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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
January 24, 2008

MEMBERS PRESENT: Peter Anderson, Gary Brown, Mike Derby, Julie Gregg, Dennis Landguth, Steve Rolinger, 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, and Carol Campbell.

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

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

Staff requested that Item 6 be removed from the Non-Hearing Consent Agenda for separate consideration.

Waltman requested that Item 1 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Rolinger, Seconded by Brown and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 1 thru 10 in accordance with the staff recommendations with the exception of Items 1 and 6. (8 to 0 with Anderson, Brown, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

2. No. 08TP001 - 2008-2012 Transportation Improvement Program Amendment 08-003.

Planning Commission recommended that the 2008-2012 Transportation Improvement Program Amendment #08-003 be approved.

3. No. 07PL116 - Market Square Subdivision
A request by Sperlich Consulting, Inc. for James Letner to consider an application for a **Layout Plat** on Lots 1 thru 8 of Market Square Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Lot 3 of Tract D, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the intersection of Creek Drive and East St. Patrick Street.

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

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 February 7, 2008 Planning Commission meeting.

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 February 7, 2008 Planning Commission meeting.

7. No. 07PL168 - Sundance Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lot 1R of 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 Preliminary Plat be approved with the following stipulations:

1. **Prior to City Council approval of a Preliminary Plat application, road construction plans for Sunset Vista Road demonstrating compliance with all minimum City Standards shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;**
2. **Prior to City Council approval of a Preliminary Plat application, the plat shall be revised to provide the required right-of-way for Sunset Vista Road or a Variance to the Subdivision Regulations shall be obtained;**

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3. Prior to City Council approval of a Preliminary Plat application, the plat document shall be revised to provide right-of-way to provide access to the south and road construction plans for the access easement demonstrating compliance with all minimum City Standards shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 4. Prior to City Council approval of a Preliminary Plat application, a water plan prepared by a Registered Professional Engineer showing the extension of water mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 5. Prior to City Council approval of a Preliminary Plat application, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
 6. 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,
 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.
8. No. 07PL179 - Highland Hills Subdivision
A request by Britton Engineering and Land Surveying, Inc. for Ralph and Sylvia Vojta to consider an application for a **Layout Plat** on Lots 14R and 15R of Block 2 of Highland Hills Subdivision, located in the NE1/4 of the SE1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lots 14 and 15 of Block 2 of Highland Hills Subdivision, located in the NE1/4 of the SE1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8710 Highland Hills Road.

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

1. Upon submittal of a Preliminary Plat application information on depth and type of soil, capacity of septic tanks and percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems must be submitted for review and approval;
2. Upon submittal of a Preliminary Plat application data to confirm that the well(s) have sufficient domestic flows and water quality must be submitted for review and approval;
3. Upon submittal of a Preliminary Plat application the applicant shall dedicate an additional sixteen feet of right-of-way and submit construction plans for Highland Hills Road for review and approval or obtain a Variance to the Subdivision Regulations;
4. Upon submittal of a Preliminary Plat application a Special Exception to allow a cul-de-sac in excess of 1,200 feet and to waive the requirement to provide intermediate turnarounds shall be obtained or the street must be redesigned to comply with the Street Design Criteria Manual;

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5. Upon submittal of a Preliminary Plat application the applicant shall dedicate an additional 19 feet of right-of-way and submit construction plans for the access easement for review and approval or obtain a Variance to the Subdivision Regulations;
 6. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway must be submitted for review and approval, or a Variance to the Subdivision Regulations must be obtained, or the portion of the section line highway that abuts the subject property shall be vacated;
 7. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 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.
9. No. 07PL180 - Prairie Meadows Subdivision
A request by Dream Design International for Signature Homes, LLC to consider an application for a **Layout Plat** on Lots 1 thru 263 and Tracts A, B, D, E, F, G, H, I, J and K of Prairie Meadows Subdivision, located in Section 18, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Government Lot 4 less Right-of-way, the unplatted balance of the SE1/4 SW1/4, and the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd Street.

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

10. 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 February 7, 2008 Planning Commission meeting.

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

1. Approval of the January 10, 2008 Planning Commission Meeting Minutes.

Waltman stated that she was not present when the January 10, 2008 Planning Commission meeting adjourned and requested that the vote reflect her absence.

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Brown moved, Rolinger seconded and unanimously carried to approve the January 10, 2008 Planning Commission minutes as corrected to reflect Waltman's absence at the meeting's adjournment. (8 to 0 with Anderson, Brown, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

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.

