision; Thence N87°56'04"W 84.31 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 1006.00 feet and a chord bearing of N22°44'15"W; Thence along said curve a distance of 685.41 feet; Thence N42°15'21"W 321.74 feet to the beginning of a curve concave to the northeast and having a radius of 800.00 feet; Thence along said curve a distance of 514.07 feet; Thence N88°48'27"E 1331.68 feet to a point; Thence S02°04'04"W 1370.56 feet to the True Point of Beginning, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

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

25. No. 07CA038 - Morningstar Subdivision

A request by CETEC Engineering Services, Inc. for OS Development to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from**

Agriculture to Medium Density Residential with a Planned Residential Development on a tract of land located in the SE1/4 SE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N88°27'49"W 369.56 feet along the South line of the SE1/4 SE1/4 of said Section 22 to the True Point of Beginning; Thence N88°27'49"W 178.78 feet along said South line to the beginning of a curve concave to the northeast and having a radius of 1200.00 feet; Thence along said curve a distance of 349.48 feet; Thence N32°05'22"E 250.68 feet to the beginning of a curve concave to the northwest and having a radius of 1006.00 feet; Thence along said curve a distance of 433.45 feet; Thence S87°56'54"E 84.32 feet to the southwest corner of the Bradeen Subdivision, said point being monumented with a rebar and plastic cap stamped LS 6014; Thence S87°56'54"E 181.28 feet along the South line of said Subdivision; Thence S02°02'59"W 672.03 feet to the True Point of Beginning, from which the South 1/4 corner of said Section 22 bears N88°27'49"W a distance of 2280.00 feet, said point being monumented with a brass cap and iron pipe, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

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

26. No. 07CA040 - Robbinsdale Addition No. 10
A request by Sperlich Consulting, Inc. for Williams & Associates Architecture, Inc. to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Medium Density Residential to Office Commercial** on Lot 33R of Block 18 of Robbinsdale Addition No. 10, located in the SE1/4 NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Anamaria Drive and Fifth Street.

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

27. No. 07CA041 - Rapid City Area 2030 Long Range Transportation Plan
A request by City of Rapid City to consider an application for a **Summary of Adoption Action on an Amendment to the Comprehensive Plan to revise the Rapid City Area 2030 Long Range Transportation Plan**

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

28. No. 07CA043 - City of Rapid City's Parks and Recreation Plan
A request by City of Rapid City to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to**

incorporate the City of Rapid City's Parks and Recreation Plan.

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

29. No. 07CA044 - Villaggio at Golden Eagle

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

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

30. No. 07CA045 - LaVilla Vista

A request by Bryan Gonzalez to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to revise the Major Street plan to relocate a collector street and eliminate a collector street** on the north 327.2 feet of the N1/2 of the SE1/4 lying west of I90 Right-of-way, excepting therefrom the W1/2 of the NW1/4 of the SE1/4, and less North Boulevard Addition, located in the unplatted (9779); and, the east 670 feet of the south 30 feet of the SW1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being

located at 1400 East Philadelphia Street, more generally described as being located south of Philadelphia Street and west of West Boulevard.

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

31. No. 07CA050 - 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: N04°18'35"W, a distance of 29.56 feet, to a point on the centerline of Marlin Drive; Thence, second course: curving to the left, along the centerline of Marlin Drive, on a curve with a radius of 3000.00 feet, a delta angle of 07°43'51", a length of 404.79 feet, a chord bearing of N81°52'30"E, and chord distance of 404.48 feet; Thence, third course: N78°00'34"E, along the centerline of Marlin drive, a distance of 95.10 feet, to intersection of centerline of Marlin Drive and Creek Drive; Thence fourth course: curving to the left, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of S17°40'09"E, and chord distance of 197.91 feet, to the end of previously dedicated Creek Drive; Thence fifth course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of S23°55'17"E, and chord distance of 20.01 feet; Thence sixth course: curving to the left, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of S28°46'30"E, and chord distance of 89.57 feet; Thence seventh course: S56°56'40"W, a distance of 50.00 feet; Thence eighth course: curving to the right, on a curve with a radius of 650.00 feet, a delta angle of 02°21'34", a length of 26.77 feet, a chord bearing of N31°52'33"W, and chord distance of 26.76 feet; Thence ninth course: S59°18'14"W, a distance of 311.85 feet; Thence tenth course: S08°30'44"E, a distance of 235.10 feet, to a point on the section 1/16 line; Thence eleventh course: N89°56'36"W, along the along the section 1/16 line, a distance of 313.37 feet, to the southeasterly corner of said Lot 7; Thence twelfth course: N00°01'20"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 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 continued to the November 21, 2007 Planning Commission meeting to allow the Future Land Use Committee to consider this item.

