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MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 7, 2008

MEMBERS PRESENT: John Brewer, Gary Brown, Mike Derby, Julie Gregg, Dennis Landguth, Mike LeMay, Steve Rolinger and Andrew Scull. Ron Kroeger, Council Liaison was also present

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

Brewer called the meeting to order at 6:58 a.m.

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

Staff requested that Item 1 be removed from the Consent Agenda for separate consideration.

A member of the audience requested that Item 32 be removed from the Consent Agenda for separate consideration.

Motion by LeMay, Seconded by Brown and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 32 in accordance with the staff recommendations with the exception of Items 1 and 32. (8 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)

--- CONSENT CALENDAR---

2. 08TP004 – 2008-2012 Transportation Improvement Program Amendment #08-004

Planning Commission recommended approval of the 2008-2012 Transportation Improvement Program Amendment #08-004.

3. 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 21, 2008 Planning Commission meeting at the applicant's request.

4. 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 Beard 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 Beard 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 21, 2008 Planning Commission meeting at the applicant's request.

5. 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 21, 2008 Planning Commission meeting at the applicant's request.

6. 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 21, 2008 Planning Commission meeting at the applicant's request.

7. 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 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 21, 2008 Planning Commission meeting to allow the applicant to submit additional information.

8. No. 08CA001 - Prairie Meadows Subdivision

A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Medium Density Residential District with a Planned Residential Development** on a portion of

Government Lot 4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning. Thence, first course: N00°07'57"E, a distance of 607.71 feet; Thence, second course: S89°45'23"E, a distance of 348.37 feet; Thence, third course: S45°18'29"E, a distance of 148.27 feet; Thence, fourth course: S41°57'10"E, a distance of 97.30 feet; Thence, fifth course: S60°00'17"E, a distance of 82.33 feet; Thence, sixth course: S74°07'50"E, a distance of 100.83 feet; Thence, seventh course: S89°41'41"E, a distance of 89.82 feet; Thence, eighth course: N85°07'42"E, a distance of 72.62 feet; Thence, ninth course: N74°29'46"E, a distance of 101.06 feet; Thence, tenth course: N56°32'29"E, a distance of 93.59 feet; Thence, eleventh course: S59°22'45"E, a distance of 105.77 feet; Thence, twelfth course: S89°45'23"E, a distance of 54.68 feet; Thence, thirteenth course: S00°14'37"W, a distance of 117.37 feet; Thence, fourteenth course: S89°45'23"E, a distance of 100.00 feet; Thence, fifteenth course: S00°14'37"W, a distance of 40.61 feet; Thence, sixteenth course: S89°37'07"E, a distance of 20.52 feet, to the northwesterly corner of Lot 1 of Mailloux Subdivision in Lot B in the SE ¼ of the SW ¼ of Section 18, T2N, R8E, BHM; Thence, seventeenth course: S00°23'45"W, along the westerly boundary of said Lot 1, a distance of 208.56 feet, to the southwesterly corner of said Lot 1; Thence, eighteenth course: S00°23'45"W, a distance of 33.00 feet, to a point on the section line common to Sections 18, and 19; Thence, nineteenth course: N89°35'54"W, along the section line common to Sections 18, and 19, a distance of 1290.05 feet, to the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd Street.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Medium Density Residential District with a Planned Residential Development be continued to the February 21, 2008 Planning Commission meeting.

9. No. 08CA002 - Prairie Meadows Subdivision

A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development** on a portion of the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 17, 18, 19, and 20, Thence N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 333.22 feet, to the point of beginning; Thence, first course: N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 1678.81 feet; Thence, second course: N00°22'46"E, a distance of 33.00 feet, to the southeasterly corner of Lot A of the SW1/4 of the SE1/4 of Section 18, T2N, R8E, BHM; Thence, third course: N00°25'46"E, along the easterly boundary of said Lot A, a distance of 208.20 feet, to the northeasterly corner of said Lot A; Thence, fourth course: S89°34'30"E, a distance of 199.01 feet; Thence, fifth course: N00°14'37"E, a distance of 610.83 feet; Thence, sixth course:

