



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 10, 2008

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

STAFF PRESENT: Marcia Elkins, Bob Dominicak, Monica Heller, Vicki Fisher, Karen Bulman, Travis Tegethoff, Jonathan Smith, Jared Ball, Mary Bosworth, Ted Johnson, Bill Knight, Mike Schad, Joel Landeen, and Carol Campbell.

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

Elkins advised that item No. 56 will need to be acted upon today or prior to January 16, 2008. Discussion followed.

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 10 and 21 be removed from the Non-Hearing Consent Agenda for separate consideration.

Scull requested that Item 21 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Brown, Seconded by Waltman and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 22 in accordance with the staff recommendations with the exception of Items 10 and 21. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

1. Approval of the December 6, 2007 Planning Commission Meeting Minutes and December 13, 2007 Special Planning Commission Meeting Minutes.
2. No. 07CA054 - Section 27, T2N, R8E
A request by Dream Design International, Inc. to consider an application for an **A Summary of Adoption Action on an 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 that part of the S1/2 SW1/4 lying south of the Railroad Right-of-way, 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.



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

3. No. 07CA058 - Section 21, T2N, R8E

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 change the land use designation from Low Density Residential to Light Industrial** on a portion of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 2R of Beaird Subdivision and the point of beginning, Thence, first course: S62°35'52"E, a distance of 1229.50 feet; Thence, second course: S37°32'29"E, a distance of 394.90 feet; Thence, third course: S00°00'00"E, a distance of 1684.81 feet; Thence, fourth course: S60°21'45"W, a distance of 305.29 feet; Thence, fifth course: S88°20'00"W, a distance of 1840.91 feet; Thence, sixth course: N83°10'38"W, a distance of 304.61 feet; Thence seventh course: N48°29'18"W, a distance of 331.54 feet, to a point on the section line common to Sections 20 and 21, T2N, R8E; Thence eighth course: N00°02'15"W, along the section line common to Sections 20 and 21, a distance of 1188.45 feet, to the Section 1/4 Corner common to Sections 20 and 21; Thence ninth course: N00°00'41"W, along the section line common to Sections 20 and 21, a distance of 1325.18 feet, to the north Section 1/16 Corner common to Sections 20 and 21; Thence tenth course: N89°59'19"E, a distance of 33.10 feet, to the southwesterly corner of Lot 3 of Beaird Subdivision; Thence eleventh course: S89°56'52"E, along the southerly boundary of said Lot 3 of Beaird Subdivision, a distance of 564.86 feet, to the southeasterly corner of said Lot 3 of Beaird Subdivision, common to a southerly corner of said Lot 2R of said Beaird Subdivision; Thence twelfth course: S89°56'31"E, along the southerly boundary of said Lot 2R of Beaird Subdivision, a distance of 727.10 feet, to the southeasterly corner of said Lot 2R of Beaird Subdivision and the point of beginning, more generally described as being located north of Seger Drive and east of Dyess Avenue.

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

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 January 24, 2008 Planning Commission meeting to allow the applicant to submit the required information.



5. No. 07PL134 - Hyland Crossing

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

Planning Commission recommended that the Preliminary Plat be continued to the January 24, 2008 Planning Commission meeting.

6. 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.

Planning Commission recommended that the Preliminary Plat be continued to the January 24, 2008 Planning Commission meeting at the applicant's request.

7. No. 07PL151 - Big Horn Sheep Preserve

A request by Boschee Engineering for Cody Schad to consider an application for a **Preliminary Plat** on Government Lot A of Lot 2, Government Lot 2 less Lot A, and Government Lot 1, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located between Strato Bowl and Copper Oaks.

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

1. **Prior to Planning Commission approval the applicant shall submit a revised cost estimate for access road improvements for review and approval;**
2. **Prior to Planning Commission approval the applicant shall revise the plat document to include survey information for the access easement and well location;**
3. **Prior to approval by Planning Commission the applicant shall revise the plat document to identify a turnaround on the northern boundary of proposed Lot 1 for Emergency Vehicles;**
4. **Prior to Planning Commission approval the plat documents shall be revised to identify 45 feet of right-of-way along the private access and utility easement;**
5. **Upon submittal of a Final Plat application, the applicant shall provide**



6. Upon submittal of a Final Plat application the applicant shall submit for review and approval to the Pennington County Emergency Services Communication Center a street name for the access and utility easement;
 7. Upon submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide for the mechanism for street maintenance and snow removal for the private streets proposed;
 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
8. No. 07PL162 - High Sheridan Ranch Subdivision
A request by Britton Engineering and Land Surveying, Inc. for Raymond J. Crawford, III to consider an application for a **Preliminary Plat** on Lots A and B of Lot 4R of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 4R of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 23435 Sand Lane.

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

1. Prior to approval by the Planning Commission the applicant shall coordinate with the Pennington County Fire Department, and Rapid City Fire Department to determine adequate fire flows for the proposed lots;
2. Prior to approval by the City Council the applicant shall remove the swimming pool on proposed Lot A that is encroaching into a 16 foot minor drainage and utility easement, or vacate the portion of the minor drainage and utility easement in which the encroachment occurs;
3. Prior to Preliminary Plat approval by the City Council, road construction plans for Sand Lane shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with curb, gutter, pavement, sidewalk, sewer, and street light conduit or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; or a Variance to the Subdivision Regulations shall be obtained;
5. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
6. Prior to the City's acceptance of the public improvements, a warranty



surety shall be submitted for review and approval as required.

9. No. 07PL166 - Spring Creek Estates Subdivision
A request by Oliver A. Freimark to consider an application for a **Layout Plat** on Lot 1 of Spring Creek Estates Subdivision, located in a portion of the NE1/4 SE1/4, Section 3, T1S, R7E, BHM, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4, Section 3, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8686 South Highway 16.

Planning Commission recommended that the Layout Plat be continued to the February 7, 2008 Planning Commission meeting.

11. No. 07PL171 - Village on the Green No. 2 Subdivision
A request by Sperlich Consulting, Inc. for Dalwyn Vandenhoeck to consider an application for a **Preliminary Plat** on Lots 48A and 48B of Village on the Green No. 2 Subdivision located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 48 of Village on the Green No. 2 Subdivision located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located on Mulligan Mile 0.369 miles northwest of the intersection of Anina Court and Arena Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing a sidewalk along both sides of Mulligan Mile or a Variance to the Subdivision Regulations shall be approved;**
 2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional 3.5 feet of right-of-way for Mulligan Mile or a Variance to the Subdivision Regulations shall be obtained;**
 3. **Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
 4. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**
12. No. 07PL172 – Skyline Pines East Subdivision
A request by FourFront Design, Inc. for Skyline Pines East, LLP to consider an application for a **Layout Plat** on Lot 1 thru 12 of Skyline Pines East Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots A and B of the SE1/4 SE1/4 less Lots 2 and 3 of the SE1/4 and less Right-of-way; Lots B and C of the SW1/4 SE1/4 less Lot 1 of the SE1/4; Lot 1 of the SE1/4 SW1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Tower Road and west of U.S. Highway 16.



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

- 1. Prior to Layout Plat approval by the City Council, a revised Layout Plat shall be submitted clearly identifying the boundaries of the plat document;**
- 2. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;**
- 3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Meade Hawthorne Drainage Basin Plan and the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. The plat document shall also be revised to provide drainage easements as necessary;**
- 4. Upon submittal of a Preliminary Plat application, a utility master plan including existing and proposed public and private utilities shall be submitted for review and approval;**
- 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the sewer plans shall include the extension of sanitary sewer along U.S. Highway 16 to the south lot line of the property as per the 2001 CETEC preliminary design report for Tower Road. The sewer plans shall also show the sewer main proposed across Lots 9 thru 12 within a public utility easement or the main shall be located in the Tower Road right-of-way with individual services from Tower Road to each lot. In addition, the plat document shall also be revised to provide additional utility easements as needed;**
- 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the sewer plans shall include the extension of sanitary sewer along U.S. Highway 16 to the south lot line of the property as per the 2001 CETEC preliminary design report for Tower Road. The water plans shall also show the water main proposed across Lots 9 thru 12 within a public utility easement or the main shall be located in the Tower Road right-of-way with individual services from Tower Road to each lot. In addition, the water plans shall demonstrate that**