32. No. 07CA051 - 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 intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Thence first course: N78°00'34"E, along the centerline of Marlin Drive, a distance of 201.84 feet, to the end of the previously dedicated Marlin Drive; Thence, second course: N78°00'34"E, a distance of 66.26 feet; Thence, third course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of N76°10'58"E, and chord distance of 63.76 feet; Thence, fourth course: N74°21'21"E, a distance of 66.33 feet; Thence, fifth course: S15°38'39"E, a distance of 29.50 feet; Thence, sixth course: S74°21'21"W, a distance of 54.43 feet; Thence, seventh course: S26°59'57"E, a distance of 151.65 feet; Thence, eighth course: S56°56'40"W, a distance of 309.27 feet; Thence, ninth course: S56°56'40"W, a distance of 50.00 feet; Thence tenth course: curving to the right, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of N28°46'30"W, and chord distance of 89.57 feet; Thence eleventh course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of N23°55'17"W, and chord distance of 20.01 feet, to the end of dedicated Creek Drive centerline; Thence twelfth course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of N17°40'09"W, and chord distance of 197.91 feet, the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Said Parcel contains 87,663 square feet or 2.012 acres more or less., 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 continued to the November 21, 2007 Planning Commission meeting to allow the Future Land Use Committee to consider this item.

33. No. 07CA052 - 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°11'13", a length of 272.92 feet, a chord bearing of N79°49'24"E, and chord distance of 272.83 feet; Thence, second course: S15°38'39"E, a distance of 95.46 feet; Thence, third course: S74°21'21"W, a distance of 66.33 feet; Thence, fourth course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of S76°10'58"W, and chord distance of 63.76 feet; Thence fifth

course: S78°00'34"W, a distance of 66.26 feet, to the end of dedicated Marlin Drive centerline; Thence sixth course: S78°00'34"W, along the centerline of Marlin Drive, a distance of 201.84 feet, to the intersection of centerline Marlin Drive and Creek Drive; Thence seventh course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 05°21'24", a length of 93.49 feet, a chord bearing of N09°18'43"W, and chord distance of 93.46 feet; Thence eighth course: N06°38'01"W, along the centerline of Creek Drive, a distance of 422.07 feet, to a point on the southerly right-of-way of Elk Vale Road; Thence ninth 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 00°57'11", a length of 50.15 feet, a chord bearing of N82°50'59"E, and chord distance of 50.15 feet, to the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Said Parcel contains 182,629 square feet or 4.193 acres more or less, 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 continued to the November 21, 2007 Planning Commission meeting to allow the Future Land Use Committee to consider this item.

34. No. 07CA053 - 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 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 Center ¼ 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 ¼ LS 6014, more generally described as being located west of the intersection of Reservoir Road and Southside Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Low Density Residential II be approved.

35. No. 07OA009 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to allow Microbreweries and Wineries in Light Industrial and General Commercial Zoning Districts as a Conditional Use.**

Planning Commission recommended that the Ordinance Amendment to amend Chapter 17.18.030 and Chapter 17.22.030 to add Microbreweries and Wineries as Conditional Uses in the Light Industrial Zoning District and the General Commercial Zoning District be approved.

*36. No. 07PD085 - Rockinon Ranch Estates

A request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1 thru 7, 22, 31 and 32, Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Bunker Drive along Abbey Road.

Planning Commission continued the Planned Residential Development - Initial and Final Development Plan to the November 21, 2007 Planning Commission meeting to be heard in conjunction with the associated Vacation of Non-Access Easement requests.