S89°45'23"E, a distance of 234.88 feet; Thence, seventh course: S39°45'06"E, a distance of 91.40 feet; Thence, eighth course: S74°45'23"E, a distance of 71.54 feet; Thence, ninth course: N50°14'54"E, a distance of 78.96 feet; Thence, tenth course: S39°45'06"E, a distance of 14.60 feet; Thence, eleventh course: curving to the right, on a curve with a radius of 224.00 feet, a delta angle of 23°40'06", a length of 92.53 feet, a chord bearing of S27°55'03"E, and chord distance of 91.88 feet; Thence, twelfth course: N73°55'00"E, a distance of 208.37 feet; Thence, thirteenth course: N39°45'06"W, a distance of 712.01 feet, to a point on the section 1/16th line; Thence, fourteenth course: S89°33'44"E, along the section 1/16th line, a distance of 1256.40 feet; Thence, fifteenth course: S00°02'35"W, a distance of 975.25 feet, to the northwesterly corner of Lot 1 of North Haines Subdivision; Thence, sixteenth course: S00°02'34"W, along the westerly boundary of said Lot 1, a distance of 299.94 feet, to the southwesterly corner of said Lot 1; Thence, seventeenth course: S00°22'46"W, a distance of 50.01 feet, to a point on the section line common to Sections 18 and 19 and the point of beginning, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential District to Medium Density Residential District with a Planned Residential Development be continued to the February 21, 2008 Planning Commission meeting.

10. No. 08RZ002 - Prairie Meadows Subdivision

A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for a **Rezoning from Low Density Residential to Medium Density Residential** on a portion of Government Lot 4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning. Thence, first course: N00°07'57"E, a distance of 607.71 feet; Thence, second course: S89°45'23"E, a distance of 348.37 feet; Thence, third course: S45°18'29"E, a distance of 148.27 feet; Thence, fourth course: S41°57'10"E, a distance of 97.30 feet; Thence, fifth course: S60°00'17"E, a distance of 82.33 feet; Thence, sixth course: S74°07'50"E, a distance of 100.83 feet; Thence, seventh course: S89°41'41"E, a distance of 89.82 feet; Thence, eighth course: N85°07'42"E, a distance of 72.62 feet; Thence, ninth course: N74°29'46"E, a distance of 101.06 feet; Thence, tenth course: N56°32'29"E, a distance of 93.59 feet; Thence, eleventh course: S59°22'45"E, a distance of 105.77 feet; Thence, twelfth course: S89°45'23"E, a distance of 54.68 feet; Thence, thirteenth course: S00°14'37"W, a distance of 117.37 feet; Thence, fourteenth course: S89°45'23"E, a distance of 100.00 feet; Thence, fifteenth course: S00°14'37"W, a distance of 40.61 feet; Thence, sixteenth course: S89°37'07"E, a distance of 20.52 feet, to the northwesterly corner of Lot 1 of Mailloux Subdivision in Lot B in the SE¼ of the SW¼ of Section 18, T2N, R8E, BHM; Thence, seventeenth course: S00°23'45"W, along the westerly boundary of said Lot 1, a distance of 208.56 feet, to the southwesterly corner of said Lot 1; Thence, eighteenth course: S00°23'45"W, a distance of 33.00 feet, to a point on the section line common to Sections 18, and 19; Thence, nineteenth course: N89°35'54"W, along the section line common to



Sections 18, and 19, a distance of 1290.05 feet, to the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd Street.

Planning Commission recommended that the Rezoning from Low Density Residential District to Medium Density Residential District be continued to the February 21, 2008 Planning Commission meeting.

