



MINUTES OF THE
RAPID CITY PLANNING COMMISSION
February 21, 2008

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

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

Brewer called the meeting to order at 6:57 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 Items 25 and 35 be removed from the Consent Agenda for separate consideration.

Brewer requested that Items 10 and 11 be removed from the Consent Agenda for separate consideration.

Motion by Gregg, Seconded by Collins and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 37 in accordance with the staff recommendations with the exception of Items 10, 11, 25 and 35. (9 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger and Waltman voting yes and none voting no)

Waltman stated that she would participate in discussion and voting on the Tower Ridge and Dakota Canyon projects as per her discussion with the City Attorney.

Scull arrived at this time.

---CONSENT CALENDAR---

1. Approval of the January 31, 2008 Special Planning Commission meeting and the February 7, 2008 Planning Commission Meeting Minutes.
2. 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 approved.

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

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

Planning Commission recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Rural Reserve to Light Industrial be denied without prejudice at the applicant's request.

4. 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 approved.

5. 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 approved.

6. 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 March 6, 2008 Planning Commission meeting to allow the applicant to submit additional information.

7. No. 07CA064 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial with a Planned Commercial Development** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City,



Pennington County, South Dakota, more fully described as follows: Commencing at the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Thence first course: N78°00'34"E, along the centerline of Marlin Drive, a distance of 201.84 feet, to the end of the previously dedicated Marlin Drive; Thence, second course: N78°00'34"E, a distance of 66.26 feet; Thence, third course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of N76°10'58"E, and chord distance of 63.76 feet; Thence, fourth course: N74°21'21"E, a distance of 66.33 feet; Thence, fifth course: S15°38'39"E, a distance of 29.50 feet; Thence, sixth course: S74°21'21"W, a distance of 54.43 feet; Thence, seventh course: S26°59'57"E, a distance of 151.65 feet; Thence, eighth course: S56°56'40"W, a distance of 309.27 feet; Thence, ninth course: S56°56'40"W, a distance of 50.00 feet; Thence tenth course: curving to the right, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of N28°46'30"W, and chord distance of 89.57 feet; Thence eleventh course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of N23°55'17"W, and chord distance of 20.01 feet, to the end of dedicated Creek Drive centerline; Thence twelfth course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of N17°40'09"W, and chord distance of 197.91 feet, the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Said Parcel contains 87,663 square feet or 2.012 acres more or less, more generally described as being located southeast of the intersection of Creek Drive and Marlin Drive.

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

8. No. 07CA065 - Marlin Industrial Park

A request by Dream Design International, Inc. to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Thence, first course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 05°11'13", a length of 272.92 feet, a chord bearing of N79°49'24"E, and chord distance of 272.83 feet; Thence, second course: S15°38'39"E, a distance of 95.46 feet; Thence, third course: S74°21'21"W, a distance of 66.33 feet; Thence, fourth course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of S76°10'58"W, and chord distance of 63.76 feet; Thence fifth course: S78°00'34"W, a distance of 66.26 feet, to the end of dedicated Marlin Drive centerline; Thence sixth course: S78°00'34"W, along the centerline of Marlin Drive, a distance of 201.84 feet, to the intersection of centerline Marlin Drive and Creek Drive; Thence seventh course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00



feet, a delta angle of 05°21'24", a length of 93.49 feet, a chord bearing of N09°18'43"W, and chord distance of 93.46 feet; Thence eight course: N06°38'01"W, along the centerline of Creek Drive, a distance of 422.07 feet, to a point on the southerly right-of-way of Elk Vale Road; Thence ninth course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 00°57'11", a length of 50.15 feet, a chord bearing of N82°50'59"E, and chord distance of 50.15 feet, to the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Said Parcel contains 182,629 square feet or 4.193 acres more or less, more generally described as being located northeast of the intersection of Creek Drive and Marlin Drive.

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

9. No. 07CA066 - Section 20, T1N, R8E

A request by City of Rapid City to consider an application for a **Summary of Adoption Action on an Amendment to the Adopted Comprehensive Plan to change the land use designation from Agriculture to Heavy Industrial** on Lots 1A and 2A in the SE1/4 of the NW1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5406 Old Folsom Road.

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

12. 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 March 6, 2008 Planning Commission meeting to allow the applicant to address the outstanding issues and to allow the applicant to submit additional information.

13. 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 March 6, 2008 Planning Commission meeting.