Elkins presented the staff's recommendation that the Preliminary Plat be continued to the February 7, 2008 Planning Commission meeting at the applicant's request.

Brown moved, Rolinger seconded and unanimously carried to recommend that the Preliminary Plat be continued to the February 7, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

Derby announced that the Public Hearings on Items 11 through 34 were opened.

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

Anderson requested that Items 25 be removed from the Hearing Consent Agenda for separate consideration.

Rolinger moved, Waltman seconded and unanimously carried to recommend approval of the Hearing Consent Agenda Items 11 through 34 in accordance with the staff recommendations with the exception of Items 25 and 30 (8 to 0 with Anderson, Brown, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

The Public Hearings for Items 11 through 34 were closed.

---HEARING ITEMS CONSENT CALENDAR---

11. 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 section 1/16 line, a distance of 313.37 feet, to the southeasterly corner of said Lot 7; Thence twelfth course: N00°01'20"E, along the easterly boundary of said Lot 7, a distance of 574.90 feet, to the northeasterly corner of said Lot 7, common to a point on the southerly edge of Marlin Drive right-of-way, and the point of beginning, more generally described as being located southwest of the intersection of Creek Drive and Marlin Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial be denied without prejudice to allow the title to be corrected.

12. No. 07CA051 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Thence first course: N78°00'34"E, along the centerline of Marlin Drive, a distance of 201.84 feet, to the end of the previously dedicated Marlin Drive; Thence, second course: N78°00'34"E, a distance of 66.26 feet; Thence, third course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of N76°10'58"E, and chord distance of 63.76 feet; Thence, fourth course: N74°21'21"E, a distance of 66.33 feet; Thence, fifth course: S15°38'39"E, a distance of 29.50 feet; Thence, sixth course: S74°21'21"W, a distance of 54.43 feet; Thence, seventh course: S26°59'57"E, a distance of 151.65 feet; Thence, eighth course: S56°56'40"W, a

distance of 309.27 feet; Thence, ninth course: S56°56'40"W, a distance of 50.00 feet; Thence tenth course: curving to the right, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of N28°46'30"W, and chord distance of 89.57 feet; Thence eleventh course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of N23°55'17"W, and chord distance of 20.01 feet, to the end of dedicated Creek Drive centerline; Thence twelfth course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of N17°40'09"W, and chord distance of 197.91 feet, the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Said Parcel contains 87,663 square feet or 2.012 acres more or less, more generally described as being located southeast of the intersection of Creek Drive and Marlin Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial be denied without prejudice to allow the title to be corrected.

13. No. 07CA052 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Thence, first course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 05°11'13", a length of 272.92 feet, a chord bearing of N79°49'24"E, and chord distance of 272.83 feet; Thence, second course: S15°38'39"E, a distance of 95.46 feet; Thence, third course: S74°21'21"W, a distance of 66.33 feet; Thence, fourth course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of S76°10'58"W, and chord distance of 63.76 feet; Thence fifth course: S78°00'34"W, a distance of 66.26 feet, to the end of dedicated Marlin Drive centerline; Thence sixth course: S78°00'34"W, along the centerline of Marlin Drive, a distance of 201.84 feet, to the intersection of centerline Marlin Drive and Creek Drive; Thence seventh course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 05°21'24", a length of 93.49 feet, a chord bearing of N09°18'43"W, and chord distance of 93.46 feet; Thence eighth course: N06°38'01"W, along the centerline of Creek Drive, a distance of 422.07 feet, to a point on the southerly right-of-way of Elk Vale Road; Thence ninth course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 00°57'11", a length of 50.15 feet, a chord bearing of N82°50'59"E, and chord distance of 50.15 feet, to the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Said Parcel contains 182,629 square feet or 4.193 acres more or less, more generally described as being located northeast of the intersection of Creek Drive and

Marlin Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial be denied without prejudice to allow the title to be corrected.

