

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
November 8, 2007

MEMBERS PRESENT: Peter Anderson, Gary Brown, Mike Derby, Frank Etter, Julie Gregg, Mike LeMay (by phone), Steve Rolinger, Andrew ~~J. Scull~~ **A. Scull** and Karen Waltman. Ron Kroeger, Council Liaison was also present

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

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

Roll Call Attendance was taken

1. No. 07TI016 - Dakota Canyon

A request by Doyle Estes for Dakota Canyon Marketplace to consider an application for a **Creation of Tax Increment District** on Tract E of Medicine Ridge No. 2; Lot 1 of Owen Hibbard Subdivision; Lots 1 and 2 in Block 1, and Lots 1, 2 and 3 Less Tower Ridge 2 in Block 2, and Lots 1, 2 and 3 in Block 3 of Aladdin Heights Subdivision; Lots 1-12 in Block 1 of Tower Ridge 2; Tracts 2 and 3 and Utility Lot 1 of Par Subdivision; Common Area of Enchanted Hills No. 2; Tract B of Tract 1 of the W1/2 SW1/4 less Lot 1 of IGT Subdivision, Lots A, B and C of the SW1/4 SW1/4, and the unplatted portions of the E1/2 W1/2 SW1/4 and the E1/2 SW1/4; all in Section 23, T1N, R7E BHM; the unplatted portion of the N1/2 SW1/4 lying North of Catron Blvd. Right-of-way, in Section 24, T1N, R7E, BHM; Lot A of Ranch Subdivision; Lots 1 and 2 of Connector Subdivision; Lot 1 of Shipman Heights Subdivision; Tracts AR2 and B of Needles Subdivision; Lot A of Tucker Subdivision; Tracts A and B of Meadow View Subdivision; Tract 1 of the W1/2 NW1/4 Less Lot A of Ranch Subdivision and less Connector Subdivision and less Lots H1, H2, H3 and Right-of-way; the unplatted portions of the NW1/4 lying East of Hwy 16 and North of Catron Blvd.; all in Section 26, T1N, R7E, BHM; Tract 1 in the SE1/4 NE1/4 less Connector Subdivision and less Lot H-1 in Section 27, T1N, R7E, BHM; the Catron Boulevard Right-of-Way: Lot H1 in S1/2 NE1/4, Lot H1 in SE1/4 NW1/4, Lot H1 in N1/2 SE1/4, Lot H1 in N1/2 SW1/4, Lot H2 in SW1/4 SW1/4 in Section 24, T1N, R7E, BHM; and Lot H1 in SE1/4, Lot H2 in E1/2 SW1/4 SE1/4 in Section 23, T1N, R7E, BHM; and Lot H1 in NW1/4 NE1/4, Lot H1 in NE1/4 NW1/4, Lot H1 in SE1/4 NW1/4, Lot H3 in SW1/4 NW1/4, Lot H2 in Tract 1 in W1/2 NW1/4 in Section 26, T1N, R7E, BHM; and Lot H1 in Tract 1 in SE1/4 NE1/4 in Section 27, T1N, R7E, BHM; the East boundary of which is 5th Street and the West boundary of which is the West side of the intersection of Catron Blvd and South Hwy 16 Service Road; the South Hwy 16 and Service Road Right-of-Way: Lots H1 and H2 in N1/2 NW1/4, Lot H1 in S1/2 NW1/4, Lot H2 in SE1/4 NW1/4, Lot H1 in Lot B of SW1/4 NW1/4, Lot H1 in SW1/4, Lot H2 in W1/2 SW1/4 in Section 23, T1N, R7E, BHM; and Lots H1 and H2 in W1/2 NW1/4, Lot H1 in NW1/4 SW1/4, Lot H1 in Lot B of NW1/4 SW1/4, Lot H1 in SW1/4 SW1/4, Lot H1 in Lot B of SW1/4 SW1/4, Lot H3 in Tract 1 in W1/2 NW1/4 in Section 26, T1N, R7E, BHM; Lot H1 in Tract 1 in SE1/4

