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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 21, 2007

MEMBERS PRESENT: John Brewer, Gary Brown, Barb Collins, Mike Derby, Frank Etter, Julie Gregg, Mike LeMay and Dennis Landguth.

STAFF PRESENT: Marcia Elkins, Vicki Fisher, Jonathan Smith, Jared Ball, Tim Roberts, Mary Bosworth, Ted Johnson, Tim Behlings, Kevin Lewis and Carol Campbell.

Brewer called the meeting to order at 6:59 a.m.

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

Staff requested that Items 3, 12, 13, 14 and 15 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by LeMay, Seconded by Brown and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 15 in accordance with the staff recommendations with the exception of Items 3, 12, 13, 14 and 15. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth voting yes and none voting no)

Consent Calendar

The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar by any Planning Commissioner, staff member, or audience member, for separate consideration:

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the November 8, 2007 Planning Commission Meeting Minutes.

Planning Commission recommended that the approval of the November 8, 2007 Planning Commission minutes be continued to the December 6, 2007 Planning Commission meeting.

2. No. 07PL116 - Market Square Subdivision

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

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Planning Commission recommended that the Layout Plat be continued to the January 10, 2008 Planning Commission meeting to allow the applicant to address the outstanding issues and to allow the applicant to submit additional information.

4. No. 07PL122 - Watersedge Subdivision

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

Planning Commission recommended that the Layout Plat be continued to the December 6, 2007 Planning Commission meeting to allow the applicant to submit the required information.

5. No. 07PL148 - Section 21, T1N, R7E

A request by Sperlich Consulting, Inc. for Wind River, LLC to consider an application for a **Layout Plat** on Lots A, B and C of Lot 8 of the E/12 NE1/4, less Lot H1, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E/12 of Lot 8 of the E/12 NE1/4, less Lot H1, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4961 Sheridan Lake Road.

Planning Commission recommended that the Layout Plat be continued to the December 6, 2007 Planning Commission meeting to allow the applicant to submit additional information.

6. No. 07PL149 - Marshall Heights

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lot K-4B of Marshall Heights, located in the NE1/4 SW1/4 and the NW1/4 SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot K-4, less Lot H1 and the westerly half of the vacated portion of Rapp Street, less Lot H2 of Marshall Heights, located in the NE1/4 SW1/4 and the NW1/4 SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Rapp Street and North LaCrosse Street.

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

1. **Prior to submittal of a Final Plat application, the plat document shall be revised to address all red lined comments. In particular, the plat document shall be revised to clarify the width of the proposed utility and drainage easement along the interior side of all lot lines. In addition, the southern boundary of the "existing utility easement" abutting the south lot line of the property shall be shown; and,**

2. **Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along LaCrosse Street and Eglin Street or an Exception to the Street Design Criteria Manual shall be obtained to reduce the separation between an approach along Eglin Street and the signalized intersection of Eglin Street and LaCrosse Street.**

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

A request by West River Electric Assn. to consider an application for an **SDCL 11-6-19 Review to construct an electric utility substation on public property** on Lot WR of the NE1/4 NE1/4, Section 15 T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3383 Reservoir Road.

Planning Commission continued the SDCL 11-6-19 Review to construct a public electric utility substation to the December 6, 2007 Planning Commission meeting to allow the applicant to submit additional information.

8. No. 07SR049 – Section 35, T2N, R7E

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

Planning Commission approved the SDCL 11-6-19 Review to allow paving of a parking lot on public property and to allow pavement of a portion of public alley with the following stipulation:

1. **Prior to approval by Planning Commission the applicant shall revise the site plan to eliminate the approach along West Boulevard North on the northern boundary of the property, or obtain an Exception to the Street Design Criteria to allow an approach that does not meet the 150 foot minimum spacing requirement.**

9. No. 07SR053 - Original Town of Rapid City

A request by City of Rapid City for Carlos Ramirez to consider an application for an **SDCL 11-6-19 Review to allow construction of a sign on public property** on Lots 17 thru 32 of Block 104 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 610 Quincy Street.

Planning Commission denied the SDCL 11-6-19 Review to allow construction of a sign on public property without prejudice at the applicant's request.