14. No. 07CA063 - 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 with a Planned Industrial Development** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 7 of Marlin Industrial Park, common to a point on the southerly edge of right-of-way of Marlin Drive, and the point of beginning; Thence, first course: N04°18'35"W, a distance of 29.56 feet, to a point on the centerline of Marlin Drive; Thence, second course: curving to the left, along the centerline of Marlin Drive, on a curve with a radius of 3000.00 feet, a delta angle of 07°43'51", a length of 404.79 feet, a chord bearing of N81°52'30"E, and chord distance of 404.48 feet; Thence, third course: N78°00'34"E, along the centerline of Marlin drive, a distance of 95.10 feet, to intersection of centerline of Marlin Drive and Creek Drive; Thence fourth course: curving to the left, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of S17°40'09"E, and chord distance of 197.91 feet, to the end of previously dedicated Creek Drive; Thence fifth course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of S23°55'17"E, and chord distance of 20.01 feet; Thence sixth course: curving to the left, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of S28°46'30"E, and chord distance of 89.57 feet; Thence seventh course: S56°56'40"W, a distance of 50.00 feet; Thence eighth course: curving to the right, on a curve with a radius of 650.00 feet, a delta angle of 02°21'34", a length of 26.77 feet, a chord bearing of N31°52'33"W, and chord distance of 26.76 feet; Thence ninth course: S59°18'14"W, a distance of 311.85 feet; Thence tenth course: S08°30'44"E, a distance of 235.10 feet, to a point on the section 1/16 line; Thence eleventh course: N89°56'36"W, along the along the section 1/16 line, a distance of 313.37 feet, to the southeasterly corner of said Lot 7; Thence twelfth course: N00°01'20"E, along the easterly boundary of said Lot 7, a distance of 574.90 feet, to the northeasterly corner of said Lot 7, common to a point on the southerly edge of Marlin Drive right-of-way, and the point of beginning, more generally described as being located southwest of the intersection of Creek Drive and Marlin Drive.

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

15. No. 07CA064 - 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 with a Planned Commercial Development** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Thence first course: N78°00'34"E, along the centerline of Marlin Drive, a distance of 201.84 feet, to the end of the previously dedicated Marlin Drive; Thence, second course: N78°00'34"E, a distance of 66.26 feet; Thence, third course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of N76°10'58"E, and chord distance of 63.76 feet; Thence, fourth course: N74°21'21"E, a distance of 66.33 feet; Thence, fifth course: S15°38'39"E, a distance of 29.50 feet; Thence, sixth course: S74°21'21"W, a distance of 54.43 feet; Thence, seventh course: S26°59'57"E, a distance of 151.65 feet; Thence, eighth course: S56°56'40"W, a distance of 309.27 feet; Thence, ninth course: S56°56'40"W, a distance of 50.00 feet; Thence tenth course: curving to the right, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of N28°46'30"W, and chord distance of 89.57 feet; Thence eleventh course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of N23°55'17"W, and chord distance of 20.01 feet, to the end of dedicated Creek Drive centerline; Thence twelfth course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of N17°40'09"W, and chord distance of 197.91 feet, the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Said Parcel contains 87,663 square feet or 2.012 acres more or less, more generally described as being located southeast of the intersection of Creek Drive and Marlin Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial with a Planned Commercial Development be approved.

16. 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 approved in conjunction with the associated Amendment to the Adopted Comprehensive Plan.

17. No. 07CA065 - 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 with a Planned Commercial Development** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Thence, first course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 05°11'13", a length of 272.92 feet, a chord bearing of N79°49'24"E, and chord distance of 272.83 feet; Thence, second course: S15°38'39"E, a distance of 95.46 feet; Thence, third course: S74°21'21"W, a distance of 66.33 feet; Thence, fourth course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of S76°10'58"W, and chord distance of 63.76 feet; Thence fifth course: S78°00'34"W, a distance of 66.26 feet, to the end of dedicated Marlin Drive centerline; Thence sixth course: S78°00'34"W, along the centerline of Marlin Drive, a distance of 201.84 feet, to the intersection of centerline Marlin Drive and Creek Drive; Thence seventh course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 05°21'24", a length of 93.49 feet, a chord bearing of N09°18'43"W, and chord distance of 93.46 feet; Thence eighth course: N06°38'01"W, along the centerline of Creek Drive, a distance of 422.07 feet, to a point on the southerly right-of-way of Elk Vale Road; Thence ninth course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 00°57'11", a length of 50.15 feet, a chord bearing of N82°50'59"E, and chord distance of 50.15 feet, to the southeasterly corner of right-of-way common to Creek Drive



and Elk Vale Road, and the point of beginning; Said Parcel contains 182,629 square feet or 4.193 acres more or less, more generally described as being located northeast of the intersection of Creek Drive and Marlin Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be approved.