14. No. 07SV057 - Hyland Crossing Subdivision

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

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 6, 2008 Planning Commission meeting.

15. No. 07PL166 - Spring Creek Estates Subdivision

A request by Oliver A. Freimark to consider an application for a **Layout Plat** on Lot 1 of Spring Creek Estates Subdivision, located in a portion of the NE1/4 SE1/4, Section 3, T1S, R7E, BHM, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4, Section 3, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 8686 South Highway 16.

Planning Commission recommended that the Layout Plat be continued to the March 6, 2008 Planning Commission meeting to allow the applicant to submit additional information.

16. No. 07PL180 - Prairie Meadows Subdivision

A request by Dream Design International for Signature Homes, LLC to consider an application for a **Layout Plat** on Lots 1 thru 263 and Tracts A, B, D, E, F, G, H, I, J and K of Prairie Meadows Subdivision, located in Section 18, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Government Lot 4 less Right-of-way, the unplatted balance of the SE1/4 SW1/4, and the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Country Road, east of Cobalt Avenue and west of 143rd Street.

Planning Commission recommended that the Layout Plat be continued to



the March 6, 2008 Planning Commission meeting.

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

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

Planning Commission denied the SDCL 11-6-19 Review to improve Kirkeby Lane without prejudice.

18. No. 07VR005 - Section 4, T1N, R8E

A request by Dream Design International, Inc. to consider an application for a **Vacation of Right-of-way** on the portion of the unplatted balance lying between Lancer Drive and Elk Vale Road of the SE1/4 less Lot H1, less Lots H3 and H4 of the W1/2 SE1/4 and less Lots H3, H4 and H5 of the E1/2 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of the intersection of Lancer Drive and Elk Vale Road.

Planning Commission recommended that the Vacation of Right-of-way be continued to the March 6, 2008 Planning Commission meeting.

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

20. 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 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 Rezoning from Low Density Residential District to Medium Density Residential District be continued to the March 6, 2008 Planning Commission meeting at the applicant's



request.

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

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

23. 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 March 6, 2008 Planning Commission meeting.

24. 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 March 6, 2008 Planning Commission meeting.

26. No. 08PL007 - Bar P-S Subdivision

A request by Davis Engineering, Inc. for Merlin Stromer to consider an application for a **Preliminary Plat** on Lots B1 and B2 of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of S.D. Highway 44 and Airport Road.

Planning Commission recommended that the Preliminary Plat be continued to the March 6, 2008 Planning Commission meeting.

27. No. 08SV003 – Bar P-S Subdivision

A request by Davis Engineering, Inc. for Merlin Stromer 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 B1 and B2 of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot B of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of S.D. Highway 44 and Airport Road.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 6, 2008 Planning



Commission meeting.

28. No. 08PL008 - Clarkson Subdivision

A request by Renner & Associates for Jo and Steve Benn to consider an application for a **Preliminary Plat** on Lot 8 of Block 4 of Clarkson Subdivision, located in a portion of the N1/2 of the SE1/4, a portion of the S1/2 of the NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a portion of the N1/2 of the SE1/4, a portion of the S1/2 of the NE1/4, a portion of Spring Canyon Trail Right-of-way, and a portion of Clarkson Road Right-of-way, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Clarkson Road and Spring Canyon Trail.

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

1. **Upon submittal of a Preliminary Plat application, road construction plans for Spring Canyon Trail shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot right-of-way and 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 or Spring Canyon Trail shall be vacated;**
2. **Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
3. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;**
4. **Prior to Preliminary Plat approval by the City Council, a drainage, grading and erosion control plan be submitted for review and approval if any subdivision improvements are required as a part of this plat review unless a Variance is granted waiving those improvements; and,**
5. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

29. No. 08SV004 - Clarkson Subdivision

A request by Renner & Associates for Jo and Steve Benn to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 8 of Block 4 of Clarkson Subdivision, located in a portion of the N1/2 of the SE1/4, a portion of the S1/2 of the NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a portion of the N1/2 of the SE1/4, a portion of the S1/2 of the NE1/4, a portion of Spring Canyon Trail Right-of-way, and a portion of Clarkson Road Right-of-way, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Clarkson Road and Spring



Canyon Trail.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

30. No. 08VR001 - Clarkson Subdivision

A request by Renner & Associates for Jo and Steve Benn to consider an application for a **Vacation of Right-of-Way** on a portion of Clarkson Road Right-of-way, located in the S1/2 of the NE1/4 and the N1/2 of the SE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Clarkson Road and Spring Canyon Trail.

