

# DRAFT

MINUTES OF THE  
RAPID CITY PLANNING COMMISSION  
March 6, 2008

MEMBERS PRESENT: John Brewer, Gary Brown, Barb Collins, Julie Gregg, Mike LeMay, Steve Rolinger and Andrew Scull. 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, Mike Schad and Carol Campbell.

Brewer called the meeting to order at 7:03 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 20, 24, 30 and 31 be removed from the Consent Agenda for separate consideration.**

**Brown requested that Item 21 be removed from the Consent Agenda for separate consideration.**

**Motion by Brown, Seconded by Gregg and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 38 in accordance with the staff recommendations with the exception of Items 20, 21, 24, 30 and 31. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

**---CONSENT CALENDAR---**

1. Approval of the November 8, 2008 Corrected Planning Commission Meeting Minutes and the February 20, 2008 and the February 21, 2008 Planning Commission Minutes.
2. No. 05VR014 - Sletten Addition  
A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Vacation of Section Line Highway** on that portion of the statutory Section Line Right-of-Way lying in the NE1/4, SE1/4, Section 13, T2N, R7E, and that portion of the statutory Section Line Right-of-Way, lying in Tract 5, Sletten Addition, located in the NW1/4, SW1/4, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northwest corner of the north to east curve of West Nike Road.

**Planning Commission continued the Vacation of Section Line Highway request to the April 10, 2008 Planning Commission meeting.**

**DRAFT**

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

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

**Planning Commission continued the Amendment to the Adopted Comprehensive Plan to revise the Major Street Plan by relocating a minor arterial street to the March 27, 2008 Planning Commission meeting.**

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 continued the Layout Plat to the March 27, 2008 Planning Commission meeting.**

5. No. 07PL134 - Hyland Crossing Subdivision

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 continued the Preliminary Plat to the March 27, 2008 Planning Commission meeting.**

6. 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,

**DRAFT**

Pennington County, South Dakota, more generally described as being located at the southern terminus of Dreamscape Drive.

**Planning Commission continued 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 to the March 27, 2008 Planning Commission meeting.**

7. No. 07PL166 - Spring Creek Estates Subdivision

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

**Planning Commission continued the Layout Plat to the March 27, 2008 Planning Commission meeting.**

8. No. 07PL178 - Hilltop Business Park Subdivision

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

**Planning Commission continued the Preliminary Plat to the March 27, 2008 Planning Commission meeting.**

9. No. 07SV073 - Hilltop Business Park Subdivision

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

**DRAFT**

**Planning Commission continued the Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet within the shared access easement; and to reduce the shared access easement from 59 feet to 30 feet; to waive the requirement to install sidewalk, street light conduit, sewer, water within the shared access easement; to waive the requirement to install sidewalks, curb, gutter along Elk Vale Road; to waive the requirement to install sidewalks along Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code to the March 27, 2008 Planning Commission meeting.**

10. 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 continued the Layout Plat to the March 27, 2008 Planning Commission meeting.**

11. 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

**DRAFT**

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 continued 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 to the March 27, 2008 Planning Commission meeting.**

12. 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 continued the Rezoning from Low Density Residential District to Medium Density Residential District to the March 27, 2008 Planning Commission meeting.**

13. No. 08CA002 - Prairie Meadows Subdivision

**DRAFT**

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 continued 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 to the March 27, 2008 Planning Commission meeting.**

14. 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:

**DRAFT**

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 southwest 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 continued the Rezoning from Low Density Residential District to Medium Density Residential District to the March 27, 2008 Planning Commission meeting.**

\*15. No. 07UR015 - Huffman Subdivision

A request by Bryan Gonzales for Century Development Co. to consider an application for a **Conditional Use Permit to allow an on-sale liquor establishment** on Lot 2 of Huffman Subdivision, located in the NW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1331 E. North Street.

**Planning Commission continued the Conditional Use Permit to allow an on-sale liquor establishment to the March 27, 2008 Planning Commission meeting with the applicant's concurrence.**

***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.***

16. 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

**DRAFT**

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 continued the Vacation of Right-of-way to the March 27, 2008 Planning Commission meeting.**

17. No. 07VR014 - Section 4, T1N, R7E  
A request by Dennis and Janine Walz to consider an application for a **Vacation of Right-of-Way** on a portion of West South Street Right-of-Way adjacent to Lot 1 of Lot AR of Lot 1 in the SE1/4 NE1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3401 W. South Street.

**Planning Commission recommended that the Vacation of Right-of-Way be approved with the corrected legal description.**

18. No. 08AN001 - W-Y Addition  
A request by Fisk Land Surveying & Consulting Engineers for Paul Bradsky of Atlantis, LLC to consider an application for a **Petition for Annexation** on a portion of Tract E of W-Y Addition located in the W1/2 SW1/4 of Section 27, T2N, R8E, BHM, Pennington County, South Dakota, as shown on the plat filed May 21, 1974 and recorded in Book 13 of Plats on Page 158, more fully described as follows: Beginning at the southwest corner of said Tract E of W-Y Addition, said point being located along the northerly line of adjoining railroad right-of-way and also coincident with the southeast corner of Lot 1 of Atlantis Subdivision, as shown on the plat filed December 15, 2005 and recorded in Book 33 of Plats on Page 123; thence, northwesterly along the west line of said Tract E of W-Y Addition and along the east line of said Lot 1 of Atlantis Subdivision, N14°48'51"W, a distance of 204.91 feet, more or less to the northeast corner of said Lot 1 of Atlantis Subdivision, said point being coincident with the southeast corner of Lot 2 of Davis Subdivision, as shown on the plat filed February 20, 2003 and recorded in Book 31 of Plats on Page 57; thence, N75°10'43"E a distance of 317.85 feet more or less, to a point on the east line of said Tract E of W-Y Addition, said point also being located on the west line of Lot 2 of Wal-East Subdivision, as shown on the plat filed August 17, 2000 and recorded in Book 29 of Plats on Page 88; thence southeasterly along the east line of said Tract E of W-Y addition and along the westerly line of Lot 2 of Wal-East Subdivision, S14°48'25"E a distance of 142.78 feet more or less to the southeast corner of said Tract E of W-Y Addition, said point being coincident with the southwest corner of Lot 2 of Wal-East Subdivision and also located along the northerly edge of the adjoining railroad right-of-way; thence, curving to the right along the southerly edge of said Tract E of W-Y Addition and along the northerly edge of the adjoining railroad right-of-way, along a curve with a radius of 5679.58 feet, a central angle of 3°16'03", an arc length of 323.90 feet, and a chord bearing and distance of S64°07'04"W 323.86 feet more or less, to the point of beginning, more generally described as being located at 4301 South Interstate 90 Service Road.