18. 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 approved in conjunction with the associated Amendment to the Adopted Comprehensive Plan.

19. 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 denied without prejudice at the applicant's request.

20. No. 07CA062 - Sections 18 and 19, T2N, R8E

A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a minor arterial street** on Sections 18 and Section 19, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located on the proposed LaCrosse Street north of Seger Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a minor arterial street be continued to the February 7, 2008 Planning Commission meeting to allow the applicant to submit additional information.

21. No. 07CA066 - Section 20, T1N, 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 Agriculture to Heavy Industrial on Lots 1A and 2A in the SE1/4 of the NW1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5406 Old Folsom Road.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Heavy Industrial be approved.

22. No. 07RZ078 - Section 20, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Heavy Industrial District** on Lots 1A and 2A, located in the SE1/4 of the NW1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5406 Old Folsom Road.

Planning Commission recommended that the Rezoning from No Use District to Heavy Industrial District be approved in conjunction with the associated Comprehensive Plan Amendment.

*23. No. 07PD080 - Meridian Subdivision

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

Planning Commission continued the Major Amendment to a Planned Commercial Development to the February 7, 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.

*24. 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.

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

1. **The property shall be used as a convenience store with an "off-sale liquor establishment". Any other use shall require a Major**

Amendment to the Planned Commercial Development;

2. **Access to the site shall be taken from Kathryn Avenue or the applicant shall obtain an exception from City Council to take additional access to the site from Haines Avenue;**
3. **A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
4. **The parking plan shall continually comply with all requirements of the Rapid City Municipal Code and the approved parking plan;**
5. **The lighting plan shall continually comply with all requirements of the Rapid City Municipal Code and the approved lighting plan;**
6. **All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial Development. 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;**
7. **The landscape plan shall continually comply with all requirements of the Rapid City Municipal Code and the approved landscape plan;**
8. **All applicable provisions of the International Fire Code shall be continually met;**
9. **All construction shall comply with the approved building elevations; and**
10. **The Planned Commercial Development shall expire if the use has not commenced within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.**

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

***26. No. 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.

Planning Commission continued the Planned Commercial Development - Initial Development Plan to the February 7, 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.

27. No. 07RZ077 - Section 3, T1N, R8E

A request by City of Rapid City to consider an application for a **Rezoning from No Use District to Low Density Residential District** on the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Reservoir Road and northwest of North Pitch Court.

Planning Commission recommended that the Rezoning from No Use District to Low Density Residential District be approved.

28. No. 07SV053 - Watersedge Subdivision

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

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code be continued to the February 7, 2008 Planning Commission meeting.

29. 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 February 7, 2008 Planning Commission meeting.

31. 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 of 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 as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; 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 the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:
1. Prior to City Council approval, the plat document shall be revised identifying the access easement as right-of-way; and,
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

32. No. 07SV074 - Sundance Ridge Subdivision

A request by Dream Design International, Inc. to consider an application for a **Variance to the Subdivision Regulations to allow platting half of a Right-of-Way along Sunset Vista Road as per Chapter 16 of the Rapid City Municipal Code** on Lot 1R of 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 allow platting half a right-of-way as per Chapter 16 of the Rapid City Municipal Code be approved.

*33. 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 approved the Conditional Use Permit to allow a nursing home in a Medium Density Residential Zoning District with the following stipulations:

1. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Conditional Use Permit. 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 a Conditional Use Permit. 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;
2. The provisions of the Landscape Ordinance shall be continually met. In addition all landscaping shall be maintained in a live, vegetative state;
3. All applicable provisions of the International Fire Code Shall be continually met;
4. The addition shall be constructed and maintained of the same general materials and the same color(s) as the existing building elevations;
5. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan;
6. Prior to initiation of construction, a Building Permit shall be obtained, and a Certificate of Occupancy shall be obtained prior to occupancy;
7. Prior to the issuance of a Building Permit, the applicant shall submit for review and approval documentation identifying that five (5) additional nursing home bed licenses issued by the State of South Dakota have been obtained; and,
8. The Conditional Use Permit shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

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. 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

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Dakota, more generally described as being located at 3782 E. Highway 44.