- adequate fire and domestic water flows are being provided. The plat document shall also be revised to provide additional utility easements as needed;
7. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met;
 8. Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a non-access easement along U.S. Highway 16 and Tower Road except for the approved approach locations as per the Street Design Criteria Manual;
 9. Upon submittal of a Preliminary Plat application, road construction plans for Tower Road shall be submitted for review and approval. In particular, the road construction plans shall identify Tower Road located within a minimum 60 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the street shall be posted "No Parking";
 10. Upon submittal of a Preliminary Plat application, the applicant shall submit written documentation from all of the affected utility companies showing concurrence with the proposed vacation and relocation of the Tower Road right-of-way;
 11. Upon submittal of a Preliminary Plat application, road construction plans for U.S. Highway 16 shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 12. Upon submittal of a Preliminary Plat application, road construction plans for the proposed 45 foot wide future access and utility easement(s) shall be submitted for review and approval. In particular, the construction plans shall show the streets located within a minimum 59 foot wide right-of-way in lieu of an easement or an Exception shall be obtained to allow an easement to serve as access to eight lots in lieu of four lots as per the Street Design Criteria Manual. In addition, the construction plans shall show the streets constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. The construction plans shall also identify the construction of a permanent turnaround to provide a fire apparatus turnaround at the end of the two cul-de-sacs or a Variance to the Subdivision Regulations shall be obtained;
 13. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show access to Lot 12. In particular, the plat shall be revised to provide a maximum 40 foot by 40 foot shared approach between Lots 11 and 12 or the approach shall align with the future



- extension of Fairmont Boulevard to the north;
14. Prior to submittal of a Final Plat application, street name(s) for the 45 foot wide access and utility easements shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the street names shall be shown on the plat document;
 15. Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval;
 16. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 17. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

13. No. 07RD007 - Hyland Crossing Subdivision

A request by Dream Design International to consider an application for a **Road Name Change from Sammis Trail to Moon Meadows Drive** on the S1/2 NW1/4, S1/2 NE1/4, N1/2 SW1/4, N1/2 SE1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of South Highway16 and south of Sammis Trail.

Planning Commission recommended the Road Name Change request from Sammis Trail to Moon Meadows Drive be continued to the January 24, 2008 Planning Commission meeting.

14. No. 07SE001 - Rapid City Greenway Tract

A request by City of Rapid City to consider an application for a **Special Exception to allow ten light poles in the Hydraulic Floodway** on Tract 27 of Rapid City Greenway Tracts, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 125 Waterloo Street.

Planning Commission recommended that the Special Exception to allow Ten Light Poles in the Hydraulic Floodway be continued to the January 24, 2008 Planning Commission meeting to allow the applicant to submit additional information.

15. 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.

Planning Commission continued the SDCL 11-6-19 Review to allow the improvement of a public park to the February 7, 2008 Planning Commission meeting to allow the City Council to take action on the associated Special Exception.

16. 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 approved the SDCL 11-6-19 Review to construct a public electric utility substation.

17. No. 07SR056 - FW-1 Addition and Log Cabin Park Subdivision

A request by Britton Engineering & Land Surveying for Fischer Furniture, Inc. to consider an application for an **SDCL 11-6-19 Review to improve Kirkeby Lane** on Kirkeby Lane Right-of-way adjacent to Tracts FW-1 and FW-2 of FW-1 Addition, and Lots 8 thru 14 of Log Cabin Park Subdivision, Section 35, T2N, R7E, and Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1830 W. Main Street.

Planning Commission continued the SDCL 11-6-19 Review to improve Kirkeby Lane to the January 24, 2008 Planning Commission meeting to allow City Council to take action on the associated Vacation of Right-of-Way.

18. No. 07SR057 - Section 26, T2N, R7E

A request by Renner & Associates, LLC for GCC Dakotah to consider an application for an **SDCL 11-6-19 Review to allow the extension of Disk Drive** on a portion of the Interstate 90 Right-of-way located in the S1/2 NE1/4, and the unplatted portions lying north of Interstate 90, located in the SW1/4 NE1/4 and the E1/2 NW1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Interstate 90 and west of West Boulevard North and Bunker Drive.

Planning Commission denied the SDCL 11-6-19 Review to authorize the extension of Disk Drive without prejudice at the applicant's request.

19. No. 07SR058 - Original Town of Rapid City

A request by Russell Oubre for the Festival of Presidents to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on the Sixth Street Right-of-way adjacent to Lots 16 and 17 of Block 95, the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of St. Joseph Street and Sixth Street.

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

20. No. 07SR059 - Original Town of Rapid City

A request by Russell Oubre for the Festival of Presidents to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on Sixth Street right-of-way adjacent to Lots 31 thru 32 of Block



74 and Lots 14 thru 16 of Block 75, and Lots 17 thru 23 of Block 75 all of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Main Street and Sixth Street.

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

22. 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 request be approved.

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

10. No. 07PL168 - Sundance Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lot 1R and Lot 3 of Sundance Ridge Subdivision, located in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Sundance Ridge Subdivision and the north 389.4 feet of Tract C of the NW1/4 of the NE1/4, located in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3500 Sheridan Lake Road.

Dominicak presented the staff's recommendation to continue the Preliminary Plat request to the January 24, 2008 Planning Commission meeting at the applicant's request.

Brown moved, Anderson seconded and unanimously carried to recommend that the Preliminary Plat be continued to the January 24, 2008 Planning Commission meeting to allow the applicant to submit the required information. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

21. No. 07SR061 - Bice Subdivision

A request by J. Scull Construction to consider an application for an **SDCL 11-6-19 Review to allow the extension of a water main on public property** on Creek Drive Right-of-Way adjacent to Lot 1H Bice Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1180 Creek Drive.

Dominicak presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the January 24, 2008 Planning Commission meeting at the



applicant's request.

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

Anderson moved, Landguth seconded and carried to continue the SDCL 11-6-19 Review to allow the extension of a water main on public property to the January 24, 2008 Planning Commission meeting at the applicant's request. (9 to 0 to 1 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay and Waltman voting yes and none voting no and Scull abstaining)

---HEARING ITEMS CONSENT CALENDAR---

Brewer announced that the Public Hearings on Items 23 through 55 were opened.

Staff requested that Items 24, 25, 26, 36, 38, 39 and 40 be removed from the Hearing Consent Agenda for separate consideration.

Waltman requested that Item 38 be removed from the Hearing Consent Agenda for separate consideration.

LeMay moved, Scull seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 23 through 55 in accordance with the staff recommendations with the exception of Items 24, 25, 26, 36, 38, 39 and 40. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

The Public Hearings for Items 23 through 55 were closed.

23. No. 05VR014 - Sletten Addition

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

Planning Commission recommended that the Vacation of Section Line Highway request be continued to the February 7, 2008, Planning Commission meeting.

27. No. 07CA055 - Section 21, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Rural Reserve to General Commercial** on a portion of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 21, 22, 27, and 28,



T2N, R8E, BHM, thence N00°04'09"W. along the section line common to Sections 21, and 22, a distance of 530.00 feet to the point of beginning; Thence, first course: S89°55'51"W, a distance of 449.12 feet; Thence, second course: N00°07'41"W, a distance of 860.00 feet; Thence third course: N89°55'51"E, a distance of 450.00 feet, to a point on the section line common to Sections 21, and 22; Thence, fourth course: S00°04'09"E, along the section line common to Sections 21, and 22, a distance of 860.00 feet, to the point of beginning, more generally described as being located north of Seger Drive and west of Elk Vale Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Rural Reserve to General Commercial be continued to the February 7, 2008 Planning Commission Meeting at the applicant's request.

28. No. 07CA056 - Section 21, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Rural Reserve to Light Industrial** on a portion of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 2R of Beaird Subdivision and the point of beginning, Thence, first course: S74°37'29"E, a distance of 1202.78 feet; Thence, second course: S31°45'55"E, a distance of 1162.49 feet; Thence, third course: S90°00'00"W, a distance of 439.54 feet; Thence, fourth course: N00°00'00"E, a distance of 428.29 feet; Thence, fifth course: N37°32'29"W, a distance of 394.90 feet; Thence, sixth course: N62°35'52"W, a distance of 1229.50 feet, to the southeasterly corner of Lot 2R of Beaird Subdivision and the point of beginning, more generally described as being located north of Seger Drive and west of Elk Vale Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Rural Reserve to Light Industrial be continued to the February 7, 2008 Planning Commission Meeting at the applicant's request.

29. No. 07CA057 - Section 21, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Public to Light Industrial** on a portion of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at section corner common to Sections 20, 21, 28, and 29 T2N, R8E, BHM, thence N00°02'15"W, a distance of 521.16 feet to the point of beginning, Thence, first course: N00°02'15"W, along the section line common to Sections 20 and 21, a distance of 941.15 feet; Thence, second course: S48°29'18"E, a distance of 331.54 feet; Thence, third course: S83°10'38"E, a distance of 304.61 feet; Thence, fourth course: N88°20'00"E, a distance of 1840.91 feet; Thence, fifth course: N60°21'45"E, a distance of 305.29 feet; Thence, sixth course: N00°00'00"E, a distance of 1256.52 feet; Thence seventh course: N90°00'00"E, a distance of 439.54 feet; Thence eighth course:



S31°45'55"E, a distance of 187.71 feet; Thence ninth course: S70°52'51"E, a distance of 832.49 feet; Thence tenth course: S00°00'00"E, a distance of 1709.19 feet; Thence eleventh course: S89°55'51"W, a distance of 3980.51 feet, to a point on the section line common to Sections 20 and 21, and the point of beginning, more generally described as being located north of Seger Drive and west of Elk Vale Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Public to Light Industrial be continued to the February 7, 2008 Planning Commission Meeting at the applicant's request.