**DRAFT**

**Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to the Box Elder Rural Fire Protection District being made by the City of Rapid City.**

19. No. 08AN002 - Highview Subdivision

A request by Craig and Tamara Mested to consider an application for a **Petition for Annexation** on Tract 20 of Highview Subdivision, NE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1445 Sammis Trail.

**Planning Commission recommended that the Petition for Annexation be approved contingent on any payment due to Whispering Pines Volunteer Fire District.**

22. No. 08CA003 – 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 District to Heavy Industrial District with a Planned Industrial Development** on a portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 7 of Marlin Industrial Park, common to a point on the southerly edge of right-of-way of Marlin Drive, and the point of beginning; Thence, first course: N04°18'35"W, a distance of 29.56 feet, to a point on the centerline of Marlin Drive; Thence, second course: curving to the left, along the centerline of Marlin Drive, on a curve with a radius of 3000.00 feet, a delta angle of 07°43'51", a length of 404.79 feet, a chord bearing of N81°52'30"E, and chord distance of 404.48 feet; Thence, third course: N78°00'34"E, along the centerline of Marlin drive, a distance of 95.10 feet, to intersection of centerline of Marlin Drive and Creek Drive; Thence fourth course: curving to the left, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of S17°40'09"E, and chord distance of 197.91 feet, to the end of previously dedicated Creek Drive; Thence fifth course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of S23°55'17"E, and chord distance of 20.01 feet; Thence sixth course: curving to the left, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of S28°46'30"E, and chord distance of 89.57 feet; Thence seventh course: S56°56'40"W, a distance of 50.00 feet; Thence eighth course: curving to the right, on a curve with a radius of 650.00 feet, a delta angle of 02°21'34", a length of 26.77 feet, a chord bearing of N31°52'33"W, and chord distance of 26.76 feet; Thence ninth course: S59°18'14"W, a distance of 311.85 feet; Thence tenth course: S08°30'44"E, a distance of 235.10 feet, to a point on the section 1/16 line; Thence eleventh course: N89°56'36"W, along the along the section 1/16 line, a distance of 313.37 feet, to the southeasterly corner of said Lot 7; Thence twelfth course: N00°01'20"E, along the easterly boundary of said Lot 7, a distance of 574.90 feet, to the northeasterly corner of said Lot 7, common to a point on the southerly edge of Marlin Drive right-of-way, and the point of beginning, more generally

described as being located southwest of the intersection of Marlin Drive and Creek Drive.

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

23. No. 08OA002 – Ordinance Amendment

A request by City of Rapid City to consider an application for an **Ordinance Amendment to add "antique stores" as a conditional use in Neighborhood Commercial Zoning District.**

**Planning Commission recommended that the Ordinance Amendment to add "antique stores" as a conditional use in Neighborhood Commercial Zoning District be approved.**

25. 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 continued the Preliminary Plat to the March 27, 2008 Planning Commission meeting.**

26. 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 continued 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 to the March 27, 2008 Planning Commission meeting.**

27. No. 08PL014 - Skyline Pines East Subdivision

A request by FourFront Design, Inc. for Skyline Pines East, LLP to consider an application for a **Preliminary Plat** on Lots 1 thru 8 of Skyline Pines East

**DRAFT**

Subdivision, located in the SE1/4 of the SE1/4 and the SW1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of the SE1/4 of the SE1/4 and Lot C of the SW1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south U.S. Highway 16 and Tower Road Bridge.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the plat document and construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
2. **Prior to Preliminary Plat approval by the City Council, the plat document shall be revised removing the topographic information;**
3. **Prior to Preliminary Plat approval by the City Council, a revised Master Plan shall be submitted for review and approval showing access and future development of the unplatted balance located south of the proposed lots;**
4. **Prior to Preliminary Plat approval by the City Council, a Stormwater Management Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;**
5. **Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval;**
6. **Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,**
7. **Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.**

28. No. 08SV009 - Skyline Pines East Subdivision

A request by FourFront Design, Inc. for Skyline Pines East, LLP to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Mount Rushmore Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 8 of Skyline Pines East Subdivision, located in the SE1/4 of the SE1/4 and the SW1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of the SE1/4 of the SE1/4 and Lot C of the SW1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south U.S. Highway 16 and Tower Road Bridge.

**Planning Commission acknowledged the applicant's withdrawal of the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Mount Rushmore Road as per Chapter 16.16 of the Rapid City Municipal Code.**

29. No. 08PL015 - Robbinsdale Addition No. 10

A request by Sperllich Consulting, Inc. for Black Hills Surgery Center, LLP to

**DRAFT**

consider an application for a **Preliminary Plat** on Lot 32R-2 of Block 18 of Robbinsdale Addition No. 10, located in the SE1/4 of the NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 32R and 33R of Block 18 of Robbinsdale Addition No. 10, located in the SE1/4 of the NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 216 Anamaria Drive.

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

1. **Prior to Preliminary Plat approval by the City Council, all necessary changes be made to the plat document and construction plans as identified on the red lined drawings. In addition, the red lined drawings must be returned to the Growth Management Department;**
2. **Prior to City Council approval of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
3. **Prior to City Council approval of the Preliminary Plat application construction plans for the sewer main shall be submitted for review and approval for the portion of sewer along Alta Vista Drive;**
4. **Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual be submitted for review and approval;**
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.**

32. No. 08PL017 - Murphy Ranch Estates Subdivision

A request by Davis Engineering to consider an application for a **Preliminary Plat** on Lots 3 thru 10 and Lot 12 of Block 6 of Murphy Ranch Estates Subdivision, located in the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted portion of Tract F of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located Flintlock Court east of Reservoir Road and south of Longview Road.

**Planning Commission continued the Preliminary Plat to the March 27, 2008 Planning Commission meeting.**

33. No. 08PL019 - Rockinon Ranch Estates

A request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Preliminary Plat** on Lots 15 thru 21 of Rockinon Ranch Estates, located in N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 NE1/4 SE1/4 less lots 1 thru 7, 22, 31 and 32 of Rockinon Ranch Estates, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Bunker Drive and

**DRAFT**

south of Lennon Lane.