Planning Commission recommended that the Vacation of Right-of-way be approved with the following stipulation:

1. **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, and copies submitted to the Growth Management Department.**

---END OF HEARING CONSENT CALENDAR---

***25. 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 between Founder's Park Drive and Rapid Creek.

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

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

1. **Prior to approval by Planning Commission the applicant shall submit a site lighting plan and a phasing plan for review and approval;**
2. **A Building Permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
3. **The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Commercial Development Plan;**
4. **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 Plan. 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 a 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;**
5. **The provisions of the Landscape Ordinance shall be continually met. In addition all landscaping shall be maintained in a live, vegetative state;**
6. **All applicable provisions of the International Fire Code Shall be**



continually met;

7. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan; and,
8. The Planned Commercial Development- Final Development Plan 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. (7 to 0 to 1 with Brown, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no and Anderson abstaining)

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

30. 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.

Elkins presented the staff's recommendation to continue the Variance to the Subdivision Regulations requests to the February 7, 2008 Planning Commission meeting at the applicant's request.

Brown moved, Gregg seconded and unanimously carried to recommend that the Variance to the Subdivision Regulations to waive the requirement to install water along North Maple Avenue;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of North Maple Avenue;

That the Variance to the Subdivision Regulations to waive the requirement to install sanitary sewer along North Maple Avenue be continued to the February 7, 2008 Planning Commission meeting. (8 to 0 with Anderson, Brown, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

*35. No. 07PD081 - Eagle Ridge Subdivision

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



being located at 121 Stumer Road.

Fisher presented the Major Amendment to a Planned Residential Development request. Fisher identified the landscape buffering needed along the south and west lot lines of the development. Fisher further reviewed the types of landscaping proposed by the applicant as submitted on the site plan. Fisher reviewed the stipulations for approval and the staff's recommendation to approve the Major Amendment request.

Bob Drew, Rich Evans and Curt Huus, applicants and agent. Drew requested that the requirement to install pine trees along the berm be omitted from the stipulations of approval. Drew indicated that pine trees in lieu of Mountain Ash trees would be planted along the west lot line. Discussion followed.

Elkins stated that with other developments in the community, developer's landscape to the curb. Elkins commented that the development on the subject property is an entryway to the community and as such staff recommends additional landscape buffering along Catron Boulevard.

Mark Stulken, area resident supported the requirement for evergreens to be installed on the subject property. Stulken expressed concern for the limited short term buffering.

Jena McNabb, area resident, expressed concern with the proposed location of the fence, trees and tree height that may limit buffering from the development on the subject property. McNabb requested an alternate solution to the proposed landscaping presented by the applicant.

In response to Derby's questions, Elkins stated with proper irrigation, trees would reach adequate maturity within five years. Discussion followed.

Jay Alderman, area resident, stated that the meetings with the developer and adjacent property owners have been positive. Alderman expressed his preference for the installation of evergreens for a year round buffer. Lengthy discussion followed regarding landscape alternatives for fence and tree placement, retaining wall and slope elevation.

In response to Derby's question, Evans stated that trees would be required to be kept in a live vegetative state or replaced as needed. Lengthy discussion followed regarding alternate tree spacing, tree size and the amount of trees needed and the maintenance requirement.

Elkins clarified the negotiated stipulations of approval of the Major Amendment request. Discussion followed.

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

- 1. Prior to Planning Commission approval, the landscaping plan shall be revised to show a minimum of 12 evergreen trees with a minimum**

height of eight feet along the berm located in Catron Boulevard Right-of-way. In particular, the trees shall be Colorado Spruce, Black Hills Spruce, Colorado White Spruce or White Concolor Fir as per the applicant's proposed specimen list. In addition, the landscaping plan shall show that all trees located on the development site shall be irrigated. The landscaping plan shall also be revised to show evergreen trees along the entire west lot line. In particular the 13 proposed Mountain Ash trees located along the northern portion of the west lot line shall be replaced with minimum 12 foot tall Colorado Spruce, Black Hills Spruce, Colorado White Spruce or White Concolor Fir tree. The applicant also has the option of placing all or part of the 13 evergreen trees along the west lot line on the adjacent property with the adjacent property owner's concurrence. The landscaping placed on the adjacent property shall count towards the landscaping requirements for this project;