30. No. 07CA059 - Sections 21, T2N, R8E

A request by City of Rapid City to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Rural Reserve to Light Industrial** on a portion of Section 21, T2N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 21, 22, 27, and 28, T2N, R8E, BHM, thence, N00 04'09"W, a distance of 1390.00 feet to the point of beginning; Thence, first course: S89 55'51"W, a distance of 450.00 feet; Thence, second course: S00 07'41"E, a distance of 860.00 feet; Thence, third course: S89 55'51"W, a distance of 873.79 feet; Thence, fourth course: N00 00'00"E, a distance of 1709.19 feet; Thence, fifth course: S70 52'51"E, a distance of 73.39 feet; Thence, sixth course: S20 31'58"E, a distance of 434.44 feet; Thence seventh course: N89 55'51"E, a distance of 1099.64 feet, to a point on the section line common to sections 21, and 22; Thence eighth course: S00 04'09"E, along the section line common to sections 21 and 22, a distance of 418.04 feet, to the point of beginning, more generally described as being located north of Seger Drive and west of Elk Vale Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Rural Reserve to Light Industrial be continued to the February 7, 2008 Planning Commission Meeting at the applicant's request.

31. No. 07OA010 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment adding Banquet Hall with On Sale Liquor Establishments as a Conditional Use in the General Agricultural Zoning District by amending Section 17.34.030 of the Rapid City Municipal Code.**

Planning Commission recommended that the Ordinance Amendment adding Banquet Hall with On Sale Liquor Establishments as a Conditional Use in the General Agricultural Zoning District by amending Section 17.34.030 of the Rapid City Municipal Code be approved.

*32. 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.

Planning Commission continued the Major Amendment to a Planned Commercial Development to the January 24, 2008 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.

*33. No. 07PD081 - Eagle Ridge Subdivision

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

Planning Commission continued the Major Amendment to a Planned Residential Development to the January 24, 2008 Planning Commission meeting.

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.

*34. No. 07PD095 - Stoney Creek South Subdivision

A request by NWE Management Company for Stoney Creek Plaza, LLC to consider an application for a **Major Amendment to a Planned Commercial Development** on Lot 7 of Block 2 of Stoney Creek South Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5606 Sheridan Lake Road.

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

1. Upon approval by the Growth Management Director, banners may be allowed for grand openings; however, in no case shall the banner be displayed for a time period of more than 15 days. In addition, banners shall not exceed 60 square feet, and shall only be allowed when installed on the primary building(s);
2. Upon approval by the Growth Management Director, a single mounted electronic message board sign may be allowed to be used for grand openings and shall not be displayed for a time period more



- than 15 days. In addition, the portable, trailer mounted, electronic message board sign shall not be placed within any parking stall, drive aisle, public right-of-way or site triangle;
3. Prior to the display of any temporary signs the applicant shall obtain a Temporary Sign Permit;
 4. The provisions of the landscape ordinance shall be continually met; in addition, all landscaping shall be maintained in a live vegetative state; and,
 5. All applicable provisions of the Fire Code shall be continually met.

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

*35. No. 07PD096 - Stoney Creek South Subdivision

A request by NWE Management for Autumn Hills Properties to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 2 and 3 of Block 1 of Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5622 and 5734 Sheridan Lake Road.

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

1. Upon approval by the Growth Management Director, banners may be allowed for grand openings; however, in no case shall the banner be displayed for a time period of more than 15 days. In addition, banners shall not exceed 60 square feet, and shall only be allowed when installed on the primary building(s);
2. Upon approval by the Growth Management Director, a single mounted electronic message board sign may be allowed to be used for grand openings and shall not be displayed for a time period more than 15 days. In addition, the portable, trailer mounted, electronic message board sign shall not be placed within any parking stall, drive aisle, public right-of-way or site triangle;
3. Prior to the display of any temporary signs the applicant shall obtain a Temporary Sign Permit.
4. The provisions of the landscape ordinance shall be continually met; in addition, all landscaping shall be maintained in a live vegetative state; and,
5. All applicable provisions of the Fire Code shall be continually met.

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. 07PD099 - Founder's Park Subdivision

A request by Williams & Associates Architects, Inc. for Founder's Park, LLC to consider an application for a **Planned Commercial Development - Final Development Plan** on the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition, less Founder's Park Subdivision and Lot 1 of Founder's Park Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located lying between Founder's Park Drive and Rapid Creek.

Planning Commission continued the Planned Commercial Development - Final Development Plan to the January 24, 2008 Planning Commission meeting to allow the applicant time to submit additional information.

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

41. No. 07RZ058 - North Boulevard Addition

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

Planning Commission recommended that the Rezoning from Medium Density Residential District to General Commercial District be continued to the February 7, 2008 Planning Commission meeting.

42. 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 January 24, 2008 Planning Commission meeting to allow the associated Amendment to the Adopted Comprehensive Plan title to be corrected.

43. 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 January 24, 2008 Planning Commission meeting to allow the associated Amendment to the Adopted Comprehensive Plan title to be corrected.

44. 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 January 24, 2008 Planning Commission meeting to allow the associated Amendment to the Adopted Comprehensive Plan title to be corrected.

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 applicant's withdrawal of the request 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 and to install sidewalk along the south side of E. St. Charles Street as per Chapter 16 of the Rapid City Municipal Code be acknowledged.

46. 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 January 24, 2008 Planning Commission meeting to be heard in conjunction with the Layout Plat.

47. No. 07SV057 - Hyland Crossing Subdivision

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

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the



Rapid City Municipal Code be continued to the January 24, 2008 Planning Commission meeting to allow the applicant to submit additional information and to allow the applicant to continue to work with staff to identify the boundary and terms of the lift station service area.

48. 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.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water and sewer along North Maple Avenue be continued to the January 24, 2008 Planning Commission meeting at the applicant's request.

49. No. 07SV064 - High Sheridan Ranch Subdivision

A request by Britton Engineering and Land Surveying, Inc. for Raymond J. Crawford, III to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Lot 4R of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 4R of High Sheridan Ranch Subdivision, Section 35, T1N, R6E, BHM, Pennington County, South Dakota, more generally described as being located at 23435 Sand Lane.

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

50. No. 07SV068 - Sundance Ridge 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 along Sunset Vista Road and the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R and Lot 3 of Sundance Ridge Subdivision, located in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Sundance Ridge Subdivision and the north 389.4 feet of Tract C of the NW1/4 of the NE1/4, located in the NW1/4 of



the NE1/4 and the NE1/4 of the NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3500 Sheridan Lake Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Sunset Vista Road and the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the January 24, 2008 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.

51. No. 07SV071 - Village on the Green No. 2 Subdivision

A request by Sperlich Consulting, Inc. for Dalwyn Vandenhoeck to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk and to reduce pavement width and right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 48A and 48B of Village on the Green No. 2 Subdivision located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 48 of Village on the Green No. 2 Subdivision located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located on Mulligan Mile 0.369 miles northwest of the intersection of Anina Court and Arena Drive.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved with the stipulation that a five foot access easement shall be provided along Mulligan Mile as it abuts the property; and, That the Variance to the Subdivision Regulations to waive the requirement to install sidewalks along both sides of Mulligan Mile be approved with the stipulation that an eight foot wide asphalt walking trail shall be provided along the north side of the northern tier of lots located along the golf course.

*52. 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 Medium 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.

Planning Commission continued the Conditional Use Permit to allow a nursing home in a Medium Density Residential Zoning District to the January 24, 2008 Planning Commission meeting.

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.



53. No. 07VR005 - Section 4, T1N, R8E
A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-way** on the portion of the unplatted balance lying between Lancer Drive and Elk Vale Road of the SE1/4 less Lot H1, less Lots H3 and H4 of the W1/2 SE1/4 and less Lots H3, H4 and H5 of the E1/2 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Lancer Drive and Elk Vale Road.

Planning Commission recommended that the Vacation of Right-of-way be continued to the February 7, 2008 Planning Commission meeting.

54. No. 07VR013 - Section 9, T1N, R8E
A request by CETEC Engineering Services, Inc. for Lawrence Dickey and Janice Morgan to consider an application for a **Vacation of Right-of-way** on a 40 foot parkway dedicated to the public across Lots C and D of Lot 12, located in the SE1/4 of the NE1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3782 E. Highway 44.

Planning Commission recommended that the Vacation of Right-of-way be continued to the January 24, 2008 Planning Commission to allow the applicant to submit the required information.

55. No. 07VR014 - Section 4, T1N, R7E
A request by Dennis and Janine Walz to consider an application for a **Vacation of Right-of-Way** on Lot 1 of Lot AR of Lot 1, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3401 W. South Street.

Planning Commission recommended that the Vacation of Right-of-Way be Staff recommends that the Vacation of Right-of-Way be approved.

---END OF HEARING CONSENT CALENDAR---

Elkins requested that items 24, 25 and 26 be taken concurrently.