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. 07PD087 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for a **Major Amendment to a Planned Residential Development** on Lots 1 thru 4 of Block 2 of the Villaggio at Golden Eagle Subdivision and a portion of the SW1/4 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the center-west-southeast 1/64 section corner of Section 22, T1N, R7E, BHM, common with the southwest corner of Lot 1 of Block 2 of The Villaggio at Golden Eagle, and common with the northwest corner of the dedicated right-of-way of Golden Eagle Drive, and the Point of Beginning; Thence, first course: N26°45'22"W, a distance of 393.31 feet; Thence, second course: N61°38'29"E, a distance of 200.00 feet, to the northwesterly corner of Lot 4 of Block 2 of The Villaggio at Golden Eagle common to the southwesterly corner of Lot 5 of Block 2, of The Villaggio at Golden Eagle; Thence, third course: S00°08'13"E, along the westerly boundary of said Lot 4 of Block 2, a

distance of 94.58 feet, to the southwest corner of said Lot 4 of Block 2, common with the northwest corner of Lot 3 of Block 2 of The Villaggio at Golden Eagle; Thence, fourth course: S00°08'13"E, along the westerly boundary of said Lot 3 of Block 2, a distance of 95.35 feet, to the southwest corner of said Lot 3 of Block 2, common with the northwest corner of Lot 2 of Block 2 of The Villaggio at Golden Eagle; Thence, fifth course: S00°08'13"E, along the westerly boundary of said Lot 2 of Block 2, a distance of 110.67 feet, to the southwest corner of said Lot 2 of Block 2, common with the northwest corner of Lot 1 of Block 2 of The Villaggio at Golden Eagle; Thence, sixth course: S00°08'13"E, along the westerly boundary of said Lot 1 of Block 2, a distance of 145.60 feet, to the southwest corner of said Lot 1 of Block 2 of The Villaggio at Golden Eagle, and common with the northwest corner of the dedicated right-of-way of Golden Eagle Drive, and the Point of Beginning, more generally described as being located northwest of the intersection of Villaggio Lane and Golden Eagle Drive.

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

1. **Prior to Planning Commission approval, a grading plan shall be submitted for review and approval demonstrating that driveways shall not exceed 15% slope;**
2. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
3. **Prior to issuance of a building permit, a Final Plat shall be reviewed and approved;**
4. **A minimum 18 foot front yard setback shall be provided in front of each garage door and a minimum 15 foot front yard setback shall be provided in front of each residence. In addition, a minimum eight foot side yard setback shall be provided for a one story residence and a minimum 12 foot side yard setback shall be provided for a two story residence;**
5. **All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment;**
6. **The proposed structures shall conform architecturally to the proposed elevations, design plans, color palette and general design comments submitted as part of this Major Amendment to the Planned Residential Development;**
7. **Prior to issuance of a building permit for any lot with a driveway in excess of 150 feet, a fire apparatus turnaround shall be identified on the lot. In addition, prior to issuance of a Certificate of Occupancy, the fire apparatus turnaround shall be constructed in compliance with the International Fire Code;**
8. **All retaining walls in excess of four feet must be designed and stamped by a Professional Engineer. In addition, the retaining walls shall be located outside of public right-of-way and any sight triangles; and,**
9. **The Planned Residential Development shall allow for the construction of single family residence(s). However, the Planned Residential**

Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years.

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.

*38. No. 07PD088 - Section 3, T1N, R7E

A request by FourFront Design, Inc. for Clarkson Mountain View Health Care Facility to consider an application for a **Planned Commercial Development - Initial Development Plan** on Lot 2 of the SE1/4 NE1/4, less Lot H1, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1015 Mountain View Road.

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

1. Upon submittal of a Final Development Plan, the applicant shall submit for review and approval a landscape plan that meets the requirements of Section 17.50.300.
2. Upon submittal of a Final Development Plan, the applicant shall submit for review and approval a grading and drainage plan.
3. Prior to approval of a Final Development Plan, the applicant shall obtain a Flood Plain Development Permit.
4. Upon submittal of a Final Commercial Development Plan application, a complete sign package, including any proposed signage on the building and direction signs within the parking lot, shall be submitted for review and approval. In addition a sign permit shall be obtained for each sign.
5. The structure shall be used as a nursing home unless otherwise specifically authorized as a stipulation of the Final Commercial Development Plan application or a subsequent Major Amendment to the Commercial Development Plan shall be obtained.
6. The International Fire Code shall be continually met. In particular, the structure(s) shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;
7. Prior to issuance of a building permit, a Final Commercial Development Plan shall be reviewed and approved;
8. The building shall conform architecturally to the plans and elevations submitted as part of this Planned Commercial Development - Initial Development Plan;
9. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
10. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and

requested as a part of a phasing schedule submitted with the Final Commercial Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

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

40. 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 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 Center ¼ 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 ¼ 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 approved.