**Planning Commission acknowledged the applicant's withdrawal of the Preliminary Plat application.**

34. No. 08PL020 - Auburn Hills Subdivision - Phase IV

A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application for a **Preliminary Plat** on Lots 12 thru 13 of Block 4, Lots 1 thru 21 and Lots 33 thru 38 of Block 8, Lots 1 thru 5 of Block 9, Lots 1 thru 20 of Block 10, and Lot 1 of Block 11, Auburn Hills Subdivision, Sections 13 and 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4, Section 13, a portion of the SW1/4 of the NW1/4, Section 13, a portion of the SE1/4 of the NE1/4, Section 14, and a portion of the NE1/4 of the SE1/4 Section 14, located in the NW1/4 of the SW1/4, and the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4, Section 14, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Cobalt Drive and north of Auburn Drive and Charmwood Drive.

**Planning Commission continued the Preliminary Plat to the March 27, 2008 Planning Commission meeting.**

35. 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 27, 2008 Planning Commission meeting.**

36. No. 08SR005 - Rapid City Greenway Tract

A request by Tim Rangitsch for BH MBA 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.

**Planning Commission continued the SDCL 11-6-19 Review to construct a bike park on public land to the March 27, 2008 Planning Commission meeting.**

37. No. 08SR010 - Founders Park Subdivision

A request by Black Hills Mountain Bike Association for Parks and Recreation

**DRAFT**

Department to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on Tract 17 less Lot H1 of Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1520 West Omaha Street.

**Planning Commission continued the SDCL 11-6-19 Review to allow temporary structures on public property to the March 27, 2008 Planning Commission meeting to allow the applicant to submit additional information.**

38. No. 08SR009 - Rapid City Airport Subdivision No. 6

A request by Kadrmas, Lee & Jackson, Inc. for Premier Aviation, LLC to consider an application for an **SDCL 11-6-19 Review to allow the construction of structures and utilities on public property** on all of Section less portion of Rapid City Airport Subdivision No. 6, unplatted, Section 17, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the Rapid City Regional Airport.

**Planning Commission continued the SDCL 11-6-19 Review to allow the construction of structures and utilities on public property to the March 27, 2008 Planning Commission meeting.**

---END OF CONSENT CALENDAR---

20. No. 08PL012 - Highview Subdivision

A request by Craig and Tamara Mested to consider an application for a **Layout Plat** on Lots A, B C and D of Tract 20 of Highview Subdivision, located in the SE1/4 NE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 20 of Highview Subdivision, NE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1445 Sammis Trail.

Smith presented the staff's recommendation to approve the request with a revised stipulation insuring that the section line highway is identified on the preliminary plat. Discussion followed.

Fern Johnson, area resident, expressed her support for the staff's recommendations.

Ross Johnson, area resident expressed concern with private access through the subject property and further requested that the access be converted to public right-of-way. Discussion followed.

Elkins stated that staff has identified that the access would be required to be noted as a public access easement or as a right-of-way. Elkins further commented that the adjacent property owner's preferences are for a public right-of-way. Discussion followed.

**DRAFT**

In response to Scull's question, Elkins advised that the adjoining property owner is not willing to sign the Section Line Highway vacation request. Discussion followed.

**Brown moved, Collins seconded and unanimously carried to continue the Layout Plat to the March 27, 2008 Planning Commission meeting. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

21. No. 08SV007 - Highview Subdivision

A request by Craig and Tamara Mestad 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 Sammis Trail and Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A, B C and D of Tract 20 of Highview Subdivision, located in the SE1/4 NE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 20 of Highview Subdivision, NE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1445 Sammis Trail.

Elkins recommended that this item also be continued to the March 27, 2008 Planning Commission meeting.

**Brown moved, LeMay seconded and unanimously carried to continue the Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Sammis Trail as per Chapter 16.16 of the Rapid City Municipal Code to the March 27, 2008 Planning Commission meeting. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

**Brown moved, Collins seconded and unanimously carried to reconsider Item No. 19 No. - 08AN002 - Highview Subdivision. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

19. No. 08AN002 - Highview Subdivision

A request by Craig and Tamara Mested to consider an application for a **Petition for Annexation** on Tract 20 of Highview Subdivision, NE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1445 Sammis Trail.

**LeMay moved, Collins seconded and unanimously carried to continue the Petition for Annexation to the March 27, 2008 Planning Commission meeting. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

\*24. No. 08PD006 - Rockinon Ranch Estates

**DRAFT**

A request by Jared Tordsen for Land and Marine Development, Inc. to consider an application for a **Planned Residential Development - Initial and Final Development Plan** on a parcel of land located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota. The Point of Beginning of said parcel being on the southerly lot line of Lot 7 of Rockinon Ranch Estates, recorded at the Pennington County Register of Deeds Office in Plat Book 34 Page 77, the southwesterly corner of said Lot 7, which is marked by a 5/8" rebar with survey cap marked "Thingelstad SD RLS 4371" bears S89°52'20"W a distance of 7.35 feet from the Point of Beginning, said Parcel is more particularly described as follows: Thence First Course: along the southerly line of said Lot 7 bearing N89°52'20"E and a distance of 81.62 to the southeasterly corner of said Lot 7; Thence Second Course: along a line bearing N79°07'38"E and a distance of 52.94 feet to a the southwesterly corner of Lot 32 of said Rockinon Ranch Estates; Thence Third Course: along the southerly line of said Lot 32 bearing N89°52'20"E and a distance of 106.02 feet to the southeasterly corner of said Lot 32; Thence Fourth Course: along the easterly line of said Lot 32 bearing N00°04'14"W and a distance of 13.56 feet to the southwesterly corner of Lot 31 of said Rockinon Ranch Estates; Thence Fifth Course: along said southerly line of said Rockinon Ranch Estates bearing N89°52'20"E and a distance of 244.00 feet to the southeasterly corner of Lot 22 of said Rockinon Ranch Estates which is marked with a 5/8" rebar with survey cap stamped "Thingelstad SD RLS 4371"; Thence Sixth Course: along a line bearing N00°04'21"W and a distance of 75.57 feet; Thence Seventh Course: along the southerly line of said Rockinon Ranch Estates bearing N 89°52'20"E and a distance of 83.31 feet; Thence Eighth Course: continuing along the southerly line of said Rockinon Ranch Estates bearing S45°43'39"E and a distance of 14.11 feet; Thence Ninth Course: along a line bearing S89°58'41"E and a distance of 31.00 feet to an intersection with the Section Line common to Section 23 and Section 24; Thence Tenth Course: along said Section Line bearing S00°01'19"W and a distance of 501.61 feet to the N-S 1/64 Section Corner which is marked with a 5/8" rebar with survey cap stamped "Thingelstad SD RLS 4371"; Thence Eleventh Course: along said C-N 1/64 section line of said Section 23 bearing S89°55'28"W and a distance of 606.58 feet to point, said point bears S89°55'28"W and a distance of 710.88 feet from the C-N-SE 1/64 Section Corner which is marked with a 5/8" rebar with survey cap stamped "Thingelstad SD RLS 4371"; Thence Twelfth Course: along a line bearing N00°09'40"W and a distance of 412.00 feet to the Point of Beginning, more generally described as being located west of Bunker Drive and south of Lennon Lane.