NE1/4 in Section 27, T1N, R7E, BHM, Lying North and South of the intersection of Catron Blvd and South Hwy 16 Service Road; the North Boundary of which lies adjacent to the North Lot line of Tract E of Medicine Ridge No. 2 and the South Boundary of which lies adjacent to the South Lot line of Lot 2 of Connector Subdivision; Dedicated Public Rights-of-Way: Northview Drive, and Tablerock Road in Section 23, T1N, R7E, BHM; Tucker Street, and Promise Road Lying East of South Hwy 16 and Promise Road Lying West of the South Hwy 16 Service Road adjacent To Lot 1 of Owen Hibbard Subdivision, in Sections 23 and 26, T1N, R7E, BHM; all in Rapid City, Pennington County, South Dakota, more generally described as being located along U.S. Highway 16 and north of Catron Boulevard.

2. No. 07TI017 - Dakota Canyon

A request by Doyle Estes for Dakota Canyon Marketplace to consider an application for a **Project Plan for Tax Increment District** on Tract E of Medicine Ridge No. 2; Lot 1 of Owen Hibbard Subdivision; Lots 1 and 2 in Block 1, and Lots 1, 2 and 3 Less Tower Ridge 2 in Block 2, and Lots 1, 2 and 3 in Block 3 of Aladdin Heights Subdivision; Lots 1-12 in Block 1 of Tower Ridge 2; Tracts 2 and 3 and Utility Lot 1 of Par Subdivision; Common Area of Enchanted Hills No. 2; Tract B of Tract 1 of the W1/2 SW1/4 less Lot 1 of IGT Subdivision, Lots A, B and C of the SW1/4 SW1/4, and the unplatted portions of the E1/2 W1/2 SW1/4 and the E1/2 SW1/4; all in Section 23, T1N, R7E BHM; the unplatted portion of the N1/2 SW1/4 lying North of Catron Blvd. Right-of-way, in Section 24, T1N, R7E, BHM; Lot A of Ranch Subdivision; Lots 1 and 2 of Connector Subdivision; Lot 1 of Shipman Heights Subdivision; Tracts AR2 and B of Needles Subdivision; Lot A of Tucker Subdivision; Tracts A and B of Meadow View Subdivision; Tract 1 of the W1/2 NW1/4 Less Lot A of Ranch Subdivision and less Connector Subdivision and less Lots H1, H2, H3 and Right-of-way; the unplatted portions of the NW1/4 lying East of Hwy 16 and North of Catron Blvd.; all in Section 26, T1N, R7E, BHM; Tract 1 in the SE1/4 NE1/4 less Connector Subdivision and less Lot H-1 in Section 27, T1N, R7E, BHM; the Catron Boulevard Right-of-Way: Lot H1 in S1/2 NE1/4, Lot H1 in SE1/4 NW1/4, Lot H1 in N1/2 SE1/4, Lot H1 in N1/2 SW1/4, Lot H2 in SW1/4 SW1/4 in Section 24, T1N, R7E, BHM; and Lot H1 in SE1/4, Lot H2 in E1/2 SW1/4 SE1/4 in Section 23, T1N, R7E, BHM; and Lot H1 in NW1/4 NE1/4, Lot H1 in NE1/4 NW1/4, Lot H1 in SE1/4 NW1/4, Lot H3 in SW1/4 NW1/4, Lot H2 in Tract 1 in W1/2 NW1/4 in Section 26, T1N, R7E, BHM; and Lot H1 in Tract 1 in SE1/4 NE1/4 in Section 27, T1N, R7E, BHM; the East boundary of which is 5th Street and the West boundary of which is the West side of the intersection of Catron Blvd and South Hwy 16 Service Road; the South Hwy 16 and Service Road Right-of-Way: Lots H1 and H2 in N1/2 NW1/4, Lot H1 in S1/2 NW1/4, Lot H2 in SE1/4 NW1/4, Lot H1 in Lot B of SW1/4 NW1/4, Lot H1 in SW1/4, Lot H2 in W1/2 SW1/4 in Section 23, T1N, R7E, BHM; and Lots H1 and H2 in W1/2 NW1/4, Lot H1 in NW1/4 SW1/4, Lot H1 in Lot B of NW1/4 SW1/4, Lot H1 in SW1/4 SW1/4, Lot H1 in Lot B of SW1/4 SW1/4, Lot H3 in Tract 1 in W1/2 NW1/4 in Section 26, T1N, R7E, BHM; Lot H1 in Tract 1 in SE1/4 NE1/4 in Section 27, T1N, R7E, BHM, Lying North and South of the intersection of Catron Blvd and South Hwy 16 Service Road; the North Boundary of which lies adjacent to the North Lot line of Tract E of Medicine Ridge No. 2 and the South Boundary of which lies adjacent to the South Lot line of Lot 2 of Connector Subdivision; Dedicated Public Rights-of-Way: Northview Drive, and Tablerock