2. The landscaping shall be planted in compliance with the approved landscaping plan and shall comply with all approved requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary. Any change in the approved landscaping plan shall require a Major Amendment to the Planned Residential Development;
3. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
4. Sediment and erosion control measures shall be maintained to preclude sediment from impacting the adjacent properties and/or rights-of-way. In addition, sediment and erosion control measures shall be maintained along the berm located along Catron Boulevard;
5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
6. A fence shall be provided along the west lot line. In particular, the first 25 feet of the fence as it abuts Catron Boulevard and/or Stumer Road right-of-way shall be four feet in height or a Fence Height Exception shall be obtained. The balance of the fence shall be six feet in height and conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Residential Development Plan;
7. The retaining wall(s) shall be constructed in compliance with the approved design plans. In addition, the wall(s) shall be constructed at the start of construction for Phase Two;
8. An Exception is hereby granted to allow the apartment buildings to be 38 feet, 9 3/8 inches in height in lieu of a maximum height of 35 feet;
9. All provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Residential Development or a subsequent Major Amendment;
10. The dumpster(s) shall be screened on all four sides with an opaque screening fence;
11. A minimum of 231 parking spaces shall be provided with seven of the



- spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. A minimum of six planter islands shall be provided within the parking lot. Each planter island shall contain a minimum of one hundred square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. All provisions of the Off-Street Parking Ordinance shall be continually met;
12. The 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, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. All of the residential dwelling units or structures shall be sprinklered;
 13. A storm water discharge permit shall be obtained as needed;
 14. A Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation as needed;
 15. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Final Planned Residential Development; and,
 16. The Planned Residential Development shall allow for the construction of a 154 unit apartment complex with a leasing/administration office, tot lots and accessory garages on the property. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years. (8 to 0 with Anderson, Brown, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

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

Anderson moved, Brown seconded and carried to reconsider Item No. 26. (7 to 0 to 1 with Anderson, Brown, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no and Derby abstaining)

*26. 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 voting due to a conflict of interest.



Anderson moved, Brown seconded and carried to continue the Planned Commercial Development - Initial Development Plan to the February 7, 2008 Planning Commission meeting. (7 to 0 to 1 with Anderson, Brown, Gregg, Landguth, Rolinger, 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.

36. 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 Highway 16 and south of Sammis Trail.

Elkins presented the proposed road name changes on the subject property. She noted the various objections received and referred the Planning Commission to the Public Comment noted in the packet. Elkins further stated that the staff recommends that the Road Name Change from Sammis Trail to Moon Meadows Drive request be approved.

Rolinger moved, Landguth seconded and unanimously carried to recommend changing the name Sammis Trail to Moon Meadows Drive and allowing the name Sammis Trail to remain adjacent to: Tract 20 High View Sub, Tract 16-18 High View Sub, and W1/2 SE1/4 SE1/4 SE1/4 T1N R7E Section 35, Unplatted; and to rename the portion of Sammis Trail adjacent to Tract A Commerford Addition, SW1/4 NW1/4 Less Lot H-1 & H2 & ROW T1N R7E Section 35 Unplatted, and SE1/4 NE1/4 E of Hwy to Commerford Drive. (8 to 0 with Anderson, Brown, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

37. 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.

Dominicak reviewed the proposed site plan for the Special Exception request. Dominicak stated that the staff recommends that the Special Exception request to the Flood Area Construction Regulations be denied. Discussion followed.

In response to Derby's questions, Elkins stated that it is not anticipated that any changes to the Floodway Regulations would be made that would allow structures in the floodway.

In response to Alderwoman Karen Gunderson Olsen's question, Elkins advised that the request is brought forward from the Public Works Department. Elkins identified the proposed location of the placement of the proposed light poles noting the difficult decision required to balance the two safety goals. Discussion followed.

In response to Rolinger's question, Elkins stated that Council will have the final determination.

Waltman moved, Anderson seconded and unanimously carried to recommend that the Special Exception to the Flood Area Construction Regulations to allow Ten Light Poles in the Hydraulic Floodway be denied. (8 to 0 with Anderson, Brown, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

38. 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.

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

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

Rolinger moved, Brown seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the extension of a water main on public property with the following stipulation:

- 1. Prior to Planning Commission approval, a revised drawing showing a 12 inch water main in lieu of an 8 inch water main shall be submitted for review and approval. (7 to 0 to 1 with Anderson, Brown, Derby, Gregg, Landguth, Rolinger and Waltman voting yes and none voting no and Scull abstaining)**

39. 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 that the Variance to the Subdivision Regulations request be denied in part and approved in part with one stipulation.

McNaboe, Sperlich Consulting expressed his opposition to the improvements required by staff. McNaboe requested that the Planning Commission approve the Variance to the Subdivision Regulations requests.