41. No. 07RZ072 - 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: N04°18'35"W, a distance of 29.56 feet, to a point on the centerline of Marlin Drive; Thence, second course: curving to the left, along the centerline of Marlin Drive, on a curve with a radius of 3000.00 feet, a delta angle

of 07°43'51", a length of 404.79 feet, a chord bearing of N81°52'30"E, and chord distance of 404.48 feet; Thence, third course: N78°00'34"E, along the centerline of Marlin drive, a distance of 95.10 feet, to intersection of centerline of Marlin Drive and Creek Drive; Thence fourth course: curving to the left, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of S17°40'09"E, and chord distance of 197.91 feet, to the end of previously dedicated Creek Drive; Thence fifth course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of S23°55'17"E, and chord distance of 20.01 feet; Thence sixth course: curving to the left, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of S28°46'30"E, and chord distance of 89.57 feet; Thence seventh course: S56°56'40"W, a distance of 50.00 feet; Thence eighth course: curving to the right, on a curve with a radius of 650.00 feet, a delta angle of 02°21'34", a length of 26.77 feet, a chord bearing of N31°52'33"W, and chord distance of 26.76 feet; Thence ninth course: S59°18'14"W, a distance of 311.85 feet; Thence tenth course: S08°30'44"E, a distance of 235.10 feet, to a point on the section 1/16 line; Thence eleventh course: N89°56'36"W, along the along the section 1/16 line, a distance of 313.37 feet, to the southeasterly corner of said Lot 7; Thence twelfth course: N00°01'20"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 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 continued to the November 21, 2007 Planning Commission meeting to be heard in conjunction with associated Amendment to the Adopted Comprehensive Plan.

42. No. 07RZ073 - 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 intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Thence first course: N78°00'34"E, along the centerline of Marlin Drive, a distance of 201.84 feet, to the end of the previously dedicated Marlin Drive; Thence, second course: N78°00'34"E, a distance of 66.26 feet; Thence, third course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of N76°10'58"E, and chord distance of 63.76 feet; Thence, fourth course: N74°21'21"E, a distance of 66.33 feet; Thence, fifth course: S15°38'39"E, a distance of 29.50 feet; Thence, sixth course: S74°21'21"W, a distance of 54.43 feet; Thence, seventh course: S26°59'57"E, a distance of 151.65 feet; Thence, eighth course: S56°56'40"W, a distance of 309.27 feet; Thence, ninth course: S56°56'40"W, a distance of 50.00 feet; Thence tenth course: curving to the right, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of N28°46'30"W, and chord distance of 89.57 feet; Thence eleventh course: curving

to the right, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of N23°55'17"W, and chord distance of 20.01 feet, to the end of dedicated Creek Drive centerline; Thence twelfth course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of N17°40'09"W, and chord distance of 197.91 feet, the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Said Parcel contains 87,663 square feet or 2.012 acres more or less., 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 continued to the November 21, 2007 Planning Commission meeting to be heard in conjunction with associated Amendment to the Adopted Comprehensive Plan.

43. No. 07RZ074 - 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°11'13", a length of 272.92 feet, a chord bearing of N79°49'24"E, and chord distance of 272.83 feet; Thence, second course: S15°38'39"E, a distance of 95.46 feet; Thence, third course: S74°21'21"W, a distance of 66.33 feet; Thence, fourth course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of S76°10'58"W, and chord distance of 63.76 feet; Thence fifth course: S78°00'34"W, a distance of 66.26 feet, to the end of dedicated Marlin Drive centerline; Thence sixth course: S78°00'34"W, along the centerline of Marlin Drive, a distance of 201.84 feet, to the intersection of centerline Marlin Drive and Creek Drive; Thence seventh course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 05°21'24", a length of 93.49 feet, a chord bearing of N09°18'43"W, and chord distance of 93.46 feet; Thence eighth course: N06°38'01"W, along the centerline of Creek Drive, a distance of 422.07 feet, to a point on the southerly right-of-way of Elk Vale Road; Thence ninth 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 00°57'11", a length of 50.15 feet, a chord bearing of N82°50'59"E, and chord distance of 50.15 feet, to the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Said Parcel contains 182,629 square feet or 4.193 acres more or less, 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 continued to the

November 21, 2007 Planning Commission meeting to be heard in conjunction with associated Amendment to the Adopted Comprehensive Plan.