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

31. No. 08VR002 - Clarkson Subdivision

A request by Renner & Associates for Jo and Steve Benn to consider an application for a **Vacation of Right-of-Way** on a portion of Spring Canyon Trail Right-of-way, located in the S1/2 of the NE1/4 and the N1/2 of the SE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located at the intersection of Clarkson Road and Spring Canyon Trail.

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

32. No. 08PL009 - Village on the Green No. 2 Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Randy Long to consider an application for a **Preliminary Plat** on Lots 42BR-Revised and 43AR and 43BR of Village on the Green No. 2 Subdivision, located in the NE1/4, Section 13, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 42BR and 43 of Village on the Green No. 2 Subdivision, located in the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the north side Mulligan Mile.

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

1. **Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing a sidewalk along both sides of Mulligan Mile or a Variance to the Subdivision Regulations shall be approved;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional**



3.5 feet of right-of-way for Mulligan Mile or a Variance to the Subdivision Regulations shall be obtained;

- 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and,**
- 4. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.**
- 5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.**

33. No. 08SV005 - Village on the Green No. 2 Subdivision

A request by Fisk Land Surveying & Consulting Engineers for Randy Long to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, and to reduce the pavement width and right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 42BR-Revised and 43AR and 43BR of Village on the Green No. 2 Subdivision, located in the NE1/4, Section 13, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 42BR and 43 of Village on the Green No. 2 Subdivision, located in the NE1/4, Section 13, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to the north side Mulligan Mile.

Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved with the stipulation that a note be placed on the plat prohibiting on-street parking and that a five foot wide access easement shall be provided along Mulligan Mile as it abuts the property;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalks along both sides of Mulligan Mile be approved with the stipulation that an eight foot wide asphalt walking trail shall be provided along the north side of the northern tier of lots located along the golf course; and,

That the Variance to the Subdivision Regulations to reduce the pavement width of Mulligan Mile be denied without prejudice.

34. 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 the southwest corner of the intersection of Sheridan Lake Road and Canyon Lake Drive.

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

36. No. 08SR004 - Sections 3 and 10, T1N, R8E

A request by West River Electric Association to consider an application for an



SDCL 11-6-19 Review to allow the relocation of a transmission line within the public right-of-way on the western 25 feet of Reservoir Road right-of-way, Section 3 and Section 10, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located 25 feet adjacent to west side of Sections 3 and 10.

Planning Commission continued the SDCL 11-6-19 Review to allow the relocation of a electric transmission line within the public right-of-way to the March 6, 2008 Planning Commission meeting.

37. No. 08VE001 - Redrock Meadows Subdivision

A request by C. Michael Homes, Inc. to consider an application for a **Vacation of Non-Access Easement** on Lot 19 of Block 4 of Redrock Meadows Subdivision, located in the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Cog Hill Lane and Sahalee Drive.

Planning Commission recommended that the Vacation of Non-Access Easement be approved with the following stipulation:

1. **Prior to Public Works Committee approval, a miscellaneous document providing a Non-Access easement along the entire length of Sahalee Drive adjacent to the property shall be recorded at the Register of Deed's Office.**

---END OF CONSENT CALENDAR---

Brewer requested that items 10 and 11 be taken concurrently.

10. No. 07PL067 - Tower Ridge No. 2 Subdivision

A request by Whittingham & Lestrangle, LPI to consider an application for a **Preliminary Plat** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract a of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.



11. No. 07SV026 - Tower Ridge No. 2 Subdivision

A request by Whittingham & LeStrange, LPI to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-Way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-Way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract A of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of U. S. Highway 16 and Catron Boulevard.

Scull left the meeting at this time.

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

Brown moved, Anderson seconded and carried to recommend that the Preliminary Plat and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 6, 2008 Planning Commission meeting. (8 to 0 to 1 with Anderson, Brown, Collins, Derby, Gregg, Landguth, Rolinger and Waltman voting yes and none voting no and Brewer abstaining)

25. 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.



Scull returned to the meeting at this time.