Road in Section 23, T1N, R7E, BHM; Tucker Street, and Promise Road Lying East of South Hwy 16 and Promise Road Lying West of the South Hwy 16 Service Road adjacent To Lot 1 of Owen Hibbard Subdivision, in Sections 23 and 26, T1N, R7E, BHM; all in Rapid City, Pennington County, South Dakota, more generally described as being located along U.S. Highway 16 and north of Catron Boulevard.

Bulman presented the Tax Increment District Project Plan and Creation requests. Bulman identified options to the Planning Commission to act upon with regard to the Tax Increment District Project Plan request.

At Derby's request, Bulman presented slides of the proposed Tax Increment District Project Plan.

Doyle Estes, representative for the applicant, presented the Tax Increment District Project Plan. Estes expressed his opinion that previous Tax Increment Districts have proven to be a positive contribution to the City of Rapid City.

Jim Scull, Project Manager for Dakota Marketplace, presented the position of the applicant. J. Scull presented handouts on the dais. J. Scull expressed his opinion that retail development is needed in this neighborhood. J. Scull suggested that the proposed development is "Smart Growth".

In response to Derby's question, J. Scull identified costs associated with the proposed Tax Increment District.

In response to Derby's question, Estes advised that any outstanding loan balance at the end of the loan period is paid by the applicant. Discussion followed with regard to the loan pay off and the developer's costs.

In response to Brown's questions, J. Scull identified the necessary and convenient costs. J. Scull added that the proposed numbers for the Tax Increment District have been revised. J. Scull reviewed the costs allocation. Discussion followed.

Anderson expressed his concerns with validity of the proposed project for the City of Rapid City. Anderson expressed concerns with proposed grading costs. Anderson expressed his opinion that those costs should be the responsibility of the developer. Anderson expressed opposition to the proposed Tax Increment District. Discussion followed.

LeMay expressed opposition to the proposed development being funded through a Tax Increment Finance District.

J. Scull stated that the Wal-Mart development is not funded through the Tax Increment District.

Scott Sumner, an attorney representing the applicant, expressed his opinion that the City Council has the final approval on the Tax Increment District request. Sumner stated that Planning Commission's responsibility is to accept public

comment. Sumner reviewed the City of Rapid City's guidelines for the approval process of the Tax Increment District request.

In response to Derby's question, Landeen reviewed the Planning Commission's role in the approval process for the Tax Increment District requests. Landeen recommended that the Planning Commission approve boundaries and the creation of the Tax Increment District to ensure that the Council takes final action. Landeen reviewed the approval process.

Pat Hahn, Rapid City resident, expressed her concerns with the appropriate use of land for the proposed development. Hahn further added that there may be a possible negative impact to the environment on the adjacent properties.