45. 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 21, 2007 Planning Commission meeting to be heard in conjunction with the Layout Plat.

46. 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 reduce the right-of-way width from 59 feet to 20 feet and to waive the requirement to install sidewalk, water, sewer, curb, gutter, street light conduit and pavement along a 20 foot wide parking and circulation easement be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the east side of Rapp Street and to install water

and sewer along Rapp Street be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,
2. Prior to City Council approval, the plat document shall be revised eliminating Lot K-4B and K-4C;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of Pine Street and sewer along Pine Street be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,
2. A sidewalk shall be provided along one side of the street.

47. 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 21, 2007 Planning Commission meeting to be heard in conjunction with the Layout Plat.

48. No. 07SV054 - Marlin Industrial Park

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 and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 8, 9, 17, 22 and 23 of Marlin Industrial Park, located in the unplatted portion of the NW1/4 NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast, southeast and southwest of the intersection of Creek Drive and Marlin Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

49. No. 07SV058 - Robbinsdale Addition No. 10

A request by Sperlich Consulting, Inc. for Walgar Development to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement and to reduce the right-of-way width along Minnesota Street from 100 feet to 80 feet as per Chapter 16 of the Rapid City Municipal Code** on Lot 27 of Block 23 of Robbinsdale Addition No. 10, located in the NW1/4 of the NE1/4 of the SE1/4, the E1/2 of the NW1/4 of the SE1/4, and in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the NE1/4 of the SE1/4, a portion of the E1/2 of the NW1/4 of the SE1/4, and a portion of Tract B of Robbinsdale Addition No. 10, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the right-of-way of Wisconsin Avenue, and the Point of Beginning; Thence, first course: N70°21'03"E along the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, a distance of 119.95 to a point on the westerly boundary of Lot 14 of Block 23 of Robbinsdale Addition No. 10; Thence, second course: S25°27'00"E, along the westerly boundary of said Lot 14 of Block 23 of Robbinsdale Addition No. 10, a distance of 90.08 feet, to the southwesterly corner of said Lot 14 of Block 23 of Robbinsdale Addition No. 10, common to a point on the northerly edge of the right-of-way of East Minnesota Street; Thence, third course: southwesterly, along the northerly edge of said East Minnesota Street right-of-way, curving to the left on a curve with a radius of 1343.10 feet, a delta angle of 05°09'18", an arc length of 120.84 feet, a chord bearing of S55°55'34"W, and a chord distance of 120.80 feet, to the intersection of the northerly edge of said East Minnesota Street right-of-way, intersecting with the easterly edge of the right-of-way of said Wisconsin Avenue; Thence, fourth course: northwesterly, along the easterly edge of said Wisconsin Avenue right-of-way, curving to the right on a curve with a radius of 236.12 feet, a delta angle of 18°19'43", an arc length of 75.53 feet, a chord bearing of N28°51'00"W, and a chord distance of 75.21 feet, to a point of tangency; Thence, fifth course: N19°41'41"W, along the easterly edge of said Wisconsin Avenue right-of-way, a distance of 45.47 feet, to the southwest corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the right-of-way of said Wisconsin Avenue, and the Point of Beginning, more generally described as being located north of the intersection of East Minnesota Street and Wisconsin Avenue.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement be approved; and,

That the Variance to the Subdivision Regulations to reduce the right-of-way width along Minnesota Street from 100 feet to 80 feet as per Chapter 16 of the Rapid City Municipal Code be approved with the following stipulation:

- 1. That a ten foot wide public utility and pedestrian access easement shall be provided along the south lot line of the subject property.**

50. No. 07SV060 - Koupal Estates Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Mark and

DRAFT

Jana Koupal to consider an application for a **Variance to the Subdivision Regulations to allow platting half a right-of-way as per Chapter 16 of the Rapid City Municipal Code** on Plat of Lots 1 and 2 of Koupal Estates Subdivision, located in the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 32774 Wallace Street.

Planning Commission recommended that the Variance to the Subdivision Regulations to allow platting half a right-of-way as per Chapter 16 of the Rapid City Municipal Code be approved.