11. No. 08RZ003 - Prairie Meadows Subdivision

A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for a **Rezoning from Low Density Residential to Medium Density Residential** on a portion of the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 17, 18, 19, and 20, Thence N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 333.22 feet, to the point of beginning; Thence, first course: N89°37'14"W, along the section line common to Sections 18 and 19, a distance of 1678.81 feet; Thence, second course: N00°22'46"E, a distance of 33.00 feet, to the southeasterly corner of Lot A of the SW1/4 of the SE1/4 of Section 18, T2N, R8E, BHM; Thence, third course: N00°25'46"E, along the easterly boundary of said Lot A, a distance of 208.20 feet, to the northeasterly corner of said Lot A; Thence, fourth course: S89°34'30"E, a distance of 199.01 feet; Thence, fifth course: N00°14'37"E, a distance of 610.83 feet; Thence, sixth course: S89°45'23"E, a distance of 234.88 feet; Thence, seventh course: S39°45'06"E, a distance of 91.40 feet; Thence, eighth course: S74°45'23"E, a distance of 71.54 feet; Thence, ninth course: N50°14'54"E, a distance of 78.96 feet; Thence, tenth course: S39°45'06"E, a distance of 14.60 feet; Thence, eleventh course: curving to the right, on a curve with a radius of 224.00 feet, a delta angle of 23°40'06", a length of 92.53 feet, a chord bearing of S27°55'03"E, and chord distance of 91.88 feet; Thence, twelfth course: N73°55'00"E, a distance of 208.37 feet; Thence, thirteenth course: N39°45'06"W, a distance of 712.01 feet, to a point on the section 1/16th line; Thence, fourteenth course: S89°33'44"E, along the section 1/16th line, a distance of 1256.40 feet; Thence, fifteenth course: S00°02'35"W, a distance of 975.25 feet, to the northwesterly corner of Lot 1 of North Haines Subdivision; Thence, sixteenth course: S00°02'34"W, along the westerly boundary of said Lot 1, a distance of 299.94 feet, to the southwesterly corner of said Lot 1; Thence, seventeenth course: S00°22'46"W, a distance of 50.01 feet, to a point on the section line common to Sections 18 and 19 and the point of beginning, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd.

Planning Commission recommended that the Rezoning from Low Density Residential District to Medium Density Residential District be continued to the February 21, 2008 Planning Commission meeting.

12. 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,

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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 21, 2008 Planning Commission meeting to allow the applicant to submit additional information.

13. No. 08CA003 - 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 District to Heavy Industrial District 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 Marlin Drive and Creek Drive.

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the Land Use Designation from General

Agriculture to Heavy Industrial with a Planned Industrial Development be approved.

14. No. 08RZ001 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Rezoning from General Agriculture to Heavy 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 Marlin Drive and Creek Drive.

Planning Commission recommended that the Rezoning from General Agricultural District to Heavy Industrial District be approved with the following stipulation:

1. **That the Rezoning requested be approved in conjunction with the associated Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Heavy Industrial with a Planned Industrial Development.**

15. No. 08OA001 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to allow transitory non-overnight accessory dog kennels and**



horse corrals in Planned Developments by amending Chapter 17.18.030.

Planning Commission recommended that the Ordinance Amendment to amend Chapter 17.18.030 to allow transitory non-overnight accessory dog kennels and horse corrals for transitory animals as a Conditional Use in the General Commercial Zoning District with a Planned Commercial Development be approved.

16. No. 07PL116 - Market Square Subdivision

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

Planning Commission recommended that the Layout Plat be continued to the February 21, 2008 Planning Commission meeting to allow the applicant to address the outstanding issues and to allow the applicant to submit additional information.

17. 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 21, 2008 Planning Commission meeting to allow the applicant to submit additional information.

18. 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

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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 21, 2008 Planning Commission meeting to allow the applicant to document adequate downstream sewer capacity to serve the development and to allow the applicant to continue to work with staff to address the sewer lift station issue(s).

19. 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 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 City Council, construction plans for North Maple Avenue shall be submitted for review and approval. In particular, the construction plans shall show sidewalk and water along all of North Maple Avenue as it abuts the property or a Variance to the Subdivision Regulations shall be obtained;**
3. **Prior to Preliminary Plat approval by the City Council, the water plans shall be revised to show the extension of a water main from proposed Lot 3 to the intersection of Disk Drive and North Maple Avenue to provide a looped system;**
4. **Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the new sanitary sewer service to proposed Lots 2 and 4 as shown on the Master Utility Plan;**
5. **Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the existing eight inch water main and the existing eight inch sewer main on Sheet 1 of 1;**
6. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the existing water main extending south from East Mall Drive to proposed Lot 3 within a public utility easement or a miscellaneous document shall be recorded at the Register of Deed's Office creating the public utility easement and a copy submitted to the Growth Management Department;**
7. **Prior to Preliminary Plat approval by the City Council, a revised cost estimate shall be submitted for review and approval;**

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8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing 20 foot wide utility easement along the south lot line of Lot 2. In addition, the plat document shall be revised to show a three foot wide public utility easement along the west lot line of proposed Lot 2 to accommodate the sanitary sewer main location within North Maple Avenue as it abuts this portion of the property;
9. Prior to submittal of a Final Plat application, the plat document shall be revised to read "North Maple Avenue" in lieu of "Maple Avenue";
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.