Elkins presented the staff's recommendation to continue the Planned Residential Development request to the March 27, 2008 Planning Commission meeting to allow publication in the Rapid City Journal.

**Brown moved, Rolinger seconded and unanimously carried to continue the Planned Residential Development - Initial and Final Development Plan to the March 27, 2008 Planning Commission meeting. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**



**DRAFT**

***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.***

Smith requested that items 30 and 31 be taken concurrently.

30. No. 08PL016 - Schaeferville Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Preliminary Plat** on Lots 1 thru 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located near Universal Drive and Sturgis Road.

31. No. 08SV010 - Schaeferville Subdivision

A request by Renner & Associates for Pete Lien and Sons to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional Right-of-way and pavement along Sturgis Road and the Section Line Right-of-way, Neiger Court, Zenker Place and in the access easements as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Keller Subdivision and Tract 1 of Schaeferville Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of the NE1/4; Lot 1 of Limestone Tunnel Subdivision; Lot B of the NW1/4 of the NE1/4; Lots 1 thru 3 of Block 1 and vacated Feist Road of Feist Addition; Lots 1 thru 4 of Lot 1 of the NE1/4 of the NE1/4; Lot A, Lots 1 thru 6 of Lot B, and a Subdivision of Lot1C; Lot X and Y, a Subdivision of Lot 1D: Lots A, B, and C of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17 and NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, more generally described as being located near Universal Drive and Sturgis Road.

Smith stated that the staff recommends that the Preliminary Plat and the Variance to the Subdivision Regulations requests be continued to the March 27, 2008 Planning Commission meeting.

**LeMay moved, Rolinger seconded and unanimously carried to continue the Preliminary Plat and the Variance to the Subdivision Regulations to waive**

**DRAFT**

**the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and to waive the requirement to dedicate additional Right-of-way and pavement along Sturgis Road and the Section Line Right-of-way, Neiger Court, Zenker Place and in the access easements as per Chapter 16.16 of the Rapid City Municipal Code to the March 27, 2008 Planning Commission meeting. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

\*39. 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.

Elkins presented the staff's recommendation to continue the Planned Commercial Development request to the March 27, 2008 Planning Commission meeting.

**Rolinger moved, LeMay seconded and unanimously carried to continue the Planned Commercial Development - Initial Development Plan to the March 27, 2008 Planning Commission meeting. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

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

Fisher requested that items 40, 41 and 42 be taken concurrently.

40. 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

**DRAFT**

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.

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

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

\*42. No. 08PD007 - Tower Ridge Subdivision

A request by Douglas W. Hamilton for Whittingham and LeStrange, LPI to consider an application for a **Planned Commercial Development - Initial Development Plan** on a Parcel of land, located in the SW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. The Point of Beginning of said parcel being the southwesterly lot corner of Lot 1 of Block 1 of Aladdin Heights Subdivision, recorded at the Pennington County Register of Deeds Office in Plat Book 12 Page 158, which is marked by a 5/8" rebar with survey cap marked "LS 6117", said Parcel is more particularly described as follows: Thence First Course: along the southerly line of said Lot 1 of Block 1 bearing S89°54'29"E and a distance of 157.84 feet to the southwesterly corner of Lot 2 of Block 1 of said Aladdin Heights Subdivision, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Second Course: along the southerly line of said Lot 2 of Block 1 bearing N89°59'53"E and a distance of 149.98 feet to a the southeasterly corner of said Lot 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Third Course: along a line bearing S89°42'32"E and a distance of 50.04 feet to the southwesterly corner of Lot 1 of Block 2 of said Aladdin Heights Subdivision, referenced by a 5/8" rebar with survey cap

**DRAFT**

marked "LS 1019"; Thence Fourth Course: along the southerly line of said Lot 1 of Block 2 bearing S89°58'51"E and a distance of 149.34 feet to the southeasterly corner of said Lot 1 of Block 2, referenced by a 5/8" rebar with survey cap marked "LS 1019"; Thence Fifth Course: along a line bearing S89°56'16"E and a distance of 175.49 feet; Thence Sixth Course: along a line bearing S10°41'47"E and a distance of 590.70 feet; Thence Seventh Course: along a line bearing S07°07'33"W and a distance of 568.69 feet; Thence Eighth Course: along a line bearing S89°57'02"W and a distance of 262.82 feet; Thence Ninth Course: along a line bearing S54°04'20"W and a distance of 264.73 feet; Thence Tenth Course: along a line bearing N49°20'24"W and a distance of 425.77 feet; Thence Eleventh Course: along a line bearing N82°44'29"W and a distance of 101.79 feet to an intersection with the easterly U.S. Highway 16 Right-of-Way line; Thence Twelfth Course: along said Right-of-Way line bearing N07°24'25"E and a distance of 186.44 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Thirteenth Course: continuing along said Right-of-Way line bearing N07°04'47"E and a distance of 235.08 feet to a point reference by a 1/2" rebar; Thence Fourteenth Course: continuing along said Right-of-Way line bearing N07°34'03"E and a distance of 24.08 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Fifteenth Course: continuing along said Right-of-Way line bearing N07°18'40"E and a distance of 491.65 feet to a point reference by a 5/8" rebar with survey cap marked "LS 6117"; Thence Sixteenth Course: along a line bearing N36°47'28"E and a distance of 101.19 feet to the Point of Beginning, more generally described as being located adjacent to the east side of S.D. Highway 16 and north of Catron Boulevard.

Fisher presented the staff's recommendation to continue the Preliminary Plat, the Variance to the Subdivision Regulations and the Planned Commercial Development - Initial Development Plan requests to the March 27, 2008 Planning Commission meeting.