---END OF HEARING CONSENT CALENDAR---

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

A request by Bob Fuchs to consider an application for a **Rezoning from General Commercial District to Central Business District** on the South 50 feet of Lots 28 thru 32 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 321 7th Street.

Smith presented the staff's recommendation to continue the Rezoning request to the December 6, 2007 Planning Commission meeting at the applicant's request.

Brown moved, Derby seconded and unanimously carried to recommend that the Rezoning from General Commercial District to Central Business District be continued to the December 6, 2007 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, Rolinger and Scull voting yes and none voting no)

44. 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.

Fisher presented the staff's recommendation to deny the Variance to the Subdivision Regulations request without prejudice at the applicant's request.

Rolinger moved, Etter seconded and unanimously carried to recommend 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 denied without prejudice. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, Rolinger and Scull voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that items 51 thru 54 be taken concurrently.

51. 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.

52. 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.

53. 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.

54. No. 07SV026 - Tower Ridge No. 2 Subdivision

A request by Scull Construction for Whittingham & Lestrangle, LPI to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-Way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-Way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract A of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

Fisher presented the staff's recommendation to continue the Comprehensive Plan Amendment, the Rezoning request, the Preliminary Plat application and the Variance to the Subdivision request to the January 10, 2008 Planning

Commission meeting.

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

**Brown moved, Rolinger seconded and carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development;
The Rezoning from Park Forest District to General Commercial District;
The Preliminary Plat; and,
The Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code be continued to the January 10, 2008 Planning Commission meeting. (7 to 0 to 2 with Anderson, Brown, Derby, Etter, Gregg, Landguth and Rolinger voting yes and none voting no and Brewer and Scull abstaining)**

*55. 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.

Fisher presented the staff's recommendation to continue the Major Amendment to a Planned Residential Development to the December 6, 2007 Planning Commission meeting.

Gregg moved, Brown seconded and unanimously carried to continue the Major Amendment to a Planned Residential Development to the December 6, 2007 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, 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.

*56. 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.

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

Rolinger moved, Scull seconded and unanimously carried to approve the Planned Commercial Development – Initial and Final Development Plan with stipulations:

- 1. Prior to issuance of a Certificate of Occupancy, the owner shall sign a waiver of right to protest any future assessment for the improvements to the driveway approaches as per City Council approval on November 5, 2007;**
- 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 3. All plans shall be stamped by a Registered Professional Engineer and/or Architect per SDCL 36-18A;**
- 4. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan. In particular, a minimum of 87 parking stalls shall be provided which allows a maximum of 348 seats for the proposed church. Any additional seating shall require a Major Amendment to the Planned Commercial Development;**
- 5. The lighting plan shall continually comply with all requirements of the Zoning Ordinance and the approved lighting plan. In particular, lighting shall be directed so as to reflect away from all residential districts, and shall be so situated so as not to reflect directly onto any public rights-of-way, so as to create a traffic hazard;**
- 6. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. A sign permit must be obtained prior to installation of any signage;**
- 7. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 8. All applicable provisions of the International Fire Code shall be continually met;**
- 9. All construction shall comply with the approved building elevations; and,**
- 10. The Planned Commercial Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, 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.

Fisher requested that items 58 and 59 be taken concurrently.

58. No. 07PL134 - Hyland Crossing Subdivision
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.
59. 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.

Fisher presented the staff's recommendation to continue the Preliminary Plat and the Variance to the Subdivision Regulations requests to the December 6, 2007 Planning Commission meeting.

**Rolinger moved, Etter seconded and unanimously carried to recommend that the Preliminary Plat; and
That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along U.S. Highway 16;
That the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along the access easement and Sammis Trail;
and,
That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk and street light conduit along the access easement and to waive the requirement to install curb, gutter, sidewalk and street light conduit and to reduce the pavement width from 36 feet to 24 feet along Sammis Trail be continued to the December 6, 2007 Planning Commission meeting. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, Rolinger and Scull voting yes and none voting no)**

Fisher requested that items 60 and 61 be taken concurrently.

60. No. 07PL141 - Anamosa Crossing

A request by Centerline, Inc. for Action Development, Inc. to consider an application for a **Preliminary Plat** on Lots 1 and 8 of Anamosa Crossing Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Century Road and East North Street.