24. 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.

25. 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.

26. 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.

Elkins requested that items 24, 25 and 26 be continued to the January 24, 2008 Planning Commission meeting at the applicant's request.

Waltman moved, Anderson seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial;

The Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial; and, The Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial be continued to the January 24, 2008 Planning Commission meeting at the



applicant's request. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

*36. No. 07PD097 - Sale Barn Subdivision

A request by MBJ Company to consider an application for a **Planned Industrial Development - Final Development Plan** on Lot A, B and C of Lots 4R and 5R of Sale Barn Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1711 E. Centre Street.

Elkins reviewed the exception being requested by the applicant to waive the requirement to pave the access drives in the storage area. She stated that the applicant wishes to address the Planning Commission.

In response to Brewer's question, Elkins stated that the site plan presented did not show the paving of the access drives within the storage area as required by code. Discussion followed.

Elkins identified the portion of the subject property that is currently graveled. Elkins further advised that the access driveways are required to be paved.

Marty Jacob, applicant, suggested that it would not be necessary to pave the storage area. Jacob stated that there will be no modification to the storage area from the improvements currently present. Jacob requested an exception to the paving requirement. Discussion followed.

In response to Anderson's question, Jacob stated that no increase in traffic will result from the proposed use.

Tegethoff identified the portion of the storage area that would require paving. Discussion followed.

In response to Scull's question, Jacob stated that the unpaved portion is approximately 75 feet wide.

Elkins clarified that the applicant is requesting an exception to the requirement to pave the access through the storage lot. Discussion followed.

In response to Brewer's question, Jacob expressed his opinion that there is limited negative impact to the environment from the storage of the vehicles.

Anderson moved, Collins seconded and unanimously carried to approve the Planned Industrial Development - Final Development Plan with the following stipulations:

- 1. The landscaping shall be maintained in accordance with the approved landscaping plan and shall be in compliance with the provisions of the Rapid City Municipal Code at all times;**
- 2. Signage shall be allowed upon issuance of the required sign permits**



- in accordance with the approved sign package. Changes to the proposed sign package in conformance with the provisions of the Rapid City Municipal Code determined to be consistent with the original approved sign package, may be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with the provisions of the Rapid City Municipal Code. All sign lighting shall be located so as to preclude shining on the adjacent properties and/or street(s).
3. Prior to initiation of the use or issuance of a certificate of occupancy, elevations of the required screening fence shall be submitted to the Growth Management Director for review and approval. Surety for the installation of the fence may be posted to allow initiation of the use under a temporary certificate of occupancy if the applicant wishes to operate the business prior to the construction of the required fence. The fence shall be at least six feet in height and shall be opaque.
 4. All red-lined comments on the plans shall be addressed prior to the issuance of either a temporary certificate of occupancy or a permanent certificate of occupancy.
 5. All areas used for off-street parking areas or display of vehicles for sale shall be paved. The vehicles currently being stored outside of the identified storage area shall be relocated to the approved storage area or removed from the property prior to the issuance of either a temporary certificate of occupancy or a permanent certificate of occupancy. All off-street parking on the site shall comply with the provisions of the Rapid City Municipal Code at all times.
 6. The Final Planned Industrial Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.
 7. An exception is hereby granted waiving the requirement to pave the access aisles within the storage area. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

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

*38. No. 07PD100 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Final Development Plan** on a portion of Tract E of Rushmore Crossing, Located in the S1/2 of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, Thence N61°19'15"E, a distance of 1346.73 feet, to the point of beginning; Thence, first course: curving to the left, on a curve



with a radius of 131.67 feet, a delta angle of 13°13'34", a length of 30.40 feet, a chord bearing of S62°41'45"E, and chord distance of 30.33 feet, to the point of tangency; Thence, second course: S69°18'33"E, a distance of 350.61 feet, to the point of curve; Thence, third course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 15°24'12", a length of 53.77 feet, a chord bearing of S61°36'27"E, and chord distance of 53.61 feet, to the point of tangency; Thence, fourth course: S53°54'21"E, a distance of 39.05 feet, to the point of curve; Thence fifth course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of 07°29'03", a length of 26.13 feet, a chord bearing of S57°38'52"E, and chord distance of 26.11 feet, to the point of tangency; Thence sixth course: S61°23'24"E, a distance of 363.05 feet, to the point of curve; Thence seventh course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of 08°19'57", a length of 29.09 feet, a chord bearing of S57°13'26"E, and chord distance of 29.06 feet, to the point of tangency; Thence eighth course: S28°46'21"W a distance of 26.32 feet; Thence ninth course: S73°46'22"W a distance of 5.38 feet; Thence tenth course: S28°46'21"W a distance of 138.00 feet; Thence eleventh course: S72°51'25"W a distance of 7.10 feet; Thence twelfth course: N61°23'34"W, a distance of 68.49 feet; Thence thirteenth course: S58°23'11"W, a distance of 21.36 feet; Thence fourteenth course: N61°23'47"W a distance of 8.90 feet; Thence fifteenth course: S28°36'48"W, a distance of 32.34 feet; Thence sixteenth course: N61°23'32"W, a distance of 23.49 feet; Thence seventeenth course: N22°30'00"E a distance of 27.16 feet; Thence eighteenth course: N61°23'36"W, a distance of 104.28 feet; Thence nineteenth course: N28°36'37"E, a distance of 71.03 feet; Thence twentieth course: N61°23'20"W a distance of 131.58 feet; Thence twenty-first course: S20°41'44"W, a distance of 27.13 feet; Thence twenty-second course: N69°18'10"W, a distance of 85.33 feet; Thence twenty-third course: S20°41'44"W a distance of 31.43 feet; Thence twenty-fourth course: S69°18'03"E, a distance of 26.34 feet; Thence twenty-fifth course: S20°41'56"W, a distance of 51.33 feet; Thence twenty-sixth course: N69°18'03"W a distance of 246.34 feet; Thence twenty-seventh course: N20°41'44"E, a distance of 35.75 feet; Thence twenty-eighth course: N81°18'16"W, a distance of 31.51 feet; Thence twenty-ninth course: N08°41'44"E a distance of 21.78 feet; Thence thirtieth course: N69°18'16"W, a distance of 151.29 feet; Thence thirty-first course: N00°33'29"W, a distance of 53.45 feet; Thence thirty-second course: N20°41'56"E a distance of 118.52 feet; Thence thirty-third course: N69°17'49"W, a distance of 0.33 feet; Thence thirty-fourth course: N20°41'52"E, a distance of 48.74 feet, to the point of beginning, more generally described as being located southwest of the intersection of Eglin Street and E. North Street.

Fisher presented the staff's recommendation to approve the Planned Commercial Development request with stipulations. Fisher reviewed the revised stipulation No. 1 that requires screening of the roof top equipment.

Michael Small, agent for the applicant, requested that the Planning Commission approve the modified stipulations as presented by staff.

In response to Anderson's question, Fisher reviewed the various line of sight locations and the visibility of the mechanical equipment.



In response to Collins question, Fisher stated that color options have been presented by the applicant and reviewed and approved by staff.

In response to Brewer's question, Fisher stated that the applicant is the owner of the proposed Development.

Elkins stated that staff has no objection to the applicant's request.

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

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

1. The roof top mechanical equipment shall be screened from view along the front and side(s) of the buildings. In addition, prior to issuance of a building permit, a line of sight drawing shall be submitted for review and approval showing the roof top mechanical equipment from the rear elevation of the building. The roof top mechanical equipment shall also be camouflaged in color to match the color of the roof;
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, all necessary changes shall be made to the site plan(s) as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
4. Prior to issuance of a Certificate of Occupancy, a minimum of 694 parking spaces shall be constructed within 300 feet of the main entry into the building(s). In addition, 14 of the parking spaces shall be handicap accessible spaces. Landscaping and lighting shall also be constructed within the parking lot as per the previously approved parking plans;
5. Prior to issuance of a Certificate of Occupancy, Eglin Street shall be constructed from LaCrosse Street to E. North Street. In addition, the previously approved screening fence with landscaping shall be in place along Interstate 90;
6. The proposed structure(s) shall conform architecturally to the plans, elevations and color palette submitted as part of this Planned Commercial Development Plan;
7. 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. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on



- the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
8. The dumpsters shall be located as shown on the site plan and screened on all four sides as proposed;
 9. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structure(s) shall also have fire sprinkler systems and be fire alarmed as per the currently adopted International Fire Code;
 10. All provisions of the General Commercial District shall be met unless an exception is specifically authorized as a stipulation of this Final Commercial Development Plan or a subsequent Major Amendment; and,
 11. 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. (9 to 0 to 1 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay and Scull voting yes and none voting no and Waltman abstaining)

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

*39. No. 07PD101 - Airport Addition

A request by Schlimgen Design Consultants, Inc. for Bruce Ashland to consider an application for a **Major Amendment to a Planned Commercial Development** on Block 26R and 27 of Airport Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1720 and 1730 Haines Avenue.