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

**Collins moved, Rolinger seconded and carried to continue the Preliminary Plat, the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code and the Planned Commercial Development - Initial Development Plan to the March 27, 2008 Planning Commission meeting. (5 to 0 to 2 with Brown, Collins, Gregg, LeMay and Rolinger voting yes and none voting no and Brewer and Scull 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. 07UR011 - Section 30, T2N, R8E

**DRAFT**

A request by Maple Avenue Development, LLC for Laural 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 staff's recommendation to continue the Conditional Use Permit request to the March 27, 2008 Planning Commission meeting.

Laural A. Hawkins, stated that she is in concurrence with the Conditional Use Permit request being continued to the March 27, 2008 Planning Commission meeting.

**Collins moved, Rolinger seconded and unanimously carried to continue the Conditional Use Permit to allow an on-sale liquor establishment to the March 27, 2008 Planning Commission meeting. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

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

\*44. No. 08PD004 - Rushmore Crossing

A request by Dream Design International, Inc. to consider an application for a **Major Amendment to a Planned Commercial Development to revise the landscaping plan** on a portion of the SW1/4 of the SW1/4 of Section 29, a portion of Lot A of Lots 1 and 2, of Lot B of Lot 2, SE1/4 of SW1/4 Section 29, a portion of Lot 1R, Lot BR of Lot 2, and Lot C of Lot 2, SE1/4 of SW1/4 Section 29, a portion of Lot 1 of the SW1/4 of SE1/4, Section 29, a portion of Tract C of SW1/4, Section 29, and Tract C of NE1/4 of NW1/4 and NW1/4 of NE1/4, Section 32, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N72°57'23"E, a distance of 1101.49 feet, to a point on the northerly edge of railroad right-of-way, and the point of beginning; Thence, first course: N18°38'17"E, a distance of 355.05 feet; Thence, second course: N71°13'41"W, a distance of 99.99 feet;

Thence, third course: N19°04'01"E, a distance of 128.31 feet; Thence, fourth course: N20°54'05"E, a distance of 131.90 feet; Thence fifth course: S62°26'30"E, a distance of 40.60 feet; Thence sixth course: N62°57'08"E, a distance of 39.81 feet; Thence seventh course: S67°45'57"E, a distance of 104.51 feet, to the point of curve; Thence eighth course: curving to the right, on a curve with a radius of 550.00 feet, a delta angle of 06°32'17", a length of 62.76 feet, a chord bearing of S64°29'48"E, and chord distance of 62.73 feet, to the point of tangency; Thence ninth course: S61°13'39"E, a distance of 423.21 feet; Thence tenth course: S55°31'01"E, a distance of 50.25 feet; Thence eleventh course: S61°13'39"E, a distance of 75.14 feet; Thence twelfth course: S17°40'27"E, a distance of 37.26 feet; Thence thirteenth course: S61°13'39"E, a distance of 78.67 feet; Thence fourteenth course: N65°38'22"E, a distance of 38.34 feet; Thence fifteenth course: S61°13'39"E, a distance of 305.78 feet, to a point of curve; Thence sixteenth course: curving to the right, on a curve with a radius of 560.69 feet, a delta angle of 20°28'20", a length of 200.34 feet, a chord bearing of S49°21'53"E, and chord distance of 199.28 feet, to the point of tangency; Thence seventeenth course: S39°04'34"E, a distance of 54.37 feet, to the point of curve; Thence eighteenth course: curving to the left, on a curve with a radius of 560.00 feet, a delta angle of 05°58'25", a length of 58.39 feet, a chord bearing of S42°03'46"E, and chord distance of 58.36 feet; Thence nineteenth course: S02°32'49"E, a distance of 36.51 feet; Thence twentieth course: S47°33'44"E, a distance of 57.34 feet; Thence twenty-first course: N79°09'55"E, a distance of 39.08 feet; Thence twenty-second course: curving to the left, on a curve with a radius of 570.86 feet, a delta angle of 15°51'25", a length of 157.99 feet, a chord bearing of S64°03'45"E, and chord distance of 157.49 feet; Thence twenty-third course: S30°24'27"E, a distance of 56.33 feet; Thence twenty-fourth course: S76°54'32"E, a distance of 57.34 feet; Thence twenty-fifth course: N53°27'26"E, a distance of 59.74 feet; Thence twenty-sixth course: curving to the left, on a curve with a radius of 74,363.86 feet, a delta angle of 00°03'12", a length of 69.32 feet, a chord bearing of S83°46'46"E, and chord distance of 69.32 feet; Thence twenty-seventh course: S38°46'47"E, a distance of 19.20 feet; Thence twenty-eighth course: S26°02'24"W, a distance of 340.04 feet, to a point on the northerly edge of said railroad right-of-way; Thence twenty-ninth course: along the northerly edge of said railroad right-of-way curving to the right, on a curve with a radius of 2954.92 feet, a delta angle of 14°43'11", a length of 759.14 feet, a chord bearing of N71°01'21"W, and chord distance of 757.05 feet, to the point of tangency; Thence thirtieth course: N63°54'32"W, along the northerly edge of said railroad right-of-way, a distance of 136.37 feet; Thence thirty-first course: N63°04'37"W, along the northerly edge of said railroad right-of-way, a distance of 272.96 feet, to the point of curve; Thence thirty-second course: along the northerly edge of said railroad right-of-way curving to the left, on a curve with a radius of 2123.30 feet, a delta angle of 17°48'11", a length of 659.76 feet, a chord bearing of N71°57'55"W, and chord distance of 657.11 feet, to the point of beginning. Excepting Therefrom: More fully described as follows: Commencing at the Section Corner common to Sections 29, 30, 31, 32, T2N, R8E, BHM, thence N61°19'15"E, a distance of 1346.73 feet, to the point of beginning; Thence, first course: curving to the left, on a curve with a radius of 131.67 feet, a delta angle of 13°13'34", a length of 30.40 feet, a chord bearing of S62°41'45"E, and chord distance of 30.33 feet, to the point of tangency; Thence, second course: S69°18'33"E, a distance of 350.61 feet, to the point of curve;