10. No. 07SR055 - Canyon Springs Preserve

A request by Doty Volunteer Fire Department, Inc. to consider an application for an **SDCL 11-6-19 Review to allow the construction of a public structure** on

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Doty Lots 1 of Block 1 of Canyon Springs Preserve, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, more generally described as being located southwest corner of the intersection of North Emerald Ridge Road and Nemo Road.

Planning Commission continued the SDCL 11-6-19 Review to allow the construction of a public structure to the December 6, 2007 Planning Commission meeting to allow the applicant to submit the required information.

11. No. 07VE028 - Section 15, T1N, R8E

A request by Renner & Associates for West River Electric Assn. to consider an application for a **Vacation of Non-Access Easement** on Lot WR of the NE1/4 NE1/4, Section 15 T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3383 Reservoir Road.

Planning Commission recommended that the Vacation of Non-Access Easement be continued to the December 6, 2007 Planning Commission meeting to allow the applicant to submit additional information.

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

3. No. 07PL121 - Rapps Addition

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

Elkins presented the staff's recommendation to continue the Preliminary Plat request to the December 6, 2007 Planning Commission meeting.

Landguth moved, Collins seconded and unanimously carried to recommend that the Preliminary Plat continued to the December 6, 2007 Planning Commission meeting. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth voting yes and none voting no)

Elkins requested that items 12 thru 15 be taken concurrently.

12. No. 07VE039 - Rockinon Ranch Estates

A request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 7, 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.

13. No. 07VE040 - Rockinon Ranch Estates
A request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 22, 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 southeast corner of the intersection of Butterfly Lane and Abbey Road (Hovering Heights Court).
14. No. 07VE041 - Rockinon Ranch Estates
A request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 31, 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 southwest corner of the intersection of Butterfly Lane and Abbey Road (Hovering Heights Court).
15. No. 07VE042 - Rockinon Ranch Estates
A request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 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 at the southeast corner of the intersection of Abbey Road (Hovering Heights Court) and Antler Ridge Road.

Elkins presented the staff's recommendation to deny the Vacation of Non-access easement requests without prejudice with the applicant's concurrence.

Collins moved, LeMay seconded and unanimously carried to recommend that the Vacation of Non-Access Easements be denied without prejudice with the applicant's concurrence. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth voting yes and none voting no)

Brewer announced that the Public Hearings on Items 16 through 32 were opened.

Staff requested that Item 23 be removed from the Hearing Consent Agenda for separate consideration.

Brown requested that Item 30 be removed from the Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 22 be removed from the Hearing Consent Agenda for separate consideration.

Brown moved, LeMay seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 16 through 32 in accordance with the staff recommendations with the exception of Items 22, 23 and 30. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth voting yes and none voting no)

The Public Hearings for Items 16 through 32 were closed.

---HEARING ITEMS CONSENT CALENDAR---

16. No. 07CA050 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **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 December 6, 2007 Planning Commission meeting to allow the Future Land Use Committee to consider this item.

17. 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 December 6, 2007 Planning Commission meeting to be heard in conjunction with associated Amendment to the Adopted Comprehensive Plan.

18. No. 07CA051 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **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 December 6, 2007 Planning Commission meeting to allow the Future Land Use Committee to consider this item.

19. 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 December 6, 2007 Planning Commission meeting to be heard in conjunction with associated Amendment to the Adopted Comprehensive Plan.

20. No. 07CA052 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **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 December 6, 2007 Planning Commission meeting to allow the Future Land Use Committee to consider this item.

21. 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 December 6, 2007 Planning Commission meeting to be heard in conjunction with associated Amendment to the Adopted Comprehensive Plan.

*24. 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 December 6, 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.

*25. No. 07PD089 - Brookfield Subdivision

A request by Orlin and Amy Rohde to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 24 of Block 1 of Brookfield Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2 Adonia Lane.

Planning Commission continued the Major Amendment to a Planned Residential Development to the December 6, 2007 Planning Commission meeting to allow the applicant to submit a revised site plan.

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

*26. No. 07PD090 - Stoney Creek South No. 2 Subdivision

A request by Stoney Creek Associates, LLLP to consider an application for a **Major Amendment to a Planned Residential Development** on Lot 1 of Stoney Creek South No. 2 Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Nugget Gulch Road and Catron Boulevard.