61. No. 07SV059 - Anamosa Crossing

A request by Centerline, Inc. for Action Development, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water and sewer along East North Street and to reduce pavement width from 26 feet to 24 feet along A/R Boulevard and A/R Lane as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 8 of Anamosa Crossing Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Century Road and East North Street.

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

Rolinger moved, Scull seconded and unanimously carried to approve the Preliminary Plat be approved with the following stipulations:

- 1. E. North Street shall be constructed with sewer and sidewalk or a Variance to the Subdivision Regulations shall be obtained;**
- 2. "A/R Lane" shall be constructed with a minimum 26 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained. In addition, property line sidewalks shall be provided as per the Street Design Criteria Manual or an Exception shall be obtained to allow curb side sidewalks;**
- 3. Prior to any additional platting of the unplatted balance, a revised Traffic Impact Study shall be submitted for review and approval;**
- 4. Prior to submittal of a Final Plat application, an alternate street name for "A/R Lane" shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name;**
- 5. Prior to submittal of a Final Plat application, the plat document shall be revised to show "A/R Boulevard" as "Century Road";**
- 6. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along E. North Street and the first 105 feet of "A/R Boulevard" as it extends west from E. North Street. In addition, a non-access easement shall be provided along the northwest corner of Lot 8 for a distance of 105 feet along "A/R Lane" and "A/R Boulevard" or an Exception to the Street Design Criteria Manual shall be obtained;**
- 7. Upon submittal of a Final Plat application, surety shall be posted for the design and construction of "A/R Lane" and "A/R Boulevard". In**

addition, surety shall be posted for the design and construction of any drainage and grading improvements. Surety shall also be posted for any other required subdivision improvements that have not been completed 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;**

That the Variance to the Subdivision Regulations to reduce the minimum required pavement width from 26 feet to 24 feet along "A/R Boulevard" be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and sewer along East North Street be approved with the following stipulations:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,**
- 2. A sidewalk shall be provided along one side of the street;**

That the Variance to the Subdivision Regulations to waive the requirement to install water along E. North Street be denied without prejudice; and,

That the Variance to the Subdivision Regulations to reduce the minimum required pavement width from 26 feet to 24 feet along "A/R Lane" be denied. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, Rolinger and Scull voting yes and none voting no)

62. 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 21, 2007 Planning Commission meeting as the stipulations of approval had not been met.

Anderson expressed his opposition to the SDCL 11-6-19 Review request.

Anderson moved, Brown seconded to deny the SDCL 11-6-19 request with one stipulation:

- 1. That the structure be removed from the flood plain and turned over to Code Enforcement.** Discussion followed.

Scull stated that he would not support the motion.

Derby expressed opposition to the motion to deny.

Brown stated that applicant has not presented himself to request approval of the application. Brown expressed his support for the motion. Discussion followed.

Brewer commented on ongoing discussion within the community regarding

development within the flood plain. Brewer expressed support for the motion.

Anderson moved, Brown seconded and carried to deny the SDCL 11-6-19 Review to allow a structure on public property. (Roll Call vote 6 to 3 with Anderson, Brewer, Brown, Etter, Gregg and Landguth, voting yes and Derby, Rolinger and Scull voting no)

63. 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 Tax Increment Financing Committee's recommendation to approve the Variance to the Subdivision Regulations requests with stipulations.

Gregg moved, Landguth 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 approved with the following stipulations:

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;**
2. **An eight inch water main shall be extended along a portion of the property to where a residence will be constructed; and,**

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water on Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice to allow the applicant to vacate the right-of-way. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, Rolinger and Scull voting yes and none voting no)

64. No. 07TI019 - Walpole Heights Subdivision and Arches Addition

A request by City of Rapid City to consider an application for a **Revised Project Plan for Tax Increment District No. 47 - Tower Road** on Lot H1 of the SW1/4, Lot 1 of the SE1/4 SW1/4, the eastern most 402.4 feet of section line right-of-way in the SW1/4, all located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; the N1/2 SE1/4 less Walpole Heights Subdivision less Lot AB of the E1/2 SE1/4 and less Fairmont Boulevard dedicated right-of-way, Lots H1 and H2 of the SE1/4, Lots B and C of the

SW1/4SE1/4, Lots A and B of the SE1/4 SE1/4, Lots H3, H4, H5, H6, H7 and H8 of the E1/2 SE1/4, and all of the section line right-of-way in the SE1/4 less that portion of section line right-of-way abandoned as recorded in Miscellaneous Book 54, Page 1976, all located in the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Lot H2 of the W1/2 SW1/4 less Lot X of the W1/2SW1/4, Lot H4 of the W1/2 SW1/4, and that portion of a 60 foot dedicated public right-of-way located between Tract 3R and 4R of Arches Addition in the SW1/4, all located in the SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Tower Road west of U.S. Highway 16.