**DRAFT**

Thence, third course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of  $15^{\circ}24'12''$ , a length of 53.77 feet, a chord bearing of  $S61^{\circ}36'27''E$ , and chord distance of 53.61 feet, to the point of tangency; Thence, fourth course:  $S53^{\circ}54'21''E$ , a distance of 39.05 feet, to the point of curve; Thence fifth course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of  $07^{\circ}29'03''$ , a length of 26.13 feet, a chord bearing of  $S57^{\circ}38'52''E$ , and chord distance of 26.11 feet, to the point of tangency; Thence sixth course:  $S61^{\circ}23'24''E$ , a distance of 363.05 feet, to the point of curve; Thence seventh course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of  $08^{\circ}19'57''$ , a length of 29.09 feet, a chord bearing of  $S57^{\circ}13'26''E$ , and chord distance of 29.06 feet, to the point of tangency; Thence eighth course:  $S53^{\circ}03'27''E$ , a distance of 289.19 feet, to the point of curve; Thence ninth course: curving to the left, on a curve with a radius of 200.00 feet, a delta angle of  $08^{\circ}18'41''$ , a length of 29.01 feet, a chord bearing of  $S57^{\circ}12'48''E$ , and chord distance of 28.99 feet, to the point of tangency; Thence tenth course:  $S61^{\circ}22'08''E$ , a distance of 218.47 feet, to the point of curve; Thence eleventh course: curving to the right, on a curve with a radius of 200.00 feet, a delta angle of  $01^{\circ}03'23''$ , a length of 3.69 feet, a chord bearing of  $S60^{\circ}50'23''E$ , and chord distance of 3.69 feet, to the point of tangency; Thence twelfth course:  $S60^{\circ}18'45''E$ , a distance of 228.27 feet; Thence thirteenth course:  $S28^{\circ}36'26''W$ , a distance of 18.08 feet; Thence fourteenth course:  $N61^{\circ}21'34''W$ , a distance of 0.17 feet; Thence fifteenth course:  $S28^{\circ}36'23''W$ , a distance of 1.33 feet; Thence sixteenth course:  $S61^{\circ}23'22''E$ , a distance of 0.17 feet; Thence seventeenth course:  $S28^{\circ}36'23''W$ , a distance of 2.00 feet; Thence eighteenth course:  $N61^{\circ}23'31''W$ , a distance of 0.58 feet; Thence nineteenth course:  $S28^{\circ}36'27''W$ , a distance of 20.00 feet; Thence twentieth course:  $S61^{\circ}23'31''E$ , a distance of 0.58 feet; Thence twenty-first course:  $S28^{\circ}36'28''W$ , a distance of 2.00 feet; Thence twenty-second course:  $N61^{\circ}23'22''W$ , a distance of 0.17 feet; Thence twenty-third course:  $S28^{\circ}36'23''W$ , a distance of 1.33 feet; Thence twenty-fourth course:  $S61^{\circ}23'22''E$ , a distance of 0.17 feet; Thence twenty-fifth course:  $S28^{\circ}36'23''W$ , a distance of 2.00 feet; Thence twenty-sixth course:  $N61^{\circ}23'34''W$ , a distance of 0.83 feet; Thence twenty-seventh course:  $S28^{\circ}36'27''W$ , a distance of 13.67 feet; Thence twenty-eighth course:  $S61^{\circ}23'22''E$ , a distance of 0.17 feet; Thence twenty-ninth course:  $S28^{\circ}36'27''W$ , a distance of 5.33 feet; Thence thirtieth course:  $N61^{\circ}23'22''W$ , a distance of 0.17 feet; Thence thirty-first course:  $S28^{\circ}36'26''W$ , a distance of 17.67 feet; Thence thirty-second course:  $S61^{\circ}24'22''E$ , a distance of 0.17 feet; Thence thirty-third course:  $S28^{\circ}36'27''W$ , a distance of 10.33 feet; Thence thirty-fourth course:  $N61^{\circ}23'32''W$ , a distance of 10.33 feet; Thence thirty-fifth course:  $N28^{\circ}36'38''E$ , a distance of 0.33 feet; Thence thirty-sixth course:  $N61^{\circ}23'34''W$ , a distance of 278.33 feet; Thence thirty-seventh course:  $S28^{\circ}36'26''W$ , a distance of 43.33 feet; Thence thirty-eighth course:  $N61^{\circ}23'34''W$ , a distance of 94.67 feet; Thence thirty-ninth course:  $N28^{\circ}36'26''E$ , a distance of 17.16 feet; Thence fortieth course:  $N61^{\circ}22'14''W$ , a distance of 162.00 feet; Thence forty-first course:  $N28^{\circ}36'24''E$  a distance of 16.60 feet; Thence forty-second course:  $N61^{\circ}23'34''W$ , a distance of 109.33 feet; Thence forty-third course:  $S28^{\circ}35'58''W$ , a distance of 56.25 feet; Thence forty-fourth course:  $N61^{\circ}39'08''W$  a distance of 26.67 feet; Thence forty-fifth course:  $N28^{\circ}36'26''E$ , a distance of 16.02 feet; Thence forty-sixth course:  $N61^{\circ}23'20''W$ , a distance of 92.67 feet; Thence forty-seventh course:  $N28^{\circ}36'41''E$  a distance of 18.54 feet; Thence forty-eighth course:  $N61^{\circ}23'34''W$ , a distance of 68.49 feet;

**DRAFT**

Thence forty-ninth course: S58°23'11"W, a distance of 21.36 feet; Thence fiftieth course: N61°23'47"W a distance of 8.90 feet; Thence fifty-first course: S28°36'48"W, a distance of 32.34 feet; Thence fifty-second course: N61°23'32"W, a distance of 23.49 feet; Thence fifty-third course: N22°30'00"E a distance of 27.16 feet; Thence fifty-fourth course: N61°23'36"W, a distance of 104.28 feet; Thence fifty-fifth course: N28°36'37"E, a distance of 71.03 feet; Thence fifty-sixth course: N61°23'20"W a distance of 131.58 feet; Thence fifty-seventh course: S20°41'44"W, a distance of 27.13 feet; Thence fifty-eighth course: N69°18'10"W, a distance of 85.33 feet; Thence fifty-ninth course: S20°41'44"W a distance of 31.43 feet; Thence sixtieth course: S69°18'03"E, a distance of 26.34 feet; Thence sixty-first course: S20°41'56"W, a distance of 51.33 feet; Thence sixty-second course: N69°18'03"W a distance of 246.34 feet; Thence sixty-third course: N20°41'44"E, a distance of 35.75 feet; Thence sixty-fourth course: N81°18'16"W, a distance of 31.51 feet; Thence sixty-fifth course: N08°41'44"E a distance of 21.78 feet; Thence sixty-sixth course: N69°18'16"W, a distance of 151.29 feet; Thence sixty-seventh course: N00°33'29"W, a distance of 53.45 feet; Thence sixty-eighth course: N20°41'56"E a distance of 118.52 feet; Thence sixty-ninth course: N69°17'49"W, a distance of 0.33 feet; Thence seventieth course: N20°41'52"E, a distance of 48.74 feet, to the point of beginning., more generally described as being located east of LaCrosse Street and south of U.S. Interstate 90.