Planning Commission continued the Major Amendment to a Planned Residential Development to the December 6, 2007 Planning Commission meeting to allow the applicant to submit the required information.

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

27. No. 07SV050 - Market Square Subdivision

A request by Sperlich Consulting, Inc. for James Letner to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate ten 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 ten 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 January 10, 2008 Planning Commission meeting to be heard in conjunction with the Layout Plat.

28. 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 December 6, 2007 Planning Commission meeting to be heard in conjunction with the Layout Plat.

29. No. 07SV061 - Villaggio at the Golden Eagle

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and pavement along a portion of Golden Eagle Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R of Block 2 of the Villaggio at Golden Eagle, located in the E1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 2 of the Villaggio at Golden Eagle, located in the E1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Golden Eagle Drive and Villaggio Lane.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk,

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streetlight conduit, water, sewer and pavement along a portion of Golden Eagle Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved.

*31. No. 07UR014 - Section 35, T2N, R7E

A request by Tracy Krsnak for Charles Lelievre to consider an application for a **Major Amendment to a Conditional Use Permit to allow an additional structure accessory to a television tower** on the NW1/4 less the north 400 feet of the west 400 feet; the NW1/4 NE1/4; E1/2 NE1/4 SW1/4, less Lot A; E1/2 W1/2 NE1/4 SW1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Cowboy Hill at the western terminus of Van Buren Street between West Omaha Street and Interstate 90.

Planning Commission approved the Major Amendment to a Conditional Use Permit to allow an additional structure accessory to a television tower with the following stipulation:

1. **Prior to construction of the proposed structure the applicant shall obtain a Building Permit.**

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

32. No. 07VR012 - Section 24, T1N, R7E

A request by Centerline, Inc. for PLM Land Development, LLC to consider an application for a **Vacation of Section Line Highway** on the unplatted balance of the SE1/4 SW1/4, Section 13, T1N, R7E, and the NE1/4 NW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Enchantment Road and North of Enchanted Pines Drive.

Planning Commission recommended that the Vacation of Section Line Highway be approved.

---END OF HEARING CONSENT CALENDAR---

22. No. 07CA054 - Section 27, T2N, R8E

A request by Dream Design International, Inc. to consider an application for a **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a collector street** on NW1/4, Section 34, T2N, R8E and SW1/4, Section 27, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located east of North Elk Vale Road and west of North Reservoir Road between Cheyenne Boulevard and East Anamosa Street.

Michael McMahon, representing the City of Box Elder, expressed concerns for the inclusion of a portion of the road the Major Street Plan within the City of Box

Elder Corporate limits.

Elkins identified the location of a collector street on the subject property and suggested that the item be approved with an additional stipulation removing that portion located within the Box Elder Corporate limits.

Gregg moved, Brown seconded and unanimously carried to recommend an Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a collector street, be approved with the following revised legal description and the following stipulations:

- 1. Prior to Planning Commission approval, the Air Quality Permit 07AQ033 for the Heartland Retail Center shall be updated based on the new location prior to construction of the new road; and,**
- 2. The plan be revised to eliminate those portions located in the Box Elder Corporate Limits. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth voting yes and none voting no)**

***23. No. 07PD080 - Meridian Subdivision**

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

Elkins presented the staff's recommendation to continue the Major Amendment request to the January 10, 2008 Planning Commission meeting.

Collins moved, LeMay seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the January 10, 2008 Planning Commission meeting to allow the applicant to submit the required information. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth 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.

***30. No. 07UR013 - Flormann Subdivision**

A request by Hermanson Egge Engineering to consider an application for a **Conditional Use Permit to allow a nursing home in a Low Density Residential Zoning District** on Tract X of Flormann Subdivision, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 302 St. Cloud Street.

Don Deurmier, area resident, requested clarification of the Conditional Use Permit request and Deurmier further commented on the possible negative impact

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to the adjacent properties with increased drainage from the proposed development on the subject property.

Elkins reviewed staff's concerns with the possible negative impact of the drainage from the proposed development on the subject property and the need for additional information to be submitted by the applicant.

In response to Derby's question, Elkins stated that the applicant has presented the request as a proposed nursing home.