In response to Waltman's question, McNaboe stated that the sidewalk required would not connect to another sidewalk.

In response to Waltman's question, Elkins clarified that the applicant is not proposing to construct the realignment of Creek Drive. Discussion followed.

James Letner, applicant, expressed his support for the Variance requests. Lengthy discussion followed.

Landguth expressed his support for acquiring additional right-of-way at this time.

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

Waltman left the meeting at this time.

In response to Derby's question, Landeen stated that the City cannot authorize use of public right of way for private purposes. Lengthy discussion followed.

Derby expressed his support for an on site visit to the subject property. Discussion followed.

Rolinger moved, Brown seconded and unanimously carried to recommend that 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;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate 17 feet of additional right-of-way and provide a planting screen easement along Creek Drive;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, and street light conduit along Creek Drive; and

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the south side of E. St. Charles Street be



continued to a Special January 31, 2008 Planning Commission meeting at 4:30 p.m. at 1624 East St. Patrick Street. (7 to 0 with Anderson, Brown, Derby, Gregg, Landguth, Rolinger and Scull voting yes and none voting no)

Smith requested that items 40 and 41 be taken concurrently.

40. No. 07PL178 - Hilltop Business Park Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Todd Christoffer of First National Bank to consider an application for a **Preliminary Plat** on Lots A and B of Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Elk Vale Road and Homestead Street.

41. No. 07SV073 - Hilltop Business Park Subdivision

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Todd Christoffer of First National Bank to consider an application for a **Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet within the shared access easement; and to reduce the shared access easement from 59 feet to 30 feet; to waive the requirement to install sidewalk, street light conduit, sewer, water within the shared access easement; to waive the requirement to install sidewalks, curb, gutter along Elk Vale Road; to waive the requirement to install sidewalks along Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Elk Vale Road and Homestead Street.

Smith presented the staff's recommendation to continue the Preliminary Plat and the Variance to the Subdivision Regulations requests to the February 7, 2008 Planning Commission meeting.

John Fenske, area resident requested information on the shared easements and the proposed lot split. Elkins reviewed the proposed Preliminary Plat and Variance to the Subdivision Regulations requests and Elkins further identified the location of the access easement on the subject property. Discussion followed.

Rolinger left the meeting at this time.

Landguth moved, Scull seconded and unanimously carried to recommend that the Preliminary Plat;

That the Variance to the Subdivision Regulations to reduce the pavement width of the shared access easement for the north 100 feet from 26 feet to 24 feet; That the request to reduce the shared access easement from 59



feet to 30 feet; That the request to waive the requirement to install sidewalk, street light conduit, sewer, water within the shared access easement;

That the Variance to waive the requirement to pave the shared access easement, reduce the easement width from 59 feet to 30 feet, and to waive the requirement to install sidewalk, street light conduit, sewer, water for the south 190 feet of the shared access easement;

That the Variance to waive the requirement to install sidewalks along Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code; and,

That the Variance to waive the requirement to install sidewalks, curb, gutter along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the February 7, 2008 Planning Commission meeting. (6 to 0 with Anderson, Brown, Derby, Gregg, Landguth and Scull voting yes and none voting no)

Brown moved, Gregg seconded and unanimously carried to continue the balance of the January 24, 2008 Planning Commission meeting to the February 7, 2008 Planning Commission meeting. (6 to 0 with Anderson, Brown, Derby, Gregg, Landguth and Scull voting yes and none voting no)

*42. No. 07UR011 - Section 30, T2N, R8E

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

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.

*43. No. 07UR015 - Huffman Subdivision

A request by Bryan Gonzales for Century Development Co. to consider an application for a **Conditional Use Permit to allow an on-sale liquor**

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establishment on Lot 2 of Huffman Subdivision, located in the NW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1331 E. North Street.

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.

44. Discussion Items

- A. Ex-parte Communications Policy – Joel Landeen
- B. Pros and Cons of Expanding City's Platting Jurisdiction.
- C. Allowable Building Heights General Commercial Zoning District

45. Staff Items

46. Planning Commission Items

47. Committee Reports

- A. City Council Report (January 7, 2008)
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals
- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

There being no further business, Brown moved, Gregg seconded and unanimously carried to adjourn the meeting at 9:35 a.m. (6 to 0 with Anderson, Brown, Derby, Gregg, Landguth and Scull voting yes and none voting no)