Elkins presented the staff's recommendation to continue the Major Amendment request to the March 27, 2008 Planning Commission meeting to allow publication in the Rapid City Journal.

**Rolinger moved, Brown seconded and unanimously carried to continue the Major Amendment to a Planned Commercial Development to the March 27, 2008 Planning Commission meeting. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

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

\*45. No. 08PD005 - Robbinsdale Addition No. 10

A request by Sperlich Consulting, Inc. for Black Hills Surgery Center, LLP to consider an application for a **Major Amendment to a Planned Commercial Development** on Lots 32R and 33R of Block 18 of Robbinsdale Addition No. 10, located in the SE1/4 of the NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 216 Anamaria Drive.

Elkins presented the staff's recommendation to continue the Major Amendment request to the March 27, 2008 Planning Commission meeting to allow publication in the Rapid City Journal.

**Rolinger moved, Brown seconded and unanimously carried to continue the**



**DRAFT**

**Major Amendment to a Planned Commercial to the March 27, 2008 Planning Commission meeting. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

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

Tegethoff requested that items 46 and 47 be taken concurrently.

46. 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.

47. 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.

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

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

- 1. Prior to Preliminary Plat approval by the City Council, a revised plat document shall be submitted for review and approval identifying the required non-access easement;**
- 2. Prior to City Council approval of a Preliminary Plat application, construction plans for the sidewalk on Midway Street shall be submitted for review and approval as identified and Midway Street shall be signed as No Parking or a Variance to the Subdivision**

**DRAFT**

- Regulations shall be obtained;**
- 3. Prior to City Council approval of a Preliminary Plat application, road construction plans for Patton Street be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document must be revised to dedicate one additional foot of right-of-way or a Variance to the Subdivision Regulations must be obtained;**
  - 4. Prior to City Council approval of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;**
  - 5. Prior to submittal of a Final Plat application, any structures encroaching into adjacent street right-of-way must be removed or the right-of-way must be vacated**
  - 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; and,**

**That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and and reduce the pavement width from 27 feet to 24 feet along Midway Street be denied;**

**That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install sidewalk along Patton Street be denied;**

**That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Midway Street be approved with the following stipulations:**

- 1. Sidewalk shall be provided along one side only of Midway Street;**
- 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,**

**That the Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 24 feet along Patton Street be approved with the following stipulations:**

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

Fisher requested that items 48 and 49 be taken concurrently.

48. No. 08PL011 - TLC Subdivision

A request by FMG, Inc. for TLC Investments, Inc. to consider an application for a **Preliminary Plat** on Lots 1 and 2 of TLC Subdivision and the dedicated public Right-of-way shown as Less Hollers Way all located in the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, less Connector Subdivision and less Lot H1, located in the NE1/4 Section 27, T1N, R7E, BHM,, more generally described as being located west of S. D. Highway 16 and south of Catron Boulevard.

49. No. 08SV006 - TLC Subdivision

A request by FMG, Inc. for TLC Investments, Inc. to consider an application for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Catron Boulevard, to waive the requirement to install curb, gutter, sidewalk, water and street light conduit along S.D. Highway 16 Service Road and a variance to waive the requirement to provide sewer service to the property as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of TLC Subdivision and the dedicated public Right-of-way shown as Less Hollers Way all located in the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, less Connector Subdivision and less Lot H1, located in the NE1/4 Section 27, T1N, R7E, BHM, more generally described as being located west of S. D. Highway 16 and south of Catron Boulevard.

Fisher reviewed the Variance to the Subdivision Regulations request.

LeMay expressed concern that primary access to the adjacent developments are only through Catron Boulevard. Discussion followed.

In response to Brewer's question, Elkins stated that the intersection will be reconstructed as an interchange at some point in the future. Elkins further commented that a notice of public meeting will be sent out and is intended to address this issue. Discussion followed.

**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 City Council, all necessary changes shall be made to the plat document and construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;**
- 2. Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the sewer plans shall demonstrate that adequate downstream sewer capacity exists to serve the property. If the sewer discharge is to the existing lift station located north of the property, a capacity analysis of the lift station and the receiving downstream sewer mains shall also be submitted for review and approval. If the sewer discharge is to the west along Catron Boulevard, a capacity analysis of the downstream eight inch collector sewer main and the 15 inch interceptor sewer main shall be submitted for review and approval. If the sewer discharge is to the east, sewer plans showing the extension of a gravity sewer main from the property within the Catron Boulevard area to the existing gravity sewer manhole located at the intersection of 5<sup>th</sup> Street and Catron Boulevard shall be submitted for review and approval. In addition, the**

***DRAFT***

plat document shall be revised to provide utility easements as needed;

3. Prior to Preliminary Plat approval by the City Council, a Master Sewer Plan shall be submitted for review and approval showing sewer service to the south lot line of the property. In addition, the plat document shall be revised to provide utility easements as needed;
4. Prior to Preliminary Plat approval by the City Council, construction plans for the U.S. Highway 16 service road shall be submitted for review and approval showing the street constructed with curb, gutter, sidewalk, street light conduit and water or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, road construction plans for Catron Boulevard shall be submitted for review and approval showing the street constructed with curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained;
6. Prior to Preliminary Plat approval by the City Council, a Stormwater Management Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
7. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along the north lot line of proposed Lot 2;
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; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit along Catron Boulevard, to install curb, gutter, water and street light conduit along S.D. Highway 16 Service Road and to install sidewalk along both sides of Catron Boulevard and U.S. Highway 16 Service Road be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;
2. A sidewalk shall be provided along the west side of U.S. Highway 16 Service Road and the south side of Catron Boulevard; and,

If the Planning Commission finds it is appropriate to delay the submission of sanitary sewer plans until submission of the Final Commercial Development Plan, then the Variance to the Subdivision Regulations to waive the requirement to provide sewer service to the property as per Chapter 16.16 of the Rapid City Municipal Code may be approved with the following stipulations:

1. Prior to City Council approval, an agreement shall be recorded at the Register of Deed's Office stating that no building permits shall be issued for the property until adequate sewer capacity is demonstrated to serve the property; and,
2. Prior to approval of a Final Commercial Development Plan, a sanitary sewer study and sanitary sewer construction plans shall be submitted

**DRAFT**

**for review and approval. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

Tegethoff requested that items 50 and 51 be taken concurrently.