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

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

- 1. Prior to Preliminary Plat approval by the Planning Commission, the plat document shall be revised to show a maximum 40 foot by 40 foot shared approach along the common lot line of proposed Lot 1 and Lot 2. In addition, the plat document shall be revised to show a 20 foot by 40 foot shared approach along the south lot line of proposed Lot 1;**
- 2. Prior to Preliminary Plat approval by the City Council, a shared approach easement, measuring 20 foot by 40 foot shall be obtained from the adjacent property owner located south of proposed Lot 1 or the southern driveway to proposed Lot 1 shall be eliminated;**
- 3. Prior to Preliminary Plat approval by the City Council, that portion of the driveway located on proposed Lot 2 which serves as access to the adjacent property shall be removed or upon submittal of a Final Plat application, surety shall be posted to insure that the driveway is removed;**
- 4. Prior to Preliminary Plat approval by the City Council, construction plans for the existing 30 foot wide access and utility easement shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained;**
- 5. Prior to Preliminary Plat approval by the City Council, a grading and erosion control plan shall be submitted for review and approval if any subdivision improvements are required as a part of this plat review;**
- 6. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the drainage easement as shown on the site plan;**
- 7. Prior to Preliminary Plat approval by the Planning Commission, a cost estimate of the subdivision improvements, including the cost of removing a portion of the driveway located on proposed Lot 2, shall be submitted for review and approval;**
- 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
- 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

35. 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.

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

Waltman moved, Collins seconded and unanimously carried to continue the SDCL 11-6-19 Review to allow the expansion of an existing correction facility to the March 6, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

---BEGINNING OF REGULAR AGENDA ITEMS---

Fisher requested that items 38 and 39 be taken concurrently.

38. No. 07CA023 - Tower Ridge No. 2 Subdivision

A request by Scull Construction for Whittingham & Lestrangle, LPI to consider an application for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development** on a parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described as follows: commencing at the rear lot corner common to Lots 3 and 4 of Block 1 of Tower Ridge 2 Subdivision, rebar with a survey cap stamped LS 6117, Thence S25°59'34"E a distance of 55.29' to the point of beginning; Thence First Course: along a line with a bearing of N00°00'38"E and a distance of 355.70; Thence Second Course: along a line with a bearing of S10°41'47"E and a distance of 590.96 feet; to an intersection with the northerly line of Lot 5 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 5 and the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision with a bearing of N25°59'34"W and a distance of 250.40 feet to the Point of Beginning, more generally described as being located northeast of Table Rock Road.

39. No. 07RZ043 - Tower Ridge No. 2 Subdivision

A request by Scull Construction for Whittingham & Lestrangle, LPI to consider an application for a **Rezoning from Park Forest District to General Commercial**



District on a parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described as follows: commencing at the rear lot corner common to Lots 3 and 4 of Block 1 of Tower Ridge 2 Subdivision, rebar with a survey cap stamped LS 6117, Thence S25°59'34"E a distance of 55.29' to the point of beginning; Thence First Course: along a line with a bearing of N00°00'38"E and a distance of 355.70; Thence Second Course: along a line with a bearing of S10°41'47"E and a distance of 590.96 feet; to an intersection with the northerly line of Lot 5 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 5 and the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision with a bearing of N25°59'34"W and a distance of 250.40 feet to the Point of Beginning, more generally described as being located northeast of Table Rock Road.

Fisher presented the staff's recommendation to approve the Comprehensive Plan Amendment and Rezoning requests. Fisher further identified the proposed location of the development.

In response to Anderson's question, Fisher stated that the owner excluded this property from the previous approval for Tower Ridge No. 2. Discussion followed.

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

Bruce Eaton, area resident, expressed concern due to the possible negative impact to the adjacent neighborhood resulting from the proposed development on the subject property.

Diane Dahl, area resident, requested that the Planning Commission continue the Comprehensive Plan Amendment and Rezoning requests to the March 6, 2008 Planning Commission meeting. Dahl expressed opposition to the proposed Comprehensive Plan and Rezoning requests.

Jim Phoenix, area resident expressed opposition to the proposed Comprehensive Plan Amendment and Rezoning requests. Phoenix further expressed concern with the possible negative impact of air and noise pollution from the delivery trucks parked on the subject property to the adjacent neighborhood. Phoenix requested that the Planning Commission deny the Comprehensive Plan Amendment and Rezoning requests.

Bill Dambowy, area resident expressed opposition to the proposed Comprehensive Plan Amendment and Rezoning requests. Dambowy expressed his opinion that the proposed development is inappropriate for the location. Dambowy further requested that the Planning Commission deny the Comprehensive Plan Amendment and Rezoning requests.

Kim Mutschelknaus, area resident expressed opposition to the proposed Comprehensive Plan Amendment and Rezoning requests. Mutschelknaus expressed her opinion that the subject property would not accommodate the proposed development.