Steve Brenden, Rapid City resident, expressed his opinion that Wal-Mart should be responsible for the costs of development Brenden requested that the Planning Commission deny the Tax Increment District request.

LeMay left the meeting at this time.

Jesse Ham, Rapid City resident, expressed his concerns with the proposed Tax Increment District request. Ham requested further review of the Tax Increment District request by the Tax Increment Financing Committee.

Diane Dahl, area resident and Secretary of Enchanted Hills Homeowner's Association, expressed opposition to the Tax Increment District request. Dahl requested that the Enchanted Hills commons land not be included in the development. Dahl expressed concerns regarding the proposed numbers presented in the Tax Increment District request.

Bill Dambowy, area resident, expressed his opposition to the applicant's comments on Smart Growth and the use of a Tax Increment District for the proposed development. Dambowy requested that the Planning Commission deny the proposed Tax Increment District.

Richard Kovarik, area resident, expressed his opposition to the proposed development of the property. Kovarik expressed concern for the assessment that the property is termed blighted.

Kim Mutschelknaus, expressed opposition to the proposed development of the property. Mutschelknaus further commented that smaller development is more appropriate for the site.

Dale Jensen, area resident, presented photos of the area. Jensen expressed his opposition to the proposed development on the property. Jensen expressed concern with notification processes.

Bill Okrepkie, Alderman, expressed his support for the proposed development of the property.

Scott Craig, area resident expressed his opinion that other adequate developable

sites are available for the proposed development. Craig expressed opposition to the proposed Tax Increment District request.

Dawn Gagliano, area resident, expressed her opinion that a more appropriate development be constructed on the Property. Gagliano expressed concern for the possible negative impact the proposed development on the adjacent properties.

Jim Phoenix, area resident, expressed his opposition to the proposed Tax Increment District request.

Brown left the meeting at this time.

Tom Katus, State Senator – District No. 32, expressed opposition to the proposed development. Katus added that Tax Increment Districts should be utilized for development of downtown. Katus stated that the developer should be responsible for the cost of development. Katus requested that an open forum meeting be held at a more convenient time of day. Katus voiced his support for the Planning Commission input to the decision making process.

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

Rolinger expressed support for the public comment.

Bulman reviewed the options available to the Planning Commission.

Rolinger moved, Etter seconded to approve the creation of boundaries and forwarding the project plan to City Council with the changes submitted by the developers.

In response to Waltman's questions, Estes identified the advantages to the taxpayers. Estes added that the proposed development would substantially enhance the value of the property and allow commercial development that would increase property and sales tax revenue for the City of Rapid City.

Waltman asked that the Planning Commission take into consideration the area resident's voice. Discussion followed.

Jim Scull reviewed costs associated with the water and sewer necessary for the development.

In response to Derby's question, Bulman stated that the Tax Increment Finance Committee could review revised costs and make a recommendation to bring back to the Planning Commission for consideration. Discussion followed.

Substitute Motion by Derby, Seconded by Anderson and unanimously carried to recommend that the Resolution Creating Dakota Canyon Marketplace Tax Increment District and Dakota Canyon Marketplace Tax Increment District Project Plan be referred back to the Tax Increment

Financing Committee for additional consideration. (4 to 2 to 1 with Anderson, Derby, Gregg and Waltman voting yes and Etter and Rolinger voting no and ~~J. Scull~~ A. Scull abstaining)

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 Items 5 and 14 be removed from the Non-Hearing Consent Agenda for separate consideration.

A member of the audience requested that Item 17 be removed from the Non-Hearing Consent Agenda for separate consideration.