Smith presented the staff's recommendation to approve the Major Amendment request with revised stipulations as a handout to the Planning Commission.

Brown moved, Waltman seconded and unanimously carried to approve the Major Amendment to a Planned Commercial Development with the following stipulations:



1. A three foot by twelve foot sign for the tax service use shall be allowed. Prior to installation of any sign, a Sign Permit shall be obtained;
2. Prior to installation of an additional door, a Building Permit shall be obtained;
3. Prior to the issuance of a Building Permit, the applicant shall obtain a Flood Plain Development Permit;
4. All applicable provisions of the Flood Plain area requirements shall be continually met;
5. All landscaping shall be maintained in a live vegetative state;
6. All applicable provisions of the Fire Code shall be continually met;
7. Land uses are limited to tax service and computer retail/ service use. Any change in land use will require a Major Amendment to a Planned Commercial Development;
8. That no openings be allowed for the north building on the east side; and,
9. That a five foot setback be allowed along the east property line. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

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

*40. No. 07PD102 - Kashmir Subdivision

A request by Michael Derby to consider an application for a **Planned Commercial Development - Initial Development Plan** on Lots B thru M and W of Kashmir Subdivision, located in the NE1/4 SE1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2720 Chapel Lane.

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

Smith presented the staff's recommendation that the Planned Commercial Development request be continued to the January 24, 2008 Planning Commission meeting.

Collins moved, Brown seconded and carried to continue the Planned Commercial Development - Initial Development Plan to the January 24, 2008 Planning Commission meeting. (9 to 0 to 1 with Anderson, Brewer, Brown, Collins, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no and Derby abstaining)

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



business on the seventh full calendar day following action by the Planning Commission.

---BEGINNING OF REGULAR AGENDA ITEMS---

56. No. 07SR060 - North Rapid Subdivision

A request by Ron Buskerud for Pennington County to consider an application for an **11-6-19 SDCL Review to allow a work release facility and a secure detention facility to continue to be located on public property** on Lots 1 thru 21 of Block 18 of North Rapid Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 703 Adams Street.

Fisher presented the SDCL 11-6-19 Review request. Fisher reviewed the history of the subject property and previous requests from the applicant for the proposed use. Fisher identified the location of the subject property. Fisher stated that the proposed use is located within a residential zoning district and adjacent to a school. Fisher stated that the current zoning identifies the appropriate use for the subject property as residential. Fisher stated that the neighborhood has expressed concerns for the safety of the residents of the neighborhood due to the use. Fisher identified the types of inmates/trustees that are housed on the subject property. Fisher stated that the current request is in conflict with the adopted Comprehensive Plan. Fisher further advised that action would need to be taken by January 16, 2008.

Ron Buskerud, Administrative Assistant for the Pennington County Commission, stated that Pennington County representatives would be available for questions.

In response to Derby's question, Elkins stated that the State Statute has not changed and any decision can be overturned by the Pennington County Commission. Elkins further added that no new bill has been introduced in the 2008 Legislature to eliminate the County Commission's ability to overturn the City Planning Commission.

Collins expressed her opposition to the current and proposed uses requested by the applicant.

Collins moved, Brown seconded to deny the 11-6-19 SDCL Review request to allow a work release facility and a secure detention facility to continue to be located on public property on a continual basis.

Lisa Douglas, area resident, expressed her opposition to the current and proposed use of the subject property and requested that the Planning Commission deny the applicant's request. Douglas stated that the adjacent property owners are strongly opposed to the applicant's request. Douglas expressed her opinion that the adjacent property values have been diminished by the existing and proposed use. Douglas commented on the condition of the building on the subject property. Douglas expressed her concern with the medium security inmates housed at the facility on the subject property.



Jim Albers, area resident expressed his opposition to the existing and proposed uses of the subject property. Albers commented on the Sheriff's Department previous commitment to a time limitation on the existing use of the subject property. Albers requested that the Planning Commission deny the SDCL 11-6-19 Review request.

In response to LeMay's question, Buskerud stated he would advise the County Commissioner's of the decision of the Planning Commission and advise them of the alternatives including their right to override the Planning Commission's decision.

Jessica Hunter, area resident, expressed her opposition to the existing uses and the continued use of the facility on the subject property. Hunter expressed her concern for the safety of adjacent residents to the Adams Street Work Release facility.

Elkins stated that Pennington County representatives testified against the proposed legislation that was introduced last year that would have eliminated the County's ability to overturn the City Planning Commission's decisions and the legislation was turned down by the 2007 Legislature. Elkins further commented that there are no notification requirements for an 11-6-19 Review request and that the City's has chosen to notify area residents of the request.

Bob Wall, area resident, expressed his opposition to the existing and proposed use. Discussion followed.

Collins moved, Brown seconded to withdraw the motion to deny the 11-6-19 SDCL Review to allow a work release facility and a secure detention facility to continue to be located on public property to allow further discussion.

Wall stated that the original request was presented as a temporary use only. Wall expressed his opinion that Pennington County has taken the opposite direction of the concerns of the residents of Rapid City. Wall stated his opposition to the applicant's request for the permanent use of the subject property.

Honorable Judge Davis, expressed his opinion of the importance of the work release program to the community. Discussion followed.

In response to LeMay's question, Elkins stated that the current five year time frame would remain in effect upon the denial of this request by the Planning Commission unless a two-thirds majority of the County Commission voted to override the City's Planning Commission's decision.

In response to Derby's question, Sheriff Holloway stated the current location has worked best for the community. Holloway reviewed other options that Pennington County has considered for an alternate location for the work release facility. Holloway stated that there are no funds available to convert a different structure for the proposed use. Discussion followed.



In response to Derby's question, Holloway identified the possible potential problems with other locations.

In response to Anderson's question, Elkins stated the government entity that has the funding authority for the project can overturn the decision of the Planning Commission. Elkins stated that the Planning Commission makes the decision not the City Council. Discussion followed.

Collins moved, Brown seconded and unanimously carried to deny the 11-6-19 SDCL Review to allow a work release facility and a secure detention facility to be located on public property on a permanent basis. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

Fisher requested that Items 57 thru 60 be taken concurrently.

57. 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.

58. 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.



59. 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.

60. 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, the Preliminary Plat and the Variance to the Subdivision Regulations requests to the February 21, 2008 Planning Commission



meeting.

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

**Collins moved, Derby 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 February 21, 2008 Planning Commission meeting. (8 to 0 to 2 with Anderson, Brown, Collins, Derby, Gregg, Landguth, LeMay and Waltman voting yes and none voting no and Brewer and Scull abstaining)**

Smith requested that items 61 and 62 be taken concurrently.

61. No. 07CA060 - Boulevard Addition

A request by Lynn Livingston for James and Pamela Giese to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on Lots 19 and 20 of Block 3 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1021 St. Joseph Street.

62. No. 07RZ075 - Boulevard Addition

A request by Lynn Livingston for Pamela and James Giese to consider an application for a **Rezoning from Office Commercial District to General Commercial District** on Lots 19 and 20 of Block 3 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1021 St. Joseph Street.

Smith presented the staff's recommendation to deny the Comprehensive Plan Amendment and Rezoning requests.

Elkins stated that staff has significant concerns with the impact the allowed uses in the General Commercial District would have at this location. Discussion followed.

LeMay expressed his concern for the allowed uses in the General Commercial Zoning District.

LeMay moved, Collins seconded to deny Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General



Commercial with a Planned Commercial Development and Rezoning from Office Commercial District to General Commercial District.

Jim Giese, applicant and owner, stated that the intended use is for an antique shop. Giese commented that this use is allowed in General Commercial. Giese advised that the traffic would not increase significantly with the proposed use. Giese stated that he would work with staff to allow the limited use as proposed. Giese requested that the Planning Commission continue the Comprehensive Plan Amendment and Rezoning requests. Discussion followed.

LeMay expressed his support for the proposed use requested by the applicant. Discussion followed.

Amended motion by LeMay, Collins seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development and the Rezoning from Office Commercial District to General Commercial District be denied without prejudice with the applicant's concurrence. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Scull and Waltman voting yes and none voting no)

Heller requested that items 63 and 64 be taken concurrently.

63. No. 07CA061 - Section 10, T1N, R7E

A request by Sperlich Consulting, Inc. for Double L Properties to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Neighborhood Commercial** on the south 210 feet of the east 358 feet of the NE1/4 of the SW1/4, less Lot H-1 located in the NE1/4 of the SW1/4, Section 10, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 2935 Sheridan Lake Road.

64. No. 07RZ076 - Section 10, T1N, R7E

A request by Sperlich Consulting, Inc. for Double L Properties to consider an application for a **Rezoning from Low Density Residential District to Neighborhood Commercial District** on the south 210 feet of the east 358 feet of the NE1/4 of the SW1/4, less Lot H-1 located in the NE1/4 of the SW1/4, Section 10, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 2935 Sheridan Lake Road.

Heller presented the staff's recommendation to deny the Comprehensive Plan Amendment and Rezoning requests.