Dale Jensen, area resident expressed opposition to the proposed development on the subject property. Jensen presented a handout to the Planning Commission.

Richard Kovarik, resident of Rapid City, expressed opposition to the proposed development on the subject property and further commented on the possible negative impact of altering the existing landscaping.

Jesse Ham, expressed opposition to the proposed development and the alteration of the current landscape of the subject property.

Scull stated that he would be abstaining from discussion and voting due to a conflict of interest. Scull noted that the November 8, 2007 Planning Commission minutes show that he abstained from discussion and vote.

In response to Brown's question, Fisher stated that the applicant must provide a landscaping plan showing mature trees along the perimeter as a buffer. Discussion followed.

Anderson expressed his opposition to the Rezoning and Comprehensive Plan Amendment requests on the subject property.

Landguth expressed opposition to the Comprehensive Plan Amendment and Rezoning requests.

Collins expressed opposition to the Comprehensive Plan Amendment and Rezoning requests.

In response to Derby's question, Elkins identified that the access lane is the trigger for the requirement. Elkins further commented that a change of the layout of the proposed development would change the requirement.

In response to Jensen's question, Elkins stated that Jim Scull is no longer involved in the project. Jensen expressed his opinion that the subject property is not adequate for the proposed development.

Phoenix expressed his opinion for alternate types of trees as a buffer on the subject property.

Ham expressed his opposition to the use of pine trees as a buffer from the proposed development.

Waltman expressed her opposition to the proposed development on the subject property.

Landguth moved, Collins seconded to deny the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development and the Rezoning from Park Forest District to General Commercial District.



Substitute motion by Derby, seconded by Rolinger to continue the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development and the Rezoning from Park Forest District to General Commercial District to the March 6, 2008 Planning Commission meeting. (Motion failed on a roll call vote 3 to 5 to 2 with Derby, Landguth and Rolinger voting yes and Anderson, Brown, Collins, Gregg and Waltman voting no and Brewer and Scull abstaining)

Landguth moved, Collins seconded and carried to recommend that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development and the Rezoning from Park Forest District to General Commercial District be denied. (Motion passed on a roll call vote 6 to 2 to 2 with Anderson, Brown, Collins, Gregg, Landguth and Waltman voting yes and Derby and Rolinger voting no and with Brewer and Scull abstaining).

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 to continue to the Planned Commercial Development request to the March 6, 2008 Planning Commission meeting.

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

Rolinger moved, Waltman seconded and carried to continue the Planned Commercial Development - Initial Development Plan to the March 6, 2008 Planning Commission meeting at the applicant's request. (9 to 0 to 1 with Anderson, Brewer, Brown, Collins, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no and Derby abstaining)

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

41. No. 07RZ058 - North Boulevard Addition

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



being located at 409 West Boulevard.

Tegethoff presented the staff's recommendation that the Rezoning request be denied.

Brown moved, Collins seconded and unanimously carried to recommend that the Rezoning from Medium Density Residential District to General Commercial District be denied. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

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

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

Smith presented the staff's recommendation to continue the Conditional Use Permit request to the March 6, 2008 Planning Commission meeting.

In response to Brewer's questions, Smith stated that the applicant is working with staff to provide additional parking.

Laural Hawkins, applicant requested a variance for a limited period time.

Elkins stated that the Zoning Board of Adjustment has granted variances for set periods of time.

Fisher stated that staff is working with the applicant and the property owner to provide adequate parking. Discussion followed.

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

Collins moved, Brown seconded and carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the March 6, 2008 Planning Commission meeting at the applicant's request. (9 to 0 to 1 with



Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger and Scull voting yes and none voting no and Waltman abstaining)

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

43. No. 07UR015 - Huffman Subdivision

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

Ball presented the staff's recommendation to continue the Conditional Use Permit request to the March 6, 2008 Planning Commission meeting.

Brown moved, Collins seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the March 6, 2008 Planning Commission meeting with the applicant's concurrence. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

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

44. No. 08PD003 - Founders Park Subdivision

A request by Mike Tennyson for Founder's Park, LLC to consider an application for a **Major Amendment to a Planned Unit Development** on the unplatted balance of the W1/2 NW1/4 SE1/4, Lots 1, 7 and 8 of Founders Park Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to the west and east sides of Founders Park Drive.

Smith presented the staff's recommendation to approve the Major Amendment request with stipulations.