Motion by Anderson, Seconded by Rolinger and unanimously carried to recommend approval of the Non-Hearing Consent Agenda Items 3 thru 21 in accordance with the staff recommendations with the exception of Items 5, 14 and 17. (7 to 0 with Anderson, Derby, Etter, Gregg, Rolinger, ~~J. Scull~~ A. Scull and Waltman voting yes and none voting no)

---NON HEARING ITEMS CONSENT CALENDAR---

3. Approval of the October 25, 2007 Planning Commission Meeting Minutes.

4. 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 November 21, 2007 Planning Commission meeting to allow the applicant to address the outstanding issues and to allow the applicant to submit additional information.

6. 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 November 21, 2007 Planning Commission meeting to allow the

applicant to submit the required information.

7. No. 07PL132 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Preliminary Plat** on Lots 8, 9, 17, 22 and 23 of Marlin Industrial Park, located in the unplatted portion of the NW1/4 NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the NW1/4 NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located the northeast, southeast and southwest of the intersection of Creek Drive and Marlin Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, plans for Elk Vale Road must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, a non-access easement shall be identified along Elk Vale Road, as no access will be allowed onto Elk Vale Road;**
2. **Prior to Preliminary Plat approval by the City Council, revised construction plans shall be submitted including the temporary turn-around and the easement document for the temporary turn-around shall be recorded at the Register of Deeds office. In addition, non-access easements shall be identified along Creek Drive with the exception of a shared approach for proposed Lots 22 and 23 of Marlin Industrial Park;**
3. **Prior to City Council approval of a Preliminary Plat, revised construction plans shall be submitted including the temporary turn-around and the easement document for the temporary turn-around shall be recorded at the Register of Deeds office;**
4. **Prior to Preliminary Plat approval by the City Council, a revised cost estimate of the subdivision improvements shall be submitted for review and approval;**
5. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
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.**

8. No. 07PL139 - Villaggio at Golden Eagle

A request by Sperlich Consulting, Inc. for Signature Development to consider an application for a **Preliminary Plat** on Lots 1R, 2R, 3R and 4R of Block 2 of Villaggio at Golden Eagle, located in the S1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1, 2, 3 and 4 of Block 2 of Villaggio at Golden Eagle, and a portion of the

SW1/4 of the NW1/4 of the SE1/4 of Section 22, located in the S1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Villaggio Lane and Golden Eagle Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, road construction plans for Golden Eagle Drive located along the south lot line of proposed Lot 1R, Block 2 shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;**
 2. **Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement;**
 3. **Prior to Preliminary Plat approval by the City Council, all of the affected utility companies shall submit written documentation concurring with the vacation of the eight foot wide minor drainage and utility easement located along the previous rear lot line(s) or the plat document shall be revised to show the existing easement;**
 4. **Prior to submittal of a Final Plat application, the plat document shall be revised to include a note stating that "No driveways shall be allowed in excess of 15% slope". In addition a note shall be included stating that "Driveway lengths in excess of 150 feet shall provide a Fire Department turnaround;**
 5. **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,**
 6. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**
9. No. 07PL140 - Robbinsdale Addition No. 10
A request by Sperlich Consulting, Inc. for Walgar Development to consider an application for a **Preliminary Plat** on Lot 27 of Block 23 of Robbinsdale Addition No. 10, located in the NW1/4 of the NE1/4 of the SE1/4, the E1/2 of the NW1/4 of the SE1/4, and in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the NE1/4 of the SE1/4, a portion of the E1/2 of the NW1/4 of the SE1/4, and a portion of Tract B of Robbinsdale Addition No. 10, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the right-of-way of Wisconsin Avenue, and the Point of Beginning; Thence, first course: N70°21'03"E along the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, a distance of 119.95 to a point on the westerly boundary of Lot 14 of Block 23 of Robbinsdale Addition No. 10; Thence,