20. 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 water along North Maple Avenue be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,
2. Prior to Preliminary Plat approval by the City Council, the water plans shall be revised to show the extension of a water main from proposed Lot 3 to the intersection of Disk Drive and North Maple Avenue to provide a looped system;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of North Maple Avenue be approved with the following stipulation:

1. A sidewalk shall be provided along the north side of the street; and,
- That the Variance to the Subdivision Regulations to waive the requirement to install sanitary sewer along North Maple Avenue be denied without prejudice.**

21. 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

8686 South Highway 16.

Planning Commission recommended that the Layout Plat be continued to the February 21, 2008 Planning Commission meeting.

22. 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.

Planning Commission recommended that the Preliminary Plat be continued to the March 6, 2008 Planning Commission meeting at the applicant's request.

23. 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.

Planning Commission recommended that the 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 be continued to the March 6, 2008 Planning Commission meeting the applicant's request

24. No. 08PL001 - Hosek Subdivision

A request by Black Hills Surveying for Duane Hosek to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Hosek Subdivision, Section 25, T2N,

R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Block 24 of Mahoney Addition, less the west 25 feet, less the south eight and one half feet and the east eight and one half feet, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1509 Midway.

Planning Commission recommended that the Preliminary Plat be continued to the February 21, 2008 Planning Commission meeting to allow the applicant to submit the required information.

25. No. 08SV001 - Hosek Subdivision

A request by Black Hills Surveying for Duane Hosek to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk and reduce the pavement width from 27 feet to 24 feet and to dedicate additional Right-of-Way along Midway Street; and a Variance to the Subdivision Regulations to waive the requirement to install sidewalk and to reduce the pavement width from 27 feet to 24 feet and to dedicate additional Right-of-way along Patton Street as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 and 2 of Hosek Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Block 24 of Mahoney Addition, less the west 25 feet, less the south eight and one half feet and the east eight and one half feet, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1509 Midway.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and reduce the pavement width from 27 feet to 24 feet and to dedicate additional right-of-way along Midway Street and a Variance to the Subdivision Regulations to waive the requirement to install sidewalk and to reduce the pavement width from 27 feet to 24 feet and to dedicate additional right-of-way along Patton Street as per Chapter 16 of the Rapid City Municipal Code be continued to the February 21, 2008 Planning Commission meeting to allow the applicant to submit the required information and to be heard in conjunction with the Preliminary Plat.

27. No. 08SV002 - Sammi's Subdivision

A request by Dream Design International, Inc. for Robert Sundby to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to provide drainage, grading and erosion control plans as per Chapter 16.12.210 of the Rapid City Municipal Code; and to reduce the width from 49 feet to 30 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 30 foot wide private access and utility easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Sammi's Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 of Lot 8 of the E1/2 NE1/4, less Lot H1, of the E1/2 of Lot 8 of the E1/2 of the NE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington

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County, South Dakota, more generally described as being located at 4961 Sheridan Lake Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to provide drainage, grading and erosion control plans as per Chapter 16.12.210 of the Rapid City Municipal Code 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 the 30 foot wide private access and utility easement as per Chapter 16.16 of the Rapid City Municipal Code be approved.

28. 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 21, 2008 Planning Commission meeting to allow City Council to take action on the associated Vacation of Right-of-Way.

29. 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 21, 2008 Planning Commission meeting.

*30. 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 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.

Planning Commission continued the Conditional Use Permit to allow an on-sale liquor establishment to the February 21, 2008 Planning Commission meeting with the applicant's concurrence.

The Rapid City Planning Commission's action on this item is final unless

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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.