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

Landguth moved, Scull seconded and carried to approve the Major Amendment to a Planned Unit Development with the following stipulations:

- 1. All signage shall conform to the design, color and location as shown in the sign package submitted as a part of the Planned Commercial**



Development Plan. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to a Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;

- 2. An Exception to the Parking Regulations to reduce the parking requirement from 264 spaces to 228 is hereby denied. In addition, prior to Planning Commission approval, the site plan shall be revised to provide a minimum of 264 parking spaces with seven of the spaces being handicap accessible. One of the handicap spaces shall be "Van" accessible. The applicant also has the option of reducing the size of the proposed structures so that the minimum parking requirement as per the City's adopted Parking Regulations is being provided;**
- 3. Prior to Planning Commission approval, the construction plans shall be revised eliminating the retaining wall from the right-of-way or an Exception shall be obtained to allow the encroachment;**
- 4. Prior to Planning Commission approval, the location, size and noise rating of any exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities;**
- 5. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 6. Prior to issuance of a Building Permit, calculations for the proposed 18 inch storm sewer, including the velocity at the outlet, shall be submitted for review and approval. Additional erosion control measures shall also be provided if needed based on the velocity at the inlet;**
- 7. Prior to issuance of a building permit, 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 Development Service Center Division;**
- 8. Prior to issuance of a building permit, a Final Plat shall be recorded securing access to and through the proposed lots;**
- 9. Prior to issuance of a building permit, a joint parking agreement shall be submitted for review and approval and, subsequently, recorded to allow the parking lot to be located on Lots 6, 7, 8 and 9 of the Village at Founders Park;**
- 10. All development located within the federally designated 100 year floodplain shall be in compliance with the approved Floodplain Development Permit. In addition, prior to the start of construction, a 404 Permit shall be obtained for any work located within the federally designated 100 year floodplain if and as needed;**
- 11. An Exception to the Landscaping Ordinance is hereby granted waiving the requirement to provide four planter islands with the**



- stipulation that one large planter boulevard measuring 480 feet in length by 25 feet in width be provided as proposed;
12. A minimum of 148,296 landscaping points shall be provided. In addition, the landscaping shall be designed within the planter boulevard to reduce the heat, noise, wind and air turbulence and the glare of automobile lights within the parking lot and shall be planted with the specific size and plant material proposed. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
 13. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 14. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrant shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structure shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code;
 15. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre;
 16. The rear yard setback for the four commercial buildings on proposed Lots 6, 7, 8 and 9 is hereby reduced from 25 feet to 10 feet. Unless otherwise stipulated, all other setback requirements as per the Office Commercial District shall be met;
 17. The proposed structure(s) shall conform architecturally to the plans and elevations and color palette submitted as part of this Initial Planned Unit Development;
 18. All provisions of the Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Unit Development application or a subsequent Major Amendment;
 19. The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; and,
 20. A 25,754 square foot office commercial structure shall be allowed on proposed Lot 7 as proposed. In addition, a Major Amendment to the Planned Unit Development shall be obtained prior to issuance of a building permit for any future development on Lots 6, 8 and 9. (9 to 0 to 1 with Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no and Anderson abstaining)

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must



be submitted in writing to the Growth Management Department by close of business on the seventh full calendar day following action by the Planning Commission.

45. 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 a public utility 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 on Elk Vale Road located adjacent to the property described as Section 27, T2N, R8E, BHM, Box Elder, Pennington County, South Dakota.

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

Rolinger moved, Collins seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct public utility improvements within a public right-of-way with the following stipulations:

1. **Prior to Planning Commission approval, the construction plans shall be revised to show the 24 inch water casing located north of the intersection of Seger Drive and Elk Vale Road in lieu of south of the intersection;**
2. **Prior to Planning Commission approval, the construction plans shall be revised to show the elevation of the sewer casing raised to allow the crown of the proposed sewer main within the casing to match the crown of the existing sewer main located west of the casing. In addition, the applicant shall verify that the proposed 24 inch casing is sufficient to accommodate a future sanitary sewer main for this area; and,**
3. **Prior to Planning Commission approval, a Permit to work in the right-of-way shall be obtained. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

46. No. 08SR005 - Rapid City Greenway Tract

A request by Tim Rangitsch for BHMB to consider an application for an **SDCL 11-6-19 Review to construct a bike park on public land** on that part of Tract 17 of the Rapid City Greenway Tract located west of the intersection of Mountain View Road and West Omaha Street, Section 34, T2N, R7E and Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha, west of the intersection of Mountain View Road and West Omaha.