Kale McNaboe, Sperlich Consulting, McNaboe identified the location and characteristics of the subject property. McNaboe expressed his opinion that the applicant would be willing to make modifications to mitigate any negative impact on the adjacent neighborhood.



In response to Brewer's questions, LeMay identified the uses allowed in the Neighborhood Commercial Zoning District.

In response to Collins questions, Jennifer Landguth reviewed the history of the subject property. Landguth presented the proposed use of the subject property. Landguth requested that the Planning Commission approve the Comprehensive Plan Amendment and Rezoning requests.

In response to Waltman's question, Landguth stated that neighbors were opposed to an apartment on the subject property. Discussion followed.

In response to Derby's question, Elkins reviewed the maximum density of residential development that would be allowed on the property. Discussion followed regarding the uses allowed in the Neighborhood Commercial Zoning District

Collins expressed her concerns for access to and from the subject property. Discussion followed.

In response to Scull's questions, Elkins advised that the Planned Development would somewhat limit the uses allowed in Neighborhood Commercial Zoning. Discussion followed.

Shannon Gutzmer, area resident expressed concern for the possible negative impact to the adjacent neighborhood with the approval proposed development on the subject property. Gutzmer stated that she is opposed to the Comprehensive Plan Amendment and Rezoning requests.

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

Discussion followed.

Derby moved, LeMay seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Neighborhood Commercial and the Rezoning from Low Density Residential District to Neighborhood Commercial District be denied without prejudice. (9 to 0 to 1 with Anderson, Brewer, Brown, Collins, Derby, Gregg, LeMay, Scull and Waltman voting yes and none voting no and Landguth abstaining)

LeMay and Waltman left the meeting at this time.

Brown moved, Anderson seconded and unanimously carried to continue the Planning Commission meeting past the 9:00 a.m. deadline. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth and Scull voting yes and none voting no)



*65. No. 07PD098 - McMahon Subdivision

A request by Dream Design International, Inc. to consider an application for a **Planned Commercial Development - Initial and Final Development Plan** on Tract C-2 of McMahon Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Kathryn Avenue.

Tegethoff presented the staff's recommendation to continue the Planned Commercial Development to the January 24, 2008 Planning Commission meeting.

Anderson left the meeting at this time.

Landguth moved, Scull seconded and unanimously carried to continue the Planned Commercial Development - Initial and Final Development Plan to the January 24, 2008 Planning Commission meeting. (7 to 0 with Brewer, Brown, Collins, Derby, Gregg, Landguth 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.

Tegethoff requested that items 66 and 67 be taken concurrently.

66. 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.

67. No. 07SV070 - 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 along East St. Patrick Street; to waive the requirement to dedicate seventeen additional feet of right-of-way along Creek Drive adjacent to proposed Lot 8; to install additional pavement, curb, gutter, sidewalk and street light conduit along Creek Drive; to install sidewalk along the south side of East St. Charles Street; and, to provide a planting screen easement along East St. Patrick Street and Creek Drive** 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 1624 East St. Patrick Street.

Tegethoff presented the staff's recommendation to continue the Layout Plat and Variance to the Subdivision Regulations requests to the January 24, 2008 Planning Commission meeting at the applicant's request.

Landguth moved, Scull seconded and unanimously carried to recommend that the Layout Plat and the Variance to the Subdivision Regulations to waive the requirement to dedicate 10 feet of additional right-of-way and provide a planting screen easement along E. St. Patrick Street be continued to the January 24, 2008 Planning Commission meeting at the applicant's request. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth and Scull voting yes and none voting no)

68. No. 07PL152 - Homestead Subdivision

A request by Sperlich Consulting for Ron Shape to consider an application for a **Preliminary Plat** on Lots 1 through 6 of Block 1, Lots 1 through 8 of Block 2, Lots 1 through 8 of Block 3, Lots 1 through 8 of Block 4, Lot 1 of Block 5, Lot 1 of Block 6, and Lot 1 of Block 7, Homestead Subdivision, located in the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NE1/4 of Section 3, located in the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, 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 approve the Preliminary Plat request with stipulations.

Anderson returned to the meeting at this time.

Scull moved, Brown 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, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the Planning Commission, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;**
3. **Prior to Preliminary Plat approval by the Planning Commission, revised and/or additional drainage information shall be submitted for**



review and approval. In particular, the modeled outlet elevation of the 42 inch reinforced concrete pipe shall be revised to match the elevation shown on the grading plans. In addition, the drainage plan shall be revised to address the drainage flows entering the property from northwest of Homestead Street. The existing drainage channel leaving the south side of the property below the outlet of the detention dam shall also be analyzed to show adequate capacity and to demonstrate that it will tie into the channel on the adjoining properties located south of this property. In addition, the detention cell and outlet works shall be designed so that the capacity of the box culvert located at Plateau Lane is not exceeded as per the 2001 Dream Design International Drainage Report. Drainage easements shall also be recorded for the detention cell to be located north of the proposed lot(s);

4. Prior to Preliminary Plat approval by the Planning Commission, the water analysis shall be provided to verify that adequate fire and domestic fire flows are being provided for the proposed development;
5. Prior to Preliminary Plat approval by the City Council, the applicant shall enter into an agreement with the City of Rapid City to coordinate with the Public Works Department the design and oversize cost(s) of a 16 inch water main along Homestead Street. In particular, the agreement shall define the responsibilities of both parties regarding the scope of work, design, construction, including contract administration and inspection, and the funding of the improvements;
6. Prior to Preliminary Plat approval by the Planning Commission, the sewer plans shall be revised to include information verifying that adequate downstream sewer capacity exists to serve the proposed development;
7. Prior to Preliminary Plat approval by the Planning Commission, a Master Utility Plan for the unplatted balance shall be submitted for review and approval;
8. Prior to Preliminary Plat approval by the City Council, utility easements shall be recorded at the northern terminus of Ziebach Street and Haakon Street and at the eastern terminus of Homestead Street for the extension of utilities beyond the limits of the plat document;
9. Prior to Preliminary Plat approval by the Planning Commission, a lot size Variance from the Zoning Board of Adjustment shall be obtained to reduce the lot size of Lot 6, Block 1 from 6,500 square feet to 5,475.5 square feet or the plat document shall be revised accordingly;
10. Prior to Preliminary Plat approval by the Planning Commission, the plat document shall be revised to show a minimum 50 foot non-access easement along the north lot line of Lot 2, Block 2, at the corner of Ziebach Street and Shape Court, or an Exception to the Street Design Criteria Manual shall be obtained;
11. Prior to Preliminary Plat approval by the Planning Commission, the



plat document shall be revised to show a minimum 20 foot wide Major Drainage Easement along the common lot line of Lot 4 and Lot 5, Block 2;

12. Prior to Preliminary Plat approval by the Planning Commission, construction plans shall be submitted for review and approval showing the extension of Ziebach Street, Haakon Street and/or Homestead Street from their current terminus on adjacent properties to tie into the street(s) being constructed as a part of this development in order to provide physical access to the property. In addition, an Exception shall be obtained to allow more than 40 dwelling units with one point of access if the applicant chooses to extend Ziebach Street or Haakon Street in lieu of Homestead Street. Fire apparatus turnarounds shall also be provided at the end of Ziebach Street and Haakon Street if these two streets are not being extended to connect with the existing street sections located on the adjacent properties;
13. Prior to Preliminary Plat approval by the Planning Commission, a cost estimate of the subdivision improvements shall be submitted for review and approval;
14. Prior to submittal of a Final Plat application, a different street name for "Shape Court" shall be submitted for review and approval to the Emergency Services Communication Center. In addition, the plat document shall be revised to show the approved street name;
15. Prior to submittal of a Final Plat application, the applicant shall identify maintenance of Major Drainage Easements within the development;
16. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
17. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth and Scull voting yes and none voting no)

Fisher requested that 69 and 70 be taken concurrently.

69. No. 07PL164 - Trijowinn Subdivision
A request by Arleth & Associates to consider an application for a **Preliminary Plat** on Lot 2 of the Trijowinn Subdivision, located in the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Plat of the Days Inn Tract and Burger King Tract a replat of Lot 2 of the Trijowinn Subdivision, located in the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 719 Jackson Boulevard.

Fisher presented the staff's recommendation to approve the Preliminary Plat with stipulations and that the Variance to the Subdivision Regulations be denied without prejudice.