Bulman presented the Tax Increment Financing Committee's recommendation to approve the Revised Project Plan request.

Rolinger moved, Landguth seconded and unanimously carried to recommend that the Tax Increment District No. 47 Revised Project Plan for Tower Road be approved. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, Rolinger and Scull voting yes and none voting no)

65. No. 07TI020 - Section 3, T1N, R8E and Section 34, T2N, R8E

A request by City of Rapid City to consider an application for a **Revised Project Plan for Tax Increment District No. 42 - Elk Vale Water / Timmons Blvd** on NE1/4NE1/4 less Right-of-way, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E,

BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Elk Vale Road and north of Twilight Drive.

Bulman presented the staff's recommendation to approve the Revised Project Plan request.

In response to Anderson's question, Bulman reviewed the possible funding resources. Discussion followed.

Rolinger moved, Scull seconded and recommend that the Tax Increment District No. 42 Revised Project Plan for Elk Vale Water/Timmons Boulevard be approved. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, Rolinger and Scull voting yes and none voting no)

*66. 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 staff's recommendation to continue the Conditional Use Permit request to the December 6, 2007 Planning Commission meeting.

Rolinger moved, Landguth seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the December 6, 2007 Planning Commission Meeting to allow the applicant's parking variance request to be heard by the Zoning Board of Adjustment. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, 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.

*67. 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 recommendations to approve the Conditional Use Permit request with stipulations.

Rolinger moved, Landguth seconded and unanimously carried to approve the Conditional Use Permit to allow an on-sale liquor establishment with the following stipulations:

1. **The landscape plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscape plan;**
2. **Hours of operation shall be Monday through Friday 8:00 am to 10:00 pm, Saturday 10:00 am to 10:00 pm, and Sunday 2:00 pm to 8:00 pm.**
4. **The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;**
5. **Prior to the installation of any signs on the subject property the applicant shall obtain a Sign Permit. Any additional signage in the future will require a Major Amendment to the Conditional Use Permit;**
6. **The structure shall be fully fire sprinklered and fire alarmed/detected and all applicable provisions of the 2003 International Fire Codes shall be continually met;**
7. **Any change to the exterior elevations of the building will require a Major Amendment to the Conditional Use Permit.**
8. **The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, 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.

68. 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.

Tegethoff presented the staff's recommendation to deny the Vacation of Access Easement with one stipulation. Discussion followed.

Rolinger moved, Scull seconded and unanimously carried to deny the Vacation of Access Easement without prejudice with the following stipulation:

1. **Prior to issuance of a Certificate of Occupancy for the residence, the applicant shall record the required easement at the Register of Deeds office as previously approved as part of the Final Plat or an alternative emergency vehicle access easement shall be submitted for review and approval and recorded at the Register of Deeds office. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, Rolinger and Scull voting yes and none voting no)**

69. Discussion Items

- A. Approve 2008 Planning Commission meeting schedule.

Dominicak presented the staff's recommendation to approve the 2008 Planning Commission meeting schedule.

Rolinger moved, Anderson seconded to approve the 2008 Planning Commission meeting schedule. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, Rolinger and Scull voting yes and none voting no)

- B. Dominicak introduced Jared Ball to the Planning Commission

70. Staff Items

71. Planning Commission Items

- A. Rolinger expressed concern for the placement of the Tax Increment Financing requests on the Planning Commission Agenda. Rolinger expressed his opinion that the Dakota Canyon Tax Increment Financing request would be better set for a separate meeting.

Dominicak stated that staff is pursuing a special night meeting.

72. Committee Reports

- A. City Council Report (October 15, 2007)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee

- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Rolinger moved, Etter seconded and unanimously carried to adjourn the meeting at 8:10 a.m. (9 to 0 with Anderson, Brewer, Brown, Derby, Etter, Gregg, Landguth, Rolinger and Scull voting yes and none voting no)