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

Rolinger moved, Waltman seconded and unanimously carried to continue the SDCL 11-6-19 Review to construct a bike park on public land to the



March 6, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

47. No. 08SR006 - Rapid City Greenway Tract

A request by Dave Stratton for Special Olympics of South Dakota to consider an application for an **SDCL 11-6-19 Review to allow a temporary use on public property** on Tract 20 of Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Memorial Park.

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

Rolinger moved, Collins seconded to continue the SDCL 11-6-19 Review to allow a temporary use on public property to the March 6, 2008 Planning Commission meeting.

Elkins stated that the event that is scheduled for March 1, 2008. Elkins requested that the Planning Commission approve the SDCL 11-6-19 Review request with the stipulations that the applicant acquire the required permits. Discussion followed.

Rolinger withdrew the motion, Collins seconded. Discussion followed.

Collins moved, Rolinger seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow a temporary use on public property with the following stipulations:

1. **Prior to initiation of the event, a Flood Plain Development Permit shall be obtained;**
2. **Prior to initiation of the event, a tent permit shall be obtained; and,**
3. **A Temporary Use Permit shall be obtained prior to initiation of the event. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)**

48. No. 08SR007 - Section 34, T2N, R8E

A request by Dream Design International, Inc. to consider an application for an **SDCL 11-6-19 Review to construct a public meter pit in public right-of-way** on a parcel of land located in the NE1/4 of the NW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located East of the intersection of Elk Vale Road and Cheyenne Boulevard.

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

Rolinger moved, Scull seconded and unanimously carried to approve the SDCL 11-6-19 Review to construct a public meter pit in public right-of-way



with the following stipulations:

1. Prior to Planning Commission approval, 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; and,
2. Prior to Planning Commission approval, a revised "Operation and Maintenance Agreement between Elk Vale Business Park, LLC and the City of Rapid City for Northern Lights Water Meter Pit" shall be submitted for review and approval. In addition, the applicant shall obtain authorization from the City Council for the Mayor and Finance Officer to sign the revised agreement. The Operation and Maintenance agreement shall also be recorded at the Register of Deed's Office. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

Bulman requested that items 49 and 50 be taken concurrently.

49. No. 08TI001 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Creation of Tax Increment District** on the SE1/4 NE1/4 and the W1/2 SE1/4, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The S1/2 S1/2 W1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of Block 1, Lots 1, 2, 6 and 7 of Block 2, Lots 1 through 20 of Block 3 and Roberta Street right-of-way adjacent to said lots, Earleen Street right-of-way, Kateland Street right-of-way, all located in Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of Block 5 and Lot 11 of Block 4, Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 through 17 of Block 1, Lot 1 and Lot 22 of Block 3, Lot 1 and Lot 24 of Block 4, Lot 1 and Lot 24 of Block 5, Lot 1 and 24 of Block 6, Lot 1 of Block 7, Bengal Drive right-of-way adjacent to said lots, all located in Mall Ridge Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The unplatted portion of the SW1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 7 through 16 of Block 2 and Titan Drive right-of-way adjacent to said lots, Lots 1 through 6 of Block 3, Lots 1 through 3 of Block 6 and Three Rivers Drive right-of-way adjacent to said lots, Lots 1, 2, 3A, 4A, 5, 6, and 7 of Block 7, Lots 1 through 14 of Block 8 and Bengal Drive right-of-way adjacent to said lots, Lots 18 through 22 of Block 8, all located in Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Country Road right-of-way located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot DE of Tract 5 of Sletten Addition, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4 less Lot A and less Lot 1 of Hubbard Subdivision, Section 24, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4NE1/4 of Section 23, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east and west of Haines Avenue and north and south of Country Road.