31. 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 March 6, 2008 Planning Commission meeting.

---END OF CONSENT CALENDAR---

1. Approval of the January 24, 2008 Planning Commission Meeting Minutes.

Fisher presented staff's recommendation that the Minutes be approved with a revision to stipulations on Item No. 35 – 07PD081 – Eagle Ridge Subdivision. Fisher stated that Stipulation No. 16 be amended to "...allow for the construction of a 156 unit apartment in lieu of 154 unit apartment."

Landguth moved, Gregg seconded and unanimously carried to approve the January 24, 2008 Planning Commission minutes with a revision to the stipulations of approval on Item No. 30 – 07PD081 – Eagle Ridge Subdivision on Stipulation No. 16 changing 154 unit apartment to 156 unit apartment. (8 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)

Robert Sundby requested that item 26 be considered rather than item 32.

32. 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.

LeMay moved, Landguth seconded and unanimously carried to recommend that the Vacation of Right-of-way be continued to the February 21, 2008 Planning Commission meeting at the applicant's request. (8 to 0 with

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Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)

Landguth moved, Derby seconded and unanimously carried to reconsider the Consent Agenda. (8 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)

LeMay moved, Landguth seconded and unanimously carried to approve the Consent Agenda with the exception of Items 1, 26 and 32. (8 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)

26. No. 08PL002 - Sammi's Subdivision

A request by Dream Design International, Inc. for Robert Sundby to consider an application for a **Preliminary Plat** on Lots 1 and 2 of Sammi's Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 of Lot 8 of the E1/2 NE1/4, less Lot H1, of the E1/2 of Lot 8 of the E1/2 of the NE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4961 Sheridan Lake Road.

Bobby Sundby, applicant, requested clarification of the status of the Preliminary Plat. Discussion followed.

Fisher stated that information was received by the applicant's Engineer regarding revised drainage information. Fisher further added that staff is currently reviewing the submitted information. Fisher stated that staff's recommendation is to continue the Preliminary Plat application to allow staff to review the submitted documentation. Fisher added that additional information is still required from the applicant. Fisher noted that as per Planning Commission's direction, staff will not present information that was submitted late to the Commission for review.

LeMay moved, Brown seconded and unanimously carried to recommend that the Preliminary Plat be continued to the February 21, 2008 Planning Commission meeting to allow the applicant to submit additional required information. (8 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Tegethoff requested that items 33 and 34 be taken concurrently.

33. 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.

34. 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.

Tegetoff presented the staff's recommendation that the Layout Plat and the Variance to the Subdivision Regulations requests to be denied without prejudice.

Brown moved, Landguth seconded and unanimously carried to recommend that the Layout Plat and 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 denied without prejudice. (8 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)

Brewer stated that a speaker request form was submitted for Items 7, 8 and 12. Discussion followed.

Brown moved, Landguth seconded and unanimously carried to reconsider the Consent Agenda with the exception of Items 1, 26 and 32. (8 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)

Brown moved, Gregg seconded and unanimously carried to approve the balance of the Consent Agenda with the exceptions of 7, 8 and 12. (8 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)

7. 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 proposed LaCrosse Street north of Seger Drive.

8. No. 08CA001 - Prairie Meadows Subdivision

A request by Dream Design International, Inc. for Signature Homes, LLC to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Medium Density Residential District with a Planned Residential Development** on a portion of