second course: S25°27'00"E, along the westerly boundary of said Lot 14 of Block 23 of Robbinsdale Addition No. 10, a distance of 90.08 feet, to the southwesterly corner of said Lot 14 of Block 23 of Robbinsdale Addition No. 10, common to a point on the northerly edge of the right-of-way of East Minnesota Street; Thence, third course: southwesterly, along the northerly edge of said East Minnesota Street right-of-way, curving to the left on a curve with a radius of 1343.10 feet, a delta angle of 05°09'18", an arc length of 120.84 feet, a chord bearing of S55°55'34"W, and a chord distance of 120.80 feet, to the intersection of the northerly edge of said East Minnesota Street right-of-way, intersecting with the easterly edge of the right-of-way of said Wisconsin Avenue; Thence, fourth course: northwesterly, along the easterly edge of said Wisconsin Avenue right-of-way, curving to the right on a curve with a radius of 236.12 feet, a delta angle of 18°19'43", an arc length of 75.53 feet, a chord bearing of N28°51'00"W, and a chord distance of 75.21 feet, to a point of tangency; Thence, fifth course: N19°41'41"W, along the easterly edge of said Wisconsin Avenue right-of-way, a distance of 45.47 feet, to the southwest corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the right-of-way of said Wisconsin Avenue, and the Point of Beginning, more generally described as being located north of the intersection of East Minnesota Street and Wisconsin Avenue.

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

- 1. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of ten additional feet of right-of-way along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained;**
- 2. Prior to Preliminary Plat approval by the City Council, the applicant shall submit verification that the adjacent streets have been constructed as per City Specifications, including sewer and water improvements as per Chapter 16.20.040.I of the Rapid City Municipal Code. In addition, construction plans shall be submitted for review and approval if determined necessary to meet City Specifications or a Variance to the Subdivision Regulations shall be obtained;**
- 3. Prior to Preliminary Plat approval by the City Council, the applicant shall verify that a water line is not located within the existing 20 foot wide water line easement to be vacated on the plat or the plat document shall be revised to show retaining the water line easement or the water line shall be relocated;**
- 4. Prior to submittal of a Final Plat application, the plat document shall be revised to show a planting screen easement along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained;**
- 5. 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,**
- 6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

A request by Fisk Land Surveying & Consulting Engineers, Inc. for Mark and Jana Koupal to consider an application for a **Preliminary Plat** on Plat of Lots 1 and 2 of Koupal Estates Subdivision, located in the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 32774 Wallace Street.

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

1. **Prior to Preliminary Plat approval by the City Council, the adjacent property owners shall participate in the platting of the west half and the south half of the section line highways or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way or the section line highways shall be vacated;**
 2. **Prior to Preliminary Plat approval by the City Council, water information identifying the existing available flows of the existing well located on proposed Lot 1 shall be submitted for review and approval;**
 3. **Prior to any construction within the section line highway(s), the applicant shall request the County Board of Commission to open the section line highway(s);**
 4. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
 5. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**
11. No. 07RD005 - Rockinon Ranch Estates
A request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Resolution for a Road Name Change from Abbey Road to Lennon Lane** on Lots 1 thru 7, 22, 31 and 32, Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Bunker Drive along Abbey Road.

Planning Commission recommended the approval of the proposal to change Abbey Road to Lennon Lane with the stipulation that surety be posted for the installation of the new street signs.

12. No. 07SR047 - Section 15, T1N, R8E
A request by West River Electric Assn. to consider an application for an **SDCL 11-6-19 Review to construct an electric utility substation on public property** on Lot WR of the NE1/4 NE1/4, Section 15 T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 3383 Reservoir Road.

Planning Commission continued the SDCL 11-6-19 Review to construct a public electric utility substation to the November 21, 2007 Planning Commission meeting to allow the applicant time to submit additional

information.

13. No. 07SR049 - Section 35, T2N, R7E

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

Planning Commission continued the SDCL 11-6-19 Review to allow paving of a parking lot on public property and to allow paving of a portion of public alley to the November 21, 2007 Planning Commission meeting to allow the applicant time to submit additional information.

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

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

Planning Commission continued the SDCL 11-6-19 Review to allow construction of a sign on public property to the November 21, 2007 Planning Commission meeting to allow the applicant time to submit additional information.