50. No. 08PL013 - Clemmons Addition

A request by Fisk Land Surveying & Consulting Engineers for Hewey Clemmons to consider an application for a **Layout Plat** on Lots A, B and C of Clemmons Addition, located in the S1/2 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the balance of Lot 3 of the S1/2 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet; thence, N63°41'40"W a distance of 205.00 feet; thence, N84°39'26"W a distance of 270.00 feet; thence, N33°30'20"W a distance of 84.00 feet; thence, N00°00'00"W a distance of 796.70 feet; thence, N57°23'22"W a distance of 117.40 feet; thence, N03°48'46"E a distance of 95.00 feet; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining railroad right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'30", an arc length of 442.52 feet, and a chord bearing and distance of S62°19'40"E 442.42 feet; thence, continuing southeasterly along the southerly edge of the adjoining railroad right-of-way, S64°28'27"E a distance of 72.21 feet more or less, to the point of beginning, more generally described as being located East S.D. Highway 44 and Apple Tree Road.

51. No. 08SV008 - Clemmons Addition

A request by Fisk Land Surveying & Consulting Engineers for Hewey Clemmons 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 in the easement and East Highway 44 and to allow asphalt millings in lieu of asphalt paving and to reduce the width from 24 feet to 20 feet for the private access easement** on Lots A, B and C of Clemmons Addition, located in the S1/2 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the balance of Lot 3 of the S1/2 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet; thence, N63°41'40"W a distance of 205.00 feet; thence, N84°39'26"W a distance of 270.00 feet; thence, N33°30'20"W a distance of 84.00 feet; thence, N00°00'00"W a distance of 796.70 feet; thence, N57°23'22"W a distance of 117.40 feet; thence, N03°48'46"E a distance of 95.00 feet; thence, N12°39'32"W a distance of 150.00

**DRAFT**

feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining railroad right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'30", an arc length of 442.52 feet, and a chord bearing and distance of S62°19'40"E 442.42 feet; thence, continuing southeasterly along the southerly edge of the adjoining railroad right-of-way, S64°28'27"E a distance of 72.21 feet more or less, to the point of beginning, more generally described as being located East S.D. Highway 44 and Apple Tree Road.

Tegethoff presented the staff's recommendation to deny the Layout Plat and the Variance to the Subdivision Regulations requests without prejudice at the applicant's request.

**Rolinger moved, Brown seconded and unanimously carried to recommend that the Layout Plat, the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along East South Dakota Highway 44 and the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer in the easement and to allow asphalt millings in lieu of asphalt paving and to reduce the width from 24 feet to 20 feet for the private access easement be denied without prejudice. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

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

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

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

**Brown moved, LeMay seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow the expansion of an existing correction facility be approved with the following stipulations:**

1. **Prior to Planning Commission approval the applicant shall submit a**

- revised Parking Plan showing wheel stops for the parking stalls to the north;
2. Prior to Planning Commission approval the applicant shall submit a revised landscaping plan relocating the required landscaping points from the west side of the property to the east side of the property along South Dakota Highway 79;
3. Prior to Planning Commission approval the applicant shall submit a revised site plan and drainage report for the property that is sealed and signed by a Professional Engineer;
4. Prior to Planning Commission approval the applicant shall submit a revised site plan addressing all redline comments; and,
5. Prior to Planning Commission Approval of the applicant shall obtain a new Air Quality Permit. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)

53. No. 08SR008 - Original Town of Rapid City

A request by Siaryn Duggan for Festival of Presidents to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on the Sixth Street Right-of-way adjacent to Lots 1 and 2 of Block 84 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located on Sixth Street between Main Street and St. Joseph Street.

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

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

Russell Oubre, Asst Director for the Festival of Presidents requested that the time for the event be extended to 12:00 midnight. Discussion followed.

**LeMay moved, Collins seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow temporary structures on public property and to allow the extended time deadline to 11:00 p.m. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

54. No. 08SR011 - Original Town of Rapid City

A request by Russell Oubre for Festival of Presidents to consider an application for an **SDCL 11-6-19 Review to allow temporary structures on public property** on the Sixth Street right-of-way adjacent to Lots 31 thru 32 of Block 74 and Lots 14 thru 16 of Block 75 and Lots 17 thru 23 of Block 75 all located in the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of Main Street and Sixth Street.

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

**LeMay moved, Collins seconded and unanimously carried to approve the SDCL 11-6-19 Review to allow temporary structures on public property and to allow the extended time deadline to 11:00 p.m. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

55. 08TP005 – Approval of a Resolution for Transportation Improvement Program Projects funded by the Urban Systems Program in 2009-2013.

Elkins presented the staff's recommendation to continue the request for a Resolution for Transportation Improvement Program Projects funded by the Urban Systems Program in 2009-2013 to the March 27, 2008 Planning Commission meeting.

**Brown moved, LeMay seconded and unanimously carried to recommend that the Resolution for Transportation Improvement Program Projects funded by the Urban Systems Program in 2009-2013 be continued to the March 27, 2008 Planning Commission meeting. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

56. Discussion Items

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

In response to Scull's question, Elkins stated that the focus of the discussion and concern is in relation to the Hotel/Motel development along Interstate 90. Elkins advised that staff is considering the possibility of special zoning to address the height concerns. Discussion followed.

**Rolinger moved, Collins seconded and unanimously carried to continue the Ex-parte Communications Policy – Joel Landeen and Allowable Building Heights General Commercial Zoning District to the March 27, 2008 Planning Commission meeting. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**

57. Staff Items

58. Planning Commission Items

59. Committee Reports

- A. City Council Report (February 19, 2008)  
The City Council concurred with the recommendations of the Planning Commission.
- B. Sign Code Board of Appeals



***DRAFT***

- C. Zoning Board of Adjustment
- D. Parks and Recreation Subcommittee
- E. Capital Improvements Subcommittee
- F. Americans With Disabilities Act Compliance Committee
- G. Drinking Water Protection Committee
- H. Tax Increment Financing Committee
- I. Off-Premise Sign Permit Committee
- J. Infrastructure Development Partnership Fund Committee
- K. Floodplain Boundary Policy Committee
- L. Landscape Code Committee
- M. Smart Growth Committee
- N. Others

**There being no further business, Brown moved, LeMay seconded and unanimously carried to adjourn the meeting at 7:52 a.m. (7 to 0 with Brewer, Brown, Collins, Gregg, LeMay, Rolinger and Scull voting yes and none voting no)**