50. No. 08TI002 - Brookfield Subdivision

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Tax Increment District Project Plan** on the SE1/4NE1/4 and the W1/2SE1/4, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The S1/2S1/2W1/2SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of Block 1, Lots 1, 2, 6 and 7 of Block 2, Lots 1 through 20 of Block 3 and Roberta Street right-of-way adjacent to said lots, Earleen Street right-of-way, Kateland Street right-of-way, all located in Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 of Block 5 and Lot 11 of Block 4, Kateland Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 through 17 of Block 1, Lot 1 and Lot 22 of Block 3, Lot 1 and Lot 24 of Block 4, Lot 1 and Lot 24 of Block 5, Lot 1 and 24 of Block 6, Lot 1 of Block 7, Bengal Drive right-of-way adjacent to said lots, all located in Mall Ridge Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The unplatted portion of the SW1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 7 through 16 of Block 2 and Titan Drive right-of-way adjacent to said lots, Lots 1 through 6 of Block 3, Lots 1 through 3 of Block 6 and Three Rivers Drive right-of-way adjacent to said lots, Lots 1, 2, 3A, 4A, 5, 6, and 7 of Block 7, Lots 1 through 14 of Block 8 and Bengal Drive right-of-way adjacent to said lots, Lots 18 through 22 of Block 8, all located in Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Country Road right-of-way located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot DE of Tract 5 of Sletten Addition, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4 less Lot A and less Lot 1 of Hubbard Subdivision, Section 24, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, The NE1/4NE1/4 of Section 23, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east and west of Haines Avenue and north and south of Country Road.

Bulman presented the Tax Increment Finance Committee's recommendation to approve the Tax Increment District Creation and Project Plan for Brookfield Subdivision. Bulman identified the location of the Tax Increment District Boundaries.

In response to Anderson's question, Kale McNaboe stated that the Teton Coalition has not committed to the proposed development at this time.

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

In response to Derby's question, McNaboe expressed his opinion that box culverts to accommodate the proposed development meet the criteria for a Tax Increment District. Discussion followed.

Brewer expressed concern for lack of written commitment from the Teton



Coalition to construct affordable housing. Discussion followed.

Rolinger moved, Derby seconded and carried to recommend that the Resolution Creating Brookfield Tax Increment District and the Brookfield Tax Increment District Project Plan be approved. (9 to 0 to 1 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no and Collins abstaining)

51. Discussion Items

- A. Ex-parte Communications Policy – Joel Landeen
- B. Allowable Building Heights General Commercial Zoning District

Rolinger moved, Collins seconded and unanimously carried to continue the discussion items to the March 6, 2008 Planning Commission meeting. (10 to 0 with Anderson, Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger, Scull and Waltman voting yes and none voting no)

52. Staff Items

53. Planning Commission Items

54. Committee Reports

- A. City Council Report (February 4, 2008)
The City Council concurred with the recommendations of the Planning Commission with the exception of the following items:

No. 06PL189 - Stoney Creek Subdivision A request by Michael Hanson for John & Meredith Humke to consider an application for a **Preliminary Plat** on Lots 24A and 24B of Block 3 of Stoney Creek Subdivision, formerly Lot 24 of Block 3 of Stoney Creek Subdivision, located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 24 of Block 3 of Stoney Creek Subdivision, located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Nugget Gulch Drive and Harvard Avenue.

On January 25, 2007 the Planning Commission recommended that the Preliminary Plat be approved. On February 4, 2008, the City Council denied the Preliminary Plat without prejudice at the applicant's request.

No. 06SV012 - Norman Ranch Subdivision A request by Sperlich Consulting, Inc. for Sharon Norman to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Old Folsom Road, the Section Line Highway(s), the**



collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code on Lots 4A, 4B and 5R of Judicial Lot 4; and Lots 6 thru 17, Norman Ranch Subdivision, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 4 and 5 of Judicial Lot 4, Norman Ranch Subdivision, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located adjacent to both sides of Norman Ranch Road south of the intersection of Old Folsom Road and Norman Ranch Road.

On March 23, 2006, the Planning Commission recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Old Folsom Road, the Section Line Highway(s), the collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code be approved in part and denied in part. On February 4, 2008, the City Council denied the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Old Folsom Road, the Section Line Highway(s), the collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code without prejudice at the applicant's request.

No. 07SE001 - Rapid City Greenway Tract

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

On January 24, 2008, the Planning Commission recommended that the Special Exception to allow Ten Light Poles in the Hydraulic Floodway be denied. On February 4, 2008, the City Council approved the Special Exception to allow Ten Light Poles in the Hydraulic Floodway

- 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, Rolinger moved, Derby seconded and unanimously carried to adjourn the meeting at 8:25 a.m. (10 to 0 with Anderson,



**Brewer, Brown, Collins, Derby, Gregg, Landguth, Rolinger, Scull and Waltman
voting yes and none voting no)**

ADA Compliance: The City of Rapid City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Rapid City Growth Management Department so that appropriate auxiliary aids and services are available.