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

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

Planning Commission recommended that the Vacation of Non-Access Easement be continued to the November 21, 2007 Planning Commission meeting to allow the applicant to submit additional information.

18. No. 07VE039 - Rockinon Ranch Estates

A request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 7, Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Bunker Drive along Abbey Road.

Planning Commission recommended that the Vacation of Non-Access Easement be continued to the November 21, 2007 Planning Commission Meeting to allow the applicant time to submit a revised exhibit and an associated Exception Request.

19. No. 07VE040 - Rockinon Ranch Estates

A request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 22, Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast corner of the intersection of Butterfly Lane and Abbey Road (Hovering Heights Court).

Planning Commission recommended that the Vacation of Non-Access Easement be continued to the November 21, 2007 Planning Commission Meeting to allow the applicant time to submit a revised exhibit and an associated Exception Request.

20. No. 07VE041 - Rockinon Ranch Estates

A request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 31, Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest corner of the intersection of Butterfly Lane and Abbey Road (Hovering Heights Court).

Planning Commission recommended that the Vacation of Non-Access Easement be continued to the November 21, 2007 Planning Commission Meeting to allow the applicant time to submit a revised exhibit and an associated Exception Request.

21. No. 07VE042 - Rockinon Ranch Estates

A request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 32, Rockinon Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the southeast corner of the intersection of Abbey Road (Hovering Heights Court) and Antler Ridge Road.

Planning Commission recommended that the Vacation of Non-Access Easement be continued to the November 21, 2007 Planning Commission Meeting to allow the applicant time to submit a revised exhibit and an associated Exception Request.

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

5. No. 07PL121 - Rapps Addition

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

Street and Rapp Street.

Fisher presented the staff's recommendation to continue the Preliminary Plat request to the November 21, 2007 Planning Commission meeting at the applicant's request.

Rolinger moved, Anderson seconded and unanimously carried to recommend that the Preliminary Plat be continued to the November 21, 2007 Planning Commission meeting at the applicant's request. (7 to 0 with Anderson, Derby, Etter, Gregg, Rolinger, ~~J. Scull~~ A. Scull and Waltman voting yes and none voting no)

14. No. 07SR052 - Section 2, T1N, R7E

A request by Ted Ruffedt, Jr. for Pennington County/Rapid City 911 to consider an application for an **SDCL 11-6-19 Review to allow structures on public property** on an unplatted parcel of land located on the S1/2 W1/2 SE1/4 NW1/4 and the N1/2 W1/2 SE1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 940 Skyline Drive.

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

Rolinger moved, Anderson seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow construction of structures on public property. (7 to 0 with Anderson, Derby, Etter, Gregg, Rolinger, ~~J. Scull~~ A. Scull and Waltman voting yes and none voting no)

Rolinger moved, Anderson seconded and unanimously carried to recommend that the Vacation of Non-Access Easement be continued to the November 15, 2007 Planning Commission meeting. (7 to 0 with Anderson, Derby, Etter, Gregg, Rolinger, ~~J. Scull~~ A. Scull and Waltman voting yes and none voting no)

17. No. 07VE038 - Big Sky Subdivision

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

Gabe Olsen, Big Sky Homeowners Association, expressed opposition to the proposed vacation of Non-Access Easement request. Discussion followed.

Rolinger, Waltman continued the balance of the November 8, 2007 Planning Commission Agenda to November 15, 2007 at 7:00 a.m. (7 to 0 with Anderson, Derby, Etter, Gregg, Rolinger, ~~J. Scull~~ A. Scull and Waltman voting yes and none voting no)

Corrections

There being no further business, Anderson moved, Rolinger seconded and unanimously carried to adjourn the meeting at 9:10 a.m. (7 to 0 with Anderson, Derby, Etter, Gregg, Rolinger, ~~J. Scull~~ A. Scull and Waltman voting yes and none voting no)