Government Lot 4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning. Thence, first course: N00°07'57"E, a distance of 607.71 feet; Thence, second course: S89°45'23"E, a distance of 348.37 feet; Thence, third course: S45°18'29"E, a distance of 148.27 feet; Thence, fourth course: S41°57'10"E, a distance of 97.30 feet; Thence, fifth course: S60°00'17"E, a distance of 82.33 feet; Thence, sixth course: S74°07'50"E, a distance of 100.83 feet; Thence, seventh course: S89°41'41"E, a distance of 89.82 feet; Thence, eighth course: N85°07'42"E, a distance of 72.62 feet; Thence, ninth course: N74°29'46"E, a distance of 101.06 feet; Thence, tenth course: N56°32'29"E, a distance of 93.59 feet; Thence, eleventh course: S59°22'45"E, a distance of 105.77 feet; Thence, twelfth course: S89°45'23"E, a distance of 54.68 feet; Thence, thirteenth course: S00°14'37"W, a distance of 117.37 feet; Thence, fourteenth course: S89°45'23"E, a distance of 100.00 feet; Thence, fifteenth course: S00°14'37"W, a distance of 40.61 feet; Thence, sixteenth course: S89°37'07"E, a distance of 20.52 feet, to the northwesterly corner of Lot 1 of Mailloux Subdivision in Lot B in the SE ¼ of the SW ¼ of Section 18, T2N, R8E, BHM; Thence, seventeenth course: S00°23'45"W, along the westerly boundary of said Lot 1, a distance of 208.56 feet, to the southwesterly corner of said Lot 1; Thence, eighteenth course: S00°23'45"W, a distance of 33.00 feet, to a point on the section line common to Sections 18, and 19; Thence, nineteenth course: N89°35'54"W, along the section line common to Sections 18, and 19, a distance of 1290.05 feet, to the Section Corner common to Sections 13, 18, 19, and 24, and the point of beginning, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd Street.

12. 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.

Jami Carpenter, area resident, expressed her opposition to the proposed Amendment to the Comprehensive Plan and the proposed realignment of LaCrosse Street. Carpenter expressed her concern for the possible negative impact to the adjacent property owners.

In response to Brewer's question, Fisher presented slides of the proposed realignment of LaCrosse Street and the revised Layout Plat of the proposed development on the subject property. Fisher reviewed possible issues that would need to be addressed to serve the development as well as the adjacent property owners. Fisher stated that staff would require a traffic impact study be submitted for consideration upon submittal of a Preliminary Plat application.

Carpenter identified the location of her property in relation to the proposed

development on the subject property.

Fisher further identified the proposed location of LaCrosse Street connection to the subject property. Fisher noted that the Major Street Plan identifies the location of the future streets as those adjacent properties develop.

In response to Brewer's question, Fisher stated that if the information presented does not support the relocation of LaCrosse Street, staff would recommend that the applicant chose another location. Discussion followed.

Elkins reviewed the process for consideration of these applications.

In response to Derby's question, Elkins stated that the new Agenda for the Planning Commission meetings are posted on line on the Friday prior to the scheduled Planning Commission meeting. Elkins further noted that the Agenda is posted on www.rcgov.org that includes all supporting information and recommendations. Discussion followed.

Fisher further reviewed the proposed location of LaCrosse Street. Discussion followed.

Nels Johnson, area resident, expressed concern for proposed realignment of LaCrosse Street as presented by the applicant.

**LeMay moved, Landguth seconded and unanimously carried to recommend that the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a minor arterial street;
That the Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential District with a Planned Residential Development to Medium Density Residential District with a Planned Residential Development; and,
That the Layout Plat be continued to the February 21, 2008 Planning Commission meeting to allow the applicant to submit additional information. (8 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)**

35. 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 125 Waterloo Street.

Tegethoff presented the staff's recommendation that the SDCL 11-6-19 Review request be approved.

In response to LeMay's question, Elkins commented that the light poles are being installed for public safety purposes. Elkins further noted that there is a major difference between the temporary tents in the floodway for recreational

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purposes and the light poles to protect the public. Discussion followed.

In response to Derby's question, Elkins stated that the exception request to allow structures in the hydraulic floodway was presented to Planning Commission previously. Elkins advised that the SDCL 11-6-19 Review request is presented to the Commission to determine if the improvements are appropriate and consistent with the Adopted Comprehensive Plan. Discussion followed.

Tegethoff identified the proposed location of the light poles on the subject property.

Elkins reviewed the process and the similarities to the building code regulations. Discussion followed.

In response to Brewer's question, Elkins stated that approval of the SDCL 11-6-19 Review would approve more than the 10 light poles including the other park improvements.

In response to Landguth's question, Elkins advised that this would be a minimal increase in the base flood elevation. Elkins stated that Council found that the increase was not significant enough to balance off the safety concerns of installing the light poles.

Deb Hadcock, alderwoman, expressed her support of the installation of the poles.