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

- 1. Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show the dedication of two additional feet of right-of-way along West Kansas City Street or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to City Council approval of the Preliminary Plat, the applicant shall demonstrate that a minimum of 100 feet of right-of-way exists along Jackson Boulevard or the plat document shall be revised to show the dedication of 17 ½ additional feet of right-of-way or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to City Council approval of the Preliminary Plat, water and sewer plans prepared by a Registered Professional Engineer showing the relocation of the service lines to the individual lots shall be submitted for review and approval or an Exception shall be obtained to allow a water and/or sewer service line to cross another lot. In addition, the sewer plans shall show the relocation of the sewer main from under the Days Inn Motel structure or the applicant shall enter into an agreement with the City to hold the City harmless from any damages resulting in the location of the sewer main and to provide maintenance for this portion of the sewer main;**
- 4. Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show an access easement along the common lot between the two proposed lots. In addition, construction plans shall be submitted for review and approval showing the easement with a minimum 59 foot width and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Prior to City Council approval of the Preliminary Plat, construction plans for the existing 24 foot wide access and utility easement located along the west lot line shall be submitted for review and approval. In particular, the plans shall show the easement with a minimum 59 foot width and the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 6. Prior to City Council approval of the Preliminary Plat, the applicant shall submit a parking plan identifying that adequate parking is being provided on each lot or a Variance to the Zoning Ordinance shall be obtained;**
- 7. Prior to City Council approval of the Preliminary Plat, an Exception shall be obtained to allow the pole sign for the Days Inn Motel to be located on the Burger King Tract or the plat document shall be revised to show the sign on the same lot as the use or the sign shall be removed;**
- 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show non-access easements along West Kansas City**



Street and Jackson Boulevard except for the existing driveway location(s);

9. **Prior to submittal of a Final Plat application, the applicant shall clarify if the new legal description will be “Days Inn Tract and Burger King Tract of Trijowinn Subdivision (formerly Lot 2 of the Trijowinn Subdivision) located in...” or “Days Inn Tract and Burger King Tract (formerly Lot 2 of the Trijowinn Subdivision) located in ...” In addition, the plat document shall be revised accordingly;**
 10. **Prior to City Council approval of the Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
 11. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
 12. **Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth and Scull voting yes and none voting no)**
70. No. 07SV065 - Trijowinn Subdivision

A request by Arleth & Associates to consider an application for a **Variance to the Subdivision Regulations to reduce the Right-of-way width along West Kansas City Street from 59 feet to 55 feet and to reduce the Right-of-Way width along Jackson Boulevard from 100 feet to 65 feet as per Chapter 16.16 of the Rapid City** on Lot 2 of the Trijowinn Subdivision, located in the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Plat of the Days Inn Tract and Burger King Tract a replat of Lot 2 of the Trijowinn Subdivision, located in the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 719 Jackson Boulevard.

In response to Brewer’s question, Fisher confirmed that the applicant would be required to request a Variance to reduce the front yard setback from the Zoning Board of Adjustment. Discussion followed.

Fisher presented slides of the subject property.

In response to Anderson’s question, Elkins advised that the applicant wishes to separate the parcel into two lots.

**Scull moved, Gregg seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to reduce the Right-of-way width along Jackson Boulevard from 100 feet to 65 feet be denied without prejudice; and,
That the Variance to the Subdivision Regulations to reduce the Right-of-way width along West Kansas City Street from 59 feet to 55 feet be approved. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth and Scull voting yes and none voting no)**



Fisher requested that items 71 and 72 be taken concurrently.

71. No. 07PL165 - Keller Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Preliminary Plat** on Lot 1 of Lot A and Lot BR of Keller Subdivision, located in the S1/2 of the SE1/4, Section 17, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4, Section 17, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Sturgis Road and north of Universal Drive.

72. No. 07SV066 - Keller Subdivision

A request by Renner & Associates for Pete Lien and Sons 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 additional pavement along Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Lot A and Lot BR of Keller Subdivision, located in the S1/2 of the SE1/4, Section 17, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4, Section 17, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Sturgis Road and north of Universal Drive.

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

Collins moved, Scull seconded and unanimously carried to recommend that the Preliminary Plat, the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road and the the Variance to the Subdivision Regulations to waive the requirement to provide additional pavement along Sturgis Road be denied without prejudice at the applicant's request. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth and Scull voting yes and none voting no)

Fisher requested that items 73 and 74 be taken concurrently.

73. No. 07PL167 – Rushmore Center

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Tracts A and B of Rushmore Center, located on a portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru 21 , and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the



SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru 21 , and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of E. Anamosa Street, South of Eglin Street and east of North LaCrosse Street.

74. No. 07SV067 - Rushmore Center

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 along E. Anamosa Street, Luna Avenue and Riley Avenue and the intersection of Riley Avenue and Sunnyside Avenue as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts A and B of Rushmore Center, located on a portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru 21 , and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NW1/4 of the SE1/4, a portion of the SW1/4 of the NE1/4 of the SE1/4, a portion of the SW1/4 of the SE1/4, and a portion of the SE1/4 of the SE1/4, all in Section 30, T2N, R8E, BHM; vacated Lots 1 thru 21 , and vacation portion of alley of Block 11, vacated portion of Sunnyside Avenue, and Poplar Avenue, all in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of E. Anamosa Street, South of Eglin Street and east of North LaCrosse Street.

Fisher presented the staff's recommendation to approve the Preliminary Plat with stipulations and that the Variance to the Subdivision Regulations request be denied in part and approved in part.

Anderson moved, Scull 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, the applicant shall submit a street plan showing the location of all streets and utilities proposed and existing located through or adjacent to the subdivision as per Chapter 16.20.040.I of the Rapid City Municipal Code. In addition, construction plans shall be submitted for review and approval as needed to meet City Specifications or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the extension of Luna Avenue through the subject property to E. Anamosa Street as per the Major Street Plan. In addition, construction plans for Luna Avenue shall be submitted for review and approval showing the street located in a minimum 60 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit,**



water and sewer or a Variance to the Subdivision Regulations shall be obtained. Turn lanes and stacking lanes shall also be provided as per the Traffic Impact Study submitted with Preliminary Plat #07PL038 (Rushmore Crossing) by Felsburg, Holt & Ullevig;

3. Prior to Preliminary Plat approval by the City Council, road construction plans for E. Anamosa Street shall be submitted for review and approval. In particular, the western 210 feet of the street shall be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The balance of the existing right-of-way located along the south side of the property is classified as a sub-collector street requiring that construction plans be submitted for review and approval showing the street located within a minimum 59 foot wide right-of-way and constructed with a minimum 27 foot wide right-of-way, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, road construction plans for Riley Avenue and Sunnyside Avenue shall be submitted for review and approval. In particular, the construction plans shall show the streets constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. The plat document shall also be revised to provide drainage easements as necessary;
6. Prior to Preliminary Plat approval by the City Council, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
7. Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval;
9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Riley Avenue and Sunnyside Avenue be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Luna Avenue be denied; 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 E. Anamosa Street be denied. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth and Scull voting yes and none voting no)

Tegethoff requested that items 75 and 76 be taken concurrently.

75. No. 07PL170 - Ray Kraemer Subdivision

A request by FMG, Inc. for Jackson Park, LLC to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Ray Kraemer Subdivision, formerly Lot 1 of Lot A of the SE1/4 of the SW1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Lot A of the SE1/4 of the SW1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Jackson Boulevard and Central Boulevard.

76. No. 07SV069 - Ray Kraemer Subdivision

A request by FMG, Inc. for Jackson Park, LLC to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, water, sewer, sidewalk, and street light conduit along the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Ray Kraemer Subdivision, formerly Lot 1 of Lot A of the SE1/4 of the SW1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Lot A of the SE1/4 of the SW1/4, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Jackson Boulevard and Central Boulevard.

Tegethoff presented the staff's recommendation to approve the Preliminary Plat with stipulations and noted that the Planning Commission has the option to approve the Variance to the Subdivision Regulations request if they wish.

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

Collins moved, Derby seconded and carried to recommend that the Preliminary Plat be approved with the following stipulations:

- 1. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval for the access easement or a Variance to the Subdivision Regulations shall be approved;**
- 2. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
- 3. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**

And recommended approval of the Variance to the Subdivision Regulations



to waive the requirement to construct pavement, curb, gutter, water, sewer, sidewalk, and street light conduit along the access easement as per Chapter 16.16 of the Rapid City Municipal Code. (7 to 0 to 1 with Brewer, Brown, Collins, Derby, Gregg, Landguth and Scull voting yes and none voting no and Anderson abstaining)

Fisher requested that items 77 and 78 be taken concurrently.

77. No. 07PL173 - Section 2, T1N, R7E

A request by City of Rapid City to consider an application for a **Preliminary Plat** on Lots A, B and C of Lot 2 of Block 10 and Block 13, located in the SW1/4 NE1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Block 10 and Lot 2 of Block 13, located in the SW1/4 NE1/4 NW1/4, Section 2, T1N, R7E, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Skyline Drive and North of Dinosaur Park.

78. No. 07SV072 - Section 2, T1N, R7E

A request by City of Rapid City to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A, B and C of Lot 2 of Block 10 and Block 13, located in the SW1/4 NE1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Block 10 and Lot 2 of Block 13, located in the SW1/4 NE1/4 NW1/4, Section 2, T1N, R7E, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the west side of Skyline Drive and North of Dinosaur Park.

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

In response to Brewer's questions, Fisher stated that Lot A is being platted separately and the current owner will retain ownership; however if access to Skyline Drive is ever taken a reversionary clause would automatically transfer Lot A to the City of Rapid City.