Brown moved, Etter seconded and unanimously carried to continue the Conditional Use Permit to allow a nursing home in a Medium Density Residential Zoning District to the December 6, 2007 Planning Commission meeting to allow the applicant to submit the additional required information. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth 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.

---BEGINNING OF REGULAR AGENDA ITEMS---

33. No. 07PL146 - Elks Country Estates

A request by Sperlich Consulting, Inc. for Chad Zandstra to consider an application for a **Preliminary Plat** on Lots 11A and 11B of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 11 of Block 10 of Elks Country Estates, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3565 Padre Drive.

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

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

- 1. Prior to Preliminary Plat approval by the City Council, a structural site plan shall be submitted for review and approval showing the existing development on the property; and,**
- 2. Prior to Preliminary Plat approval by the City Council, an Exception to allow 356 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual shall be obtained or prior to submittal of a Final Plat application, a contract shall be awarded for the construction of a street connection to the Southeast Connector and surety posted for the improvement. (8 to 0 with**

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**Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth
voting yes and none voting no)**

Fisher requested that items 34 and 35 be taken concurrently.

34. No. 07PL147 - LJS Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Thomas E. Lien to consider an application for a **Preliminary Plat** on Lots 2 thru 4 of LJS Subdivision, located in the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the N1/2 NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2310 North Maple Avenue.

35. No. 07SV062 - LJS Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Thomas E. Lien to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to provide water, sewer and sidewalk along Maple Avenue as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2 thru 4 of LJS Subdivision, located in the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the N1/2 NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2310 North Maple Avenue.

Fisher presented the staff's recommendation to continue the Preliminary Plat and the Variance to the Subdivision requests to the January 10, 2008 Planning Commission meeting.

Landguth moved, Collins seconded and unanimously carried to recommend that the Preliminary Plat and the Variance to the Subdivision Regulations to waive the requirement to install water along North Maple Avenue, the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of North Maple Avenue, and the Variance to the Subdivision Regulations to waive the requirement to install sewer along North Maple Avenue be continued to the January 10, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth voting yes and none voting no)

36. No. 07SR054 - Rapid City Greenway Tract

A request by Designworks for Parks & Recreation Department to consider an application for an **SDCL 11-6-19 Review to allow the improvement of a public park** on Tract 27 of the Rapid City Greenway Tract, Section 6, T1N, R8E, and Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 125 Waterloo Street.

LeMay moved, Collins seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the improvement of a public park be continued to the December 6, 2007 Planning Commission meeting. (8 to 0

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with Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth voting yes and none voting no)

37. Discussion Items

- A. A request from Judy Rhode to allow a Reception Hall in Agricultural Zoning District.

Elkins presented the applicant's request that the Planning Commission sponsor the Rezoning request. Elkins outlined the Future Land Use Committee's recommendation that reception halls be allowed in the Agriculture Zoning District as a Conditional Use with on sale liquor sales allowed as accessory use. Discussion followed.

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

Brown moved, Etter seconded and carried to authorize staff to draft an Ordinance for a Conditional Use Permit to allow an on-sale liquor establishment in the Agricultural Zoning District and bring forward the item at public hearing. (7 to 0 to 1 with Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth voting yes and none voting no and Derby)

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

Elkins requested that the Pros and Cons of Expanding City's Platting Jurisdiction be continued to the December 6, 2007 Planning Commission meeting.

Collins moved, Gregg seconded and unanimously carried to recommend that the Pros and Cons of Expanding City's Platting Jurisdiction be continued to the December 6, 2007 Planning Commission meeting. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth voting yes and none voting no)

38. Staff Items

- A. Elkins stated that the Mayor has requested a training session for the Planning Commission members.

Landguth moved, Derby seconded to instruct staff to set a training session for the Planning Commission members for Thursday, December 13, 2007 from 11:30 a.m. to 1:00 p.m. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth voting yes and none voting no)

- B. Elkins thanked the Planning Commission members for their contribution to the Community. Elkins further extended her thanks for the staff and their dedication to the Community.

39. Planning Commission Items

40. Committee Reports

- A. City Council Report (November 5, 2007)
The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:
- 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, Landguth moved, Derby seconded and unanimously carried to adjourn the meeting at 7:35 a.m. (8 to 0 with Brewer, Brown, Collins, Derby, Etter, Gregg, LeMay and Landguth voting yes and none voting no)