Derby expressed his concern for the installation of the poles in the hydraulic floodway. Discussion followed.

Elkins requested that the Planning Commission consider the overall safety issues relating to the proposed improvements to the subject property.

In response to Rolinger's request, Tegethoff reviewed the proposed improvements on the subject property.

Brewer expressed his concern with improvements in the flood plain on the subject property. Discussion followed.

Kroeger expressed his support of the installation of improvements to the subject property. Kroeger urged Planning Commission to approve the SDCL 11-6-19 Review request. Discussion followed.

Derby expressed his opposition to the SDCL 11-6-19 Review request. Discussion followed.

Rolinger moved, Scull seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the improvement of a public park. (7 to 1 with Brewer, Brown, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and Derby voting no)

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36. No. 08SR001 - Rapid City Greenway Tract

A request by Ken Wilkerson to consider an application for an **SDCL 11-6-19 Review to allow the construction of structures on public property** on Tract 8, also in Sections 4 and 10, T1N, R7E, of Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2900 Jackson Boulevard.

Tegethoff presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the February 21, 2008 Planning Commission meeting.

Gregg moved, Brown seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the construction of structures on public property to the February 21, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)

37. No. 08SR002 - Section 29, T1N, R8E

A request by FMG, Inc. for Community Education Centers to consider an application for an **SDCL 11-6-19 Review to allow the expansion of an existing correction facility** on that part of the SE1/4 of the NE1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at a point at the southeast corner of Lot H3 of the NE1/4 less Lot H4 in Section 19, T1N, R8E; thence S00°02'59"E, 405.00 feet to a point on the west South Highway 79 Right-of-Way line; thence N89°55'38"W, 120.45 feet to a point; thence N38°35'32"W, 134.08 feet to a point; thence N00°02'59"W, 300.31 feet to a point on the south lot line of Lot H3 of the NE1/4 less Lot H4 in Section 19, T1N, R8E; S89°55'38"E, 204.00 feet to a point at the southeast corner of Lot H3 of the NE1/4 less Lot H4 in Section 19, T1N, R8E, at the point of beginning; all located within the SE1/4 of the NE1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Highway 79 and south of Catron Boulevard.

Ball presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the February 21, 2008 Planning Commission meeting.

Brown moved, Rolinger seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the expansion of an existing correction facility to the February 21, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)

38. No. 08SR003 - Section 27, T2N, R8E

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 Review to construct public utility improvements within a public right-of-way** on a portion of Elk Vale Road Right-of-Way located adjacent to Section 27, T2N, R8E, BHM, Box Elder, Pennington County, South Dakota, more generally described as being located Elk Vale Road located adjacent to the property described as Section 27, T2N, R8E, BHM, Box Elder, Pennington County, South Dakota.

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Fisher presented the staff's recommendation to continue the SDCL 11-6-19 Review request to the February 21, 2008 Planning Commission meeting.

Brown moved, Rolinger seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct public utility improvements within a public right-of-way to the February 21, 2008 Planning Commission meeting. (8 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)

*39. 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.

Tegethoff presented the staff's recommendation to deny the Major Amendment request without prejudice.

Rolinger moved, Landguth seconded and unanimously carried to deny the Major Amendment to a Planned Commercial Development without prejudice. (8 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay, Rolinger and Scull voting yes and none voting no)

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

*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.

Smith presented the staff's recommendation that the Planned Commercial Development request be continued at the applicant's request.

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

Scull moved, Rolinger seconded and carried to continue the Planned Commercial Development - Initial Development Plan to the February 21, 2008 Planning Commission meeting at the applicant's request. (7 to 0 to 1 with Brewer, Brown, Gregg, Landguth, LeMay, Rolinger and Scull 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.

41. 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 that staff's recommendation to approve in part with stipulations and deny in part the Variance to the Subdivision Regulations request. Tegethoff identified the location and the existing and proposed structures on the subject property.

Jim Letner, applicant, requested clarification of the stipulations of approval. Tegethoff stated that a Variance request was recommended for denial because a Tax Increment Financing District is in place and requires that the improvements be constructed.

Scull stated that at the site visit discussion was limited so there wasn't anything to report. Discussion followed.