In response to Anderson's question, Elkins advised that as a part of the agreement between the landowner and the City of Rapid City, no access will be taken from the property onto Skyline Drive. Elkins further noted that the owner wanted to retain ownership of the area. She explained that Lot A will be transferred to the City if access is ever taken from Skyline Drive. Discussion followed.

Elkins clarified that the staff has presented stipulations for the Variance to the Subdivision Regulations request for the Planning Commission's consideration.



Brown moved, Scull 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, all necessary changes shall be made to the plat document as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show access to proposed Lot A or a Variance to the Subdivision Regulations shall be obtained to waive the requirement that each lot shall be provided with access from a public street;**
- 3. Prior to City Council approval of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 4. Prior to City Council approval of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
- 5. Prior to City Council approval of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained;**
- 6. Prior to City Council approval of the Preliminary Plat, road construction plans shall be submitted for review and approval for Valentine Street. In particular, the road construction plans shall identify the street located within a minimum 49 foot wide right-of-way or an Exception shall be obtained to allow an easement to serve as access to five lots in lieu of four lots. In addition, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 7. Prior to City Council approval of the Preliminary Plat, road construction plans for Skyline Drive shall be submitted for review and approval. In particular, the road construction plans shall show Skyline Drive constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
- 8. Prior to City Council approval of the Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
- 9. Prior to submittal of a Final Plat, a Variance to Zoning Ordinance shall be obtained to reduce the minimum required lot size in the Park Forest District for the three proposed lots from three acres to 0.9166**



acres, 2.9632 acres and 0.1189 acres,

10. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Skyline Drive be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Valentine Street be denied;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate 49 feet of right-of-way for Valentine Street as it extends through the northwest corner of proposed Lot C be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement that each lot be provided with access from a public street be denied. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth and Scull voting yes and none voting no)

79. 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 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 at the southwest corner of the intersection of North Emerald Ridge Road and Nemo Road.

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

Tegethoff presented the staff's recommendation to approve the SDCL 11-6-19 Review request with one stipulation.

Collins moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the construction of a public structure with the following stipulations:

1. **Prior to Planning Commission approval, additional drainage information shall be submitted demonstrating adequate downstream capacity for the additional runoff or a revised site plan providing on site detention for the additional storm water flows. (7 to 0 to 1 with Anderson, Brewer, Brown, Collins, Derby, Gregg and Landguth voting yes and none voting no and Scull abstaining)**

80. No. 07SV042 - Tuscan Square Subdivision

A request by TSP for Bob Brandt to consider an application for a **Variance to the**



Subdivision Regulations to reduce the width of the access easement from 59 feet to 26 feet, to waive the requirement to provide a minimum eight foot wide drainage and utility easement, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code on Tract 1 and Tract 2 of Tuscan Square Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Dan's Supermarket Tract Revised, less Lot 1 [also in Block 67] and less Lot H-1 of Block 66 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 333 Omaha Street.

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

Brown moved, Anderson seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to reduce the width of the access easement from 59 feet to 26 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement be denied without prejudice with the applicant's concurrence;

That the Variance to the Subdivision Regulations to waive the requirement to provide a minimum eight foot wide drainage and utility easement along the interior of all lot lines be approved with the following stipulation:

- 1. An eight foot wide drainage and utility easement shall be provided along the interior of all lot lines except where the easement interferes with an existing building;**

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

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

That the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Third Street be approved with the following stipulation.

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth and Scull voting yes and none voting no)**

81. No. 07TI021 - Sections 26 and 35, T2N, R7E

A request by Bryan Gonzales for Century Development Co. to consider an application for a **Second Revised Project Plan for Tax Increment District #50 - Federal Beef** on the southern most 950 feet of I-190 right-of-way and the southern most 950 feet of West Boulevard right-of-way located in the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the west 932 feet of the south 377 feet of the SE1/4 SE1/4 less the north 35 feet dedicated as Thrush Drive (including the vacated Gold Street and the north 45 feet of vacated Anamosa Street adjacent to said parcel) and the adjacent West Boulevard, I-190, Thrush Drive and Gold Street rights-of-way in



the SE1/4 SE1/4, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the NE1/4 NE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the S1/2 NE1/4 lying west of I-190 right-of-way, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; Tract 17 less Lot H1, Rapid City, Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; the SE1/4, Section 35, T2N, R7E lying north of the Omaha Street right-of-way and west of I-190 right-of-way and the adjacent Omaha Street and I-190 rights-of-way located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and the northern most 160 feet of dedicated 12th Street lying south of Omaha Street located in the SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of US I-190 and West Boulevard North, and north of Omaha Street.

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

Landguth moved, Anderson seconded and unanimously carried to recommend that the Tax Increment District No. 50 Second Revised Project Plan for Federal Beef be approved. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth and Scull voting yes and none voting no)

82. No. 07TI022 - Villaggio at Golden Eagle

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

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

Scull moved, Gregg seconded and carried to recommend that the Tax Increment District No. 61 Second Revised Project Plan for Villaggio be approved. (7 to 0 to 1 with Anderson, Brewer, Brown, Collins, Derby, Gregg and Scull voting yes and none voting no and Landguth abstaining)

Bulman requested that items 83 and 84 be taken concurrently.



83. No. 07TI023 - Morningstar Subdivision

A request by CETEC Engineering Services for OS Development, Inc. to consider an application for a **Creation of Tax Increment District** on the S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, Section 22, T1N, R8E; and the W1/2 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of S.D. Highway 44, west of Reservoir Road and east of Elks Meadows.

84. No. 07TI024 - Morningstar Subdivision

A request by CETEC Engineering Services for OS Development, Inc. to consider an application for a **Tax Increment District Project Plan** on the S1/2 NE1/4, SE1/4 less Tract 1 of Bradeen Subdivision, Section 22, T1N, R8E; and the W1/2 NE1/4, SE1/4 NE1/4, NE1/4 NE1/4, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of S.D. Highway 44, west of Reservoir Road and east of Elks Meadows.

Bulman presented the Tax Increment Financing Committee's recommendation to approve the Creation and Project Plan.

In response to Anderson's questions, Bulman identified the oversize costs. Discussion followed

Ted Schultz, agent for the applicant, reviewed the oversize costs for the proposed development.

Collins expressed her opposition to the Creation of the Tax Increment District and the Project Plan. Discussion followed.

Phil Olsen, applicant, reviewed the Tax Increment District request.

Dwight Sobjack, developer, expressed his support for the Tax Increment District request.

In response to Scull's question, Elkins reviewed the impact of the proposed development on water service at the Airport.

Schultz stated that the Green Valley area would benefit from the Tax Increment District request and the proposed development.

Scull moved, Derby seconded to approve the Creation of the Tax Increment District and the Project Plan. The motion tied on a Roll Call Vote (4 to 4 with Brewer, Brown, Derby and Scull voting yes and Anderson, Collins, Gregg and Landguth voting no)

Discussion followed.

Landeen reviewed options for action by the Planning Commission.

In response to Derby's question, Schultz agreed to remove the eight inch water



main costs from the oversizing costs in the Tax Increment District Project Plan and requested that the Planning Commission approve the request.

Anderson moved, Brown seconded and unanimously carried to recommend that the Resolution Creating Morningstar Tax Increment District be approved,

And that the Morningstar Tax Increment District Project Plan be approved without the inclusion of the 8 inch Water Main Costs of \$250,364 and \$283,307. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth and Scull voting yes and none voting no)

85. No. 07VR015 - Section 35, T2N, R7E

A request by FFFZ, LLC to consider an application for a **Vacation of Right-of-Way** on Kirkeby Lane Right-of-way adjacent to Tract FW-2 of FW-1 Addition, and Lots 8 thru 14 of Log Cabin Park Subdivision, Section 35, T2N, R7E, and Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1830 West Main Street.

Travis presented the staff's recommendation to approve the Vacation of Right-of-way request.

Scull moved, Collins seconded and unanimously carried to recommend that the Vacation of Right-of-Way be approved with the following stipulations:

1. **Prior to Planning Commission approval, written documentation shall be received from all the affected utility companies concurring with the vacation of Right-of-Way request; and,**
2. **Prior to Planning Commission approval, all necessary miscellaneous documents required to secure utility and drainage easements for the existing and proposed utilities shall be recorded at the Register of Deed's Office. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth and Scull voting yes and none voting no)**

86. Discussion Items

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

Anderson moved, Derby seconded and unanimously carried to recommend that the Discussion of the Pros and Cons of Expanding City's Platting Jurisdiction be continued to the January 24, 2008 Planning Commission meeting.

87. Staff Items

Elkins introduced Mike Schad, the new Assistant City Attorney to the Planning Commission.

88. Planning Commission Items



89. Committee Reports

- A. City Council Report (December 17, 2007)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Landguth moved, Anderson seconded and unanimously carried to adjourn the meeting at 10:18 a.m. (8 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, LeMay, Rolinger, Scull and Waltman voting yes and none voting no)