In response to Brewer's question, Elkins stated that the previous plat submitted by the applicant and that staff reviewed the same issues at that time. Elkins further noted that the applicant withdrew the previous request and has proceeded with construction she also advised that the applicant has brought another plat for review and approval before the Planning Commission.

Letner reviewed the location of structures on the subject property and previous development applications presented to Planning Commission for review and approval. Lengthy discussion followed.

Discussion followed regarding parking requirements for development on the property, the right-of-way dedication process and the potential intersection

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alignments.

In response to Scull's question, Letner identified his opinion regarding the reasons for replatting the subject property.

Landguth moved, Gregg seconded and carried to suspend debate on the Variance requests. (Roll call Vote 6 to 2 with Brewer, Brown, Gregg, Landguth, LeMay and Rolinger voting yes and Derby and Scull voting no.)

Landguth moved, Gregg Seconded and carried to recommended 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 be denied;

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 be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, and street light conduit along Creek 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 assessment for the improvements; 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 denied. (Roll call vote 5 to 3 with Brewer, Brown, Gregg, Landguth and LeMay voting yes and Derby, Rolinger and Scull 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.

Smith presented that staff's recommendation to continue the Conditional Use Permit request to the February 21, 2008 Planning Commission meeting at the applicant's request.

Laurel Hawkins expressed her opinion in support of the proposed use of the subject property. Hawkins further reviewed the prior location and the current location parking spaces. Hawkins reviewed the possible impact from peak times of use on the subject property. Discussion followed.

Rolinger left the meeting at this time.

Elkins stated that the applicant requested a variance from the Zoning Board of Adjustments to reduce the parking and reduce the aisle width. Elkins noted that the Zoning Board of Adjustment denied the request. Elkins stated that 39 parking spaces shown on the site plan meet the City's standards. Elkins stated that Planning Commission does not have the authority to waive the requirement to reduce the parking requirement as part of the conditional use permit process. Elkins stated that the application before the Planning Commission does not comply with the City Ordinance and staff's recommendation is that the Conditional Use Permit request be continued to the February 21, 2008 Planning Commission meeting. Discussion followed.

In response to LeMay's question, Elkins stated that the adjacent property owner is not interested in providing easements with regard to parking.

In response to Scull's question, Elkins reviewed the process available to the applicant. Discussion followed.

Brown moved, LeMay seconded and unanimously carried to recommend that the Conditional Use Permit to allow an on-sale liquor establishment be continued to the February 21, 2008 Planning Commission meeting at the applicant's request. (7 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay 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.

43. Discussion Items

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

In response to Brewer's question, Elkins stated that there have been preliminary meetings between City staff and other communities. Elkins reviewed the boundary map attached on line. Discussion followed.

Brown moved, Landguth seconded to continue the Planning Commission meeting past the 9:00 a.m. deadline. (7 to 0 with Brewer, Brown, Derby, Gregg, Landguth, LeMay and Scull voting yes and none voting no)

In response to Brewer's question, Elkins stated that the City of Box Elder

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had concerns with developments approved through Meade County that were detrimental to the community.

Scull requested an invitation to meetings discussing the platting jurisdiction.

In response to Brewer's question, Elkins stated that the Rapid City City Council is waiting for a recommendation from the Planning Commission. Discussion followed.

Scull expressed his concern for the need for the increase in the three mile platting jurisdiction.

Brewer requested a public input session. Discussion followed.

Brewer requested a time of 5:30 in Council Chambers on February 20, 2008.

Lemay left the meeting at this time.

Scull moved, Brown seconded and unanimously carried to continued the Pros and Cons of Expanding City's Platting Jurisdiction to a special public input meeting on February 20, 2008 at 5:30 p.m. in Council Chambers. (6 to 0 with Brewer, Brown, Derby, Gregg, Landguth and Scull voting yes and none voting no)

44. Staff Items

45. Planning Commission Items

46. Committee Reports

- A. City Council Report (January 22, 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, Derby seconded and unanimously carried to adjourn the meeting at 9:16 a.m. (6 to 0 with Brewer, Brown, Derby, Gregg, Landguth and Scull voting yes and none voting no)

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